



# Convention on the Rights of the Child

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Committee on the Rights of the Child

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

Fourth period report of States parties due in 2008

**Denmark\***

[19 August 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Fourth periodic report of Denmark to the Committee on the Rights of the Child

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## **I. Introduction**

1. Denmark ratified the UN Convention on the Rights of the Child on 19 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 UN Committee on the Rights of the Child every fifth year, reporting on the measures they have taken to implement the rights recognised in the Convention and the progress made in respect of the enjoyment of these rights. Denmark's first three periodic reports were submitted in 1993, 1998 and 2003. This is Denmark's fourth periodic report according to article 44 of the Convention.

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

3. In preparing and structuring the report it has been sought as far as possible to follow the general guidelines set by the UN for the form and contents of periodic reports submitted by the states parties according to article 44 (1) (b) of the Convention (doc. 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 three previous periodic reports from 1993, 1998 and 2003, 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 factual information important to the practical implementation of the Convention in Denmark.
6. Basically, the report covers the period 2003 to 2007. However, the description of current legislation has been updated to the end of March 2008. 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 illustrate current political trends in a given area.

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

7. The UN Convention on the Rights of the Child also applies to Greenland and the Faeroe Islands. The report therefore also reviews children's conditions in Greenland and the Faeroe Islands.
8. To ensure a coherent description of the special legislative, administrative and practical conditions ruling in Greenland and the Faeroe Islands in this context, this report contains separate reviews of these areas in Sections 2. and 3.

## **Section 1 Denmark**

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

#### **II.A. Ratification and reservations**

9. When ratifying the Convention on the Rights of the Child on 19 July 1991, Denmark made a territorial reservation in respect of Greenland and the Faeroe Islands. This reservation was abolished on 11 May 1993, upon which the provisions of the Convention apply to Greenland and the Faeroe Islands as well.

##### **II.A.1 The Protocol of 25 May 2000 on children in armed conflicts**

10. Denmark ratified the first optional protocol to the Convention on the Rights of the Child, i.e. the Protocol on the Involvement of Children in Armed Conflicts, on 27 August 2002. This protocol also extends to Greenland and the Faeroe Islands.

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

11. On 24 July 2003, Denmark ratified the second optional protocol to the Convention on the Rights of the Child, i.e. the Protocol on the Sale of Children, Child Pornography and Child Prostitution. This protocol does not extend to Greenland and the Faeroe Islands. In respect of Greenland, the Greenland authorities have, however, informed the Danish authorities that a process has been initiated to consider Greenland's accession to the optional protocol on the sale of children, child pornography and child prostitution.

12. Please refer to the separate report on the Optional Protocol on the sale of Children, Child Prostitution and Child Pornography.

#### **II.B. Measures for the implementation of the rights set out in the Convention (art. 4)**

13. In the Concluding Comments from the Committee on the Rights of the Child to Denmark's third periodic report (CRC/C/DNK/CO/3) (2005), comments 10 and 11, the Committee has recommended that Denmark continue its efforts to ensure that its domestic laws and regulations comply fully with the UN Convention on the Rights of the Child. The Committee further recommends that the Convention should prevail whenever domestic law provisions are in conflict with the Convention.

##### **II.B.1. The interpretation rule**

14. The Government assures the Committee that it attaches great weight to ensuring that Denmark fully complies with the provisions of the Convention. It should also be stressed in this connection that the Convention on the Rights of the Child is a relevant source of law, which may be invoked and applied by national courts and administrative authorities.

15. The Government may furthermore inform the Committee, as explained to the Committee during the examination of Denmark's third periodic report, that the judicial authorities will follow two unwritten rules whenever there is an apparent conflict between provisions of a statute and provisions of a convention. According to the "interpretation rule" the judicial authorities will apply the interpretation that is most consistent with

Denmark's international obligations. According to the "assumption rule" the judicial authorities will interpret the law based on the assumption that Parliament has not had any intention to legislate against Denmark's international obligations. If no specific indications of the opposite are available, a conflict between a treaty provision and a provision of a statute adopted after the convention will thus be solved by application of the provision of the statute in a way that respects the obligation under the treaty.

16. These unwritten rules contribute to ensuring interpretation of Danish legislation in conformity with the UN Convention on the Rights of the Child and other international obligations by which Denmark is bound.

### **II.B.2. Court reform**

17. It appears from Denmark's Third Report from 2003, paragraph II.B.2, that no final decision as to a reform of jury trial proceedings in the district courts had been made at the time of submission of that report. However, a number of changes have now been introduced by Act no. 538 of 8 June 2006 on amendment of the Administration of Justice Act and a number of other Acts (the Police and Court Reform), including changes in respect of jury trial proceedings. The Act entered into force on 1 January 2007 but such that that the jury reform would not enter into force until 1 January 2008.

18. By the Court Reform the district courts were made the first tier in which all civil actions and criminal cases start. Hence the most serious criminal cases — the jury trials — now start in the district courts, not as previously in the High Court. Orders of the district courts can be appealed to the High Court, which makes it possible for the question of guilt also in jury trials to be tested by two tiers, and decisions in jury trials must now be reasoned in the same way as in other criminal cases. In this connection a procedure for joint deliberation and consideration between the judicial judges and the jury, also of the question of guilt, has been introduced.

19. As regards the Danish declaration, which is still in force, according to which Denmark is not bound by Article 40 (2), subparagraph b (v), it should be noted that it is still not possible to appeal some cases concerning minor offences without special permission from the Danish Leave of Appeal Board.

### **II.B.3. International aid and development cooperation**

20. Fighting poverty is the main challenge for Danish development assistance, with specific activities largely targeted at the world's most vulnerable groups, one being children. Danish efforts to promote human rights and democracy include activities for particularly disadvantaged population groups, children especially. Furthermore, children's interests and rights are extensively addressed through other development assistance initiatives.

21. As part of the bilateral development cooperation, Denmark engages in ongoing dialogue with the 16 programme countries regarding accession to and compliance with key international human rights conventions. For example, 15 of these countries have now acceded to ILO's Worst Forms of Child Labour Convention. Denmark also contributes to protecting children's interests and rights in developing countries through a series of concrete projects.

22. Denmark also provides aid to children and young people through private organizations (NGOs). From 2003–2007, 45 separate grants totalling DKK 347 million were allocated to projects targeted at children and young people. In northern Ghana, complementary education projects and functional alphabetisation programmes address such issues as poverty reduction, under-development and gender inequality. In the same period DKK 180.6 million was granted to a framework agreement with Save the Children

Denmark to implement projects that will improve children's conditions and promote their rights. In addition, in 2007 DKK 4 million was allocated to a project to combat the sexual exploitation of children in Thailand, Burma and Cambodia. Children and young people are also the target group for some activities carried out by other organizations that have entered into framework and mini-programme agreements with the Ministry of Foreign Affairs.

23. Children's rights and interests are also a high priority for the work of multilateral development assistance. Denmark donates DKK 10.5 million annually to projects under the ILO's International Programme on the Elimination of Child Labour. The projects are related to the ILO's Worst Forms of Child Labour Convention, more specifically to combating child trafficking and child labour by establishing alternatives for children and young people.

24. In 2007 Denmark contributed DKK 180 million to UNICEF's general budget and DKK 77 million in humanitarian aid to UNICEF. In addition, a three-year contribution of DKK 60 million was made in 2007 to UNICEF's work to protect and help children affected by the HIV/AIDS epidemic. Finally, the Danish government is supporting the appointment of multilateral advisors, including junior professional officers (JPOs).

25. Denmark also supports UNICEF's work through active participation in the organization's board meetings and high-level participation in annual negotiations between Denmark and UNICEF, where it can exert its influence on the organization. In addition, informal contact frequently takes place when the meetings mentioned here are held as well as on site during aid co-work in developing countries.

26. Denmark's participation in the Human Rights Council through the EU cooperation actively involves the country in promoting children's rights, for example, when resolutions in the area are adopted.

## **II.C. Making the principles of the Convention widely known (art. 42)**

27. General comments on the objects provisions for primary and secondary school and for post-secondary education.

### *Primary and secondary school*

28. The objects provisions of the Folkeskole (Primary and Secondary School) Act include the specification that schools are responsible for "preparing pupils for participation, sharing responsibility and their rights and obligations in a society based on freedom and democracy. The foundation of the schools' teaching and daily life must therefore be intellectual freedom, equality and democracy."

29. In addition, it is prescribed in the binding phase and end targets for teaching in primary and secondary education that pupils must learn, for example, "to reflect on the importance of their own and other persons' rights and obligations in a democratic society", "reflect on the implications of their own and other persons' stereotypical views of various groups" and "present examples of international organizations and conventions to which Denmark is a party and discuss the roles of the United Nations and NATO in conflicts and collaboration in the world".

30. A committee appointed by the Government has published a "democracy canon" covering 35 central events, philosophical ideas and political texts that have been important for the development of democracy in Denmark. The list includes the evolution of the idea of individual rights and international collaboration and binding human rights. The publication is designed to serve as inspiration to teaching at all relevant levels of education, primary and secondary education in particular.

31. The Convention on the Rights of the Child is not incorporated expressly as part of the content taught in primary and secondary education but the subjects taught do include democracy, human rights, weak groups in society and all citizens', including children's, rights and obligations. The Child Convention will typically be part of education in human rights and the international conventions which Denmark has ratified. The teaching is intended to realise the wish to enable pupils to become active, independent citizens who are capable of converting community spirit and tolerance to practical action.

*Post-secondary education*

32. In the upper secondary education programmes, the Convention on the Rights of the Child is not incorporated expressly in the curriculum, but schools are required to teach human rights and democracy, also in the globalised world, including the importance of legal systems.

33. The objects defined for vocational programmes include "*contributing to developing young people's interest in democratic society and their ability to be active contributors to it and underpinning their own personal development*". This objective includes insight into the institutions and conventions of the United Nations.

*Educational bachelor's degree programmes*

1. Education of schoolteachers

34. The course for the teaching degree programme "Christian Religion/Life Education/Citizenship" includes a requirement to teach the concept of rights. The core of the course is the perception of formative and value issues in the perspective of a combination of religious aspects, the history of ideas and the concept of citizenship. Students receive education in human rights and democratic citizenship, including concepts such as tolerance, authority, freedom, equality and brotherhood and a range of forms of legal, political, social and cultural citizenship. The Convention on the Rights of the Child may be an integral part of the teaching of human rights.

2. Education of social education staff

35. For the compulsory course "Individual, Institution and Society" the executive order stipulates that "International Conventions and legislation ..." is a key knowledge and skills area. Students are required to specialise in one of three working or functional areas, one of them being Children and Young Persons, in which the central knowledge and skills areas is "Legislation, conventions and regulations of special importance to children, young persons and their nearest ones".

36. Finally, the National Police has reported that the subject of "children and young persons" constitutes an important element in the basic and supplementary training of the police force at the Police College. The training is based on the consideration of the best interests of the child and comprises special protection measures, including measures in connection with the deprivation of liberty of children and young persons within criminal procedure and in other contexts, and the cooperation with other authorities, including the social service. Problems relating to children and young persons will moreover be reviewed in courses on civil and administrative law, psychology and sociology.

## **II.D. Submission of reports to the UN Committee on the Rights of the Child (art. 44 (6))**

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

37. Please refer to Denmark's Third Periodic Report, paragraph III and III.A.

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

38. The UN Convention contains a number of general principles as concerns all areas of the child, among these the principle of non-discrimination, the principle of the rights of the child, the rights of the child to family life and the principle of the freedom of thought. Throughout the reporting period a number of measures have been implemented to improve children's conditions as concerns the principles mentioned.

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

39. Paragraph IV.A of Denmark's Third Periodic Report indicated the number of cases of contravention of section 266 B of the Danish Criminal Code for the period from 1995 to 2003.

40. The Director of Public Prosecutions has reported that charges were brought in 22 cases for contravention of section 266 B of the Danish Criminal Code from 1 January 2004 until 1 May 2008 and that 15 of the cases resulted in conviction or was settled by a fine. 2 cases were settled by dismissal of all charges and 2 cases by acquittal. Three cases have not been settled yet. In 23 cases the prosecution was withdrawn. During this period of time there were cases in which the victims were children or young persons.

##### *Action plan against discrimination*

41. In November 2003, the government published the "Action Plan to Promote Equal Treatment and Diversity and Combat Racism". This Action Plan consists of 114 initiatives, and DKK 5.1 million has been set aside for their implementation (approx. EUR 684,000). The Action Plan is not only directed at children, but some of the initiatives are related to this target group. Most initiatives were implemented in 2004 and 2005, and some are still ongoing. Below is a review of the projects that are related to children to a smaller or larger extent.

##### *Information campaign on diversity and equal treatment*

42. This initiative is implemented via the campaign "Give racism the red card".

##### *Local events focusing on diversity*

43. In continuation of its information campaign on diversity and equal treatment, the government will allocate funds to support local events that focus on the advantages of, and potential barriers to, a tolerant society with room for diversity. Such events could be organised in municipal primary and lower secondary schools, upper secondary schools and other educational institutions, local authorities, associations, organizations and workplaces that wish to put focus on both the norms and values that ethnic minorities have brought with them, and those on which Danish society is based. These events will focus on bringing people together to help eliminate prejudice and create mutual understanding of similarities and differences.

44. These local events are intended to help eliminate prejudice and break down barriers and to create mutual understanding of similarities and differences. All funds in this pool have been spent and most projects are completed.

*Focus on diversity and good examples*

45. This initiative is being implemented via “In job now” which communicates good examples of integration on an ongoing basis. Moreover, one of the most important tasks of the new team of consultants at the Division of Employment and Training is to communicate good examples of integration. In addition, there is an annual Integration Prize event and a subsequent experience-sharing seminar. At the experience-sharing seminar practitioners, including the prize winners from the Integration Prize event, meet up and talk about their positive experiences with integration initiatives that work.

*Dialogue about democracy and citizenship*

46. The government intends to launch a process aimed at stimulating dialogue about democracy, citizenship and diversity. It is important not to restrict dialogue to central-level talks between politicians, civil servants and experts. Debate should be introduced broadly at all levels of society and in local community forums where norms and values are encountered and challenged in practice. It appears from the Government Platform “Society of Opportunities” from November 2007 that the Action Plan is to be updated.

*Legislation*

The special allocation to promote equal treatment and combat discrimination

47. The government has allocated DKK 1.8 million to promote equal treatment and combat discrimination.

48. During the 2008 application rounds, the Ministry of Integration will take a special interest in projects within the following areas of initiative:

- Major teaching programmes within the area of education — e.g. municipal primary and secondary schools, folk high schools, post-compulsory education, colleges, university-level institutions and employee organizations — regarding discrimination, equal treatment, community and democratic participation
- Night-life efforts
- Research

Re article 2

49. In the education system, the general rule applies that pupils and students are entitled to a good educational environment. This includes the psychological, physical as well as the aesthetical environment at the place of education. The educational environment of pupils and students is regulated in Act No. 166 of 14 March 2001 on the Educational Environment of Pupils and Students (Educational Environment Act).

50. According to the Educational Environment Act, all schools must prepare a written educational environment assessment of the safety and health conditions as well as the psychological and aesthetical environment at the place of education. The school is obliged to involve pupils and students in the work on the preparation of the educational environment assessment.

51. The educational environment assessment must be published on the school’s website and revised when there are changes significant to the educational environment, but at least

every three years. The Ministry of Education follows up on compliance, and on several occasions the Ministry has emphasised this obligation to local authorities as school owners.

52. Pupils and students are entitled to elect two representatives to look after their interests in the work on preparing an educational environment assessment. Moreover, pupils and students are to elect two representatives for each safety group established in accordance with the Working Environment Act.

53. Since 2005, the Minister for Education has given away an annual “Educational Environment Prize” to four schools and educational institutions that have made special efforts to provide a good educational environment for pupils and students. The Educational Environment Prize highlights good examples from the schools and helps spread the positive experience from these schools to the entire country.

54. In collaboration with Local Government Denmark (LGDK), the Danish Union of Teachers and a number of other organizations, the Ministry of Education has initiated a series of campaigns such as “Watch Out for Bullying” and “Together against bullying – for confidence, tolerance and security). The campaigns contain a wide range of initiatives, including confidence ambassadors, telephone counselling, information and inspirational materials, education of pupils to stop bullying and other initiatives to ensure that children and young persons do not become victims of bullying at their place of education.

55. In connection with the work to combat bullying and create secure settings for education in primary and secondary schools, the Committee on discipline, good behaviour and bullying in municipal primary and secondary schools, set up by the Minister for Education in 2006, published a guide on discipline and good behaviour as inspiration for municipal primary and secondary schools. The publication contains specific recommendations to schools about the possibilities of action they can use to create more peace to work and well-being in school. The recommendations show that a clear value basis and clear and well-known consequences of inappropriate pupil behaviour are very important elements in achieving a secure and fruitful school life.

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

### **IV.B.1. Legal representation of victims in criminal cases**

56. Under section 741 B (1) of the Danish Administration of Justice Act the police must provide guidance to victims on the rules governing appointment of legal representation. Pursuant to section 741 C of the Administration of Justice Act the legal representative is allowed to attend police interviews with the victim as well as examinations in court and to pose further questions to the victim.

57. A legal representative is appointed if the victim so requests under section 741 A (1) of the Administration of Justice Act in cases concerned with contravention of the provisions of the Criminal Code on intercourse or any other sexual act with a minor or child of less than 18 years of age under serious exploitation of superiority due to age and experience.

58. Pursuant to section 741 A (2) (first and third sentence) of the Administration of Justice Act, legal representation shall be appointed to the victim in cases of contravention of certain provisions of the Criminal Code, i.e. the provisions on incest, rape, intercourse or any sexual act other than intercourse with a minor using force or the threat of force, unless the victim declines after having received guidance on the right to legal representation.

59. In such cases the victim must also be informed of the rules relating to the assistance of the legal representative and the victim must be given the opportunity to speak to a legal representative before a police interview, unless the victim so declines. In these cases the victim must moreover be informed that the police may only question the victim without the

presence of the legal representative if the victim so requests, but that the police may ask the victim urgent questions and take necessary investigative action – also before the legal representative has arrived.

*The presence of a social service representative during the questioning of underage witnesses*

60. According to Instructions No. 8/2007 of the Director of Public Prosecutions, the police must call in a representative from the social service to attend the questioning of children under the age of 15, unless due to the nature and other circumstances of the case it is found to give rise to no concern to perform the questioning without notifying the social services.

61. Section 4 of Executive Order No. 79 of 4 February 1998 on the local authority's assistance to children and young persons in connection with questioning out of court and examinations in court prescribes the responsibility of the local authority to send a representative.

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

62. The consideration of the best interests of the child is the fundamental principle in the hearing of family-law cases regarding children. The rules governing each area will be reviewed in the following.

##### *IV.B.2.a. Parental custody, the child's residence and access*

63. Pursuant to the Act on Parental Responsibility (Act No. 499 of 6 June 2007), which entered into force on 1 October 2007, all decisions regarding parental custody, access and the child's residence must be made on the basis of what is best for the child, as set out in section 4 of the Act.

64. Pursuant to sections 7 and 9 of the Act, parents may themselves make agreements on parental custody. Such agreements must be reported to a competent authority in order to be valid. Moreover, parents may make agreements as to access and the child's residence.

65. The starting point in the Act is that parents have joint parental custody even though there may be disagreements as to parental custody, cf. section 11. This gives the child the right to keep both its parents and requires both parents to care and take responsibility for the child, even though the parents may not live together. Joint parental custody may only be given up if there are compelling reasons. This could be the case if one parent has resorted to violence against the other parent or the child, or if one parent is unfit to have parental custody, e.g. due to massive misuse of alcohol or drugs or due to a serious psychological illness. This may also be the case if one parent is not interested in caring for the child, or if cooperation problems between the parents as regards the child are so severe and insurmountable that the positive aspect of joint parental custody for the child is overshadowed by the parents' serious conflicts.

66. Parents who have joint parental custody must agree on important decision relating to the child, in conformity with section 3 of the Parental Responsibility Act. This applies in particular in questions regarding moving the child's address abroad. If the parents disagree as to where the child is to have its residence, this is, however, to be decided by the courts, as set out in section 17 of the Parental Responsibility Act.

67. Irrespective of the parents' decision-making competences when they have joint parental custody as described above, the parent with whom the child lives may make decisions alone as to overall matters pertaining to the child's daily life, such as decisions regarding the child's day-care centre, the child's day-to-day well-being and change of

address within the country. When changing the child's address within the country however, the other parent must be notified at least six weeks before such change of address, as set out in section 18 of the Parental Responsibility Act. This makes it possible to work out the child's situation in relation to parental custody and access before the change of address.

68. A residence order thus makes it possible to maintain joint parental custody on the one hand, and such an order ensures on the other hand that unnecessary interruptions in the child's daily life are avoided.

69. In relation to access, it has now been made clear that attempts must be made to maintain the child's connection to both parents by entitling the child to access to the parent with whom the child does not live, cf. section 19 (1) of the Parental Responsibility Act. Both parents are responsible for ensuring that the child gets access to both parents.

70. The Parental Responsibility Act is based on Report No. 1475 from 2006 on the child's perspective. The study of the current practice as regards access, which was initiated by the Ministry of Justice in the summer of 2001, see paragraph V.F.3. in Denmark's Third Periodic Report, has been completed and was used in the preparation of the report.

#### *IV.B.2.b. Adoption*

71. Please refer to Denmark's Third Periodic Report, paragraph IV.B.2.c.

#### **IV.B.3. Protection of the child's best interests in the social service area**

72. Please refer to Denmark's Third Periodic Report (2003) paragraph IV.B.3, from which it will appear that in applying the provisions of the Social Services Act on special support to children and young persons, including placement in alternative care, the authorities must put decisive weight on ensuring that such support is granted to accommodate the best interests of the child or young person and attach importance to providing stable and good adult contact and continuity for a child or young person while he or she grows up.

73. The Care Placement Reform, i.e. Act No. 1442 of 22 December 2004, entered into force on 1 January 2006 and meant a major overhaul of the rules of the Social Services Act. The objective of the reform was to ensure that children placed in care would have the same opportunities as other children to enjoy the benefits of education, work and family life. A placement in alternative care must ensure something more and better than removal from unacceptable conditions in the child's home. The placement must also make a positive contribution to helping the child get a better future. Thus, the central guidepost of the reform is the child's best interest.

74. Involvement of the child, family and network is an important feature of the reform, to help ensure that necessary social measures are moving ahead in a good process and that a child's case is illustrated in the best possible way. When the Act emphasises the necessity of involving family and network it is because this involvement is a central requirement for covering the child's needs optimally – it is not because family and parents should be taken into consideration to a greater extent at the child's expense.

75. For a review of the elements of the Care Placement Reform please refer to paragraph VI.G.1.

#### *Information material to children and young persons placed in care about their rights*

76. In connection with the Care Placement Reform (Act No. 542 of 6 June 2007) funds were earmarked for publishing leaflets aimed to inform children in care and their parents of their rights. The published leaflets were aimed at four groups: Parents to children in

alternative care, young persons of 18–23 years of age, children/young persons from 13 to 17 years of age and children from 0 to 12 years of age.

77. The Government has launched several initiatives to support children who live in difficult circumstance, particularly in their early years. Thus, the government initiative Equal Opportunities, which was funded in 2008, includes the following initiatives for the period 2008–2011.

#### **IV.B.4. Early measures for vulnerable children and young persons**

##### *Boosting the quality of early measures*

78. Funding of DKK 20 million was allocated to developing better methods to detect social problems in children and make health visitors, child-minders, social educators, teachers and other professionals better qualified to identify risk children and thereby ensure that targeted measures can be rolled out at an earlier point.

##### *Wider use of the Family Clinic model*

79. The Government has allocated DKK 116.7 million to establishing a family clinic in each of the country's five regions. The clinics are intended to be an integral part of the public health service and allow continuous monitoring of a child and family until the child reaches school age. Family clinics should be viewed as a supplement to local authority initiatives to help the families concerned. Funds will be earmarked for setting up a hotline, continuing education, etc. under the auspices of Hvidovre Hospital (in Copenhagen) in order to ensure dissemination to the other regions of the knowledge and experience that the hospital has built up while operating its own special model.

##### *Psychological help to children at crisis shelters*

80. An allocation of DKK 15.1 million has been earmarked to make local authorities accept the obligation to offer help from psychologists to children above six years of age at crisis shelters – irrespective of the period that the children stay there.

##### *Setting up of communal residence facilities for young, single and vulnerable mothers and funds for other services*

81. An amount of DKK 56 million has been granted to set up communal residence facilities for young, single and vulnerable mothers who need support in their daily life. The residence facilities should be focused on providing a holistic solution that will combine practical help, counselling and focus on education, training and employment. At the same time resources will be set aside for non-residential initiatives, including “maternity training” at day-care centres.

#### **IV.B.5. Children and young persons' social problems – with spotlight on schooling and education**

##### *24-hour contact guarantee to achieve rapid action*

82. Funds of DKK 40 million in all were set aside for initiatives — in collaboration with a number of local authorities — to start up pilot projects to run a 24-hour contact service that binds local authorities to respond within 24 hours when they are contacted by socially vulnerable young people.

*Misuse treatment offer to young people in difficulties*

83. An allocation of DKK 60 million was made to ensure that local authorities would adopt the most effective treatment forms on a larger scale.

*Misuse information centre*

84. DKK 20 million was granted towards establishment of a national information centre for misuse to provide guidance and counselling.

*Book start programmes*

85. An amount of DKK 16 million was earmarked for establishing a book start programme operated by the health visitor service, under which health visitors will cooperate with specially trained librarians to encourage parents' reading aloud to their children.

*Fortified task force for bilingual students in vocational post-secondary education DKK 40m*

86. An additional amount of DKK 16 million was allocated to strengthen an existing counselling unit for bilingual students in vocational post-secondary education to be focused on the students who are liable to drop out. The offer includes mentoring programmes, for example.

**IV.B.6. Networks of vulnerable children and young persons**

*Social caretakers*

87. A programme to appoint so-called social caretakers affiliated with housing units for vulnerable young people received DKK 20 million. The caretakers are supposed to be available to young residents, capture signs of any problems at an early stage and foster interaction between the young and other residents.

*Best friend to vulnerable children and young people*

88. An amount of DKK 20 million was earmarked for programmes that build relations between vulnerable children and resource-rich persons to ensure that the children have stable adult contact.

*Networks and talking groups*

89. An allocation of DKK 32 million was aimed to help set up network initiatives and talking groups for vulnerable children, offering children help to cope with their situation.

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

90. Please refer to Denmark's Third Periodic Report, paragraph IV.C.

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

*Special support for children and young persons*

91. Please refer to Denmark's Third Periodic Report (2003), paragraph IV.D.5.

92. In all matters concerned with special support to children and young persons, their views must always be considered and given appropriate weight, taking account of the child's age and maturity.

*Interview with a child in connection with special support*

93. Since Denmark's submission of its last report, the adoption of Act No. 1442 of 22 December 2004 (the Care Placement Reform) has meant that the local council of a child or young person's district of residence must ensure — while a child or young person is placed in alternative care — that a local authority representative talks with the child or young person at least once every year during a supervision visit to his/her place of care.

94. In addition, a rule was introduced with the Care Placement Reform that before any decision to initiate measures etc, an interview with the child or young person must be conducted about it according to section 48 of the Social Services Act. An interview may exclusively be left out in case an interview is fully inadvisable due to the child's maturity or the circumstances of the case. If an interview cannot be carried through, it must be endeavoured to obtain the child's opinion about the intended decision.

*Social representatives to children and young persons in cases concerned with social support*

95. A new set of rules governing social representatives assigned to children and young persons in cases concerned with special support was introduced with Act No. 542 of 6 June 2007. One of the aims of the legislative amendment was to ensure that the child or young person's opinion would be heard and ensure that the child or young person would receive the assistance necessary in a case concerned with special support. The Act therefore prescribes that at any time of the hearing of a case concerned with special support, the child or young person may opt for being assisted by others, unless the child or young person's interest in being assisted by others should be set aside due to important considerations for public or private interests, or if otherwise provided by law. The authority may in addition make a decision to exclude a social representative fully or partly from a meeting if it is estimated to be of importance for the effort to obtain full disclosure of the child or young persons' unreserved opinion (section 48A of the Social Services Act).

**IV.D.1. Respect for the views of the child within family law**

96. Consideration of the best interests of the child is the fundamental principle when Danish authorities treat family-law cases concerning children. Therefore, the child should be heard as much as possible and the decision must be taken in due consideration of the views of the child. The rules in this respect will be described below.

*IV.D.1.a. Parental custody, the child's residence and access*

97. Pursuant to section 5 of the Parental Responsibility Act, which entered into force on 1 October 2007, the child's own views must be given due weight in accordance with the age and maturity of the child in all matters pertaining to the child.

98. This means, for example, that the child must be involved in a case regarding parental custody, the child's residence or access so that the child's perspective and possible views may be expressed, as set out in section 34 of the Parental Responsibility Act. This could be done through conversations with the child, examination by a child expert or in any other way that elucidates the child's perspective. The method of involvement of the child will depend on the age and maturity of the child as well as the nature of the case in question. However, the duty to involve the child directly in the case does not apply if it must be expected to be to the detriment of the child or if it is deemed unnecessary under the

circumstances of the case. The duty to elucidate the perspective of the child always applies, however, and in such situations this must be done in a manner other than by involving the child directly in the case.

99. Finally, the Act provides children over the age of 10 to request the regional state administration to summon its parents to a meeting, see section 35. At this meeting, the child and its parents may discuss the child's problems in relation to parental custody, the child's residence, access, etc.

*IV.D.1.b. Adoption*

100. Please refer to Denmark's First Periodic Report, paragraph VI (g) and Denmark's Third Periodic Report, paragraph IV.D.2.

*IV.D.1.c. Paternity*

101. Please refer to Denmark's Third Periodic Report, paragraph IV.D.6.

*IV.D.1.d. Name*

102. Under section 22 of the Danish Names Act (Act No. 542 of 24 June 2005 as amended), the consent of a child over the age of 12 is required for a change of that child's name. If the child is under the age of 12, his or her attitude to the change in name must be ascertained to the extent that this is possible given the child's maturity and the nature of the case. The child's attitude to the suggested change in name must, in so far as possible, be taken into account when a decision is made.

**IV.D.2. Nationality**

103. Please refer to Denmark's Third Periodic Report from 2003, paragraph IV.D.3.

104. In April 2008, a new application package was sent to all police commissioners, regional state administrations and the High Commissioners of Greenland and the Faeroe Islands. In accordance with previous administrative practice, a box was inserted in the form used for applications to become a Danish national by naturalisation, where the child of the applicant, provided that it is old enough to form its own views about its nationality, may state whether it would like to be included in its parents' application for Danish nationality.

105. In the accompanying guidelines to all police commissioners, regional state administrations, etc. it appears that the Police should also talk to an applicant under the age of 18, if the child is old and mature enough to form its own views about its nationality. With reference to the UN Convention on the Rights of the Child, the Police are instructed that children over the age of 12 should be required to consent to such an application.

106. The Nationality Division offers courses at regular intervals for the police districts in Denmark to support the Police when receiving and processing applications for Danish nationality with a view to obtaining the best possible level of information in the case, before the Police forward the application for Danish nationality to the Ministry of Refugee, Immigration and Integration Affairs. During these courses, the Nationality Division will continue to draw the attention of the participants from the police districts to the special requirements in Article 12 of the UN Convention on the Rights of the Child regarding the child's right to be heard in connection with an application for Danish nationality when the application also covers the child.

**IV.D.3. Primary and secondary school**

107. The rules of section 51 (1) of the Primary and Secondary School (Folkeskole) Act on the possibility to lodge complaints against decisions by the particular schools, do not

intend to create any deviation from the general principles of administrative law on the capacity to complain and be complained against. Thus, pupils have the capacity to complain to an extent consistent with their age and maturity.

108. In the area of special education in particular the right to complain is, however, due to the character and importance of decisions vested unambiguously in the parents according to section 51 (3 – 5) and 51 (8). Children should, however, be heard by a procedure that is consistent with their age and maturity in connection with proposals and decisions to change the education offered to them and in connection with exemptions from certain subjects, if any.

109. Overall, the primary and secondary school legislation embodies considerable endeavours to give pupils a say, both in the more general planning and concrete decisions. The involvement of pupils is generally ensured to an extent consistent with their age and maturity. In certain areas, the Act prescribes special provisions on involvement of pupils and codetermination. These provisions were adopted on the basis of considerations by professionals with educational insight of the group of pupils that would typically be relevant and the character and content of decisions.

110. Post-secondary education: To ensure that pupils and students will have a good educational environment, the Educational Environment Act provides pupils and students with the right to elect educational environment representatives charged with safeguarding their interests vis-à-vis the management of their school or education institution to achieve a favourable educational environment.

111. Under the Educational Environment Act, all schools and education institutions have to draw up written educational environment assessments of the health and safety conditions and the psychological and aesthetic environment at the school or college at least once every three years. The management is obliged to involve students in the process of drawing up the educational environment assessment.

112. Under the rules of Executive Order No. 1518 of 13 December 2007 on vocational programmes, students have the right to lodge complaints against a decision made by an education institution, for example decisions concerned with admission or exclusion from its teaching.

## **V. Freedoms, etc. (arts. 7, 8, 13–17 and 37 (a))**

113. **The following paragraph sets out those provisions and legal measures that have been implemented in the reporting period as concerns the child's right to freedoms.**

### **V.A. The child's right to have an identity, including nationality, name and parental relations (art. 7)**

114. As regards paternity cases, please refer to Denmark's Third Periodic Report, paragraph V.A.

115. As was the case in previous legislation on Danish nationality, Consolidated Act No. 422 of 7 June on Danish Nationality, which entered into force on 1 July 2004, contains a provision in section 5, pursuant to which a child, including adopted child, acquires nationality together with a person who acquired Danish nationality by making a declaration pursuant to section 3 or 4 of the Act, unless it is expressly specified that the acquisition of Danish nationality will not comprise a child. It is a condition for a child to acquire Danish nationality that the declarant shares custody of this child and that the child is unmarried,

under the age of 18 and lives in Denmark. For an adopted child it is a condition that the adoption is valid under Danish law.

116. Section 6 of the Danish Nationality Act contains a similar provision as in previous legislation, pursuant to which Danish nationality may be acquired through naturalisation granted pursuant to the Danish Constitution, and this applies correspondingly to that person's children and adopted children on the same conditions as those laid down in section 5 of the Act.

117. On 8 December 2005 the government parties, Denmark's Liberal Party (Venstre) and the Conservative People's Party, made an agreement with the Danish People's Party about Danish nationality. With the agreement, the future general guidelines for administration of applications for Danish nationality by the Ministry of Refugee, Immigration and Integration Affairs were laid down. The guidelines entered into force on 12 December 2005 and apply to the processing of all applications for naturalisation submitted after entry into force of the guidelines.

118. As for the previous guidelines, section 17 of the guidelines contains a provision, which refers to the UN Convention on the Rights of the Child, according to which children who are born stateless in Denmark are to be included in a nationality bill, if they live in Denmark.

#### **V.B. Maintaining identity and nationality (art. 8)**

119. Please refer to Denmark's Third Periodic Report from August 2003, paragraph V.B.

120. As previous legislation on Danish nationality, Consolidated Act No. 422 of 7 June 2004 on Danish Nationality contains a provision in section 8 A, pursuant to which any person having acquired his or her Danish nationality by fraudulent conduct, including by intentionally giving incorrect or misleading information or suppressing relevant information, may be deprived of his or her nationality by court order if the conduct exhibited was decisive to such acquisition. As before, only the person who has acted fraudulently can be deprived of his or her nationality. Any children under the age of 18 who have acquired Danish nationality through such a person will therefore not lose their nationality pursuant to this provision.

121. As in previous legislation on Danish nationality, the Danish Nationality Act contains a provision in section 7, pursuant to which Danish nationality will be lost by an unmarried child under 18 years of age who becomes a foreign national by the fact that either parent holding or sharing custody of the child acquires a foreign nationality upon application or with his or her express consent or by entering the public service of another country, unless the other parent retains Danish nationality and shares custody of the child.

122. As in previous legislation on Danish nationality, the Danish Nationality Act contains a provision in section 8, pursuant to which any person born abroad who has never lived in Denmark nor been staying in Denmark under circumstances indicating some association with Denmark will lose his or her Danish nationality on attaining the age of 22 unless this will make the person concerned stateless. The provision also states that a child having acquired its Danish nationality through such a person will likewise lose its Danish nationality unless this will make the child stateless.

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

123. Please refer to Denmark's First Periodic Report, paragraph V (c).

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

124. Please refer to Denmark's First Periodic Report, paragraph V (e).

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

125. Please refer to Denmark's First Periodic Report, paragraph V (f). The Danish Act on Freedom of Association was amended by Act No. 359 of 26 April 2006 which meant that the exemption from the ban against dismissal mentioned in paragraph V (f) was repealed.

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

126. Please refer to Denmark's First Periodic Report, paragraph V (g).

##### *Search of rooms and possessions of young persons detained in secure units of youth institutions*

127. It has traditionally been assumed in Danish law that it is possible, in conformity with considerations of detention arrangements, to impose certain intervention measures on children and young persons detained in secure units. However, the scope of these measures has never been clearly defined. There have been several examples in secure units of young persons who were in possession of illegal objects at the time when they were placed in detention or acquired certain objects during their detention, for example mobile telephones, controlled drugs, medicine, knives, razor blades or objects that could be used as weapons or instruments for self-harming behaviour.

128. The police have no authority to conduct searches at secure units solely on the basis of suspected contravention of the internal regulations of the institution or other security problems.

129. It was therefore found that the staff of secure units needed to have the possibility, out of consideration for order and security, to inspect the residents' rooms or to conduct searches of a subject's person in order to remove from that young person any mobile telephones, dangerous objects, controlled drugs and the like.

130. The permission to search the person or room of a child or young person is an interventive measure in relation to a young person's integrity of such a character that the legal basis on which to carry out the intervention in question should be regulated by law.

131. Therefore, with Act No. 545 of 6 June 2007, clear rules were defined for the situations when the staff may resort to using force such as a search of the person and rooms of a young person while that young person is detained in a secure unit, i.e. Executive Order No. 893 of 9 July 2007 (the Use of Force Order).

132. Consequently, according to section 123A (1) of the Social Services Act, the staff of a secure unit may conduct a search to see the effects which a child or young person, who is placed in the unit, has in his possession in his room, in case such a search is necessary to make sure that the institution's house regulations or security measures are observed, when a child or young person is placed in a secure unit, before and after visits and before and after any exit from the secure unit. In addition, the principal of the institution or anyone who is granted authority to do so may decide that a search of a child or young subject's person or room must be carried out on the basis of section 123A (2) of the Social Services Act. Such a decision may be made if the principal has certain reasons to assume that the child or

young person is in possession of effects whose possession will mean that house regulations cannot be observed or that safety precautions cannot be taken.

133. If a search of the child or young person's room means inspection of all the objects that the young person has in his room, the child or young person must be offered the possibility of attending the search or subsequently promptly be informed of the search and its results, unless it should be avoided on account of special circumstances.

134. A search of the person or room of a child or young person may not be carried out if, in consideration of the purpose of the measure and the feeling of invasion and unease that it may be assumed to cause, the search would be a disproportionate measure. It is a prerequisite for resorting to a search of the person or room of a child or young person that other and less severe means have been attempted and turned out to be inadequate to achieve the intended purposes of a search.

135. A search of the person or room of a child or young person must be conducted as gently as circumstances permit.

136. A young person has the right to be informed in advance of the reason for the initiation of a search of his person or his room, unless special circumstances make such information inadvisable.

137. At least two staff members must always take part in a search of the person or room of a child or young person. A search may, however, be carried out by a single staff member if special circumstances so require. No other children or young persons may attend a search of the person or room of a child or young person.

## **V.G. (Article 17)**

138. In the political media settlement for 2007–2010 the requirements set for Radio Denmark's programme activity aimed at children and young people has been amplified and specified compared to the settlements for past periods. Radio Denmark's public service contract emphasises that programming for children should be reinforced, on the conventional channels as well as on the Internet. Drama programmes for children are mentioned specifically as an area that needs higher priority. Radio Denmark has traditionally had this area as one of its strong points. *The TV2 franchise to operate public service programme activity* also comprises obligations to accommodate children: The channel must provide high-quality children's programmes and must put weight on showing programmes in Danish. In addition, *the Film Accord 2007–2010* imposes an obligation on Radio Denmark and TV2 to earmark at least 25 percent of their total film resources (for feature films, short films and documentary films) for the production of films for children and young people.

139. New media, particularly the Internet, computer games and mobile services influence children's access to information. To gather greater insight into children's use of these media, *the Media Council for Children and Young People* has carried through a variety of studies of children's use of the Internet and computer games and parents' attitudes to it: A study of parents' attitudes to children's use of computer games in 2006, a child/parent study of children's use of the Internet and parents' approach to it in 2007, a qualitative online study of 2400 children and young persons' use of online meeting forums in 2008. The Media Council has launched information campaigns aimed at teachers, children and parents and drawn up a set of ground rules for children's use of the Internet, mobile services and computer games and it has published information and teaching resource material. From 2004, the Media Council has held an annual, national Safe Internet Day campaign, with the objective of disseminating information about safe use of the net and new technologies and providing useful knowledge to parents, teachers and children. The Media Council ensures a

coordinated approach to the issues through the national working group for children's use of the Internet and new technologies, which consists of members from national authorities, institutions and organizations representing parents, teachers, education institutions, the IT industry and research bodies.

#### **International collaboration and assistance**

140. The Science Ministry, acting as the representative of the Danish authorities, takes part in the European Commission's programme Safer Internet Plus, targeted at illegal content on Internet sites.

141. The existing programme for promotion of safer Internet use was launched by the European Commission in 2005. The Science Ministry has carried out and published a survey of Danish initiatives to combat child pornography on the Internet in 2006. Its conclusion was that the Danish initiatives are consistent with the Commission's programme Safer Internet Plus and the initiatives comprised by that programme.

142. On 27 February 2008, the European Commission submitted a proposal to be considered by the European Parliament and the European Council for a new multi-year Community programme for protection of children who use the Internet and other communication technologies. The new programme will serve as a platform for the Science Ministry's future activity to combat child pornography on the Internet.

143. In addition, the Science Ministry is a partner to the global Internet Governance Forum, which discusses a range of issues related to the administration of the Internet such as protection of children on the net.

#### **V.H. (Art. 37 (a)) The right not to be exposed to torture or other cruel, inhuman and degrading treatment or punishment (art. 37 (a))**

144. Please refer to Denmark's First Periodic Report, sections V (h) and IX (b) (iii). In addition, the following information may be added.

145. On 3 June 2008 the Danish Parliament passed a bill to amend the Civil Criminal Code and the Military Criminal Code (raised penalties for torture), which entered into force on 1 July 2008. The bill is based on report no. 1494/2008 of the Criminal Law Commission on insertion of a torture provision in the Criminal Code.

146. By this Act, a provision has been inserted in section 157 A of the Criminal Code, according to which it will be considered an aggravating circumstance in the sentencing for contravention of the Criminal Code if the criminal act was committed by torture. The provision comprises a definition of torture formulated in the light of the definition in the United Nations Convention of 10 December 1984 against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

#### **VI. The right to a family life and alternative care and upbringing (arts. 5, 9–11, 18 (1 and 2), 19–21, 25, 27 (4) and 39)**

147. The following paragraphs account for the activity and legislative measures taken in the reporting period to protect children's right to family life and alternative care as secured by the UN Convention on the Rights of the Child.

**VI.A. Respect for the responsibilities, rights and duties of parents in the social area (art. 5)**

148. Please refer to Denmark's Third Periodic Report, paragraph IX.D.2 on video interviews with children. It should be noted that in report no. 1420/2002 on the conduct of criminal cases about sexual abuse of children, pages 95 ff., it is stated that it is not considered necessary to obtain explicit consent to the interview from the parents or one of the parents.

149. If the parents or a single parent oppose the child being interviewed, the court may impose an order to the effect that the child must give evidence in court in accordance with section 171 (3) of the Administration of Justice Act. The report points out that the consideration for the child in these cases dictates that the questioning of the child should not be conducted as a traditional examination in the courtroom. Instead, it is recommended to let the questioning take place as a video interview supervised by the court carried out by a specially qualified person in one of the rooms which the police have fit out for this type of video interview and ensuring that the video interview takes place in cooperation with a judge sitting in the monitor room. Moreover, please refer to paragraph IX.K.1 below about the Juvenile Crime Commission.

150. Please also refer to paragraphs VI.A and V.F.1 of Denmark's Third Periodic Report (2003).

*Access and contact while a child is placed in care*

151. Prior to placement of a child in alternative care it is a requirement that a thorough examination is carried out (a so-called Section 50 Examination) covering all the child's conditions in order to identify the types of measures that will best serve the child's interests (see paragraph VI.G.1.). Ensuring that the child or young person can retain and develop his or her relations with persons from his or her network, also while placed in care, is of great importance. It is therefore provided in Act No. 1442 of 22 December 2004 (the Care Placement Reform) that the child or young person's relations must be exhaustively described in the examination of the child's situation to be carried out under section 50 of the Social Services Act, and it is also provided that the local authority must make a decision on access to persons from a child's network whenever this is needed. The examination is thus aimed to give the local authority the necessary basis on which to assess the extent to which it needs to provide assistance in supporting the child's contact with other adults than the parents while the child is placed in care.

152. To keep parents informed about a child or young person's life and activity while the child is placed in alternative care, Act No. 1442 of 22 December 2004 (the Care Placement Reform) imposes a duty on the local authority to ensure that the parents receive information about the child's daily life and to help create positive relations between the parents and the place of care.

153. Involvement of family and network is a key requirement to offer vulnerable children and young persons adequate support, both in order to underpin a favourable process in relation to social measures and ensure that the child's case is illustrated optimally. When the local authority involves the parents and the child it will provide a stable platform for collaboration between the responsible authority and the child's family and network. This should help avoid that the child becomes the object of conflicts between the family and the authorities. In addition, it makes it possible to draw on the knowledge and resources of the child's family and network.

154. To secure this involvement, it has been decided with the adoption of the Care Placement Reform that the local authority must consider ways to ensure systematic

involvement of a child's family or network (section 47 of the Social Services Act). The approach that the local authority may opt for could be family consultation or network meetings. There are many ways to foster involvement. The essential requirement is that the local authority considers ways to involve family and network systematically in each particular case.

155. Conflicts between parents and alternative care providers will affect the children and young persons concerned negatively. To the parents, it may be a highly difficult process to have their child placed in care, and they will frequently wish to receive ample information about the child's daily life. At the same time, conflicts over who decides what about the child may arise. With the Care Placement Reform, i.e. section 71 of the Social Services Act, the local authorities have therefore been made responsible for ensuring that a child's parents receive relevant information and for contributing to preventing and solving conflicts.

#### **VI.A.1. Cross-disciplinary cooperation between regional state administrations and local authorities**

156. With reference to Denmark's Third Periodic Report, paragraph VI.A.1., it may be reported that the report of the Department of Family Affairs and the Ministry of Social Affairs titled "Research project on enhanced cooperation between local authorities and county government offices as regards social and family-law proceedings" from February 2004 contains a study of the possibilities of establishing, improving and intensifying cooperation between county government offices (now regional state administrations) and local authorities as regards access, etc. to the benefit of children and their families. Based on the recommendations in the report, the cross-disciplinary cooperation between the regional state administrations and the local authorities has been formalised.

### **VI.B. Separation of a child and its parents (art. 9)**

#### **VI.B.1. Separation of a child and its parents in the social service area**

157. Please refer to paragraphs VI.C.1. and VI.G.1 in Denmark's Third Periodic Report (2003).

158. Please also refer to paragraph VI.G.1., which describes the provisions introduced with the Care Placement Reform that change the general requirements for local authority casework, comprising both preventive measures and placement of children in alternative care. For details of family law cases concerned with contact and access please refer to paragraph IV.B.2.a.

#### *Places of care*

159. Since support from and involvement of a child's network is important for the child or young person's chances of having a good future life, one of the aims of the Care Placement Reform is ensuring that the local authority will consider how to involve a child's family and network systematically in connection with the examinations of the child's situation in order to identify the specific type of care to be chosen. To ensure greater involvement of the child's network while the child is placed in care, local authorities have also been given easier access to arrange alternative care for a child in the child's network.

#### *Return suspension period*

160. To ensure better continuity in the child's life and prevent the many disruptions to which a child may be exposed when moved to alternative care, the Care Placement Reform introduced a provision, inserted in section 60 of the Social Services Act, to the effect that a

voluntary placement may be continued for up to six months from parents' revocation of their consent to the placement. In addition, it is now prescribed that in placements without parental consent, the local Child and Youth Committee may decide, in cases where there is no formal basis on which to sustain a placement that the child or young person cannot be returned to the parents for up to six months from the decision. Local Child and Youth Committees may make such decisions when they are warranted by concerns for the child's best interest.

#### *Complaints mechanism*

161. The Care Placement Reform involved a change in children's rights to lodge complaints about the choice of their place of care. Thus, decisions on the choice or change of a care place may be appealed by a child or young person who has turned 12 years or by the holder of parental custody by a complaint to the Social Welfare Board.

162. In line with the rules applied before the reform, decisions on care and treatment, education and maintenance of relations with network persons etc. as well as decisions on access and contact may be brought before the Social Welfare Board by a complaint lodged by a young person who has turned 15 years or the holder of parental custody. In so far as the decision has implications for the parent who has no share of parental custody, the decision may likewise be brought before the Social Welfare Board by that parent.

163. As described in paragraph IV.D., however, the local authority will always have a duty to involve the child or young person at all stages of the processing of the complaint and to attach weight to the views of the child or young person to an extent that is compatible with the child's age and maturity.

164. *The appeals boards have authority to consider cases at their own initiative:*

- To secure optimal safeguarding of children's rights, the Social Welfare Boards and the Social Appeals Board (the ultimate administrative recourse instance in cases concerned with special support to children or young persons) have been given more extensive powers to deal with cases at their own initiative and order a local council to take action or they may themselves make decisions in cases in which the local authority
- Has failed to carry out the necessary investigations
- Has failed to conduct the required interviews with the child or young person
- Has failed to draw up the required care plans or make the necessary revision of care plans, or
- Does not at least once a year talk with the child or young person during a visit to the place of care

165. In case a local council fails to implement certain measures to the necessary extent, where such measures are required, the Social Welfare Boards and the Social Appeals Board may furthermore order the local council to make a decision or to make a preliminary decision about necessary measures, or they may themselves make decisions in such cases.

166. In addition, the Social Welfare Boards and the Social Appeals Board may address cases at their own initiative and make decisions in relation to the choice of a place of care and a move between two places of care, according to section 65 of the Social Services Act. Finally, the Social Appeals Board has powers to make decisions at its own initiative, for example in cases without parental consent regarding examinations of the child's situation and placement in alternative care.

167. Children of foreigners in Denmark, i.e. children of asylum seekers or rejected asylum seekers, are entitled to assistance in accordance with the Social Services Act at the same level as Danish children. Please refer to the description of the rules in this area as regards placement in care which was contained in Denmark's Third Report to the UN Committee on the Rights of the Child.

#### **VI.C. Family reunification (art. 10 (2))**

168. Please refer to paragraph VI.D. as regards international cases regarding parental custody, the child's residence and access.

169. During the reporting period, certain changes have been made to the rules on family reunification of children with their parents in Denmark with a view to ensuring that children are integrated as much as possible in Danish society and out of consideration for the child's best interests. These changes thus originate from a wish to ensure that children arrive in Denmark as early as possible and thus have as much as possible of their upbringing in Denmark. The changes mean that the age limit for children has been reduced from 18 years to 15 years. Moreover, the access to family reunification of children is limited if one of the parents live in the home country and more than two years have passed from the time the child could have come to Denmark, as it is a condition in this situation that the child has a chance of successful integration in Denmark. Moreover, a residence permit is refused if this would clearly be to the detriment of the child's best interests. Moreover, it is still a general condition that the parent living in Denmark has parental custody and that the parent living in the home country has consented, if the parents share custody. There may be cases where the child's application for family reunification is submitted along with a parent's application for family reunification and where the decision regarding the child will typically depend on the decision regarding the parent.

170. In all cases regarding family reunification, it is assessed whether Denmark's international obligations, including in particular Article 8 of the European Human Rights Convention, mean that a residence permit must be granted. This also applies for children between the age of 15 and 18 who apply for a residence permit.

171. In 2007, 836 minors born abroad received family reunification permits, and 465 minors born abroad received a negative response. The average processing time for all family reunification cases at the Immigration Service in 2007 was about two months for the fastest 50 per cent of the cases and about four months for the fastest 80 per cent of the cases, while the average for all cases was about six and a half months. At this point in time, the processing time for family reunification cases regarding minors born abroad has not been calculated. Some cases regarding family reunification with minors born abroad are time-consuming because it is deemed necessary to perform DNA tests or age assessments.

172. Since the beginning of 2008, the Immigration Service has established a special child residence division to ensure strengthened processing of cases regarding minors born abroad.

173. A refusal by the Immigration Service of an application for family reunification for minors born abroad can be appealed to the Ministry for Refugee, Immigration and Integration Affairs, and such appeals have an average processing time of three months. Moreover, section 52 of the Aliens Act provides for particularly easy access to submitting decisions regarding minors' applications for family reunification to the courts.

## **VI.D. Abduction of children, etc. (art. 11)**

174. The rules of Danish law that govern international cases concerned with parental custody, the child's residence and access are linked with the rules on wrongful removal. Both rule sets are therefore reviewed below.

### **VI.D.1. International access, parental custody and residence**

175. In connection with the adoption of the Act on the Hague Child Protection Convention (Act No. 434 of 8 May 2006), which enables Denmark to ratify the 1996 Hague Child Protection Convention (please refer to section VI.D.1.c), the Danish rules on international jurisdiction in parental custody cases etc. were amended and aligned with the Convention. Subsequently, Danish authorities may in principle only hear such a case if the child is a resident of Denmark.

176. A child who has his habitual residence in Denmark has the same right to access to a parent who lives outside Denmark as to a parent who lives in Denmark. As a state party to the Hague Convention of 25 October 1980 on the Civil Law Effects of International Child Abductions, Denmark has undertaken to assist parents who are residents of another state party to the Convention in communicating an application for access with a child to the competent Danish authorities. Similarly, Danish authorities will assist a parent who is a resident of Denmark in communicating an application for access to a child to the competent authorities of another state party to the Convention.

177. In addition, on the basis of the European Convention of 20 May 1980 on Recognition and Enforcement in respect of Decisions of Parental Responsibility, Denmark is obliged to recognise and enforce decisions concerning access, parental custody and the child's residence made by other state parties to the Convention.

#### *VI.D.1.a. Parental custody and residence*

178. A parent who lives abroad and requests parental responsibility for a child who is resident in Denmark will have the same possibilities to have such an application considered in Denmark as a parent who is a resident of this country.

#### *VI.D.1.b. The Council of Europe Convention on Contact in respect of Children*

179. The Convention of the Council of Europe of 15 May 2005 on Contact in respect of Children includes a range of provisions on children's right to contact with their parents and other persons near to them. It also includes provisions that are aimed to secure these rights across national borders. Denmark is currently deliberating the question of whether to ratify the Convention.

#### *VI.D.1.c. The Hague Child Protection Convention 1996*

180. In 2006, the Danish Parliament adopted Act No. 424 of 8 May 2006 on the Hague Child Protection Convention, which enables Denmark to ratify the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the Hague Child Protection Convention). The Government will ratify the Convention at the same time as the other member states of the European Union.

## **VI.D.2 Child abduction**

### *VI.D.2.a. Abductions to Denmark*

181. In extension of Denmark's third periodic report, section VI.E.2, it may be reported that the Committee on Child Abduction submitted its report in November 2004. The report includes guidelines for the processing of abduction cases by the Danish Central Authority, which are based on the Guide to Good Practice issued by the Hague Conference.

### *VI.D.2.b. Abductions from Denmark*

182. The fee legal aid programme referred to in Denmark's third periodic report, in section VI.E.1., entered into force on 1 July 2003. Free legal aid is provided towards the costs of legal steps required to secure the return of a child who has been wrongfully removed. The programme is in operation even if Denmark does not have any convention cooperation with the country to which a child has been abducted.

183. To secure the child's continued stay in Denmark, the holder of parental custody has been given the possibility of 1 October 2004 to demand cancellation of the child from another person's passport, when the child has his/her own passport. At the same time Child abduction was made a direct ground for divorce.

## **VI.E. Parents' responsibility and assistance to parents (art. 18 (1 and 2))**

### **VI.E.1. Parents' responsibility and assistance to parents in the social service area**

#### *Help to parents when special support to children and young persons is required*

184. Please refer to paragraph VI.A. of Denmark's Third Periodic Report (2003), showing, for example, that the local authority has a duty to offer the holder of parental custody assistance from a support provider in connection with a child or young person's placement in alternative care.

185. Act No. 320 of 5 May 2004 introduced further provisions to the effect that when a child or young person is placed in care, the local authority must offer to draw up a separate plan for the support to be provided to the parents while the child is in care, see section 140 (8) of the Social Services Act. Such plans must be revised no later than three months after the placement of the child or young person in alternative care and subsequently at intervals of no more than 12 months. The care plan must always be revised as required as set out in section 70 (3) of the Social Services Act.

186. The Government programme *Equal Opportunities*, which was funded in 2008, includes the following initiatives for the period 2008–2011 aimed to provide better initiatives to help parents:

#### *Vulnerable bilingual children in primary and secondary school and their parents*

187. An allocation of DKK 88 million was earmarked for establishment of a dedicated counselling unit for vulnerable bilingual children in primary and secondary school. The counselling unit, which is intended as a service to schools with a relatively high proportion of bilingual children, must engage in cooperation with the local administration and the schools on drafting a targeted plan of action for reinforced efforts to upgrade the academic standards of bilingual pupils. In addition, initiatives must be taken to focus on the parents of bilingual children. Funds were allocated for family courses designed, for example, to equip parents for more active backing of their children's schooling. In addition, funds were

granted to strengthen local efforts, giving parents greater insight into the Danish school system and their own possibilities to gain influence.

*Establishment of community centres*

188. An allocation of DKK 32 million was granted towards new community centres in disadvantaged housing areas. These centres will function as social and cultural gathering points and may offer services such as 'homework cafes', etc.

189. In connection with family reunification between a child and a parent, it will be reviewed in the assessment of whether an application may be granted, if there is a possibility to ensure contact between parents and child on a visit basis, for example, rather than a grant of permission to a long-term stay.

*Parental guides*

190. The Ministry of Integration is in the process of developing a multi-language leaflet series that is designed to function as an instrument to be used in structuring and supporting a variety of dialogue situations, counselling and guidance of parents in order thereby to underpin their own efforts to provide the best possible support to their children. The leaflets will contain a number of useful and easy-to-read recommendations and pieces of advice and they are intended for use by the parents independently.

191. The leaflets are intended to serve as support to parents who have difficulties coping with their parental responsibility due to social, cultural, or linguistic barriers or inadequate parenting skills, lack of knowledge of society's expectations, services and requirements.

192. Another objective of the leaflets is to support a democratic approach to raising children, to ensure that, in step with their growing older and on a foundation of equal value, both boys and girls are brought up for freedom, dialogue and codetermination as well as responsibility, restrictions and duty, thereby giving children a growing ability to administer both freedom and responsibility as they get older.

193. Among the starting points in that connection are the principles embodied in the UN Convention on the Rights of the Child, the right to education, personal, social physical and psychological development, leisure activity, health, protection against violence and the right to be heard and to have codetermination.

194. The leaflets are written to match various age levels and they address specific challenges, issues of doubt and problems associated with children at the relevant age levels. Thus, the leaflets are categorised to match the child's age and include relevant comprehensive information about the parental role of the target group as viewed against the children in a matching age group. The programme includes four leaflets – one for each of the following age groups: 0–5 years, 6–10 years, 11–15 years and 16 years+.

195. The leaflets are intended to offer advice on what to do in certain situations and gather information that shows where parents can go and how to do it in order to get a problem solved or obtain more knowledge about certain concrete topics.

196. The topics of the leaflets are selected on the basis of proposals collected primarily from representatives of the target groups and a variety of professionals.

197. Among the topics of the leaflets are linguistic stimulation of children, day-care culture in Denmark, starting school, help with homework, school-home cooperation, special education, the education system, parties and alcohol, after-school jobs, conflict handling, marginalised behaviour and much more.

198. In addition, in a variety of contexts initiatives focused on parental responsibility are in operation. The Ministry of Social Welfare has an appointed ministerial group dealing

with parental responsibility and the topic is also dealt with in the forthcoming plan of action on prevention of extremist attitudes and radicalisation among young persons. In that connection, it will probably be necessary to work with skills upgrading of various professional groups, for example, ensuring that they will be better at counselling parents in cases where language and culture barriers are part of the problem. The parental guide leaflets will have to become an integral part of such a skills enhancement initiative.

#### Neighbourhood mothers

199. In June 2007, the Ministry for Integration launched seven new initiatives designed to reinforce immigrant women's network and employment. The philosophy of the new projects is that the best help is help that comes from below.

200. Among the new initiatives is a host programme aimed at women who are new arrivals and families with an immigrant background. The host may, for example, introduce the new arrivals to the local community, offer help with homework and language training, provide counselling on education opportunities and help with finding employment.

201. Another initiative is the "Neighbourhood Mothers", a project under which appointed neighbourhood mothers, who have completed a special course, pays home visits to other mothers. Neighbourhood mothers offer advice and guidance to women in their mother tongue, for example on how the mothers can ensure better opportunities for their own children.

202. The seven new initiatives for women have received funding of DKK 21.5 million in all.

#### **VI.E.1 Conflict resolution in family law cases**

203. Conflict resolution — helping two parties to reach their own solutions to their conflicts — is an essential part of family law legislation in Denmark today. Conflict resolution involves a variety of services described below:

##### *VI.E.1.a. Child expert counselling*

204. Please refer to section VI.B.1 of Denmark's third periodic report. The new Parental Responsibility Act, which entered into force on 1 October 2007, carries on the existing rules on child expert counselling. The rules governing this service are set out in section 32 of the Parental Responsibility Act.

##### *VI.E.1.b. Conflict settlement (mediation)*

205. As mentioned in section VI.B.2. of Denmark's third periodic report, a pilot programme was introduced in 1998 to offer mediation (conflict settlement) in administrative cases concerned with parental custody and contact. The programme was reviewed in 2003/2004 and the review report showed, for example, that 84 per cent of parents found a solution, fully or partly, to their disputes in the mediation process and that 71 per cent of the parents involved assessed that, on the whole, the conflict settlement service was successful.

206. Conflict settlement was made into a permanent service as of 1 January 2007 and at the same time the service was extended to comprise separation and divorce cases. This was part of a reform of the rules on separation, divorce and parental custody proceedings. Under the new regime all such cases must be addressed first before the regional state administration offices. Thus, cases may no longer be brought before the courts directly. The purpose of the reform was to offer the parties involved a chance to get a comprehensive solution to many of the problems that may arise in a family either when the marriage is

dissolved or later. The responsible authorities offer the parties assistance towards a comprehensive solution through counselling and conflict resolution.

*VI.E.1.c. Couple counselling*

207. To spotlight children in a difficult family situation, a pilot programme has been launched for the period 2005–2008, offering couple counselling to parents with children under the age of 18. Participation in such counselling sessions is paid for by the authorities, apart from an initial fee of DKK 300.

208. The purpose of couple counselling is to offer a preventive effort to parents who wish to maintain their relationship or parents who want to ensure that the dissolution of their marriage should be as non-dramatic as possible, particularly to protect their children.

209. In the selection of the twelve projects that are part of the pilot programme, aspects such as geographical location, involvement of private and public sector actors and the methods planned to be used in the project, have been taken into account. All projects have a psychologist attached.

210. At the conclusion of the pilot programme, it will be evaluated with a view to the authorities' decision of whether to make the couple counselling service permanent.

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

211. Please refer to paragraph III, article 19 (comment 168) of Denmark's Second Periodic Report and the separate report on the Optional Protocol on the sale of Children, Child Prostitution and Child Pornography.

212. It is indicated in Denmark's Third Periodic Report, paragraph IX.D, that by Act no. 288 of 2 April 2003 to amend the Criminal Code, the Adoption Act and the Administration of Justice Act (child pornography, sexual exploitation of children and the conduct of criminal cases about sexual abuse of children, etc.), explicit authority was inserted in the Administration of Justice Act to allow video interviews of sexually abused children to be used as evidence in the main trial of a criminal case.

213. To follow-up on this legislative amendment, the Director of Public Prosecutions has most recently prepared a new set of instructions from the Director of Public Prosecutions (RM 2/2007) on the handling of cases involving sexual abuse of children and video interviews of children in such cases. It follows from the instructions that prior to the interview a legal representative must be appointed to the child and the social authorities must be notified.

214. It is moreover prescribed in the instructions that video interviews with children in connection with cases concerned with sexual offences must be conducted by specially trained police officers and in premises which are fitted out particularly for this purpose. Usually the only people present during the interview are the police officer, the child and perhaps a representative from the social services. In case the child needs to feel safer, a person who reassures the child may be present instead of the social service representative. The accused is not allowed to attend the interview.

*Equality and gender roles*

215. It is estimated that an annual number of about 29,000 children from 0 to 15 years of age grow up in families affected by violence. About 2,000 women and as many children move into crisis shelters every year.

216. In 2002, the Government launched its first action plan to combat violent treatment of women (2002–2004), contributing to breaking the taboo around domestic violence against women. However, there is still a need to keep focus on the issue.

217. On 20 April 2005, the Minister for Equality therefore presented a new four-year “Plan of action to combat men’s violence against women and children in the family 2005–2008”. Since 2002, children and young persons have been a special key area for the activities of the plan of action.

218. The allocation for the plan of action for the period 2005–2008 is DKK 60 million. At a later point, a further allocation of DKK 48 million has been added to fund a project for “Support and treatment for women and children in violent families”.

*Activities under the plan of action to help children and young persons*

219. An information campaign about violence in families and between boyfriends and girlfriends has been running since 2005 at secondary schools and post-secondary education institutions all over Denmark. Campaign activities involve representatives from local crisis shelters, local police and two young girls, one having grown up in a violent family, the other having past experience of violence from her teenage boyfriend. The campaign team speaks about violence in the family with focus on “violence against mum” and violence between teenage partners. The campaign activities also feature a rapper, who sings about family violence and violence between young partners, and a film about teenage partner violence. In addition, CDs with the rapper’s music are handed out. At a later point, support has been granted to a similar nationwide campaign running at colleges of education.

220. Funding has also been granted to a digital children’s network called the Children Link, which is a chat room for children and young persons of violent families. Its purpose is to be part of the effort to help children and young people in violent families by giving them access to communication with other children and young persons in a similar situation.

221. The Social Welfare Ministry, operating in collaboration with selected local authorities, has launched an exit project designed to help battered women and their children to get a life without violence after they have stayed at a women’s crisis shelter. One aim of the project is to develop methods for providing special support to children who grow up in violent families.

222. The Parliament’s special allocation agreement 2008 comprises DKK 30 million (for 2008–2011) to establish an extra-shelter treatment service for battered women and children who for various reasons do not stay at the crisis shelters. The purpose of the project is to reduce the after-effects of violence for mothers and give them strength to regain their parenting competencies. In respect of the children, the project is meant to reduce the after-effects of violence and give the child better development possibilities. The same parliamentary agreement comprised an allocation of DKK 4.5 million to the Association for Children and Young Persons of Violent Families. The Association plans to launch a major campaign to prevent family and partner violence and eradicate the negative social inheritance. The results are planned to be achieved through information campaigns at education institutions, cafés, dentists’ clinics, medical centres, at the paediatric units of hospitals, in shopping malls and through Internet advertising. Save the Children has received DKK 6 million to carry through a special effort to combat IT related sexual assaults on children, including an effort to combat child pornography on the net.

*Primary and secondary school*

223. Corporal punishment and use of physical force are prohibited at primary and secondary schools in any other situation than cases when it is necessary to prevent pupils from being violent to other persons or destructing or damaging property. The guidelines for

primary and secondary schools referred to in relation to Article 2, i.e. Guidelines on Discipline, Good Conduct and Bullying, also pinpoint constructive approaches without any use of physical force in response to inappropriate behaviour that can help to prevent conflicts.

224. In respect of bullying and the educational environment, please refer to the paragraph above relating to Article 2.

Post-secondary education

225. A variety of campaigns launched to prevent bullying at schools and colleges are designed to avoid situations that expose children or adolescents to violence or maltreatment.

226. On 21 June 2005, Parliament adopted the *Act on Obtainment of Criminal Records Disclosures in the Employment of Staff*. The purpose of the Act is to create a basis for further strengthened action to prevent molestation of children. The Act and the executive orders issued under the Act prescribe that public authority entities and certain private associations must arrange for obtaining a so-called 'child certificate' before taking on staff members whose duties will include direct contact with children of less than 15 years of age.

227. The Act has recently been evaluated and the response has been predominantly positive. From the date when the Act entered into force until the end of 2007, the total number of child certificates obtained was approx. 450,000. 59 certificates were positive.

## **VI.G. The right to protection and assistance for children deprived of their family environment (art. 20)**

### **VI.G.1. Alternative care**

*Special support to children and young persons*

The Care Placement Reform

228. Act No. 1442 of 22 December 2004, which entered into force on 1 January 2006, implemented the Care Placement Reform and thus a major overhaul of the rules governing special support to children and young persons. The objective of the reform was to ensure that children placed in care would have the same opportunities as other children to enjoy the benefits of education, work and family life. A placement in alternative care must ensure something more and better than removal from unacceptable conditions in the child's home. The placement must also make a positive contribution to helping the child get a better future. Thus, the central guidepost of the reform is the child's best interest.

229. The reform consisted in a wide range of legislative changes and initiatives with the objective of bringing the child's best interests into focus in cases regarding special support for children and young persons. This applies in particular as regards the civil rights of the child and in the local authority's analysis of and follow-up on the child's case. As there have been a considerable number of changes to the rules on special support for children and young people, the rules will be explained in outline for the sake of clarity in respect of the areas in which changes have been made, irrespective of whether parts of these areas have been reviewed in the Danish Government's previous reports to the Committee.

230. With the reform's improvements of local authority case processing, it has been made easier to follow the child and the family. The local authority can follow up on the effect of the initiatives taken for the individual child, and it is possible to gather knowledge on the

effects of the actions in general. Thus, it is possible to enhance the quality of the initiatives for the individual child instantly and for the entire care placement area in the long term.

Education, etc.

231. As follow-up to the Care Placement Reform, funds were allocated for continuing training of case officers, etc, i.e. DKK 165.9 million for the period 2005–2011 for:

- Implementation courses for case officers, so that all local authority case officers would be able to take 10 days of continuing training
- Introductory courses for all new case officers on legal and social aspects of cases regarding special support for children and young persons
- Long-term continuing training activities, including diploma degrees for case officers in the local authority offices working with children

232. In order to support both the case officers of local authorities and other professionals who work with vulnerable children and young persons, a handbook was published in 2007 on the rules of the Social Services Act on special support for children and young persons as follow-up to the Care Placement Reform.

Comprehensive children's welfare policy and standards for case processing

233. Preventive and early efforts are vital for ensuring that vulnerable children and young persons get a sound upbringing. The Care Placement Reform made it a requirement for local authorities to set up a comprehensive children's welfare policy with a view to setting up guidelines for how local cohesion is achieved between the general preventive work and the targeted efforts aimed at children and young persons in need of special support, including children with a physical or mental impairment. Specifically, the comprehensive children's welfare policy is to describe how the local authority is to ensure cohesion between the different sectors, such as day-care services, schools, the health sector, the voluntary sector and special support for children and young people.

234. The Care Placement Reform made it possible for the Minister for Social Affairs to lay down more detailed regulations requiring the local authorities to set standards for case processing in cases regarding children. This was done through Executive Order No. 614 of 15 June 2006 on standards for the processing of cases regarding special support for children and young persons. These standards are to be adopted at the political and managerial levels in the local authority and should be seen in relation to the comprehensive children's welfare policy. Thus, this is a method of committing politicians and local authority executives to the matter of case processing. Awareness is raised and management responsibility is created in relation to the contents of legislation on case processing, etc. in the local authority. As the standards must also be made public, the accountability of the local authority's case processing within the area will be strengthened.

235. At the same time, standards can reduce the problem that the processing of a case may depend on the particular caseworker who is given responsibility for the case in question. Studies have shown that there may be major differences in case processing from one case officer to another, even within the same local authority. By making the political and administrative management take the standards into consideration, it is possible to ensure a more uniform processing of cases in local authorities, which will strengthen people's access to due process.

Evaluation of the child's or young person's situation

236. It is important to carry out a qualified and thorough review of the child's situation at an early stage. This strengthens the possibilities to plan the case appropriately and choose

the right measure already from the beginning. To be able to choose the right measures, it is important to know what is needed. Therefore, a thorough evaluation is required to choose the right help from the beginning, describe the purpose of a given measure and follow up regularly on the effects of the measures. With the Care Placement Reform, the requirements for the evaluation to be carried out by the local authority, which will form the basis of the efforts to help a vulnerable child or young person, have been tightened.

237. The local authority is required to initiate such an evaluation, if a child or young person is assessed to need special support, for example because of a physical or mental impairment.

238. Section 50 of the Social Services Act specifies that this evaluation must make an overall assessment of the following factors relating to the child's or young person's:

- Development and behaviour
- Family
- School
- Health
- Leisure time activities and friendships and
- Other relevant factors

239. In the course of its investigations, the local authority must seek to uncover resources and problems in the child, the family and the network. In the course of its investigations the local authority must involve any professionals who already have some knowledge of the conditions of the child or young person and his/her family, for example securing the involvement of health visitors, day-care staff, psychologists, teachers or others. If necessary, the local authority must have the child or young person examined by a medical doctor or a registered psychologist.

240. The evaluation should lead to a reasoned decision as to whether there are grounds for implementing measures and, if so, the nature of such measures. The position of the custodial parent or other person having custody and of the child or young person to the proposed measures must be indicated, and so must any conditions in the family or its environment likely to facilitate a resolution of the difficulties. Investigations must be completed within four months after the local authority has become aware that a child or young person may be in need of special support. In connection with an investigation, the local authority must assess whether to carry out an assessment of any other children in the family. If it is assumed that a need for special support will arise for a child immediately after birth, the local authorities are required to look into the situation of the expectant parents.

#### Care plans

241. The Care Placement Reform places further requirements on the contents of the care plan which the local authority has to prepare on the basis of the evaluation of the child or young person's situation. This care plan must state the objective of the initiatives as well as the measures required to achieve this objective. The action plan must be based on the investigations made and set up ultimate and intermediate targets in relation to the child or young person's development, behaviour, family relations, school situation, health, leisure time, friendships and any other relevant factors. The care plan must also state the expected duration of the initiatives. In cases regarding placement, the care plan must also state the forms of support to be initiated separately for the family in connection with the child or young person's stay outside the home and in the time following the child or young person's return home. No more than three months after having initiated a measure in relation to a

child, young person or expectant parents, the local authorities are required to assess whether the initiatives need to be changed and whether the care plan needs to be revised. Following this, the local authority must make such an assessment at intervals of no more than 12 months.

242. During a period when a child or young person is placed in alternative care, the local authority must offer to prepare a separate plan for support to the parents during placement, as set out in section 140 (8) of the Social Services Act. This plan must be revised no more than three months after the child or young person has been placed in care and then at intervals of no more than 12 months.

#### Measures

243. Vulnerable children and families are different, and the solutions that may help them are also different. It is vital to look at the individual child and choose a solution that best meets this particular child's needs. The basis for this will be the thorough evaluation and the care plan containing the ultimate and intermediate targets for the effort.

244. The local authority is required to initiate special support measures where it is deemed to be of material importance, having regard to a child's or young person's special needs for care, see section 52 of the Social Services Act.

245. "Special support" is defined as the possibilities to provide help pursuant to the Social Services Act, and it includes: 1) consulting assistance relating to the conditions of the child or young person; 2) practical, educational or other support in the home; 3) family therapy or specific treatment of the child's or young person's problems; 4) residential accommodation for both the custodial parent or other person having custody, the child or young person and other members of the family, with a foster family, at an approved facility or in an institution or in an accommodation facility, 5) a relief care arrangement with a network foster family, a foster family, at an approved facility or in a residential institution, 6) appointment of a welfare officer for the child or young person; 7) appointment of a permanent contact person for the child or young person and for the whole family; 8) placing the child or young person in a care facility outside the home; 9) arrangement of in-service training of the young person with a public or private employer designed to provide counselling, treatment and practical or educational support.

246. The local authority may contribute towards the expenses associated with such measures and provide financial support where such support replaces an otherwise more restrictive and comprehensive measure, where the custodial parent or other person having custody is not in a position to do so. The local authority may contribute towards expenses incurred in seeking to prevent a child being placed in care, to accelerate the return of a child, or to promote stable contact between parents and children during a period when one or more children are placed in care.

247. Any decision regarding measures 1, 6 and 7 may be made notwithstanding that the custodial parent or other person having custody does not wish to have the specific measure implemented, in case it is considered of material importance for the child or young person's special need to receive support, and where the object of the measure is deemed attainable despite the lack of consent. Decisions regarding placement in alternative care may be made without the consent of the custodial parent or other person having custody or a young person over the age of 15.

248. Some of these measures may also be initiated in relation to expectant parents where this is deemed of significant importance for a child's special need to receive support after birth.

249. To ensure correlation between problems and the choice of initiative, it has been decided that, as a main rule, an evaluation of the child, young person and the family's situation must have been carried out before measures can be initiated.

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

250. Please refer to paragraph VI (g) of Denmark's First Periodic Report, section III, Article 21 (paragraphs 169–175) of Denmark's Second Periodic Report and paragraph VI.H. of Denmark's Third Periodic Report. In addition, the following new initiative has been initiated.

### VI.H.1. Post adoption service

251. A pilot scheme has been launched for the period 2007–2010, offering adoptive families counselling free of charge concerning the problems that may arise in the post-adoption period. The scheme, meant for all adoptive families who need to receive counselling from an adoption professional within the first three years after they have taken home an adoptive child, comprises both domestic and inter-country adoptions. At the conclusion of the pilot scheme, it will be evaluated with a view to the authorities' decision of whether to make it permanent.

### VI.H.2. Adoption in figures

252. Over the years 2005, 2006 and 2007 the number of anonymous, domestic adoptions in Denmark was 7, 14 and 16 respectively. Of these children 22 percent had a different ethnic background than Danish. Almost all the children were less than one year old.

253. In the same period, the number of inter-country adoptions to Denmark was 586, 448 and 429 respectively. The table below shows the children's countries of origin.

<i>Country</i>	<i>Bolivia</i>	<i>Bulgaria</i>	<i>Burkina Faso</i>	<i>Colombia</i>	<i>Ethiopia</i>	<i>Philippines</i>
2005	30	4	0	37	30	7
2006	22	1	0	36	38	2
2007	13	0	1	26	39	6

<i>Country</i>	<i>Guatemala</i>	<i>India</i>	<i>China</i>	<i>Korea</i>	<i>Lithuania</i>	<i>Mozambique</i>
2005	4	65	207	46	0	0
2006	1	30	157	41	1	0
2007	1	37	139	19	0	2

<i>Country</i>	<i>Namibia</i>	<i>Nepal</i>	<i>Nigeria</i>	<i>Peru</i>	<i>Poland</i>	<i>Sri Lanka</i>
2005	1	0	0	1	4	2
2006	0	0	0	3	0	2
2007	0	3	12	3	2	3

<i>Country</i>	<i>South Africa</i>	<i>Thailand</i>	<i>Czech Republic</i>	<i>USA</i>	<i>Uzbekistan</i>	<i>Viet Nam</i>
2005	46	16	13	0	1	72
2006	43	16	10	1	0	44
2007	42	31	9	0	0	54

## **VI.I. Protection etc. of children placed in alternative care (art. 25)**

254. Please also refer to paragraph VI.G.1.

255. Local authorities must carry out supervision of all children who live in their districts, including children placed in alternative care as set out in section 146 of the Social Services Act.

256. As shown in paragraph VI.G.1., a local authority must assess, no later than three months after a measure has been initiated for the care of a child, a young person or prospective parents, whether the measure should be changed and whether the care plan should be revised. Subsequently, the local authority must conduct such assessments at intervals of no more than 12 months.

257. As shown in paragraph II.D., the local authority must ensure, while a child or young person is placed in alternative care, that a staff member talks with the child or young person at least once every year during a supervision visit to the place of care.

### **Child and youth psychiatry**

258. Psychiatric care is among the Government's high-priority action areas and has been so for several years. Improvements in the psychiatric area have been considerable the past few years, underpinned, for example, by agreed psychiatric care agreements and allocations from special government funds, which have assisted the definition of clear targets and provided the resources required to achieve them. These agreements have contributed to substantial expansion of the psychiatric care system in respect of tangible facilities, treatment capacity and therapies available.

259. The Government introduced a proposed amendment to the Healthcare Act on 27 March 2008, which will implement a range of measures in the healthcare area, which are aimed, separately and together, to help create a better health service by broadening the options available to users, boosting quality and coherence of the treatments offered, putting greater focus on prevention, and supporting more efficient use of health service resources.

260. The bill proposes a stepwise introduction of more extensive rights to examination and treatment for children and young persons in the psychiatric area agreed by the majority of the political parties represented in Parliament, and it will give psychiatric patients under the age of 19 years the right to be examined at a private clinic, etc. funded by a contract with the regional authority in the cases where the regional authority of the child's residence is unable to offer examination within a time limit of two months. In addition, the bill will give patients the right to receive psychiatric treatment at such a private clinic etc. if the examination has shown that a treatment process needs to be begun quickly to avoid deterioration of a diagnosed disorder and in case the waiting period for treatment exceeds two months.

261. It is important to ensure that children and young persons get the right support and guidance while they are waiting for treatment. Ensuring psychiatric examination very soon is therefore imperative. When a child undergoes the initial examination quickly, it will be possible in the waiting period on the basis of counselling from the psychiatric unit to provide qualified support and guidance etc. from, for example, a general practitioner, the local social service or the school system, until it is possible for a child and youth psychiatry unit to commence treatment. Early examination will also ensure that the child and youth psychiatry unit can plan its treatment sequence to take account of the severity of the referred patients' diseases.

262. Against this background, the Government and most of the political parties in Parliament agreed when adopting the special allocation agreement for 2008–2011 to introduce a right to early examination and treatment in the child and youth psychiatry system. The relevant Bill has now been adopted and the mentioned right to early examination for psychiatric patients of less than 19 years of age will be introduced as of 1 August 2008 and the right to treatment will enter into force as from 1 January 2009.

#### **ADHD**

263. For many years the National Board of Health has regularly published instructions for the diagnosis and treatment of ADHD (attention deficit hyperactivity disorder) and hyperkinetic disorder, including treatment with central nervous system stimulants.

264. In spring 2006, a reference programme for ADHD was initiated with support from the Ministry of Health and Disease Prevention. Conducted under the auspices of the Society for Child and Adolescent Psychiatry, this work involves a cross-section of professionals from various specialist medical fields, the Danish Psychological Association, etc., and is assisted by consultants from the secretariat for reference programmes. The working party formulated a series of recommendations based on the available body of evidence and clinical knowledge. The report on the reference programme was published in April 2008. The reference programme work and recommendations are expected to strengthen professional quality in this field.

#### **VI.J. Child maintenance (art. 27 (4))**

265. Please refer to section VI.J. of Denmark's third periodic report. The normal maintenance contribution for a child in 2008 is DKK 1,094 a month, and parents whose annual income exceeds a certain limit (approx. DKK 350,000) have to pay a higher contribution. However, the rules take account of the number of children that the maintenance paying parent has to support. The considerations in report no. 1389/2001 of whether to raise the child maintenance contribution referred to in Denmark's third periodic report were taken into account when the Parental Responsibility Act was drafted (see section IV.B.2.a.). This did not, however, lead to any alteration of the legislation governing child maintenance. Instead, a survey will be prepared to compile existing knowledge of the financial situation of split families.

#### **VI.K. Neglect, exploitation and abuse of children (art. 39)**

266. Please refer to paragraph VI.F.

## **VII. Fundamental standards of health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27 (1–3))**

267. The following paragraphs describe the measures and the legislation that have been of relevance in the reporting period and affected children's fundamental health and welfare as secured by the UN Convention on the Rights of the Child.

### **VII.A. The child's right to childcare services (art. 18 (3))**

#### **VII.A.1. Day-care services**

268. Since 1 August 2007, the Act on Day Care and Nursery Services has provided the framework for day-care, after-school and club facilities, replacing the rules set out for these areas in the Consolidation Act on Social Services (the social services act). The new act brings together the rules for day-care, after-school and club facilities for the first time in a separate act.

269. To strengthen the individual legislative areas, the act has been divided to give each type of childcare service its own chapter, organised according to the same system. The act contains several new provisions, but also restates a number of the provisions for day-care, after-school and club facilities from the social services act and the act on children's environment in day-care facilities.

270. At present day-care facilities can be established as public day-care institutions, approved private day-care institutions (private institutions) and independent day-care institutions under an agreement with the local authority. In addition, day-care facilities can be established as public and private childminding arrangements. Day-care institutions are established in the form of crèches, kindergartens, and age-integrated institutions, while registered childminding services consist of places in private homes and other locations in the child's close surroundings that have the prior approval of the local authority for the purpose.

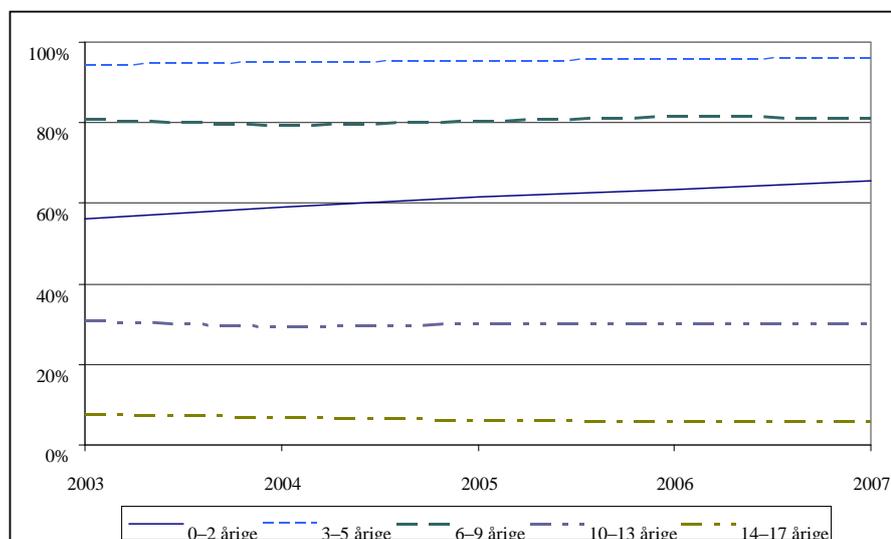
271. After-school centres can be established as public after-school centres as well as independent and private after-school centres by agreement with the local authority. Clubs can be established as public clubs, or privately run clubs under an agreement with the local authority.

#### **VII.A.2. Percentage of children admitted to day-care facilities, after-school centres or clubs**

272. As shown in Table 14, the percentage of children aged 0–2 years admitted to day-care facilities rose from 56% in 2003 to 66% in 2007. Service coverage for 3–5-year-olds rose from 94% in 2003 to 96% in 2007, while remaining unchanged at 81% for the whole period for ages 6–9. Service coverage for 10–13-year-olds also remained unchanged at 30% while service coverage fell from 8% to 6% for the 14–17 group during the period.

Table 14

**Percentage of children admitted to day-care facilities, after-school centres or clubs, start of year: 0–2 years, 3–5 years, 6–9 years, 10–13 years, 14–17 years.**



*Source:* The Social Resource Count. Statistics Denmark.

273. The average service coverage for all age groups as a whole amounted to 53% in 2007 against 54% in 2003. For children aged 0–9 the service coverage was 81% in 2007 compared with 78% in 2003.

### VII.A.3. Object of the act on day-care and nursery services

274. The act contains an objects clause relating to all childcare services encompassed by the act, and an objects clause adapted to the age group for the respective day-care, after-school and club facilities.

275. The first fundamental principle of the common objects clause of the act on day-care and nursery services is that the services should promote the well-being, development and learning of all children and young people. The socio-educational work of incorporating well-being and development into the services must therefore be planned on the basis of the children's needs and abilities. A second consideration is to give families the flexibility and freedom of choice to plan their home and work life to meet the needs of all members of the family as far as possible. A third consideration is for services to help break the spiral of a negative social legacy, thus promoting good conditions for childhood development for all children and young people as a basis for their schooling and later life. The last consideration embodied in the objects clause is to ensure the coherence and continuity of services so that children progress through a naturally connected course of learning and development.

### VII.A.4. Object of private child-minding

276. As of 1 August 2007 the act on day-care and nursery services introduced a new type of day-care service in which a private supplier can make an agreement with the local authority regarding the running of private childminding services. Private child-minding services must comply with the objects clause of the act, the requirement to draw up a socio-educational teaching plan and a child environment assessment. An agreement between a private childminding service and the local authority must ensure that parents have influence on the work with children in the private childminding service.

277. The local authority decides which private suppliers to sign agreements with and is under no obligation to enter into an agreement, even if it has previously made an agreement with a different private childminding service.

#### **VII.A.5. Combination services**

278. Many jobs entail working hours outside the norm during evenings, nights and at weekends, as well as days off on regular workdays. Day-care services thus have to be flexible and support families' opportunities to plan their work and home life according to their needs and wishes. Therefore the local authority can choose to offer a child a place in a day-care facility in combination with a financial grant to use for a private childcare service. Local authorities award grants for private childcare in combination with a day-care place on the basis of a specific assessment of whether the family has a day-care need that can be met by the so-called combination scheme. To make sure children do not spend more time in a childcare facility, the combination of a place in a day-care facility and a grant for private childcare must not exceed the equivalent of a full-time place in a day-care facility.

#### **VII.A.6. Information to the public about the services**

279. The act on day-care and nursery services obligates local authorities to publicise goals and frameworks for day-care, after-school and club services and frameworks for local authority supervision of the facilities. The local authority is also required to publish a list of all day-care, after-school and club facilities in its district as well as the grant rates for private day-care places and grants for parents wishing to care for their own children. According to the act, the local authority is also required to establish and publish all guidelines regarding day-care services. All information must be published on the local authority's website. Information about the level of day-care services must be published on the day-care service website or be publicly accessible in some other way.

#### **VII.A.7. Support for children and young people**

280. The duty of the local authority to offer support to a child or a young person is explicitly stated in the act on day-care and nursery services. This obligation applies to all children needing support who are enrolled in day care, after-school or club facilities for children and young people.

#### **VII.A.8. Evaluation and advisory unit**

281. An evaluation and advisory unit has been established for day-care services. The central evaluation and advisory unit is attached to the Danish Evaluation Institute (EVA). The unit systematically collects knowledge, analyses, evaluates and disseminates information about day-care services. Day-care services and local authorities can find inspiration and guidance about evaluation and quality development from the central evaluation and advisory unit. In addition to childcare, EVA also carries out evaluation and knowledge centre tasks for primary and lower secondary schools.

#### **VII.A.9. Language assessment of all three-year-olds**

282. As of 1 August 2007 all local authorities are obligated to offer language assessment of all three-year-olds, plus follow-up as necessary. It is up to the local authority to decide how to plan language assessment. One way is to conduct language assessment in day-care facilities, the idea being that follow-up should be an ordinary integrated element of the day-care facility's socio-educational activities. Language assessments should be a tool to turn the spotlight on and support children's language development, while helping to qualify the socio-educational approach to children and language development.

283. The local authority must make sure that parents are involved in language assessments, and advised about what they can do to stimulate their child's language development at home. The council must also draw the attention of families not using day care services to the options for enrolling their child in a day care facility.

#### **VII.A.10. Parental fees**

284. For several years the parental fees for day-care services have amounted to 33% of gross operating expenditure. In addition parents receive sibling rebates and free places based on financial and socio-educational considerations.

285. On 1 January 2007 parental fees were reduced by statutory requirement so that parents now pay a maximum of 25% of budgeted gross operating expenditure for day-care services for children from new-born to age six.

#### **VII.A.11. Better quality day care**

286. In 2006 the government and the Danish People's Party agreed to earmark DKK 400 million for an initiative entitled 'Better Quality Day Care'. Of this sum, DKK 170 million was allocated to application funds targeted at local authorities and associations that organise day-care services.

287. In 2006 organizations could apply for funding in four theme categories: 1) marginalised children, 2) management competencies in day-care facilities, 3) development of good dietary, nutritional and exercise habits in day-care facilities and 4) promotion of forest, nature and sports day-care facilities. Support for 84 projects amounting to a total of DKK 163 million has been approved.

288. The funds have a three-fold purpose: to develop new ideas and methods in the four theme categories, to assemble the knowledge and expertise generated by the projects, and to disseminate to a broader audience the experiences, methods and good practice examples gained from the projects.

#### **VII.A.12. Day-care guarantee**

289. In 2006, a day-care guarantee was introduced by law to ensure that parents are offered a day-care place for their child from the age of six months.

290. A distinction is made between two types of enrolment: a place when the child turns six months, and other situations.

291. Under the act on day-care and nursery services, parents are entitled to a day-care place for their child once he or she is six months old. However, the act specifically states that the local authority has a further four-week respite to offer the child a place in a day-care facility. In other situations, the local authority must offer a day-care place at the latest three months after the application date.

292. The childcare guarantee is a fundamental principle of the act on day-care and nursery services and applies until the child attains school age.

293. Violation of the childcare guarantee has a range of consequences for the local authority – both in relation to the particular child and its parents who were not offered a place under the guarantee and in relation to all parents whose children have places.

#### **VII.A.13. Day-care and club services across local authority borders**

294. Since 1 January 2004 all parents have had the right to choose a day-care or after-school facility in a different authority from the one in which they live. This applies from the time the parents receive notice from their residential authority of a grant towards a place in

a day-care or after-school facility in another authority. Thus it is the authority in which the child lives that pays a grant towards childcare.

295. The fee paid by parents for a day-care place in another local authority corresponds to the difference between the grant from the residential authority and the gross operating costs of the day-care service used. Thus it may be more expensive for parents to choose a day-care facility in a different local authority from the one they live in. This is because the individual local authorities are entitled to determine the service level provided by day-care facilities.

296. Since 1 October 2005, in parallel with the rules governing free choice of day-care or after-school facility in another local authority, parents have been entitled to choose a club facility in another local authority if the authority offers club facilities for the age group under the act on day-care and nursery services. If the authority does not offer such club facilities, the local authority is under no obligation to provide a grant towards club facilities in another local authority.

#### **VII.A.14. Meal schemes**

297. Since 2005 local authorities have been able to offer meal schemes in all day-care facilities for children from new-born to six and in after-school centres.

298. If the local authority decides to offer meal schemes paid for by parents, the parental boards of the facilities involved, after consulting the staff and other parents, decide whether to set up a meal scheme and how it should be organised. The scheme will depend on the conditions at the schools or centres, such as kitchen facilities and parental support.

299. It is up to the parents of children in the day-care or after-school centre to decide whether to use the meal scheme. Parents pay the expenses of the scheme. The local authority must set a ceiling on the amount parents have to pay for meal schemes.

300. The local authority can decide to offer free places under meal schemes paid for by parents.

#### **VII.A.15. Socio-educational learning plans**

301. A statutory requirement in force since 1 August 2004 stipulates that all day-care facilities and after-school centres must prepare a written socio-educational learning plan. The plan must be prepared for the 0–2 age group and for children from age three until they start school. The socio-educational learning plan must provide scope for children to play, learn and develop at day-care and after-school facilities. The preparation of the socio-educational learning plan must take the composition of the group of children into consideration.

302. The learning plan must describe the day-care facility's learning goals relative to six centrally established themes: all-round personal development, social skills, language development, body and movement, nature and natural phenomena, and cultural expression and values.

303. The socio-educational learning plan must describe relevant teaching methods and activities that will be launched to achieve the goals as well as how the learning plan will be evaluated.

304. The learning plan must indicate with relevant teaching methods, activities and goals will be established and initiated for children with special needs.

305. A socio-educational learning plan for registered childminders will be prepared for all homes providing childminding services or for all districts affiliated with the registered childminding service.

306. Parental boards must be included in the preparation, evaluation and follow-up of the socio-educational learning plan.

#### **VII.A.16. Private institutions**

307. Since 1 October 2005 private suppliers have been able to open and run day-care facilities as private institutions provided they meet local authority approval criteria.

308. The introduction of this option to establish a new type of day-care institution has strengthened parental freedom of choice.

309. Local authorities have to approve whether private suppliers live up to the quality requirements set centrally and locally for day-care facilities.

310. Local authorities must regularly inspect institutions to ensure that they continue to meet the original approval criteria. Private institutions are not covered by the ordinary rules governing parental fees; they determine parental fees themselves. A local authority may grant an operating subsidy to a private institution if the institution wishes to be responsible for its own operations.

311. Under the act on day-care and nursery services, independent day-care institutions have been granted the statutory right to an administration subsidy if the institution wants to be responsible for its own operations.

#### **VII.A.17. Child environment assessment**

312. Effective 1 January 2007, all day-care and after-school facilities have been required to prepare a written child environment assessment mapping out the physical, psychological and aesthetic conditions of the children's environment at the facility. The assessment should describe any problems related to the children's environment and contain an action plan.

313. The children's environment should be evaluated from the child's perspective and, depending on the age and maturity of the children, the way children experience the environment should be incorporated. Parental boards must be included in the work of evaluating the children's environment.

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

314. As a general principle, Denmark strives to give physically and mentally disabled children as normal a life as possible and to help their parents in this endeavour. Please refer to Denmark's first periodic report from 1993, paragraph VII (b). The following paragraphs account for the development of the services available to disabled children in the reporting period for 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 caring for a disabled child at home.

#### *Disabled children in day care*

315. Local authorities have to provide day-care services for 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 child-minder. Local authorities may also set up disability groups in regular day-care centres or establish a joint local authority institution. In addition, local authorities have to provide the necessary number of places in special day-care facilities for children with a significant and permanent physical or mental impairment whose special support and treatment needs cannot be met by placement in a regular day-care facility. The local authority also has to provide the

necessary number of places in special club facilities aimed at older children and young people with a significant and permanent physical or mental impairment whose special support and treatment needs cannot be met by placement in a regular club facility for the age group. The development in the number of children registered in special day-care services is shown in the table below.

316. The residential authority makes decisions regarding admission to special day-care or club facilities. Attendance at a special day-care or club facility is free of charge for children and young persons with a significant and permanent physical or mental impairment whose treatment needs are the exclusive or chief reason for being admitted.

#### **Children with a place in a special day-care or club facility**

	<i>0–2 years</i>	<i>3–5 years</i>	<i>6–9 years</i>	<i>10–13 years</i>	<i>14 years and over</i>	<i>Total</i>
2003	148	754	413	81	126	<b>1 522</b>
2004	185	855	278	97	375	<b>1 790</b>
2005	129	871	318	121	315	<b>1 822</b>
2006	212	834	309	109	496	<b>1 960</b>

*Source:* The Social Resource Count.

317. The government is considering consolidating all the regular and special day-care services in a single act in order to ensure genuine equality between the facilities and the services offered.

318. The government has also introduced a bill for support to parents of disabled children that provides for these children to receive education and training in their home. According to the bill, the child must be involved in the decision.

#### *Loss of earnings and extra expense allowance*

319. Depending on circumstances, 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 will qualify for an extra expense allowance and compensation for loss of earnings. The number of parents receiving these allowances is shown in the table below.

	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Extra expense allowance	31 741	30 136	31 367	31 777	32 555
Loss of earnings	14 912	14 614	15 036	15 786	16 607

*Source:* Statistics Denmark, 2006. Number of parents receiving assistance to cover extra expenses of providing for a disabled child at home and loss of earnings.

320. With effect from 1 January 2003, a number of financial improvements have been introduced for parents receiving compensation for loss of earnings because they care for a disabled child at home.

321. According to this provision, parents who receive compensation for loss of earnings for this reason will also receive contributions to a pension plan, and are also covered by the Act on the Labour Market Supplementary Pension. The rules on qualification for and payment of holiday allowances to people receiving 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 are not entitled to unemployment benefits.

322. A 15% pension allowance is considered to be the employer's contribution for central government employees with a public service pension receiving compensation for loss of earnings. This provision entered into force on 1 November 2007.

*Personal attendants for young people*

323. The government is currently evaluating whether there is a basis for introducing new personal attendant measures for young people.

*Primary and secondary school*

324. All children of compulsory education age have a constitutional right to receive education, including special education and other special measures to help children and young persons whose development calls for extra initiatives and support.

325. To underpin equal education opportunities for all, Parliament has adopted an act on post-secondary education and training for young people with special needs. The act, which took effect as of 1 August 2007, puts young persons with a mental disability or special challenges on a par with other young persons, thus ensuring that all young people are offered the possibility of completing a post-secondary programme.

326. The group targeted by the Act comprises young persons with a mental disability or other young persons with special challenges who are 16–25 years old. The group of other young people with special challenges includes those with severe motor disabilities, those with multiple disabilities, those suffering from autism, ADHD or other psychological problems and young persons with acquired brain damage. The programme provided is only available to the young people who are unable to complete any other post-secondary programme even if granted extra educational support.

327. The objectives defined for the special post-secondary programme is to ensure that young people with a mental disability or special challenges will acquire personal, social and professional skills for the best possible degree of independent and active participation in adult life and, if possible, opportunities of further education and employment. The post-secondary programme will mean a new beginning in a young person's life with opportunities to test skills and potential. At the same time, it will lead to affiliation with a youth environment that may offer new social experience.

328. Education plans for the young persons will be prepared in connection with an evaluation process carried through in cooperation with the young persons and their parents. The young persons' and the parents' wishes must be given substantial weight. The three-year education plan will take account of the young person's qualifications, maturity and interests.

329. The programme consists of:

- A general education element targeted at the student's personal and social development
- A specific, focused element that will support the development of the student's interests, abilities and unique skills
- A practical training element designed to develop and test the student's potential outside the education environment
- Careers guidance

330. Sport as a leisure activity for children and young persons with disabilities is frequently associated with a number of special problems that require a variety of available sports. Therefore, the special development fund of the Ministry of Culture “Children and Young People on the Move” has granted money towards ‘Sports schools for children and young persons with disabilities’. The project, which had been developed by the Danish Disability Sports Federation, had two goals: 1. To implement sports schools during the school summer holidays over a three-year period; 2. In extension of that initiative to establish access to sports in collaboration with leisure institutions and sports clubs.

*Post-secondary education*

331. The acts regulating the particular post-secondary education programmes contain provisions according to which students who need it are entitled to special education and other educational measures. In addition, the Vocational Training Act imposes a duty on colleges to offer students who need it social and psychological counselling and to make contact teachers and mentors available to such students.

*Careers Guidance*

332. Please refer to the description of the guidance area under Article 28.

*Educational bachelor's degree programmes*

333. 1. *The teacher training programme*: No explicit requirements have been defined for the teacher training programme in the area of teaching children with disabilities. Please refer to Article 28, however, in respect of special educational measures.

334. 2. *The social education programme*: The social care side of education, such as care of children with disabilities, is part of the social educator degree programme. Students have to specialise in one of three functions or areas of work, one being “Persons with functional impairment”. The central knowledge and skills areas comprised by “Persons with functional impairment” are:

- (a) Perspectives on the person, learning and development in relation to specific considerations of didactics and methodology;
- (b) Users’ life conditions and well-being in relation to cultural, institutional and societal circumstances;
- (c) Functional impairment and potential life situation;
- (d) Inclusion and exclusion;
- (e) Care, authority and relationship formation;
- (f) Collaboration with users, their nearest-ones and professionals;
- (g) Activities and opportunities for the group of users;
- (h) User involvement and rights;
- (i) Statutes, conventions and rule sets of particular importance for the group of users, including central goals of disability policy;
- (j) Compensation options;
- (k) Communicative processes and alternative forms of communication;

335. Another area in which students may specialise is “Children and Young Persons”. In this area one of the central knowledge and skills areas is “Vulnerable children and young persons and children and young persons in special need of educational care and support.”

## VII.C. (Article 24)

### *The fight against smoking among children and young people*

336. Pursuant to Act no. 512 of 6 June 2007 on Smoke-Free Environments, children and young people are not permitted to smoke at children's institutions, schools, accommodations, etc., whose chief users are children and young people under the age of 16. The prohibition applies to the entire premises of private as well as of public institutions. To prevent adults' smoking habits from affecting children's behaviour, teachers, social educators, parents and others present at the institutions are permitted to smoke only if the decision to set up a designated indoor smoking area is made. According to Act No. 536 of 17 June 2008, the age limit for permitted tobacco purchasing has been raised from 16 to 18 years of age.

### *Improving children's physical activities*

337. Throughout 2007 the nationwide event 'Denmark in motion' put the spotlight on physical activity. The primary objective was to motivate the population to exercise more and to spread knowledge about the health benefits of physical activity. All Danes were in the target group for "Denmark in motion", but special attention was focused on children and young people. The National Board of Health has been running its nationwide 'Get Moving' campaign since 2005. The aim is to make people aware that children should exercise 60 minutes a day. This year the campaign targeted the 10–18-year-old age group, with a special focus on transport. The 2005–2008 special funding agreement in the health sector encompassed a call to intensify measures aimed at preventing obesity among children and young people – including the prevention of physical inactivity. DKK 83 million was earmarked for the effort.

### *Obesity*

338. In 2003 the National Board of Health released its 'Discussion paper for a national action plan against obesity – proposed solutions and perspectives', which proposes activities under both public and private auspices that can prevent overweight among children and young people. The plan was followed up with a wide range of initiatives, both under state auspices and through numerous regional and local activities, often conducted jointly with several players. Because nutrition, physical activity and psychosocial aspects play a central role in overweight, the initiatives include efforts targeted at all three areas – collectively and individually. The activities, which target the population in general as well as children's and education institutions, also aim to increase the qualifications of healthcare staff and other relevant professionals.

339. Many of the interventions aimed to prevent overweight are based on "best practice", there being a lack of empirical evidence about prevention methods at the population level. The findings indicate that when working to prevent overweight it is a good idea to intervene at an early stage and to aim for a long-term effort. It is important that the goals set are realistic, that the entire family is on board and those children do not have to lose weight but rather 'grow out of their overweight'. Finally, initiatives to prevent overweight among children and young people should be organised cross-sectorally. The interventions and services should be offered as part of a multidisciplinary effort to ensure that the nutrition, activity and psychosocial aspects are considered. All three aspects are requirements tied to obtaining support from the Government's special funds for 2005–8 targeted at local authority initiatives for preventing and treating overweight in children and young people.

340. According to recent studies, about two-thirds of local authorities have set up or are in the process of setting up an overall health policy (2006), while about 65% have adopted or are working to adopt a nutrition policy, and about 45% already have or are developing an

exercise policy (2007). Further, efforts to make the healthy choice the easy choice are continuing – including measures to make healthy food more accessible, to create a framework for promoting physical activity and to carry out citizen-targeted campaigns focusing on children’s intake of sugar-sweetened beverages and the health consequences of overweight.

## **VII.D. Social security (art. 26)**

### **VII.D.1. Child allowance**

341. The Act on Child Allowances and Advance Payment of Child Maintenance, i.e. Consolidation Act No. 909 of 3 September 2004 as subsequently amended (Lov om børnetilskud og forskudsvis udbetaling af børnebidrag) provides for the payment of a variety of child allowances for special groups of children. Please refer to Denmark’s first three periodic reports for details of the most important changes that have taken place in the area through the reporting period.

342. Child allowance is paid in respect of children under 18 provided a number of conditions have been met.

#### *Types of child allowance*

343. Ordinary child allowance amounts to DKK 4,428 annually for each child (2007 figure). Paid to, among others:

- Children of single parents
- Children both of whose parents receive pensions under the Act on Social Pensions

344. Extra child allowance amounts to DKK 4,504 annually.

345. Paid when ordinary child allowance is paid to children of single parents, and the child lives with the holder of custody. One extra child allowance only is paid, regardless of the number of children.

346. Special child allowance amounts to DKK 11,304 annually for each child (means-tested). Paid to, among others:

- Children where one or both parents receive old-age pension, if the parent receiving pension receives child support from the other parent
- Children where one or both parents have been awarded voluntary early retirement pensions before 1 January 2003 (but not if the parent receiving pension receives child support from the other parent)
- Children whose paternity has not been established
- Children who only have one living parent
- Children who, after the death of the holder of custody, are adopted by the former holder’s spouse or by a single person

347. For children whose parents have died, the amount of special child allowance paid out is DKK 22,608 annually for each child.

348. For children whose parents have died, the supplementary special child allowance paid out is DKK 1,452 annually for each child.

- Children where both parents receive social pension (but not if voluntary early retirement pension was awarded after 1 January 2003)

- Children whose paternity has not been established
- Children who only have one living parent
- Children who, after the death of the holder of custody, are adopted by the former holder's spouse or by a single person

349. For children whose parents have died, twice the amount of special supplement is paid for each child, i.e., DKK 2,904 annually.

350. The allowance for student parents (on certain conditions) amounts to DKK 5,808 annually.

351. Multi-birth allowance amounts to DKK 7,292 annually for each child in addition to the first child.

- Paid when twins, triplets, quadruplets, etc., are born/adopted until the children turn seven

*Adoption allowance*

352. A lump sum of DKK 42,007.

- Paid to parents who adopt a child from another country. The adoption must have been arranged by an authorised organization

*Significance of parents' income*

353. The allowances are not means-tested. However, the special child allowance is reduced if one or both parents receive a social pension, and the supplementary pension is discontinued because the pensioner has other sources of income.

*Family allowance*

354. A non-means-tested family allowance is paid to families with children under the age of 18.

Rates, 2007	Annual amount
0–2 years	DKK 13,682
3–6 years	DKK 12,552
7–17 years	DKK 9,876

*Payment*

355. The family allowance, which is tax-free, is paid quarterly in advance on the 20th of the first month of the quarter by the Central Tax Administration. The first payment is made in the quarter following the birth of the child. The local authority pays the allowance direct to the child if this is considered to be in the child's best interests.

**VII.D.2. Integration of vulnerable young people into education and employment**

*Working group on maladjusted youth*

356. The Government appointed an inter-ministerial working group in January 2008, charged with analysing problems in the integration area on a continuous basis and submitting proposals to the Government for new initiatives concerned with issues such as employment, education deprived neighbourhoods and social integration.

357. The first report to be presented by the working group will deal with marginalised immigrant children and young people, specifically children with an immigrant background who have difficulties coping in the education system and the job market. The working group has focus on the following four general areas: immigrant children and youth with weak academic performance; socially vulnerable immigrant children and young people; young people on the fringe of the labour market; and isolated immigrant women. The report is intended to illustrate the circumstances and features that characterise marginalised immigrant children and young people and factors that may account for their marginalisation. In addition the report will document the current measures in operation to counter marginalisation of immigrant children and young people.

358. The report will also present recommendations for new government initiatives and an inspirational file of successful initiatives and projects to be used by authorities, institutions, associations and housing organizations.

*Special allocation for help with homework*

359. The Government has allocated funds of DKK 1.5 million in 2008 to be spent on programmes to help children with their homework.

360. The Homework Help Allocation has two overarching focus areas:

- Strengthening the academic and social competencies of a bigger group of young immigrants through help with their homework, thus enabling them to finish secondary school with the academic skills needed to complete a post-secondary education programme
- Collecting the experience gained from homework help programmes and communicating it to other potential providers

361. The programme is targeted primarily at immigrant children and young persons in primary and secondary education. An alternative target group is regional and local authority departments, school principals, teachers, social educators and parents. The Integration Ministry emphasises the need to ensure a holistic approach that will involve all relevant actors.

362. When applications are invited for the 2008 allocation, the Integration Ministry will attach importance to the following action areas in particular:

- Involvement of immigrant parents in providing homework help
- Expansion of operating homework help programmes (such as homework help schemes in sports clubs, youth clubs, etc.) in order to present homework help as a particularly attractive offer to the target group – especially boys who have not previously accepted a homework help offer

## **VIII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **VIII.A. Schooling of children placed in alternative care (art. 28)**

363. To ensure greater focus on the schooling of children and young persons who are placed in care, a requirement has been established, as mentioned in paragraph VI.G.1., that the child's school situation must be considered in the assessment and be dealt with in the care plan.

364. To ensure that a child or young person does not experience periods without any schooling in connection with placement in care, it is a requirement that the child's

schooling must be taken into account at the same time as the place of care is chosen. This requirement was introduced with the adoption of Act No. 1442 of 22 December 2004 (the Care Placement Reform).

365. The goal of this legislative amendment is to ensure timely planning of the child or young person's future schooling, and to provide a possibility to see the choice of schooling in the context of the choice of the place of care. It may play a role, for example, that there is a regular school near a place of care at which it is estimated that the child will have a constructive period of schooling, academically and socially.

#### **VIII.A.1. Fund for special programmes for children and young people**

366. A government target for 2015 is to see 95% of all young people complete a programme of post-secondary education. A central means of achieving the goal of equal opportunities for everyone in society is thus for more young new Danes to complete post-secondary education. In 2008, DKK 10 million was allocated to special schemes for children and young people. The intention is for more young new Danes to complete an educational programme that gives them the vocational qualifications needed to find permanent employment.

367. The fund objective has four levels: day-care centres, primary and secondary school, post-secondary education and preparatory general adult education.

368. The special schemes provide support to projects aimed at strengthening students' academic and social competencies at one of the four levels, and to applicants making targeted efforts to better integrate the various stages of a student's education by launching projects to help bridge the four levels.

369. In the 2008 application rounds, the ministry will, however, attach special importance to the following key focus areas:

- Involving parents of immigrant background proactively in their children's course of education and choice of educational programme and vocation
- Developing a school management strategy to implement targeted initiatives for bilingual students
- Reinforcing how school managers, pre-school teachers, teachers and advisors regard the resources of bilingual students

#### **VIII.A.2. Fund for voluntary integration work and sports and community organizations**

370. In 2008 the government earmarked DKK 10 million for measures encouraging people from non-Danish ethnic backgrounds to act as volunteers and leaders in sporting activities and community organizations and measures supporting activities to increase the participation of children from different ethnic backgrounds in sports and local organizations.

371. The fund for voluntary integration work and participation in sports and community organizations has two overarching priorities:

- Involving young people, adults and parents of non-Danish ethnic origin in sports and community organizations. The goal is to urge individuals from this group to become volunteers and leaders/trainers in sports and local organizations on a par with ethnic Danes
- Encouraging children and young people of non-Danish ethnic origin to become active members of sports clubs and other organizations. The goal is for members of

this group to take part in these activities on an equal footing with their ethnic Danish peers

372. The fund's primary target group is children, young people and adults from non-Danish ethnic backgrounds who are not involved in sports activities or community organizations and young people, adults and parents who either are not volunteers or play no parental role in the activities in which their children engage.

373. The fund's secondary target group is sports clubs and local organizations, ethnic minority associations, voluntary social organizations, schools, local authorities and others. The ministry stresses the importance of incorporating the core competencies of these players in the initiatives concerned.

374. In the 2008 application rounds, the ministry will, however, attach special importance to the following key focus areas:

- Actively including volunteers and parents of different ethnic origin in sports and community organizations through introductory and retention programmes
- Involving young people from non-Danish ethnic backgrounds as volunteers rather than as members
- Integration work conducted through sports activities and community organizations can be facilitated by drawing on the resources of ethnic minority associations and local authorities to help coordinate and strengthen initiatives aimed at recruiting and retaining two groups: children and young people of non-Danish ethnic origin as members, and young people and adults, including parents, as volunteers.

#### *Primary and secondary school*

375. To ensure that all students benefit sufficiently from their school years, in recent years the government has taken a series of initiatives to strengthen academic performance in Danish primary and lower secondary schools. For example, Danish primary and secondary schools (Folkeskolen) have introduced nationwide tests and personal learning plans for students as a tool to help teachers provide differentiated teaching. Furthermore, the objects clause of the Primary and Secondary School (Folkeskole) Act has been formulated to reflect more succinctly the aim of giving students the necessary skills and knowledge, including the ability to complete a course of further education.

376. Surveys have shown that bilingual students academically perform more poorly than their ethnic Danish classmates. The education system is focusing intensely on this troubling finding, and a host of initiatives have been taken to address the problem.

377. In support of the recently adopted reforms, DKK 70 million was earmarked for the period 2007–2009 for the continuing education of teacher training and social education instructors. These reforms have improved bilingual student teaching, and new IT-based language screening tools have been introduced to help teachers assess students' needs for Danish as a second language.

378. The Ministry of Education has also implemented a comprehensive project, 'It works at our school!', which identifies which schools with a large bilingual student population have established successful integration programmes, for example. The project is expected to provide ideas for helping bilingual students learn Danish alongside the academic content of all subjects and thus improve their academic performance.

379. It has been decided to set up an advisory unit regarding the teaching of bilingual students. The unit will assist local authorities and schools in their efforts to help bilingual students gain greater benefit from their schooling. Initiatives have been taken to strengthen cooperation with parents of bilingual students, as surveys have shown that this cooperation

is vital for development and learning processes in this student group. The initiatives include outreach parental advisors and courses of learning courses for bilingual parents. Information materials will also be developed in different languages explaining how parents can support their children's development and education.

380. The aim of the initiatives is to promote equal educational and employment opportunities for bilingual and ethnic Danish citizens.

381. Initiatives ensuring education for everyone also comprise the post-secondary education programmes mentioned above for young people with special needs.

#### *Post-secondary education*

382. In April 2006 the government published its globalisation strategy based on the work of the Globalisation Council. In 2007, 95% of a class year of teenagers embarked on a programme of post-secondary education, with barely 82% completing it. The target for 2015 is to see 95% of a class year complete a programme of post-secondary education.

383. Following up on the globalisation strategy and the welfare agreement of 2006, several changes to the Vocational Training Act were implemented and adopted in June 2007. The changes were intended to streamline and simplify the overall system of vocational youth training programmes. Current legislation combines vocational education and training programmes, the basic social and healthcare training programmes, and agricultural training programmes in a single act, which allows for simple, dynamic, target-oriented framework management.

384. In 2006–2007 the Ministry of Education worked with the Ministry of Refugees, Immigration and Integration Affairs to establish a task force as part of the 'We need all young people' campaign to help vocational schools retain bilingual students. Compared with their ethnic Danish peers, these students are at greater risk of dropping out of a post-secondary education programme.

385. Another project launched in 2007 was the Ministry of Education's mentor scheme for young people following the basic courses of vocational training. The scheme is an attempt to increase the percentage of young people completing these programmes by giving potential dropout students better opportunities for completing their education. The mentor scheme uses students with added resources as role models for other young people.

#### *Careers guidance*

386. In April 2003, the Danish Parliament adopted the Act on Education and Careers Guidance, thus launching a counselling and guidance reform in Denmark. The two overarching goals for careers guidance in this area remain:

- Careers guidance should give *young people* an adequate basis for making realistic choices of education and vocations that match their potential
- In terms of *society*, careers guidance should underpin the collective goals of well-educated citizens and high employment

387. Furthermore, counselling should be specifically targeted at young people with a special need for guidance choosing their education and vocation and support the goals of lifelong learning and a stronger culture of independence.

388. The Education and Careers Guidance Act also contains provisions requiring local authorities to conduct outreach work in respect of *all young people* who find themselves in an unsatisfactory educational or employment situation after leaving school.

389. Since the counselling and guidance reform was implemented the Ministry of Education has been launching initiatives that comply with Article 28 of the Child Convention on making educational and vocational information and guidance available and accessible to all children in order to prepare them for a working career. The ministry has:

- Established 45 careers guidance centres, anchored in local authorities, to advise children and young people in the transition from lower secondary to post-secondary education, known as Youth Education Counselling Centres (UU centres)
- Established seven regional careers guidance centres to advise young people in the transition from post-secondary to higher education, known as regional higher education and careers guidance centres
- Established an electronic advisory portal for teaching professionals, children, young people and parents: <http://www.ug.dk/>
- Set rules for establishing a mentor scheme for young people in the transition from lower secondary to post-secondary education who can be expected to have difficulty starting or completing a post-secondary education programme
- Organised the publication of the booklet *Young People on the Move*, which is available in the seven most common immigrant languages as well as Danish and briefly informs children and parents about educational opportunities in Denmark.
- In collaboration with Disabled People's Organizations Denmark and the Equal Opportunities Centre for Disabled Persons, developed an Internet portal providing information about accessibility to education in the broadest sense: <http://tilgaengelighed.emu.dk/>
- Established an Internet portal containing a database of information about conditions for physical accessibility at educational institutions: <http://vejviseren.emu.dk/>

#### *Educational bachelor's degree programmes*

390. 1. *The teacher training programme:* During their education, student teachers are required to work with disadvantaged children and the related issues of preventing child abuse and neglect in general. The pedagogical subjects of the teacher training programme must also qualify teachers to work with children of non-Danish ethnic origin as well as social education problems. Student teachers must develop skills for teaching in culturally diverse primary and lower secondary schools. The curriculum consists of cultural theory as well as theories of and research into identity development and learning in children and young people from different social and cultural backgrounds. Students work with theories of multicultural background, social integration, cultural encounters and intercultural education. They are also required to become competent in creating, maintaining and leading inclusive groups, including particularly vulnerable groups of children. The curriculum also provides instruction in the purpose and significance of social education to learning, cultural education and social integration; differentiated teaching; guidance and methods for identifying conditions that perpetuate inappropriate responses and actions; and observation, description and analysis of interaction and development potential. Students can also elect to qualify themselves to teach students with Danish as a second language.

391. 2. *The social education programme:* The social education programme includes 'Danish, culture and communication' as a compulsory subject intended to give students insight into how culture, communication and language influence identity formation, cultural understanding and expressive skills. The subject should also provide a basis for working with forms of cultural and linguistic expression to help support children's development and ability to be an active member of cultural communities. The central knowledge and skills areas of the subject include:

- Language development, including language function, content and form, bilingualism, learning a second language and children with special needs
- Cultural concepts, including aesthetic, anthropological and cultural processes, cultural encounters and cultural diversity

392. The core programme subject, 'Social education', is a central knowledge and skills area including:

- Life circumstances, life styles and identity, including ethnicity, generation, gender, etc.
- Cultural understanding, cultural analysis and cultural conflicts

393. The specialist subject 'Children and young people', see above, is a central knowledge and skills area including the living conditions and wellbeing of children and young people, including neglect and bullying in relation to cultural, institutional and social conditions.

394. The Ministry of Education also works with the Ministry of Refugees, Immigration and Integration Affairs on intensifying efforts to recruit bilingual young people and young people of non-Danish ethnic origins to the social education and teacher training programmes. The two-fold aim is to ensure that teaching staff reflect the composition of the population and to enhance the cultural diversity of the teaching body.

## **VIII.B. The objective of education (art. 29)**

### **VIII.B.1. Gender roles and equality**

#### *Gender roles at nursery schools*

395. The Minister for Gender Equality has initiated a project with focus on getting girls and boys in nursery schools to play and learn about gender roles.

396. Based on a study of the expectations girls and boys are met with from nursery school staff and of the ways that girls and boys play at nursery school, the Ministry has published an inspirational guide to pre-school education staff, giving them advice on how they may to a higher degree integrate gender and gender equality aspects in their educational work.

397. In addition, a children's book written for this purpose may be used by nursery schools to start talks with the children about their ideas of how boys and girls are supposed to behave.

398. In 2008, the guide and the book were sent free to all the country's nursery schools and to organizations, professional magazines and other groups who work with pre-school children. In connection with the distribution of the material, there was extensive debate in national media on pre-school children's perception of gender roles.

399. The effect of the material and the use of the guide and book by nursery schools will be subjected to evaluation after one year (early 2009).

#### *Young people's choice of education and job*

400. In Denmark the rates of girls and boys who take further education are the same, with the trend being that girls stay in the education system to a higher degree than boys. However, girls' and boys' choice of career is distinctly gender-induced.

401. Therefore, in 2006, the Minister for Gender Equality set up a website (www.lige-frem.dk) aimed to raise awareness about gender-dependent education preferences, encouraging young people to focus to a higher degree on their competencies rather than their gender when choosing education and career. The website has been designed for parents, careers guidance officers and young people themselves, and presents examples of young people who have made untraditional choices, quizzes, power point presentations for parents' meetings and feature days at schools, etc. The site is renewed on an ongoing basis and has approx. 10,000 visits a year on average out of a target population of approx. 70,000. In 2007 and 2008 the Equality Department has distributed material to attract attention to the website.

#### *Youth and modern gender roles*

402. Studies show that despite their equal opportunities for schooling, leisure activity, choice of education, etc., boys and girls choose different sports, eat different foods, have different perceptions of their own bodies and have different patterns of misuse, for example.

403. Against the background of several national studies, the Minister for Gender Equality has spotlighted girls and boys in respect of:

- Self perception, including well-being and pornofication of mass culture (2005)
- Violence – among young people and in the family (2004)
- Diet, leisure activity, including sports and exercise, alcohol, smoking and other types of misuse (2003)

404. For each focus area a teachers' guide and a debate magazine, based on qualitative and quantitative studies, have been distributed to all schools in the country. The effect of the communication of the mentioned studies has not been measured but the demand for and use of the material have been substantial and feedback from teachers has clearly demonstrated a need for material about these areas targeted at young people.

405. Particularly the material about pornofication of the public space and violence among young people and in the family has been in demand because teachers have found it difficult to address such difficult themes otherwise. As a follow-up initiative a new study has been conducted specifically of girlfriend/boyfriend violence. The Minister for Gender Equality plans to publish a new debate magazine in the course of 2008 based on the last study. Its key focus will be on ways to break the spiral of violence among the very young.

#### **VIII.B.2. Primary and secondary school**

406. Health improvement is a focus area of the work to enhance the development of Danish children. The Ministry of Education has urged local authorities, schools and other relevant bodies to target efforts in this area. A number of initiatives have been taken to this end, including increasing the recommended number of physical education lessons for sixth graders by one (a goal of the national pilot programme 'A healthier lifestyle'), distributing guidelines to schools, and amending targets for physical education teaching where stricter requirements for teaching children about physical fitness and physiological knowledge are expected.

407. To strengthen children's capacity to become responsible citizens able to take active part in a democratic society and promote respect for human rights, the Ministry of Education has published *Teaching democracy: inspiration for primary schools and youth education programmes*. The publication is intended to give teachers and youth leaders ideas for working with democracy in the teaching context and covers the following topics, among others:

- Inspiration for how teachers and youth leaders can raise students' awareness of democracy and democratic values
- A catalogue of examples from primary and lower secondary schools, vocationally oriented youth education programmes and upper secondary programmes that have focused on democracy and democratic values in the teaching context
- Specific examples of how schools and educational institutions have worked with democracy in their teaching

*Post-secondary education programmes*

408. The objects clause of the Vocational Training Act summarises various factors typical to the vocational education system. For example, these provisions state that the programmes should give young people a basis for practising a trade relevant to the labour market, encourage young people to take an education and offer all young people who want to take a vocational training programme a proper opportunity to choose from a wide variety of programmes. The vocational education system should also be geared to developing students' desire and ability to participate actively in a democratic society and to stimulating their personal development.

409. It should be noted that the objects clauses of the act on the upper secondary school leaving examination, the act on the higher commercial examination and higher technical examination, and the act on the higher preparatory examination state that the programmes should 'help to develop students' desire and ability to take an active part in a democratic society', and that teaching should be based on intellectual freedom, equality and democracy. The purpose is thus to instil in students a respect for the integrity of the individual, which includes combating racism and gender discrimination.

*Educational bachelor's degree programmes*

410. 1. *The teacher training programme:* The teacher training programme is intended to give student teachers insight into the development of students' needs, aptitudes and development potential and conditions. The subject 'Christianity/civics/citizenship plays a central role in the new teacher training programme, dealing with such key themes as the history of ideas, ethics, democracy and citizenship. The curriculum includes: the European humanist tradition; fundamental ethical concepts; the consideration of religious, cultural, ethic and existential issues at the interface between tradition and modernity and in the encounter with other cultures; the meeting of cultures and religions at school; key values for democratic citizenship such as tolerance, authority, equality, freedom and brotherhood; democracy and citizenship in an ideological and historic perspective; identity-related aspects of citizenship, including cultural, religious and existential issues. Student teachers also receive instruction in 'Citizenship at school' both as a subject, a dimension of various subjects and the foundation of school culture.

411. Children's physical health is another topic on the teacher training programme, included particularly in the main subjects domestic science and physical education, but also in science subjects:

- Physical education lessons should promote children's general health and an understanding of their physical development, activity and health; and teach them all-round physical and athletic skills
- Domestic science teaching is based on ways of addressing problems related to food, mealtimes, housekeeping and our consumption in relation to nature, culture and society, the primary aim being to promote health and quality of life both for the individual and for others

- Science subjects include instruction in the body and its functions and human health in relation to lifestyle, standard of living and quality of life

412. 2. *The social education programme*: The objects clause of the Act on the Social Education Programme stipulates that the programme must qualify students to communicate societal objectives and values to everyone, irrespective of linguistic and cultural background, and it must promote students' ability to play an active role in a democratic society. The subject 'Social education' includes central knowledge and skills areas such as 'Ethics, aesthetics, values, the philosophy of man and understanding democracy in social education work'. The subject 'Individuals, institutions and society' teaches students to understand 'the importance of social and institutional contexts for the individual ... and the role of the social education profession in a democratic society'.

#### *Teaching democracy in general*

413. A Danish 'democracy canon' describing 35 milestones in the history of democracy has recently been published. The milestones are a selection of key events, philosophical currents and political texts that have influenced the development of Danish democracy. The democracy canon is intended to provide inspiration for a discussion and understanding of the conditions for modern democracy in Denmark. The democracy canon has been distributed to all Danish educational institutions where it can be used for teaching democracy. The Danish version can be read online at <http://pub.uvm.dk/2008/demokratikanon/>, and an English translation is expected in the near future.

#### **Data**

414. The development in pupils/students in the Danish education system over a ten-year period, by ordinary educational programme.

#### **The Danish pupil and student population: increases in number of pupils and students enrolled in and completing educational programmes**

	<i>Population</i>			<i>Admissions</i>			<i>Completed programmes</i>		
	<i>1996</i>	<i>2005</i>	<i>Diff.</i>	<i>1996</i>	<i>2005</i>	<i>Diff.</i>	<i>1996</i>	<i>2005</i>	<i>Diff.</i>
	<i>Number</i>	<i>%</i>		<i>Number</i>	<i>%</i>		<i>Number</i>	<i>%</i>	
<b>Total</b>	<b>1 015 305</b>	<b>1 155 725</b>	<b>13.8</b>	<b>232 838</b>	<b>238 159</b>	<b>2.3</b>	<b>208 091</b>	<b>212 096</b>	<b>1.9</b>
Primary and lower secondary school <sup>1</sup>	609 888	712 065	16.7	62 680	67 034	6.9	94 742	92 742	-2.2
<b>Post-secondary programmes, total</b>	<b>219 330</b>	<b>236 003</b>	<b>7.6</b>	<b>103 700</b>	<b>100 390</b>	<b>-3.2</b>	<b>71 466</b>	<b>61 969</b>	<b>-13.3</b>
Upper secondary	107 190	106 492	-0.7	42 375	40 672	-4.0	35 573	33 062	-7.1
Vocational training	112 140	129 511	15.5	61 325	59 718	-2.6	35 893	28 907	-19.5
Non-qualifying education programme	20 538	3 989	-80.6	16 840	9 743	-42.1	10 320	12 752	23.6

	Population			Admissions			Completed programmes		
	1996	2005	Diff.	1996	2005	Diff.	1996	2005	Diff.
	Number	%		Number	%		Number	%	
<b>Higher education programmes, total</b>	<b>165 449</b>	<b>203 668</b>	<b>23.1</b>	<b>49 618</b>	<b>60 992</b>	<b>22.9</b>	<b>31 563</b>	<b>44 633</b>	<b>41.4</b>
Short-cycle higher education programme	13 689	18 508	35.2	7 452	8 996	20.9	5 260	5 454	3.7
Medium-cycle higher education	95 597	126 275	32.1	30 222	36 784	21.7	18 277	26 660	45.9
Vocational bachelor's degree	65 361	68 512	21.6	17 282	19 212	11.2	11 725	15 395	31.3
Other medium-cycle higher education programme	2 061	1 632	-20.8	1 291	802	-37.9	1 084	756	-30.3
University bachelor's degree programme	37 175	56 131	51.0	12 382	18 365	48.3	5 468	10 509	92.2
Long-cycle higher education programme	56 163	58 885	4.8	11 944	15 212	27.4	8 026	12 519	56.0
Continuous master's programme	30 134	10 803	-64.2	4 298	636	-85.2	4 269	2 681	-37.2
Non-continuous master's programme	21 462	43 344	102.0	6 571	13 263	101.8	2 949	8 868	200.7
PhD programmes, etc.	4 567	4 738	3.7	1 203	1 451	20.6	808	970	20.2

Source: UNI•C Statistik & Analyse.

Note<sup>1</sup>: Comprises state-run primary and secondary schools ('Folkeskolen'), private elementary schools and continuation schools.

415. In 2006 total public expenditure on education amounted to DKK 126.6 billion, corresponding to 7.7% of gross domestic product (GDP). In the period 2000–2006 spending on education rose by over 6% in fixed prices. As the increase in GDP exceeded the increase in total public expenditure on education, the percentage of GDP spent on education as a whole dropped from 2004 to 2006.

#### Public expenditure on education by level of education

	2000	2001	2002	2003	2004	2005	2006
	<i>DKK million (2006 prices)</i>						
<b>Education programmes, total</b>	<b>118 577</b>	<b>120 373</b>	<b>122 571</b>	<b>122 342</b>	<b>124 957</b>	<b>125 462</b>	<b>126 555</b>
Primary and lower secondary school, etc.	47 616	50 062	51 342	52 267	54 130	54 844	56 852
Post-secondary education	22 223	22 068	22 820	23 097	24 275	24 545	24 106
of which state educational grants	2 189	2 415	2 414	2 463	2 668	2 797	2 772
Higher education	25 009	24 693	24 634	25 005	26 133	25 833	25 596
of which state educational grants (SU) <sup>1</sup>	6 613	6 921	7 058	7 178	7 310	7 417	7 501
Adult education, etc.	20 058	19 853	19 819	18 535	16 525	16 048	15 620
Education, other	3 670	3 695	3 955	3 438	3 895	4 192	4 381

	2000	2001	2002	2003	2004	2005	2006
<i>DKK million (2006 prices)</i>							
%							
<b>Total expenditure on education as a % of GDP</b>	<b>8.0</b>	<b>8.1</b>	<b>8.2</b>	<b>8.2</b>	<b>8.2</b>	<b>7.9</b>	<b>7.7</b>

*Source:* Statistics Denmark and finance acts.

*NB:* The amounts for 2004–2006 are preliminary figures.

*Note*<sup>1</sup>: SU: State Education Grant and Loan Scheme in Denmark.

#### Number of primary and lower secondary school students by grade

	2000 <sup>1</sup>	2001	2002	2003	2004	2005	2006
Number							
<b>Primary and lower secondary school, total</b>	<b>659 300</b>	<b>674 671</b>	<b>688 033</b>	<b>700 646</b>	<b>708 750</b>	<b>712 065</b>	<b>712 633</b>
Preschool class	N/A	71 149	68 920	70 069	67 590	67 363	67 639
1st grade	N/A	69 966	70 366	68 227	68 822	67 034	67 155
2nd grade	N/A	68 288	69 636	70 506	68 101	68 128	66 670
3rd grade	N/A	67 807	68 544	69 681	70 290	67 866	68 032
4th grade	N/A	65 470	67 999	68 478	69 716	70 322	67 588
5th grade	N/A	65 392	65 550	68 122	68 550	69 570	70 031
6th grade	N/A	62 517	64 556	65 651	68 472	68 709	69 648
7th grade	N/A	59 025	62 526	64 878	65 528	68 193	68 433
8th grade	N/A	56 660	58 886	62 469	64 822	65 547	68 025
9th grade	N/A	56 198	56 978	59 189	63 414	64 631	65 414
10th grade	N/A	33 199	34 072	33 196	33 445	34 702	33 998

*Source:* UNI•C Statistik & Analyse.

*NB:* The figures include state-run primary and lower secondary schools ('Folkeskolen'), private elementary schools and continuation schools.

*Note*<sup>1</sup>: Statistics by grade are not available for 2000 and earlier.

416. From 2000 to 2006 the number of bilingual children rose from just under 53,900 to 69,400 or a 29% increase.

#### Distribution of bilingual children in the 'Folkeskole' and private elementary schools

	2000	2001	2002	2003	2004	2005	2006
Number							
<b>Total number of bilingual children</b>	<b>53 800</b>	<b>61 124</b>	<b>63 644</b>	<b>66 011</b>	<b>68 360</b>	<b>68 299</b>	<b>69 361</b>
The 'Folkeskole' <sup>1</sup>	46 140	53 178	55 812	57 523	59 382	58 918	59 879
Private elementary schools	7 710	7 946	7 832	8 488	8 978	9 361	9 485

	2000	2001	2002	2003	2004	2005	2006
Number							
%							
<b>Total number of bilingual children</b>	<b>8.4</b>	<b>9.4</b>	<b>9.6</b>	<b>9.7</b>	<b>10.0</b>	<b>9.9</b>	<b>10.1</b>
The 'Folkeskole' <sup>1</sup>	8.2	9.2	9.5	9.7	10.0	9.9	10.1
Private elementary schools	9.9	9.9	9.5	9.9	10.1	10.3	10.3
Distribution of bilingual children							
%							
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Turkey	18.9	19.5	18.8	19.0	17.5	17.3	16.8
Middle East	14.2	14.2	14.9	12.8	16.1	10.8	12.2
Iran	3.4	3.3	3.1	3.2	3.1	8.2	8.9
Somalia	6.0	5.8	5.9	6.1	5.7	5.5	5.7
Ex-Yugoslavia	5.0	5.2	5.1	4.4	4.2	5.2	4.9
Pakistan	6.5	5.2	5.8	5.5	5.1	5.1	5.0
Other countries	46.0	45.6	46.3	49.0	48.2	48.1	46.5

Source: UNI•C Statistik & Analyse.

Note<sup>1</sup>: Includes figures for a few special schools and rehabilitation homes up to 2004.

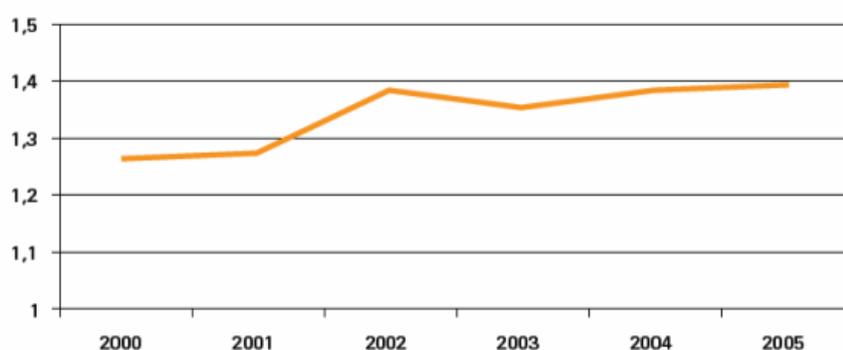
417. In 2005 13,600 'Folkeskole' students received special needs education compared with 10,800 in 2001, an increase of 26%. In the same period the number of students attending 'Folkeskole' (including students in special schools) rose by 4%.

#### Ordinary and extensive special needs education in the 'Folkeskole' and private elementary schools

	2001	2002	2003	2004	2005
Number					
Ordinary special needs education in special classes					
'Folkeskole'	10 772	11 529	11 515	13 125	13 567
Private elementary schools	163	130	295	364	275
Number					
Extensive special needs education/severely disabled					
'Folkeskole'	8 798	9 901	9 968	10 233	10 491
Private elementary schools	413	552	663	866	1 010

Source: UNI•C Statistik & Analyse.

### Students receiving extensive special needs education in the 'Folkeskole' as a percentage of all children in the 6–16 age group



Source: UNI•C Statistik & Analyse.

NB: The frequency of referrals to the extensive special needs education service of the 'Folkeskole' (1<sup>st</sup> to 10<sup>th</sup> grade) is calculated proportionate to the student population (6–16 years).

418. In 2006, 62,600 teachers were employed in primary and lower secondary schools. Of these, 51,400 worked in the 'Folkeskole', 7,500 in a private elementary school while 3,700 were employed by continuation schools.

### Number of primary and lower secondary school teachers

	2003	2004	2005	2006
	Number			
<b>Primary and lower secondary schools, total</b>	<b>58 512</b>	<b>61 542</b>	<b>62 103</b>	<b>62 645</b>
'Folkeskole' <sup>1</sup>	51 470	50 773	50 972	51 380
Private elementary schools	7 042	7 248	7 523	7 549
Continuation schools	-	3 521	3 608	3 716

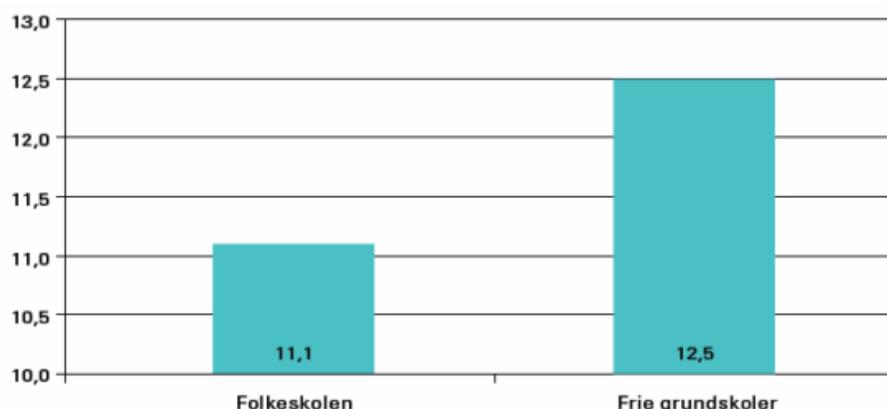
Source: UNI•C Statistik & Analyse and Efterskoleforeningen (association of continuation school teachers).

NB.: Figures include both full- and part-time teachers.

Note<sup>1</sup>: Including local authority youth schools.

419. In 2006 the student:teacher ratio in the 'Folkeskole' was 11.1:1, while the figure for private elementary schools was 12.5. There are thus slightly more students per teacher in private elementary schools. The figures have not changed significantly in recent years.

### Student:teacher ratio, 2006 – the Folkeskole and private elementary schools



Source: UNI•C Statistik & Analyse.

NB.: The student:teacher ratio was calculated on the basis of teachers' total time consumption less time spent on special needs teaching plus teaching time by head teachers. The hours were divided by the standard full-time equivalent (1,924 hours). All students were included, with the exception of students in special needs classes. Local authority-run special needs schools and rehabilitation homes were not included.

420. After completing lower secondary school, almost all students go on to take a post-secondary education programme. In spring 2007 almost 96% of 9<sup>th</sup> and 10<sup>th</sup> grade students had applied to start post-secondary education directly after the summer holidays.

### Educational choices after leaving secondary school

	2000	2001	2002	2003	2004	2005	2006 <sup>2</sup>	2007 <sup>2</sup>
	%							
<b>Total</b>	<b>100</b>	<b>100</b>						
Post-secondary education	96.7	96.6	96.6	96.4	96.1	95.0	95.6	95.5
General upper secondary education	37.8	37.0	38.5	38.3	38.7	39.0	44.7	45.0
Vocational upper secondary education	16.3	16.6	15.9	15.8	16.3	16.0	17.8	17.8
Vocational training programmes	34.4	35.5	36.0	36.1	35.4	35.3	30.1	29.7
Other programmes <sup>1</sup>	8.2	7.4	6.2	6.2	5.7	4.7	3.0	3.0
Not taking post-secondary education	3.3	3.4	3.4	3.6	3.9	5.0	4.4	4.6

Source: UNI•C Statistik & Analyse.

Note<sup>1</sup>: Other programmes comprise higher education programmes and non-qualifying education programmes.

Note<sup>2</sup>: The figures for 2006 and 2007 derive from 9<sup>th</sup> and 10<sup>th</sup> grade student applications for post-secondary programmes as of 15 March, thus indicating programme applications rather than programmes commenced. Not all students who apply for a programme commence the chosen programme. In 2006, 1.7% had not completed application forms while the figure for 2007 was 2%. These students were not included in the calculation.

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

421. A new children's culture policy was introduced at the change of government in 2001. The new policy is based on the idea that working with children and culture is a

common task throughout the Ministry of Culture's area of responsibility, and that all state cultural institutions must make their individual and collective contributions as well as assume their share of collective responsibility for the new policy.

422. To coordinate efforts, the Minister for Culture has set up a *Children's Cultural Network*, consisting of the Danish Film Institute, the Heritage Agency of Denmark, the Danish Arts Council, the Danish Arts Agency and the Danish Agency for Libraries and Media in the Ministry of Culture's sphere as well as the Ministry of Education and the Ministry of Welfare.

423. The Children's Cultural Network has the status of advisory body for the minister and the ministry, and is meant to create greater cohesion in state funding for children's culture as well as unify the work with the various elements in the field. The Children's Cultural Network is also expected to involve cultural institutions and organizations in the ministry's field of work. Similarly, it should make the development of children's culture dynamic, creating a synergy that springs from the interplay between national, regional and local levels.

424. State cultural institutions spend more than DKK 300 million annually on cultural activities for children, and the Children's Cultural Network is tasked with setting out strategies and ensuring that experience is exchanged in a way that puts the money to the maximum use.

425. Above all, the network envisions that art and culture will reach children all over the country, that all cultural institutions will make contributions and that all types of art will be incorporated. To this end, dialogue with the country's local authorities is given high priority, and cooperation with interested local authorities is an integral part of the network's activities. Every year a status report is prepared describing the scope of and development in each of the agencies' activities for children as well as the results of common projects.

426. Common activities also include consulting, knowledge sharing and documentation, and international cooperation plays an important role for children's culture.

427. For the period 2005–2008 the minister of culture has allocated DKK 20 million annually for the '*Sports for disadvantaged children*' fund. Sports associations may apply for funds when applications are publicly invited. The fund is administered jointly with the Ministry of Welfare. Funding is granted to projects concerning children placed outside the home, disable children and overweight children. The fund also provides support to the Get2sport project, a Sports Confederation of Denmark project supporting sports associations in disadvantaged areas, as well as support to the subsidy support system run by the Sports Confederation of Denmark, Danish Gymnastics and Sports Association and Danish Youth Council, which supports sports activities for children from homes with limited means.

428. In July 2007 the minister of culture decided to set up a *broad sports committee* charged with making specific proposals for improving Danes' opportunities to do sports and exercise. Special focus is put on children and young people. The *broad sports committee* is expected to complete its work in May 2008.

## **IX. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 38, 39 and 40)**

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

429. Since Denmark's third periodic report to the UN Committee on the Rights of the Child, changes affecting refugee children have been made under Act no. 504 of 6 June 2007. The changes were to amend the Immigration Act and the Formation and Dissolution of Marriage Act following the release of the Government's action plan to combat human trafficking 2007–2010, which contains special initiatives related to children. The act entered into force on 1 August 2007. When the act was amended, the government decided to extend the child initiatives in the action plan to include all unaccompanied under-age children, irrespective of whether they have been victims of trafficking.

430. One provision of the amended act is a simpler right of appeal following the immigration authorities' assessment of whether unaccompanied asylum-seeking children are sufficiently mature to go through the process of asylum application. Under the amended act, only the Danish Refugee Appeals Board can review decisions made by the Danish Immigration Service regarding the maturity of an unaccompanied asylum-seeking child. Decisions can thus no longer be referred to the Ministry for Refugee, Immigration and Integration Affairs either.

431. The amendment also means that the current system in which a legal representative is appointed to safeguard the interests of unaccompanied asylum-seeking minors will be extended to apply to all unaccompanied minors. In the past, whether or not a child had sought asylum was decisive. This is no longer relevant. All unaccompanied minors will now have a permanent personal sponsor assigned to them as soon as possible after their arrival in Denmark, unless it is against the child's best interests. If the child has been a victim of human trafficking a professional representative must be appointed; that is, a person with relevant qualifications, a social worker, for example. The current system for the appointment of representatives for trafficked children already takes this into account.

432. The procedure for appointing representatives is unchanged, and the system of representatives for unaccompanied asylum-seeking children has not been evaluated since entering into force on 1 April 2003. For this reason, the Ministry of Refugee, Immigration and Integration Affairs has set up a task force to evaluate the system. The task force includes representatives from the ministry, the Danish Immigration Service, the Danish Red Cross and Gribskov local authority. Located in this local authority, the Danish Red Cross Gribskov Centre is the centre that provides accommodation for unaccompanied asylum-seekers during their stay in Denmark. The Ministry of Refugee, Immigration and Integration Affairs has received comments on how the system works in the various authorities and organizations involved but not represented on the task force. The task force will use these comments in its evaluation to clarify how best to improve the system.

433. The amendment also means that the current parent search procedure will be extended to include not only unaccompanied asylum-seeking children but all unaccompanied children. Whether or not a child has sought asylum is now irrelevant. Furthermore, the search procedure no longer depends on whether or not the child, or his or her representative, consents to the search. Attempts must always be made to gain the child's consent, but the decisive factor is whether launching a search for the parents is in the child's best interests.

434. According to the explanatory notes to the act, the general premise is that knowing the parents' identity is in the child's best interests and that the parents should be found so that they can be reunited with the child in the home country. If the search leads to reliable

information that the child has been trafficked and that the parents were responsible, no attempts will be made to reunite the child with the parents. If information about the parents' participation in trafficking emerges, this information is passed on to the relevant police authorities, including those in the parents' country of residence, for further investigation.

435. Thus, all unaccompanied minors who have not been granted Danish residence permits – in other words, not trafficked children exclusively – must be offered a well-planned and safe return home. This means that the Immigration Service, in cooperation with the relevant organizations and authorities, must as far as possible ensure that an organization or other authority in the home country will receive the child on arrival. This organization must be able to give the child special help with readjusting to life there. As part of this work, the Immigration Service has made an agreement with an international organization regarding a reception and reintegration project in the home countries to be offered to the child as part of the planned return home. In the case of trafficked children, the agreement must make it clear to the organizations in the home country that being reunited with the parents is not always in the child's best interests because in some cases the parents may have assisted with the trafficking.

436. As regards the problem of unaccompanied children disappearing during their stay in Denmark, accommodation is provided for all unaccompanied children at a special children's centre run by the Danish Red Cross on the basis of an operating contract between the Immigration Service and the Danish Red Cross. The centre is staffed 24 hours a day by professional personnel.

437. The centre is responsible for knowing the whereabouts of the children/young people and carries out inspections three times a day for this purpose. If necessary, staff can implement stricter security measures such as checking the young people's presence more frequently or by providing accommodation at another location. These measures may be invoked if, for instance, the children/young people are considered likely to be trafficking victims.

438. If the children's centre staff discovers that a child has disappeared, they contact the local police and inform the local authority and the child's personal representative. The police issue a nationwide search warrant. If the child is presumed to be a victim of trafficking, the Danish Red Cross may report the disappearance immediately to the local police and request an active search. A child reported as missing by the Danish Red Cross will simultaneously be registered in the Immigration Service's accommodation system as missing.

439. If the child is recovered, the children's centre staff will thoroughly interview the child to find out why he or she disappeared. If the police find the child, they will also interview the child to determine the reason for the disappearance.

440. The Danish Red Cross tries to prevent minors from disappearing by having a preliminary talk with the child to explain the options for having the asylum case processed in another country if the child has relatives abroad. The Red Cross may also request the Immigration Service not to return the child to another country in which the child has lived if the child has relatives in Denmark. Furthermore, the children's centre is staffed around the clock to give personnel the best basis for monitoring the residents.

441. With reference to the third periodic report, please note that the county governor's offices have been renamed regional state administrations.

## IX.B. Recruitment of ethnic foster families (art. 30)

442. If children and young persons with a different ethnic background than Danish are placed in alternative care it is important that they maintain contact with their original culture while they are in care. It may be ensured by placing them in a foster family with a cultural background similar to their own or in a Danish foster family with insight in and understanding of the child or young person's cultural background and identity.

443. A range of initiatives have therefore been put into place to recruit more foster families for children with another ethnic background than Danish. They were started in 2007 and consist of:

- Knowledge and experience collection
- Publication of educational and inspirational material
- An information campaign

## IX.C. (Article 32)

444. For the protection of children against economic exploitation, please refer to Denmark's Third Report.

445. Children are protected against economic exploitation primarily by ensuring that legislation and rules concerning child labour are observed. The rules concerning the work of young people are administered and enforced by the Danish Working Environment Authority, consisting of one central department and four local inspection centres.

446. On 13 November 1997, Denmark ratified ILO Convention No. 138 of 1973 concerning the minimum age for admission to employment; likewise, ILO Convention No. 182 of 1999 on the worst forms of child labour was ratified on 14 August 2000.

447. Part 10 of the Danish Working Environment Act (Act No. 268 of 18 March 2005) and the Executive Order on the Work of Young People (Executive Order No. 239 of April 6, 2005) contain provisions as to the minimum age for admission to employment and rules to ensure that any employment of young people under the age of 18 allows the work to be performed in a manner that is perfectly sound from a safety and health point of view; and that the young people are not subjected to physical, biological, chemical or emotional hazards in the short and long term. As a consequence, all types of work that subject young people to such hazards are to be regarded as dangerous, i.e. "worst forms of labour". As a general rule, dangerous work is prohibited for young people under the age of 18 in Denmark. For the purposes of the Danish Working Environment Act, the expression "young people" refers to all individuals under the age of 18.

448. The Executive Order on the Work of Young People was amended in April 2005. The new Executive Order contains a number of important amendments:

- **15/16 years of age and "not covered by the education requirement"**: With regard to employment using technical aids and facilities, work processes involving substances and materials in agriculture and in the cleaning field, aside from the statutory age requirement of 15 or 16 years, the requirement "and not covered by the education requirement" has been added. Schedule 3 still has no provision that the education requirement must be fulfilled with respect to young people over 15 years of age in family businesses. According to the Danish Primary and Secondary School (Folkeskole) Act, the education requirement ceases when the pupil has received regular education for 9 years). See sections 11 and 12 and schedules 2 to 4.

- **Solitary work:** Internet cafés have been added to the list of establishments where young people are not permitted to work alone after 6 pm on weekdays and after 2 pm on Saturdays, Sundays and holidays; see section 14 (2).
- **Respiratory protection:** The permission in the previous section 16 to work with hazardous substances and materials provided the young person works with respiratory protection has been repealed. The age limit is 18 years.
- **Scheduling of working hours:** The rules of part 4 on the scheduling of working hours have been simplified. The main rule is that young people may not work between the hours of 8 pm and 6 am. Several of the specific provisions have been compiled, and others have been eased. In offices, stores and petrol stations, for example, young people are permitted to work until 10 pm.
- **Reference to the Danish Act on Restaurants, etc.:** A reference has been inserted in section 23 (4) to the provisions contained in the Act on Restaurants concerning the work of young people in establishments where alcoholic beverages are served. The Act on Restaurants stipulates that individuals under 18 years of age may not be employed during opening hours in establishments where alcoholic beverages are served.
- **Newspaper delivery:** Newspaper delivery hours have been changed from 4 am to 5 am; cf. section 23 (5).
- **Non-hazardous appliances:** According to section 30 (2), handling of non-hazardous household or office appliances is permitted. This constitutes a relaxation for young people between the age of 13 and 15 or those covered by the education requirement.
- **Substances and materials:** Section 30 (3) specifies that young people who are between 13 and 15 years of age or are covered by the education requirement may not be employed using, or be near, hazardous substances or materials.
- **Military service:** The specific military provisions of the former section 29 have been repealed as a consequence of the fact that young people under the age of 18 can no longer commence military service.
- **Schedules 1-7:** These schedules have been updated and modernized, using broader and more appropriate examples. In schedule 6, there are minor changes in the ergonomic area (lifting, pulling, pushing, etc.). Schedules 4 and 5 on substances and materials have been updated.

### Developments and initiatives

449. According to the new working environment reform, which entered into force on 1 January 2005, all workplaces in Denmark must be screened regarding their working environment in the period between 2005 and 2011. Screening is an unannounced visit at an enterprise at which the Working Environment Authority ascertains whether there are important health and safety problems. Supervising the work of young people is an integrated part of the Working Environment Authority's general inspection activities.

450. The Minister for Employment has asked the Danish Working Environment Council (a forum where labour and management can discuss and collaborate on a safe and healthy working environment in Danish workplaces) to give its input on initiatives that can be launched in order to improve health and safety conditions for young people. In 2007, the Working Environment Council established a working group, and the Working Environment Authority is part of this initiative. The working group has two tasks:

1. The working group is to give suggestions as to which specific initiatives could be launched in order to improve the working environment for children and young people. These suggestions are to result in a recommendation from the Council to the Minister for Employment, to be submitted before the summer of 2008.
2. The working group is to offer benchmarks for the Council's long-term focus regarding the improvement of the working environment of children and young people.

### Reactions, occupational accidents, and work-related illness among young people

451. In the period from 2002 to 2007, the Working Environment Authority's reactions to the work of young people totalled 1,218. Table 1 shows the number of reactions each year and the types of reaction involved. The number of reactions from the Working Environment Authority is relatively constant, except for the year 2006, which saw a tripling. This has to do with the fact that in 2006, the Working Environment Authority screened the types of enterprise where young people are typically employed; e.g. supermarkets, convenience stores, petrol stations, cafés, restaurants, hotels, etc.

Table 1

#### The Working Environment Authority's reactions to the work of young people by year and type of reaction

Year	Type of reaction				Total
	Prohibition notices	Improvement notices	Immediate improvement notices	Guidance	
2002	2	11	18	118	149
2003	5	6	8	106	125
2004	3	17	12	153	185
2005	4	6	23	117	150
2006	9	10	41	383	443
2007	0	15	31	120	166
<b>Total</b>	<b>23</b>	<b>65</b>	<b>133</b>	<b>997</b>	<b>1 218</b>

Source: The Danish Working Environment Authority.

452. Most often, the Working Environment Authority's reactions to the work of young people concern working environment problems concerning solitary work, working hours and rest periods, ergonomic problems, exposure to substances and materials, and lack of access to technical aids.

Table 2

#### Number of occupational accidents reported to the Working Environment Authority by year and age group

Year	0–9 yrs	10–12 yrs	13–14 yrs	15 yrs	16–17 yrs	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

<i>Year</i>	<i>0–9 yrs</i>	<i>10–12 yrs</i>	<i>13–14 yrs</i>	<i>15 yrs</i>	<i>16–17 yrs</i>	<i>Total</i>
1989	2	17	40	85	986	<b>1 130</b>
1990	2	11	27	97	761	<b>898</b>
1991	4	7	21	63	650	<b>745</b>
1992	5	11	23	50	611	<b>700</b>
1993	5	7	25	58	502	<b>597</b>
1994	1	14	35	87	552	<b>689</b>
1995	2	9	52	73	560	<b>696</b>
1996	3	6	47	74	551	<b>681</b>
1997	3	6	45	78	551	<b>683</b>
1998	10	2	41	77	512	<b>642</b>
1999	6	4	49	86	521	<b>666</b>
2000	2	7	54	64	470	<b>597</b>
2001		4	41	73	497	<b>615</b>
2002	2	4	42	61	472	<b>581</b>
2003	9	3	35	46	426	<b>519</b>
2004	3	1	33	50	424	<b>511</b>
2005	4	3	31	58	500	<b>596</b>
2006	9	5	33	61	482	<b>590</b>
<b>Total</b>	<b>96</b>	<b>173</b>	<b>893</b>	<b>1 870</b>	<b>16 266</b>	<b>19 298</b>

*Source:* The Danish Working Environment Authority.

453. Accidents involving young people can entail both serious and less serious injuries. The four types of injury which account for the vast majority of accidents are open wounds, sprains, etc., fractures, and soft tissue injury.

Table 3

**Number of work-related illnesses reported to the Working Environment Authority by year and age group**

<i>Year</i>	<i>10–12 yrs</i>	<i>13–14 yrs</i>	<i>15 yrs</i>	<i>16–17 yrs</i>	<i>Total</i>
1984			2	65	<b>67</b>
1985		4	4	67	<b>75</b>
1986		3	14	138	<b>155</b>
1987		4	13	120	<b>137</b>
1988	1	4	7	117	<b>129</b>
1989		4	8	105	<b>117</b>
1990		5	11	82	<b>98</b>
1991		6	7	73	<b>86</b>
1992		1	9	71	<b>81</b>
1993		1	6	56	<b>63</b>
1994			4	47	<b>51</b>
1995		2	4	36	<b>42</b>
1996		1	5	33	<b>39</b>

<i>Year</i>	<i>10–12 yrs</i>	<i>13–14 yrs</i>	<i>15 yrs</i>	<i>16–17 yrs</i>	<i>Total</i>
1997		1	4	37	<b>42</b>
1998		4	2	33	<b>39</b>
1999		1	3	19	<b>23</b>
2000		1		20	<b>21</b>
2001		2	1	39	<b>42</b>
2002		2	5	25	<b>32</b>
2003		2		20	<b>22</b>
2004			4	29	<b>34</b>
2005		2	6	15	<b>23</b>
<b>Total</b>	<b>1</b>	<b>50</b>	<b>119</b>	<b>1 247</b>	<b>1 418</b>

*Source:* The Danish Working Environment Authority.

454. Nearly all work-related illnesses of young people are dermatology and motor disorders.

### Young people in employment

Table 4

#### Number of young people in employment by year, age and gender

<i>Age/gender</i>	<i>No. in employment</i>					<i>No. in entire population</i>				
	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
0–14 years	16 389	16 024	13 890	13 588	14 058	1 013 046	1 017 578	1 018 146	1 020 939	1 019 426
Male	9 952	9 522	8 218	8 029	8 159	519 597	521 717	521 823	522 965	522 287
Female	6 437	6 502	5 672	5 559	5 899	493 449	495 861	496 323	497 974	497 139
15–17 years	85 086	83 450	82 246	85 210	89 630	177 257	181 384	187 343	194 264	199 432
Male	45 531	44 264	43 383	44 653	46 341	90 385	93 294	96 307	99 835	102 329
Female	39 555	39 186	38 863	40 557	43 289	86 872	88 090	91 036	94 429	97 103

*Source:* Statistics Denmark.

Table 4 shows developments in young people employed.

Table 5

#### Number of young people in employment as a percentage of the entire population

<i>Age/gender</i>	<i>Percentage share of the entire population</i>				
	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
0–14 years	1.6	1.6	1.4	1.3	1.4
Male	1.9	1.8	1.6	1.5	1.6
Female	1.3	1.3	1.1	1.1	1.6
15–17 years	48	46	43.9	43.9	44.9
Male	50.4	47.5	45.1	44.7	45.3
Female	45.5	44.5	42.7	42.9	44.6

*Source:* Statistics Denmark.

Table 6  
Number of young people in employment by age group

	2003	2004	2005	2006	2007
0–9 years	106	114	160	117	157
10–12 years	303	327	288	283	277
13–14 years	15 980	15 583	13 442	13 188	13 624
15 years	21 643	20 973	19 877	20 354	20 486
16–17 years	63 443	62 477	62 369	64 856	69 144

Source: Statistics Denmark.

455. With regard to young people under 18 years of age and the types of work they do, experience shows that this tends to be lighter tasks; e.g. work in stores, convenience stores, department stores, cinemas and family-owned businesses.

456. Statistics Denmark uses background material like work income, and all individuals earning at least DKK 9,207 during the course of a year (equal to at least 80 hours of employment on the basis of a calculated minimum wage at the 2005 level) form part of the employment figures for the year in question.

457. Children under 13 years of age are not allowed to work in Denmark. Some children under 13 are nevertheless listed in Table 6; this is because a number of children earn in excess of DKK 9,207 by participating in cultural and artistic events that are covered by the statistics.

## IX.D. Protection from illegal use of drugs, etc. (art. 33)

### IX.D.1. Treatment of children and young persons with problems of drug misuse

458. Please refer to Denmark's First Periodic Report, paragraph IX (c) (iii).

#### *Duty to prepare care plans*

459. Under section 140 (2) of the Social Services Act, introduced with effect as from 1 January 2005, local authorities have a duty to prepare a written care plan for its measures to support young persons below the age of 18 years who have drug misuse problems that require treatment. A care plan has to be drafted in cooperation with the young person and his or her family.

#### *Duty to offer treatment for drug misuse to young persons under 18 years of age*

460. Local authorities have a duty under section 101 (3) of the Social Services Act to offer treatment for drug misuse to young persons less than 18 years of age in special cases. This duty was introduced by an amendment of the Social Services Act, which entered into force on 1 October 2005. An offer must be provided no later than 14 days after it has been requested. The target group is young persons with serious social and behavioural problems caused by their drug misuse, which makes them dysfunctional in relation to their family, education, job or school. This provision comprises a very small group of young people (about 120) in a situation which is assumed to require very quick action to treat their drug misuse. The provision on the duty to prepare care plans covers all young persons with drug misuse that requires treatment. The rules that must be applied are the rules on special support for children and young persons, not the rules on measures designed for adults.

**IX.D.2. Children and alcohol**

461. In 2004, in connection with the special fund agreement, the Ministry of Health and Prevention received funding for a four-year nationwide project focusing on children in families with alcohol problems. These children, who make up a large proportion of neglected children and children in care, are at high risk of developing mental health or dependency problems because of their parents' alcohol consumption. The project has therefore appointed child-family experts in all counties (selected local authorities following the local government reform in 2007) to focus attention on these children's need for support during alcohol treatment, at day-care institutions and school, and in their contact with social services. The project aim is to provide precautionary support to children and alcohol treatment to their parents, with emphasis on enhancing their parenting skills. The project also aims to coordinate initiatives for children and their parents in the social, educational and alcohol treatment sectors. The project has been extended to end-2009.

462. In 2004, the legal age limit for buying alcohol was raised from 15 to 16 in an attempt to delay children's alcohol debut and reduce their alcohol consumption. The new limit has had a positive effect on 15-year-olds' purchase and consumption of alcohol. The National Health Board implemented numerous mass media campaigns when the age limit was raised, all focusing on parents' responsibility to delay their children's alcohol debut. Educational materials were also prepared to underpin the implementation of an alcohol policy in schools, and parents and classes entered contracts aimed at delaying children's alcohol debut.

463. During the 2003–2004 academic year an intervention programme was conducted at two upper secondary schools to develop and anchor a drugs and alcohol policy in the schools. Using the methods developed during the programme, similar interventions were carried out at 20 other upper secondary schools from 2004–2006. Educational materials were developed to support the school's drugs and alcohol mission statement and for the use of parents, teachers and students.

464. To prevent new-borns suffering alcohol-related damage, the National Board of Health toughened its official statement on alcohol and pregnancy. The new statement now reads: avoid alcohol if you are pregnant or trying to get pregnant – for safety's sake.

465. In 2008, in connection with the special fund agreement, funding was granted to establish regional family outpatient centres to support pregnant women with alcohol and drug problems. Funding was also awarded to develop campaigns targeted at treating women with drug and alcohol problems in the early stages of pregnancy and encouraging them to continue treatment throughout pregnancy.

466. Young people typically start experimenting with drugs between the ages of 15 and 20, a time frame that shows no signs of falling. The latest annual report from the National Board of Health shows that the level of experimental drug use, which has been high but stable since 2000, is now dropping slightly (with the exception of cocaine). The most recent survey of ninth graders (2007) shows that 25% have taken hash at some point, 6% have tried substance sniffing, 5% have taken amphetamines, 5% ecstasy and 3% cocaine while 1% or fewer have taken other substances. Among 16–20-year-olds, the latest figure (2006) for the lifetime prevalence of cannabis is 32% and below 10% for other illegal substances.

467. With its action plan 'Fighting Dope' (October 2003) the government wanted to embed and expand the existing preventive measures, chiefly to limit the increase in new substance abusers. Following up on the action plan, the government instituted a grant of over DKK 20 million for a three-year development project in 14 model local authorities throughout Denmark, 'No dope in our town!' When the project ended in 2007, it had developed methods for a targeted, coordinated, multi-disciplinary, preventive initiative to fight juvenile drug and alcohol abuse in local communities. The lessons learned from the

project and the evaluation results have been disseminated to all local authorities through conferences, guidelines and publications, providing a platform for programmes to prevent substance abuse among young people, which have largely been a local authority responsibility since 1 January 2007.

468. The central government contribution, through the National Board of Health, is to provide an updated knowledge database for these programmes (including the annual report 'The drug situation in Denmark', in Danish) and to publish regular materials based as far as possible on documented information and adapted for use in local preventive work. Materials are thus available for parents' meetings about drugs and alcohol, as well as publications for parents and professionals about how to discuss drugs and alcohol with the young, informative material about alcohol and the commonest drugs for young people, and finally, the websites at [www.altomalkohol.dk](http://www.altomalkohol.dk) and [www.stofinfo.sst.dk](http://www.stofinfo.sst.dk), targeted at young people, their parents and schools.

469. The National Board of Health has focused sharply on initiatives for primary and lower secondary schools and post-secondary education programmes, because these institutions are in contact with a huge set of young people in the relevant age group (and in primary and lower secondary schools with their parents). The National Board of Health recommends that the individual institutions formulate a *drugs and alcohol policy* as a unifying framework for preventive measures. Examples of preventive measures are *action plans for tackling specific problems*, *cooperation with parents* to delay children's alcohol debut and prevent them from experimenting with drugs, and fact-based, effective preventive *teaching*. The National Board of Health has worked with relevant players to develop materials in these areas — the educational pack 'Tackling', for example, focusing especially on young people's personal and social skills. The board has also focused on preventing substance abuse at parties, publishing the report 'Prevention at parties — about alcohol and drugs' (in Danish), which contains recommendations for active grant allocation by local authorities. In the past five years, the board has worked with the trade organization Festival danmark regarding a nationwide campaign against drugs at summer music festivals.

## **IX.E. Special protection measures (art. 34)**

### **IX.E.1. Protection from sexual exploitation, etc.**

470. Please refer to paragraph IX.D of Denmark's Third Periodic Report and the separate report on the Optional Protocol on the sale of Children, Child Prostitution and Child Pornography.

471. The Office of the National Commissioner of Police has advised that the police give high priority to actions against sexual abuse of minors and that the required resources are allocated on an ongoing basis so that efficient actions can be carried out using up-to-date methods in the investigation and prosecution of these cases.

472. In March 2007, the Office of the National Commissioner convened a meeting for the purpose of further strengthening and intensifying action in this area. The meeting discussed the possibility of establishing formalised cooperation between the police, the Ministry of Foreign Affairs, the travel and tourist industry and relevant NGOs on reinforced efforts to crack down on Danes who commit sexual abuse of children abroad.

473. Representatives of the Danish Defence, trade associations, airline companies, etc. took part in subsequent meetings. The discussions resulted in the establishment of a small working group with representatives of Save the Children Denmark, the Danish Travel Agency Association and the National Commissioner of Police.

474. This cooperation, in which the Ministry of Foreign Affairs, the Crime Prevention Council and the SAS airline also participated, led to a campaign, launched at the beginning of 2008, against sexual abuse of children abroad committed by Danish citizens or residents of the Kingdom of Denmark (child sex tourism). The campaign consisted of advertisements in the national and regional daily papers and of poster campaigns in the Danish airports in Kastrup and Billund.

475. The campaign was aimed to attract attention to the fact that child sex tourism is a serious problem and that the fight against child sex tourism requires close cooperation between the Danish authorities and in particular the police and the population. An important element of the campaign was thus to enhance the population's general understanding of the scope of child sex tourism and at the same time to stress the need for the population's contribution to preventing and clearing up cases of sexual abuse of children abroad.

476. In this connection the campaign focused on the fact that it is now possible under the Criminal Code to prosecute Danish citizens and residents for sexual abuse of children abroad, even if the act is not punishable in the country where the abuse has taken place.

477. Against this background the campaign urged all Danes travelling abroad — including NGOs, stationed soldiers, business travellers, etc. — to call the Office of the National Commissioner of Police on a special hotline and notify the police of Danish citizens or residents who may be in contact with minors abroad under circumstances which give rise to suspicion of sexual abuse of a child or the risk that a child may be sexually abused.

#### *The Social Services Act*

478. Under the Social Services Act, children and young persons with special needs must be assisted in order to secure the best possible conditions for their upbringing, thereby providing them with the same opportunities for self-expression, personal development, maturity and health as other children and young persons of their age, despite their individual problems.

479. Based on an evaluation of the child's situation (see paragraph VI.G.I.), the local authority must offer the necessary support it may need because of its special situation, including support if the child has been sexually abused.

480. In addition to the general preventive measures aimed at children and young persons, the Ministry of Social Welfare has had special focus on the prevention of sexual abuse of children and young persons since 2003. The efforts have been aimed at two primary target groups: Children who are abused (SISO) and children who abuse (the Janus Project) and one secondary target group which includes the professionals who work with children and children's cases on a daily basis. Please refer to Denmark's Third Periodic Report from 2003, paragraph IX.D.3.

#### *Knowledge Centre for Social Measures concerning Sexual Abuse of Children (SISO)*

481. In connection with the 2003 action plan to combat sexual abuse of children mentioned in the 2003 Report, the Knowledge Centre for Social Measures concerning Sexual Abuse of Children (SISO) was given a number of new tasks. Thus, funds have been allocated to SISO's continued operation at an amount of DKK 5 million in each of the years 2007, 2008, 2009 and 2010 for activities within the following main areas:

- Counselling and guidance for local authorities/case officers and telephone counselling for other professionals and families/relatives.
- Telephone counselling for abused children and young persons.

- Consultancy to local authorities in their work to develop and implement preparedness procedures for dealing with abuse of children and young persons. In this connection, there is a subsequent possibility of sparring in specific cases with a view to supporting local authorities in their use of the active preparedness procedures through practical learning.
- Assistance in connection with establishment of and participation in networks to strengthen collaboration between national, regional and local initiatives, including contact to similar projects internationally.
- Collection and dissemination of knowledge of and experience from work on the subject of abuse of children and young persons, including methods that have a positive effect on those children/young persons.

482. In the autumn of 2005, all local authorities received a catalogue for inspiration regarding their preparedness procedures in relation to physical/psychological and sexual abuse of children. In this connection, the local authorities were informed that SISO is available to everyone, offering counselling on how to tackle sexual abuse of children and young persons.

483. SISO has also prepared teaching materials on sexual abuse for all professional groups working with children, young persons and families. The teaching materials are available at SISO's website.

484. In order to ensure that the staff of residential institutions and socio-educational residential facilities are not in doubt as to where they can get qualified counselling and assistance, the Minister for Social Affairs decided in September 2006 to send out information material about SISO to all residential institutions and socio-educational residential facilities.

485. Moreover, methods and tools are currently being developed in relation to relevant professional groups.

#### *The Janus Project*

486. As a part of the government's action plan to combat sexual abuse of children, the Ministry of Social Affairs initiated the Janus Project on 1 April 2003. The objective of the project is to prevent sexual abuse of children by intervening as soon as possible in relation to children/young persons who are sexually transgressive. Under the Janus Project a treatment clinic for young sexual offenders between 12–18 years has been established. The main tasks of the clinic will be:

- Analysis of the young person's situation with a view to assessing his or her need for treatment
- Treatment of young persons (and their families) at the clinic
- Collaboration with other professionals involved in the young person's case and coordination of this
- Counselling for professionals
- Development of treatment methods/models, gathering and communicating knowledge

487. Funds have been allocated to the Janus Project so that the activities can continue. The allocation amounts to DKK 3 million per year in the period 2006–2009. The allocation is intended to help further develop the treatment methods, for example in relation to small children down to six years of age and children with retarded mental development. The project will also be continued in relation to the existing target group which includes young

persons between 12 and 17 years of age of normal intelligence who have not committed any serious crimes.

*Prevention and group treatment of sexual abuse of children placed in care*

488. In connection with the project “Follow-up on the Care Placement Reform – quality efforts”, a total allocation of DKK 29.2 million for the period 2008–2012 has been earmarked for a number of initiatives aimed at preventing sexual abuse of children. The project consists of four sub-initiatives:

- Tests of continuing training, courses and guideline materials
- Development of teaching materials for children’s learning about boundaries, empathy and sexuality
- Tests on children’s learning about boundaries, empathy and sexuality
- Tests of serial group sessions for children who have been sexually abused

*Competence Centre Prostitution*

489. The Competence Centre Prostitution was established on the basis of the Government’s action plan for the prostitution area, “Another life” (2005). Young persons who are in relationships similar to prostitution will often also have a complex of problems to be taken care of. Prostitution-like behaviour can be treated in connection with the young person’s other difficulties, such as sexual abuse, use and abuse of alcohol and drugs, neglect and possible other problems in the family, school problems, etc. The Competence Centre Prostitution (which belongs under the Ministry of Social Welfare) thus offers counselling and teaching to professionals as well as to adults and young persons who are already in, or at risk of ending up in, prostitution. The Centre also offers psychological assistance for adults and young persons who are in prostitution or who show prostitution-like behaviour.

**IX.E.2. Protection of children and young persons in relation to the Internet and new technology**

490. The effort to combat child pornography on the Internet is a high-priority area for the police.

491. The special investigative expertise of Danish police in this area is gathered in the National IT Investigation Centre (NITEC) under the Criminal Investigation section of the National Police. Today, NITEC has a staff of 70 people, including a team of people attached to NITEC’s regional unit in Randers, West Denmark, and several other officers with no police training background but qualifications to handle tasks related to criminal investigation such as program development, which requires special IT expertise. NITEC provides assistance to the country’s police districts for their investigation and prosecution of crimes committed by means of information and communication technology, particularly cases concerned with:

- Conducting searches in IT environments
- Data protection and data analysis
- IT related examination of seized material
- Opening of encrypted and password protected data and
- Examination and extraction of data from mobile phones, organisers, etc.

492. In addition, NITEC assists in investigations of Internet related crime, particularly in cases concerned with the distribution of child pornography on the Internet.

493. The National Police have laid down guidelines ordering the police districts to contact NITEC to obtain investigative support in cases that require IT investigations, if the cases are concerned with sexual exploitation of children or so-called grooming, by which an adult builds up confident relations with a child, typically via Internet chatting or mobile phone talks, in order to commit an assault on the child at a later point.

494. The National Police are responsible for a national database of pictures of sexual abuse of children and also hold the responsibility for categorising the pictures in the database to make it possible to retrieve picture material and assess its seriousness etc.

495. In the database all materials are given a unique electronic identifier, which makes it possible to carry through electronic comparisons with seized material, for example. This allows investigations to be conducted faster and more efficiently because seized material can be reviewed electronically. Thus, the manual review can be restricted to material that has not previously been updated and identified by the National Police.

496. The National Police are also responsible for the selection and training of dedicated IT investigators, including investigators who specialise in child pornography cases. In addition, the National Police develop and define guidelines for the technical equipment and the work methods to be applied in IT investigations. The National Police are moreover in charge of continuing education and training of relevant members of the police force.

497. In addition, the National Police have entered into cooperative agreements with the greater majority of the Internet service providers in Denmark and Save the Children in an effort to block the access to and dissemination of child pornography material on the Internet to the widest extent possible.

498. As part of this cooperation, the National Police keep the Internet service providers updated on an ongoing basis, informing them of websites that may contain child pornography material. At the same time the Internet service providers are encouraged to block access to the sites.

499. To date, this cooperation has led to the blocking of upwards of 9,000 websites.

500. Moreover, the National Police takes part in close international cooperation to combat computer crime, particularly in the area of combating child pornography, working closely with Europol and Interpol in this area and having initiated the establishment of a working team at Nordic level concerning the combat of computer crime. The team held its first meeting in May 2008.

501. The National Police participate in an international network of approx. 30 IT investigators who work on a worldwide scale on identifying the victims shown in child pornographic pictures and the perpetrators behind these pictures. In this network, police officers draw on their possibility to share information immediately when they see a new series of child pornographic material, so that a concrete investigation can be initiated as soon as possible.

502. When the police obtain knowledge of new series of child pornographic material on the Internet, a search is conducted in picture databases in Sweden and at Interpol with a view to determining whether the series is already known and whether the victim and the perpetrator have been identified.

503. The National Police is moreover part of Interpol's Expert Group on Crime against Children, which contributes to the identification of victims in specific picture series and the exchange of information on new investigative measures and new software for the combat of child pornography on the Internet.

504. Representatives of Danish police also participate on an ongoing basis in various international meetings about sexual abuse of children.

505. In 2007 the Ministry of Science, Technology and Innovation took the initiative to have FDIM (the Association of Danish Interactive Media), the sector behind Danish chat portals and a number of other relevant players establish a voluntary programme to ensure that providers of chat portals support good web ethics for children and young persons. This initiative led to a Chat Code and a Chat Label being introduced.

506. The Chat Code contains a number of security rules which the chat service providers undertake to comply with in the efforts to protect children and young persons against offensive behaviour, including sexual offences. Save the Children, the Danish Crime Prevention Council and the Office of the National Commissioner of Police also participated in the preparation of the Chat Code which was published on 15 December 2006.

507. The Chat Label is visible proof that the company behind a website complies with the security rules described in the sector's Chat Code. The Chat Label thus helps protect children and young persons against offensive behaviour, including sexual abuse. FDIM is responsible for the operation of the labelling scheme.

508. In the spring of 2005 the Ministry of Science, Technology and Innovation also initiated cooperation with UNI-C and the Media Council for Children and Young People regarding web ethics for children and young persons. The objective of this cooperation is to inform teachers and pupils of the precautions that children and young persons should take when they use the Internet.

509. The Internet service providers in the ISP group of the Danish IT Industry Association has established a forum where they exchange knowledge and experience on how to combat child pornography on the Internet. The Ministry of Science, Technology and Innovation participates in this forum as an observer.

510. The Internet service providers have also drawn up an industry code describing their procedures for removal of material such as child pornography from the Internet. This industry code has been in effect since 1 July 2005 and is revised once a year.

511. The industry code creates greater clarity and transparency of the Internet service providers' procedures and guidelines for handling illegal content. The industry code also contributes to ensuring that enquiries regarding removal or prevention of access to illegal content are handled in a uniform manner.

512. The Ministry of Science, Technology and Innovation has facilitated the blocking scheme, also termed the child pornography filter, which blocks access to illegal photos/films of sexual abuse of children on the Internet. The scheme was introduced in the autumn of 2005 by the Internet service providers, the Office of the National Commissioner of Police and Save the Children.

513. In 2007 the Ministry of Science, Technology and Innovation took the initiative to set up an inter-ministerial committee to contribute to a total overview of existing and planned initiatives to combat child pornography on the Internet and investigate the possibilities of initiating further joint or ministry-specific initiatives.

514. The inter-ministerial committee comprises representatives from the Ministry of Social Welfare, the Ministry of Justice (the Office of the National Commissioner of Police) and the Ministry of Science, Technology and Innovation. The latter Ministry heads and coordinates the committee's work, which will also involve the relevant organizations to ensure further strengthening of the combat against child pornography on the Internet.

515. In June 2008, the Science Minister announced his intention of ordering an analysis that will look into the possibility of using digital identification solutions or similar

measures to enhance Internet safety for children and young people. The IT Security Committee appointed by the Minister will contribute to this work.

#### **IX.F. Prevention of the abduction of and sale of children, etc. (art. 35)**

516. Please refer to Denmark's First Periodic Report (1993), paragraph VI (h), and the separate report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, we may report as follows.

517. The Government's "Action plan to combat human trafficking 2007–2010" was launched on 8 March 2007. The aim of the action plan is to continue the fight against human trafficking, reducing the number of individuals who are trafficked to Denmark. As described in paragraph XI.B.2.b. below, one of the focus areas of the plan is to reinforce investigations to identify and prosecute the criminal organisers and controllers.

518. The National Police hold the overall responsibility, coordinating the initiatives of Danish police in the area, including particularly the effort to crack down on the controllers of prostitution and the measures taken to implement the Government's action plan to combat human trafficking.

519. On 4 October 2006, the National Commissioner launched a strategy for reinforced police action to identify and prosecute the controllers of prostitution. The strategy sets a general framework within which the combat of trafficking in women and procuring, including trafficking in under-age prostitutes, can be intensified. One of the goals of the strategy is to ensure a uniform and dedicated law enforcement effort everywhere in the country to combat crimes related to prostitution. The strategy outlines an array of measures that are important for goal achievement.

520. The strategy prescribes that police action to identify and prosecute the organisers of prostitution in all police districts of the country must be a focus area that is accorded uniform, high priority and implemented by means of local strategies and plans of action.

521. In addition, all police districts are expected to allocate the resources necessary to ensure that they can launch and carry through targeted, effective initiatives to crack down on the organisers of prostitution in their districts based on systematic controls and collection, processing and analysis of information about the prostitution environment in their districts.

522. Following the strategy, the particular districts must map out the local prostitution circles, one of the purposes being to make it possible to identify prostitutes, established brothel operations and persons associated with prostitution circles, to the extent that it will be possible.

523. The monitoring task imposed on the National Police includes the preparation, at national level, of strategic and operational analyses and, in collaboration with the police districts, the drafting of proposals for specific investigations targeted at the controllers of prostitution.

524. To be used in their ongoing mapping of the prostitution environment and their systematic collection, processing and analysis of information about this environment, each of the police districts will carry out proactive, systematic strikes and reinforced and regular control activity in prostitution circles.

525. In that connection, the police are highly aware of the need to check if they may come across minors among the prostitutes they will meet during control visits, etc. It is assumed that in the cases when police officers come across under-age prostitutes they will have special focus on ensuring that they receive relevant support and guidance. Particularly

if they meet non-Danish under-age prostitutes without any residence permit, police officers are generally fully aware that there may be grounds to assume that these young women are victims of trafficking.

526. The strategy also depends on extra educational programmes to be completed by police officers and the combat of human trafficking and procuring is now a topic that is an integral part of the instruction for the basic programme of the Danish Police College.

527. In addition, the strategy requires both national and local initiatives to establish stronger working relationships between the police and other relevant authorities, organizations, etc. that are capable of contributing to the combat of the organisers of prostitution.

### **IX.G. Children in criminal justice (arts. 37 (b)-(d) and 39)) Recommendations 52 and 53**

528. Please refer to Denmark's Third Periodic Report, paragraph IX.G.1 and IX.G.2 plus paragraph IX.K below. In addition, we may add the following.

529. When Act No. 1561 of 20 December 2006 to amend the Administration of Justice Act (custody in solitary confinement) was adopted, it meant a number of amendments to the rules of the Administration of Justice Act governing custody in solitary confinement. The aim of the amendments was to limit the number of remand prisoners held in solitary confinement and the duration of solitary confinement when this measure is used. The Act entered into force on 1 January 2007.

530. With regard to young persons under the age of 18, the previous absolute upper time limit of 8 weeks for solitary confinement within a continuous period of time has been reduced to a normal limit of 4 weeks. At the same time it has been made possible to depart from this upper limit if a charge concerns wilful violation of Part 12 of the Criminal Code, i.e. offences against the independence and security of the state, or Part 13 on offences against the Constitution and the supreme authorities, terrorism, etc., according to section 770 C (5) of the Administration of Justice Act.

531. On 3 June 2008, Parliament passed a bill to amend the Administration of Justice Act (limitation of long periods of charging and remand custody, etc.). The Act (Act No. 493 of 17 June 2008) entered into force on 1 July 2008.

532. Under section 768 A (2), in cases where the accused is under the age of 18 and the charge relates to an offence that cannot, according to the law, result in 6 years' imprisonment, the time spent in custody cannot in principle last for a continuous period of more than 4 months. In cases where the charge is concerned with an offence that may, according to the law, result in imprisonment for a minimum of 6 years, the custody period cannot in principle last for a continuous period of time exceeding 8 months. Time spent in custody beyond these limits may only be accepted under exceptional circumstances.

#### *Statistics regarding juvenile sanctions and unconditional prison sentences*

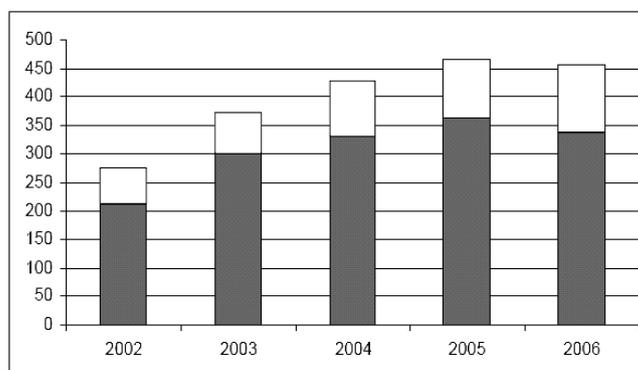
533. In June 2007, the research unit of the Ministry of Justice prepared a report on juvenile sanctions and unconditional prison sentences for young offenders sentenced in 2006. The unconditional sentences included in the report had been imposed on persons who were under the age of 18 at the time when they committed the crime.

534. In 2006, a total of 337 young persons were given unconditional prison sentences. Slightly less than half of the prison sentences, viz. 162 out of 337 sentences, were

‘combination sentences’, i.e. sentences providing for a certain part to be served outright with the remainder being suspended.

Table 1

**The annual number of juvenile sanctions imposed (white share) and unconditional prison sentences (grey share) imposed on young persons, 2002–2006**



*Statistics regarding remand custody*

535. The same report relating to 2006 from the research unit of the Ministry of Justice shows that 75 percent of the young offenders sentenced to a juvenile sanction had spent time in custody prior to their conviction. This rate is smaller in cases ending with an unconditioned prison sentence, as the young offenders had spent time in custody in well over half the cases.

536. Young persons under the age of 18 who are taken into custody must in principle be placed in an alternative to prison, e.g. a secure unit of a residential care institution. However, almost half of the young offenders — 46 percent — who were taken into custody in 2006 in connection with an unconditioned sentence or a juvenile sanction had been placed in a local prison during the entire custody period or part of it. This is largely similar to the situation in 2005.

537. The average time spent in custody was 59 days for the young offenders who were later sentenced to imprisonment whereas the average time for those who were sentenced to a juvenile sanction was 76 days. Thus, the time spent in custody is a few days longer than in 2005, when the numbers were 57 and 72 respectively.

Table 2

**The average time (days) spent in custody broken down by age upon the start of remand custody, 2006**

	15 yrs	16 yrs	17 yrs	18 yrs	Total
Alternative only	63	71	54	-	<b>63</b>
Alternative partly	84	64	60	-	<b>66</b>
Prison partly	6	11	25	-	<b>16</b>
Prison only	63	64	40	79	<b>52</b>
<b>Total</b>	<b>68</b>	<b>71</b>	<b>57</b>	<b>79</b>	

*Statistics regarding solitary confinement*

538. In October 2007, the Director of Public Prosecutions prepared a notice on statistical data on solitary confinement in 2006 based on data compiled by the research unit of the Ministry of Justice.

539. It appears from this notice that 6 persons under the age of 18 were in solitary confinement in connection with remand custody in 2006. The duration of their solitary confinement was between 3 and 14 days and related to cases of wilful arson, drug-related crime, robbery and manslaughter. Two of the young persons were 17 years old and 3 of them were 16 years old at the time they were placed in solitary confinement.

540. In 2005, there were four completed periods of solitary confinement with a duration of 12 to 55 days for persons under the age of 18 in cases related to cases on robbery and terrorism.

Table 3

**Review of the number of persons under the age of 18 with completed solitary confinement and its duration during the period 2001–2006**

	<i>Cases of solitary confinement for offenders under 18 years of age</i>	<i>Duration</i>				
		<i>1–7 days</i>	<i>8–14 days</i>	<i>15–28 days</i>	<i>29–42 days</i>	<i>43–56 days</i>
2001	1			1		
2002	3			1	2	
2003	5		1	4		
2004	5	1	2	1		1
2005	4		2			2
2006	6	5	1			

*Operation of the Danish centres for asylum-seekers*

541. The Immigration Service has made an operating contract regarding the running of the Danish asylum centres, which include a special centre for unaccompanied minors staffed 24 hours a day by specially trained personnel. Under the operating contract, renewed annually, the children have access to health services and health-promoting and prophylactic measures according to Danish standards. The asylum centres have a duty to provide prophylactic health programmes to children and young people such as contact with a health visitor and prophylactic health checks by a doctor.

542. Asylum seekers (both children and adults) can also be referred to specialist doctors, psychologists and psychiatrists. Children at asylum centres are offered the same health care as Danish children.

543. In terms of general preventive care, asylum centres have a special obligation to ensure that children and young people receive adequate psychological support. Consequently, centres offer help on the premises and provide access to general prophylactic measures. Under the Consolidation Act on Social Services, the local authorities are also obliged to supervise the children's living conditions. If the asylum centre accommodates asylum-seeking children with special mental health problems, it must contact the local authority, which will then assess the need for special measures.

544. The coalition agreement of November 2007 states that conditions for traumatised asylum-seekers must be improved. The government intends to take steps to make the psychosocial team under the Danish Red Cross a permanent service. To date, the team has

been run as a pilot project. The government will also consider more systematically offering psychological examinations for asylum children of disadvantaged families at an early stage of the asylum-seeking process.

545. The Danish Red Cross and the other centre operators go to great lengths every day to provide reasonable conditions in the asylum centres, which, besides healthcare treatment, also offer a host of educational and recreational opportunities for all children in the centres, regardless of whether their parents have been refused asylum.

546. Children aged three to six can attend a playgroup staffed by qualified pre-school teachers. From the age of seven they go to school, receiving education on a level with that provided to bilingual pupils in reception classes, and in the afternoon they can join in various leisure activities, either at the centre or in the local community – sports clubs, for example. Children with the academic ability can attend an ordinary Danish primary and lower-secondary school.

547. Some centres have organised toddler playgroups for children aged zero to three. Centres not offering care facilities for this age group provide social network assistants and health visitors with whom parents can discuss concerns and ask questions about their young children. Other centres provide a playroom for 0–3-year-olds. Centres also have designated outdoor playground areas, used by many families with children.

548. In early 2007 the government decided to take a special step to improve living conditions for children in asylum centres. All families with children were to be offered two-room accommodation. This policy has been implemented, and in principle all families with children in the Danish asylum system are now offered two rooms to live in. However, this principle may be waived in the case of families consisting of one parent and a young child and recently arrived families with young children.

549. Furthermore, in January 2008 the government gained majority support for an agreement concerning asylum seekers. Among other things, the agreement means that asylum-seeking families with children can be offered housing in a special home outside the centre. Essentially, the offer is made to families that have been waiting to return home for more than three years. The offer of special accommodation is meant to give families with children a more normal everyday life and thus generally improve their wellbeing and quality of life. The offer is fundamentally concerned with giving children a good framework for their stay in Denmark.

#### **IX.H. Protection of children in relation to armed conflicts (art. 38)**

550. Please refer to paragraph IX (a) (ii) of Denmark's First Report (1993).

#### **IX.I. Children and legal proceedings (art. 40)**

551. Please refer to Denmark's Third Periodic Report, paragraph IX.G, and in particular IX.G.1 on the current rules governing detention of children within Danish criminal justice and paragraph IX.G.2 on the rules governing sentences imposed on children. Please also refer to paragraph IX.H above in relation to detention of children.

552. The Director of Public Prosecutions has moreover advised that by his Instructions RM 4/2007 he has prescribed specific rules on how the prosecution service must process cases against young offenders. The Instructions include an account of the new rules governing detention of children under the age of 15 who are suspected of criminal conduct. These rules were inserted as Part 75B of the Administration of Justice Act by the adoption of Act No. 443 of 9 June 2004 to amend the Administration of Justice Act.

553. Children under the age of 15 cannot be punished. However, according to the Instructions the police may investigate such cases, e.g. to determine the extent of the crime and whether other persons may be suspected and to get any seized objects returned.

554. The new rules in section 821 A of the Administration of Justice Act give the police the possibility to detain children under the age of 15 who are suspected of criminal conduct if the general requirements for arrest are met and if the purpose of the detention cannot be obtained in less interventive ways. The detention must be as lenient and short as possible and it may only exceed six hours in case important considerations for the investigation so require and it may in no circumstance exceed 24 hours. The child must not be placed alone in a room unless it is necessary for reasons of safety or exceptionally required by investigative considerations. Placement of a child in isolation may in no circumstances exceed 6 hours.

555. In addition, instructions RM 4/2007 comprise guidelines for placing young persons between 15 and 18 years in custody. Under section 965 of the Administration of Justice Act a person under the age of 18 should as far as possible be detained in surrogate custody, i.e. a residential institution for young persons.

556. Moreover, the Instructions account for the new rule of section 770 (2) of the Administration of Justice Act which was inserted by Act No. 1561 of 20 December 2006 to amend the Administration of Justice Act. Under this provision an offender under the age of 18 may only be placed or kept in custody in solitary confinement if extraordinary circumstances so require. It appears from the preparatory work for the provision that solitary confinement due to the proportionality requirement as a dominant principal rule will be impossible for young offenders who are 15 or 16 years old.

557. Finally, Instructions RM 4/2007 comprise guidelines for the choice of sanction in cases against children between the age of 15 and 18, including a description of the scope of application of the juvenile sanction according to section 74 A of the Criminal Code which was adopted by Act No. 469 of 7 June 2001.

558. The National Commissioner of Police has advised that the training programme of the Police College includes two special courses: "Sexual abuse of children" and "Video interviews with children", which both relate to the protection of children. The aim of the course "Sexual abuse of children" is to ensure that police officers can work fast and efficiently while at the same time considering the child's best interests when they investigate cases involving sexual assaults on children. The aim of the course "Video interviews with children" is to qualify specially selected police officers to conduct video interviews with children in cases involving sexual offences to ensure the highest possible certainty of obtaining a clear and correct statement from the child and to consider the best interests of the child and safeguard legal security at the same time. Moreover the following may be added.

*Act No. 443 of 9 June 2004 to amend the Administration of Justice Act (criminal justice measures of interference against children under the age of criminal responsibility)*

559. By Act No. 443 of 9 June 2004 to amend the Administration of Justice Act, rules on investigative measures against children under the age of 15 were introduced. The aim of the amendment was to make the Administration of Justice Act provide explicit and exhaustive regulations of the measures which the police may apply in the circumstances in connection with criminal investigations against children under the age of criminal responsibility who are under suspicion of having committed a crime.

560. The amendment, which entered into force on 1 July 2004, comprised insertion of a new Part 75B into the Administration of Justice Act on measures to be applied against offenders of less than 15 years of age. These provisions include rules of detention by the

police of suspects under 15 years of age and the permitted duration of their detention as well as rules on the placement in isolation of children under 15 years of age while they are detained by the police.

561. Thus, a special provision was inserted on the permission of the police to detain a suspect under the age of 15 (section 821 A). The provision is based on the general requirements for arrest in Part 69 of the Administration of Justice Act. However, it is emphasised explicitly that the police may not use detention if the aim of the detention can be achieved by means of less severe measures.

562. According to the provision, the detention must be as lenient as possible. The child must thus not be placed in the local prison. Placement in a waiting room, a detention cell or similar may only take place in situations in which it is necessary for reasons of safety or when in exceptional cases, consideration for the investigations so require and alternative placement is impossible. Finally, the detention must be as short as possible and it may only exceed six hours if important considerations for the investigations so require. A placement in waiting rooms, detention cells, etc. may in no circumstances exceed six hours. The detention of a child under the age of 15 may under no circumstances exceed 24 hours.

563. The amendment act also introduced a provision determining the other criminal justice measures the police may use against children under the age of 15 (section 821 B). The provision implies that intervention regulated by Parts 71–74 and 75 A of the Administration of Justice Act, which requires a suspicion or a charge, may as a main rule also be used against children under the age of criminal responsibility, for example interception of communications, surveillance, data reading, bodily interference, searches, seizure and disclosure of documents.

564. Exceptions are made, however, in respect of intervention which may be carried through under the rules of the Administration of Justice Act for the purpose of later identification, i.e. section 792 B (1) on taking fingerprints and personal photographs for later identification and section 792 F (1 and 2) on storage of personal photos, fingerprints and other material and information obtained by bodily intervention.

565. Moreover, the rules mean that criminal justice measures which may only be initiated against persons who have been charged or convicted may not be applied to suspects who are under the age of criminal responsibility. The relevant provisions are section 802 (3) on seizure of property and section 815 on display of photos kept by the police for later identification.

566. The provisions also comprise explicit authority for the police to intervene against children under the age of 15 in pursuance of the above parts of the Administration of Justice Act which do not require suspicion or charges.

567. In addition, the amendment includes special rules on consent (section 821 B (3) and proportionality (section 821 C). In cases where an intervention measure is conditional upon consent from the person who is the target of the intervention, consent on behalf of the child must be obtained from the holder of parental custody. In respect of the requirement of proportionality, which applies to all criminal justice measures of intervention, importance should be attached in the assessment of whether a measure against a person under the age of 15 is disproportionate, to the special strain which the intervention may be assumed to imply due to the offender's young age.

568. The amendments to the Act also implement rules governing notification of the social authorities and the holder of parental custody when the police detain and question children under the age of 15 (section 821 E). Instructions RM 4/2007 from the Director of Public Prosecutions specify rules on the approach to be followed in these cases.

569. Finally, the amendment includes a possibility, in special cases, to appoint a legal representative to a child under the age of 15 (section 821 F).

*The Act to amend the Administration of Justice Act (limitation of long periods of charging and remand custody, etc.)*

570. As mentioned in paragraph IX.H.1 above, the Danish Parliament passed a bill on 3 June 2008 to amend the Administration of Justice Act (limitation of long periods of charging and remand custody, etc.), which entered into force on 1 July 2008 (Act No. 493 of 17 June 2008).

571. It is now stated explicitly in section 718 A of the Administration of Justice Act that the prosecution service must make decisions about prosecution within a reasonable period of time. If the suspect is held in custody or under the age of 18, the decision must be made as soon as possible.

572. According to the same provision, the prosecution service is obliged in connection with lengthy charging to inform the suspect of the conditions on which the case is based and the time when the decision as to prosecution may be expected to be made. This duty of information takes effect 1 year and 6 months after the time of the initial charge.

573. Section 718 B has introduced a restricted judicial review of the duration of such lengthy charging periods. This amendment to the Act also includes a higher degree of case management on the part of the courts in order to ensure that cases are not unduly delayed.

*The pilot programme for anger management as a condition for giving young offenders a suspended sentence*

574. The Ministry of Justice issued a circular on 11 October 2005 to the courts, the police, the prosecution service and the Prison and Probation Service, launching a pilot programme which made it possible to use anger management treatment as a condition for giving young offenders a suspended sentence. The pilot programme was put into force on 1 November 2005.

575. The pilot programme is aimed at young persons who were between 15 and 20 years old at the time of their conviction. The programme may be used in connection with simple and dangerous assault under sections 244 and 245 of the Criminal Code, violence or threats against a public official under section 119 of the Criminal Code, insult to a public official under section 121 of the Criminal Code and threats under section 266 of the Danish Criminal Code.

576. The pilot programme is assumed to be applied in the type of cases in which the young offender would today be given a suspended sentence or a prison sentence of up to 40 days (including "combination sentences"). Furthermore, the pilot programme is generally assumed to be applied only in connection with young persons who have not previously committed violent crime. However on a specific assessment, the programme may also be applied to young persons who have previously been convicted of violence, etc. one to three times, if the nature of the crime, compared to the age of the offender at the time when the crime was committed, is not found to warrant exclusion of the young offender from receiving a suspended sentence conditional upon anger management treatment.

577. The pilot programme must not be used in situations where the criminal offence is considered of an aggravated nature, for instance if violence was committed as part of gang-related crime or in so-called street violence where, in the street or a similar place, the offender assaults a person whom he/she does not know and where the victim cannot be considered to have provoked the assault by word or deed.

578. The pilot programme has so far been prolonged to the end of 2008. At the end of 2007 a total of 34 young offenders had started the programme and 33 of them had completed it.

*The Commission on Juvenile Crime*

579. In September 2007 the Minister of Justice appointed a commission to look into juvenile crime. The Commission will perform an overall review of the efforts to combat juvenile crime and submit a proposal based on the review of how the effort can be intensified to make it as focused and effective as possible.

580. For instance the Commission must consider whether there is a need to change the existing measures of reaction outside criminal justice used against young persons under the age of criminal responsibility (15 years). In this connection it should also be considered whether it would be expedient to change the age of criminal responsibility.

581. According to its terms of reference, the Commission should moreover go through the existing rules and programmes relating to the prevention and combat of juvenile crime and against this background consider new or changed initiatives which could be realised in order to ensure positive results of the efforts made in this area.

582. Finally, the Ministry of Justice has requested the Commission to include the question of whether parents' legal responsibility for crimes committed by children and young persons should be increased, when considering how to strengthen the effort to prevent juvenile crime and make it focused and as effective as possible.

*Juvenile sanction*

583. The juvenile sanction is an alternative to an unconditional prison sentence, which may be imposed on young 15–17 year-old offenders who have committed serious crime. The aim of the sanction is to help young persons to leave their criminal track through structured and controlled social education and therapy.

584. The sanction consists of a two-year therapy programme in three phases: one at a secure youth institution, one at an open institution and a social reintegration phase. It comprises an action plan with disciplining, educating and integrating elements.

585. The general objective of the juvenile sanction is ensuring that young people on whom the sanction has been imposed will stop committing crime and subsequently return to leading a normal life. To attain this goal there is a requirement that all young people who have been sentenced to serving the juvenile sanction get a coordinator assigned, who will serve as an adviser on the one hand and also be responsible for coordinating the measures of the programme on the other. This means that the coordinator must hold network meetings to ensure continuing follow-up on the goals of the action plan in collaboration with the young person's caseworker. The coordinator is attached for the purpose of securing coherence of the three phases and ensuring that the young person will have one adult attached who is the same throughout the two years. This means at the same time that there is an adult who is familiar with the young person and able to provide support in the third phase when he or she must learn to manage without further assistance.

## **X. The Optional Protocol on the involvement of children in armed conflicts**

586. As indicated by the declaration issued by the Ministry of Foreign Affairs on 13 August 2002, it is not possible under Danish law to let personnel below 18 years of age perform military service in the National Defence. In May 1998, the Minister of Defence

made the decision that the age limit for military service in the National Defence had to be raised to 18 years.

587. The areas in which it was possible prior to that point to let 17-year-old persons carry out duties were as trainee enlisted privates or privates first class, conscripts and volunteers in the Home Guard. In respect of conscripts, the decision to raise the age limit to 18 years entered into force as of 1 January 1999. The minimum age was laid down in an executive order issued by the Minister of Defence.

588. The background to the resolution to raise the age limit was a decision made in connection with the negotiations concerning the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, according to which Denmark should put in a more active effort to introduce a general minimum age limit of 18 years for compulsory as well as voluntary recruitment to the military defence.

589. In respect of trainee enlisted privates and privates first class, the decision to raise the age limit to 18 years entered into force in late May 1998. Thus, the minimum age for voluntary military service, stipulated in two circulars issued by the Ministry of Defence, is 18 years in all branches of the National Defence.

590. In June 2006, the Defence Personnel Act was amended and in connection with the amendments the 18-year minimum age for military service in the Defence was laid down by law and a new provision in section 2 (3) of the Act prescribed that no one may be hired or called up for military service until they have attained the age of 18 years. The amendments entered into force on 1 July 2006 and the Act on Defence Personnel was promulgated by Consolidation Act No. 667 of 20 June 2006.

591. As a main rule the process for calling up young men for conscription service starts after the potential conscripts have turned 18 years. Upon request from the particular candidate the process may however start in the calendar year in which he turns 18 years.

592. All residents of Denmark have a personal civil registration number with ciphers that include a person's age and date of birth. These numbers are stored electronically in the Central Civil Register and the information necessary to start the conscription process are retrieved from the Central Civil Register, whereby the age of those who are called up can be verified. At a later stage of the process conscripts are obliged to submit certain documents, including their certificates of birth or baptism.

593. In respect of volunteers in the Home Guard, the decision to raise the minimum age to 18 years entered into force on 1 March 2001. This minimum age requirement is set out in section 7 (1) of the Act on the Home Guard, i.e. Consolidation Act No. 198 of 9 February 2007.

594. As shown above, no one can carry out military service in the Danish Defence until they have reached the age of 18 years, reckoned from their date of birth.

595. The Danish military authorities and the Ministry of Defence are responsible for complying with the rules on a minimum age limit of 18 years for military service in the National Defence.

### **Comments on the concluding observations of the Committee on the Rights of the Child**

#### *Concluding observation No. 2*

596. The Ministry of Defence encloses a copy of the Defence Personnel Act, i.e. Consolidation Act No. 667 of 20 June 2006, and a copy of the Act on the Home Guard, i.e. Consolidation Act No. 198 of 9 February 2007.

*Concluding observation No. 5, the first sentence*

597. The Corps of Military Prosecutors of the National Defence is responsible for the education of military legal advisors to the Danish Defence in the area of humanitarian international law. The rules of the Convention on the Rights of the Child as well as the rules of the Protocol on the Involvement of Children in Armed Conflicts are considered part of humanitarian international law and the topic is therefore part of the education which the Chief Military Prosecutor's Office provides to the military legal advisors who guide the chief military officers in respect of humanitarian international law, for example.

*Concluding observation No. 5, the second sentence*

598. The Schools Service of the Danish Red Cross carries through teaching of students in secondary school, i.e. the 9<sup>th</sup> and 10<sup>th</sup> school years. This initiative, which is supported by the Government's Red Cross Committee, involves certain dilemmas relating to humanitarian international law, also including the involvement of children in armed conflicts. The Danish Defence has supported the work within the framework of the Government's Red Cross Committee, and a number of military legal advisors have personally been part of the project. The Danish Red Cross readily uses military personnel for the teaching. However, military personnel take part at their own initiative.

**X.A. General measures of implementation**

599. As indicated by the declaration issued by the Ministry of Foreign Affairs on 13 August 2002, it is not possible under Danish law to let personnel below 18 years of age perform military service in the National Defence.

600. The Danish military authorities and the Ministry of Defence are responsible for ensuring that the rules on a minimum age limit of 18 years for military service are observed.

*Concluding observation No. 5, the first sentence*

601. The Corps of Military Prosecutors of the National Defence is responsible for the education of military legal advisors to the Danish Defence in the area of humanitarian international law. The rules of the Convention on the Rights of the Child as well as the rules of the Protocol on the Involvement of Children in Armed Conflicts are considered part of humanitarian international law and the topic is therefore part of the education which the Chief Military Prosecutor's Office provides to the military legal advisors who guide the chief military officers in respect of humanitarian international law, for example.

**X.B. Prevention (arts. 1, 2, 4 (2) and 6 (2))**

602. In May 1998, the Minister of Defence made the decision that the age limit for military service in the National Defence had to be raised to 18 years.

603. The areas in which it was possible prior to that point to let 17-year-old persons carry out duties were as trainee enlisted privates or privates first class, conscripts and volunteers in the Home Guard.

604. The background to the resolution to raise the age limit was a decision made in connection with the negotiations concerning the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, according to which Denmark should put in a more active effort to introduce a general minimum age limit of 18 years for compulsory as well as voluntary recruitment to the military defence.

605. In respect of trainee enlisted privates and privates first class, the decision to raise the age limit to 18 years entered into force in late May 1998. The minimum age for voluntary military service was stipulated in two circulars issued by the Ministry of Defence.

606. In respect of conscripts, the decision to raise the age limit to 18 years entered into force on 1 January 1999. The minimum age was stipulated in a circular issued by the Ministry of Defence.

607. In June 2006, the Defence Personnel Act was amended and in connection with the amendments the 18-year minimum age for military service in the Defence was laid down by law and a new provision in section 2 (3) of the Act prescribed that no one may be hired or called up for military service until they have attained the age of 18 years. The amendments entered into force on 1 July 2006 and the Act on Defence Personnel was promulgated by Consolidation Act No. 667 of 20 June 2006.

608. As a main rule the process for calling up young men for conscription service starts after the potential conscripts have turned 18 years. Upon request from the particular candidate the process may however start in the calendar year in which he turns 18 years.

609. All residents of Denmark have a personal civil registration number with ciphers that include a person's age and date of birth. These numbers are stored electronically in the Central Civil Register and the information necessary to start the conscription process are retrieved from the Central Civil Register, whereby the age of those who are called up can be verified. At a later stage of the process conscripts are obliged to submit certain documents, including their certificates of birth or baptism.

610. In respect of volunteers in the Home Guard, the decision to raise the minimum age to 18 years entered into force on 1 March 2001. This minimum age requirement is set out in section 7 (1) of the Act on the Home Guard, i.e. Consolidation Act No. 198 of 9 February 2007.

611. As shown above, no one can carry out military service in the Danish Defence until they have reached the age of 18 years, reckoned from their date of birth.

612. Comments on the concluding observations (Denmark) of the Committee on the Rights of the Child of 24 November 2005 concerning the Optional Protocol of 25 May 2000 to the UN Convention on the Rights of the Child concerning Involvement of Children in Armed Conflicts.

*Concluding observation No. 5, the second sentence*

613. The Schools Service of the Danish Red Cross carries through teaching of students in secondary school, i.e. the 9<sup>th</sup> and 10<sup>th</sup> school years. This initiative, which is supported by the Government's Red Cross Committee, involves certain dilemmas relating to humanitarian international law, also including the involvement of children in armed conflicts. The Danish Defence has supported the work within the framework of the Government's Red Cross Committee, and a number of military legal advisors have personally been part of the project. The Danish Red Cross readily uses military personnel for the teaching. However, military personnel take part at their own initiative.

## **X.C. Prohibitions and similar action (arts. 1, 2, 4 (1 and 2))**

*Concluding observation No. 2*

614. The Ministry of Defence encloses a copy of the Defence Personnel Act, i.e. Consolidation Act No. 667 of 20 June 2006, and a copy of the Act on the Home Guard, i.e. Consolidation Act No. 198 of 9 February 2007.

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

615. On 24 July 2003, Denmark ratified the optional protocol of 25 May 2000 to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Before the ratification a number of alterations of Danish legislation were introduced by the adoption of Act No. 228 of 2 April 2004 in order to ensure that Denmark fully lives up to the obligations accepted under the Protocol. In respect of the legislative alterations in general, please refer to Denmark's Third Periodic Report to the UN Committee on the Rights of the Child.

616. The Protocol does not extend to Greenland and the Faeroe Islands. However, the authorities of Greenland have indicated that preparations have been initiated for Greenland's accession to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

617. Under Article 12 (1) of the Protocol, the states parties must submit a report on how the provisions of the Protocol have been implemented. Subsequently, under Article 12 (2), the states parties must include all further information about their implementation of the Protocol in the periodic reports to be submitted under Article 44 of the UN Convention on the rights of the child. In 2005, Denmark submitted its first comprehensive report on the implementation of the Protocol. This second report is therefore presented as a supplement to Denmark's Fourth Periodic Report on the UN Convention on the Rights of the Child, concerning the sale of children, child prostitution and child pornography.

618. In compliance with the UN's general guidelines for the form and content of periodic reports to be submitted by the states parties under Article 44 (1) (b) of the Convention (doc. CRC/C/58), the information transmitted by Denmark's initial report in 2005 has been referenced to the widest extent possible, in so far as no changes have occurred during the reporting period.

619. Thus, the objective of this report is particularly to present an overview of the measures taken in the reporting period to implement the Convention in Denmark. The report therefore describes relevant action in the areas of the following ministries in particular: The Ministry of Social Welfare, the Ministry of Justice, The Ministry of Culture, The Ministry of Education, the Ministry of Science and the Ministry of Foreign Affairs. Essentially, the report covers the period from 2005 to 2008.

### **XI.A. General measures of implementation**

620. In respect of Denmark's implementation of the provisions of the Protocol, please refer to section I, paragraphs 1–6, of Denmark's initial report. Please also refer to paragraph XI.B.2. of this report, which presents the Government's action plan to combat sexual abuse of children as well as the Government's action plan to combat trafficking in human beings 2007–2010.

#### **XI.A.1. The concluding observations of the Committee on the Rights of the Child**

621. When examining Denmark's initial report in 2006, the Committee on the Rights of the Child conveyed a number of recommendations. As regards these recommendations, please refer to the other paragraphs of this report set out below.

*Coordination and monitoring*

622. In respect of comment No. 10 in the Concluding Observations of the Committee on the Rights of the Child on the coordination and monitoring of the implementation of the Protocol, please refer to paragraphs XI.B.1. and XI.B.2.

*Dissemination and training*

623. In respect of comment No. 12 in the Concluding Observations of the Committee on the Rights of the Child on the allocation of resources to public information campaigns and development of training materials, please refer to paragraphs XI.B.2. and XI.B.6.

*Data collection*

624. As regards comment No. 14 in the Concluding Observations of the Committee on the Rights of the Child on data collection etc., please refer to paragraphs XI.B.1. and XI.B.2.

*Cooperation with civil society*

625. As regards comment No. 16 in the Concluding Observations of the Committee on the Rights of the Child on cooperation with civil society, please refer to paragraphs XI.B.1.-XI.B.2. and XI.B.6.-XI.B.7.

*Prosecuting authority*

626. In respect of comment No. 18 in the Concluding Observations of the Committee on the Rights of the Child on providing the police with adequate resources — in light of the abolition of the double criminality requirement in cases concerned with sexual exploitation of children — for international cooperation in matters of sexual offences against children, please refer to paragraphs XI.B.1., XI.B.6. and XI.E.1.

*Measures to protect the rights of child victims*

627. As regards comment No. 20 in the Concluding Observations of the Committee on the Rights of the Child on ensuring early identification of cases involving child exploitation and the availability of high quality assistance to victims, please refer to paragraph XI.B.1.b. It may be reported, in addition, that the reform of police districts in 2007 and thus the creation of larger and more sustainable police districts has made it possible to intensify police action further.

628. Regarding comment No. 22 in the Concluding Observations of the Committee on the Rights of the Child on continued strengthening of measures to protect child victims and witnesses in cases involving the exploitation of children, please refer to paragraph XI.D.

629. In respect of comment No. 24 (a) in the Concluding Observations of the Committee on the Rights of the Child on continuation of public media campaigns, for example to call attention to mandatory reporting, please refer to paragraph XI.B.2.A. In addition, the Social Appeals Board is currently in the process of preparing an information campaign on mandatory reporting to be launched in early 2009.

630. In respect of comment No. 24 (b) in the Concluding Observations of the Committee on the Rights of the Child on collaboration with civil society organizations to strengthen a community-based social responsibility for children, please refer to paragraphs XI.B.3. and XI.B.5.

631. In respect of comment No. 24 (c) in the Concluding Observations of the Committee on the Rights of the Child on raising awareness of the illegality and unacceptability of all forms of sexual exploitation of children, please refer to paragraph XI.B.5.

632. Regarding comment No. 24 (d) in the Concluding Observations of the Committee on the Rights of the Child on providing adequate resources to enable immediate reaction to suspected sexual exploitation of children, the reform of administrative structure, which took effect on 1 January 2007, has made the local authority entities — that hold the responsibility for taking action in sexual abuse cases — larger and more sustainable in terms of both financial and human resources. Thus, the number of local authority entities was reduced from 275 to 98 as of 1 January 2007.

633. As regards comment No. 26 in the Concluding Observations of the Committee on the Rights of the Child on permission to reside in Denmark for witness who cannot be guaranteed witness protection upon repatriation, please refer to paragraph XI.D.2.

634. As regards comment No. 28 in the Concluding Observations of the Committee on the Rights of the Child on strengthened support to the helpline “Børnetelefonen”, the Ministry of Social Welfare has decided to pay an annual grant of DKK 200,000 to the organization “Børns Vilkår”, thus ensuring that the use of “Børnetelefonen” will be free of charge.

635. Regarding comment No. 30 in the Concluding Observations of the Committee on the Rights of the Child on amendment of the act on obtaining criminal record disclosure in connection with employment, please refer to paragraph XI.B.4.

636. In respect of comment No. 32 in the Concluding Observations of the Committee on the Rights of the Child on the combat of child sex tourism, please refer to paragraph XI.B.6.

#### *International assistance and cooperation*

637. In respect of comment No. 34 in the Concluding Observations of the Committee on the Rights of the Child on the provision of more detailed information on international law enforcement cooperation etc., please refer to paragraph XI.E.1.

## **XI.B. Prevention of the sale of children, child pornography and child prostitution (art. 9 (1 and 2))**

### **XI.B.1. The sphere of responsibility of the police**

#### *XI.B.1.a. The combat of child pornography on the Internet*

638. The effort to combat child pornography on the Internet is a high-priority area for the police. The special investigative expertise of Danish police in this area is gathered in the National IT Investigation Centre (NITEC) under the Criminal Investigation section of the National Police.

639. Today, NITEC has a staff of 70 people with a police background and several other officers with no police training background but qualifications to handle tasks related to criminal investigation such as program development, which requires special IT expertise.

640. NITEC provides assistance to the country’s police districts for their investigation and prosecution of crimes committed by means of information and communication technology, particularly cases concerned with the distribution of child pornography on the Internet and cases concerned with e-commerce and hacking.

641. The National Police have laid down guidelines ordering the police districts to contact NITEC to obtain investigative support in cases that require IT investigations, if the cases are concerned with sexual exploitation of children or so-called grooming, by which an adult builds up confident relations with a child, typically via Internet chatting or mobile phone talks, in order to commit an assault on the child at a later point.

642. The National Police are responsible for a national database of pictures of sexual abuse of children and also hold the responsibility for categorising the pictures in the database to make it possible to retrieve picture material and assess its seriousness etc.

643. In the database all materials are given a unique electronic identifier, which makes it possible to carry through electronic comparisons with seized material, for example. This allows investigations to be conducted faster and more efficiently because seized material can be reviewed electronically. Thus, the manual review can be restricted to material that has not previously been updated and identified by the National Police.

644. The National Police are also responsible for the selection and training of dedicated IT investigators, including investigators who specialise in child pornography cases. In addition, the National Police develop and define guidelines for the technical equipment and the work methods to be applied in IT investigations. The National Police are moreover in charge of continuing education and training of relevant members of the police force.

645. In addition, the National Police have entered into cooperative agreements with the greater majority of the Internet service providers in Denmark and Save the Children in an effort to block the access to and dissemination of child pornography material on the Internet to the widest extent possible. As part of this cooperation, the National Police keep the Internet service providers updated on an ongoing basis, informing them of websites that may contain child pornography material. At the same time the Internet service providers are encouraged to block access to the sites. To date, this cooperation has led to the blocking of upwards of 9,000 websites.

*XI.B.1.b. The combat of trafficking in children and child prostitution*

646. The Government's "Action plan to combat human trafficking 2007–2010" was launched on 8 March 2007.

647. The aim of the action plan is to continue the fight against human trafficking, reducing the number of individuals who are trafficked to Denmark. As described in paragraph XI.B.2.b. below, one of the focus areas of the plan is to reinforce investigations to identify and prosecute the criminal organisers and controllers.

648. The National Police hold the overall responsibility, coordinating the initiatives of Danish police in the area, including particularly the effort to crack down on the controllers of prostitution and the measures taken to implement the Government's action plan to combat human trafficking.

649. On 4 October 2006, the National Commissioner launched a strategy for reinforced police action to identify and prosecute the controllers of prostitution. The strategy sets a general framework within which the combat of trafficking in women and procuring, including trafficking in under-age prostitutes, can be intensified.

650. One of the goals of the strategy is to ensure a uniform and dedicated law enforcement effort everywhere in the country to combat crimes related to prostitution. The strategy outlines an array of measures that are important for goal achievement.

651. The strategy prescribes that police action to identify and prosecute the organisers of prostitution in all police districts of the country must be a focus area that is accorded uniform, high priority and implemented by means of local strategies and plans of action.

652. In addition, all police districts are expected to allocate the resources necessary to ensure that they can launch and carry through targeted, effective initiatives to crack down on the organisers of prostitution in their districts based on systematic controls and collection, processing and analysis of information about the prostitution environment in their districts.

653. Following the strategy, the particular districts must map out the local prostitution circles, one of the purposes being to make it possible to identify prostitutes, established brothel operations and persons associated with prostitution circles, to the extent that it will be possible.

654. The monitoring task imposed on the National Police includes the preparation, at national level, of strategic and operational analyses and, in collaboration with the police districts, the drafting of proposals for specific investigations targeted at the controllers of prostitution.

655. To be used in their ongoing mapping of the prostitution environment and their systematic collection, processing and analysis of information about this environment, each of the police districts will carry out proactive, systematic strikes and reinforced and regular control activity in prostitution circles.

656. In that connection, the police are highly aware of the need to check if they may come across minors among the prostitutes they will meet during control visits, etc. It is assumed that in the cases when police officers come across under-age prostitutes they will have special focus on ensuring that they receive relevant support and guidance. Particularly if they meet non-Danish under-age prostitutes without any residence permit, police officers are generally fully aware that there may be grounds to assume that these young women are victims of trafficking.

657. The strategy also depends on extra educational programmes to be completed by police officers and the combat of human trafficking and procuring is now a topic that is an integral part of the instruction for the basic programme of the Danish Police College.

658. In addition, the strategy requires both national and local initiatives to establish stronger working relationships between the police and other relevant authorities, organizations, etc. that are capable of contributing to the combat of the organisers of prostitution.

## **XI.B.2. Measures taken in the social service area**

### *XI.B.2.a. The combat of sexual abuse of children*

659. In 2003, the Government published an action plan to counter sexual abuse of children. This action plan was described more specifically in paragraph VI (a) of Denmark's first report.

660. The Ministry of Social Welfare has reported that since the launch of the Government's action plan in 2003, the Ministry's special focus has been on preventing sexual exploitation of children and young persons. Initiatives have been aimed at two primary target groups: Children who are abused (SISO) and children who abuse (the Janus Project) plus a secondary target group, i.e. the professionals who deal with children and cases involving children in their day-to-day work.

Knowledge Centre for Social Measures concerning Sexual Abuse of Children (SISO)

661. In connection with the 2003 plan of action to combat sexual abuse of children, the Knowledge Centre for Social Measures concerning Sexual Abuse of Children (SISO) was given a range of new tasks. Funds have been allocated to SISO for its continued operation,

i.e. DKK 5 million for each of the years 2007, 2008, 2009 and 2010, focused on activity in the following main areas:

- Counselling and guidance for local welfare offices and officers and telephone counselling of other professionals and families/relatives.
- Telephone counselling offered to children and young persons who have been abused.
- Consultancy to local authorities in their work to develop and implement systems for dealing with abuse of children and young persons. In this connection, local authority officers are subsequently offered sparring and feedback on specific cases for the purpose of assisting their work through practical learning and facilitating the use of their active resources.
- Assistance in connection with establishment of and participation in networks to strengthen collaboration between national, regional and local initiatives, including contact to similar projects internationally.
- Collection and dissemination of knowledge of and experience from work on the subject of abuse of children and young persons, including methods that have a positive effect on those children and young persons.

662. In the autumn of 2005, all local authorities received a catalogue for inspiration regarding their preparedness procedures in relation to physical/psychological and sexual abuse of children. In this connection, the local authorities were informed that SISO is available to everyone, offering counselling on how to tackle sexual abuse of children and young persons.

663. SISO has also prepared teaching materials on sexual abuse for all professional groups working with children, young persons and families. The teaching materials are available at SISO's website.

664. In order to ensure that the staff of residential institutions and socio-educational residential facilities are not in doubt as to where they can get qualified counselling and assistance, the Minister for Social Affairs decided in September 2006 to send out information material about SISO to all residential institutions and socio-educational residential facilities. Moreover, methods and tools are currently being developed in relation to relevant professional groups.

#### The Janus Project

665. As a part of the government's action plan to combat sexual abuse of children, the Ministry of Social Affairs (now the Ministry of Social Welfare) initiated the Janus Project on 1 April 2003. The objective of the project is to prevent sexual abuse of children by intervening as soon as possible in relation to children/young persons who are sexually transgressive. Under the Janus Project a treatment clinic for young sexual offenders between 12–18 years has been established. The main tasks of the clinic will be:

- Analysis of the young person's situation with a view to assessing his or her need for treatment
- Treatment of young persons (and their families) at the clinic
- Collaboration with other professionals involved in the young person's case and coordination of this
- Counselling for professionals

- Development of treatment methods/models, gathering and communicating knowledge

666. Funds have been allocated to the Janus Project so that the activities can continue. The allocation amounts to DKK 3 million per year in the period 2006–2009. The allocation is intended to help further develop the treatment methods, for example in relation to small children down to six years of age and children with retarded mental development. The project will also be continued in relation to the existing target group which includes young persons between 12 and 17 years of age of normal intelligence who have not committed any serious crimes.

#### Competence Centre for Prostitution

667. The Competence Centre for Prostitution was established on the basis of the Government's action plan for the prostitution area, "Another Life" (2005). The Centre, which was set up under the Ministry of Social Welfare, offers counselling and teaching to professionals and to adults and young persons who are already in, or at risk of ending up in, prostitution. In addition, it offers psychological help for adults and young persons who are prostitutes or show prostitute-like behaviour.

668. The Government's action plan, "Another Life" from 2005 is described in Denmark's initial report, in paragraphs 113–117.

#### *XI.B.2.b. Combat of the sale of children*

669. The Government's action plan to combat human trafficking 2007–2010 is an extension of its previous action plan to combat the trafficking in women from 2002 with the supplement on children adopted in 2005. The previous report is described in Denmark's initial report, in paragraphs 118–123.

670. The supplement on children included several new initiatives aimed to build up preparedness resources that could deal with trafficked children who might turn up in Denmark. It was therefore centred primarily on measures to develop methods and upgrade the professionals who might meet such children in their regular work. Many of these activities will be continued and reinforced in the new action plan.

671. Funds of DKK 80 million in all have been earmarked for the implementation of the new action plan in the period 2007–2010. The plan has four key focus points:

- Reinforcing investigation so that the organisers are identified and punished
- Supporting victims by offering better social assistance in Denmark
- Preventing human trafficking by restricting the demand and raising the population's awareness
- Preventing human trafficking by reinforcing international collaboration, including preventive work in the countries from which persons are trafficked

672. The Government has set the following goals for the period 2007–2010:

- In 2007, establishing a Knowledge and Coordination Centre for Human Trafficking
- In 2007, having three crisis centres in operation to receive victims of trafficking
- In 2007, Denmark put the social consequences of trafficking onto the agenda in international forums such as the European Union and the Nordic Council of Ministers
- By 2008, Denmark must have a defined practice ensuring that all registered victims of trafficking receive an offer of prepared repatriation

- By 2009, 10 per cent of the population will be aware of the issues associated with various types of human trafficking and know how to act if it comes to their knowledge that someone has been trafficked
- By 2009, all children and at least 40 per cent of the women who are registered as trafficked for prostitution must receive social support and get their repatriation prepared in cooperation with local NGOs
- By 2009, social authorities or NGOs in the countries from which persons are trafficked will return feedback on at least 50 per cent of the victims who have received help towards their repatriation

673. To date, the Government has attained the goals it has set under the action plan. Past experience gained from the previous action plan in this area has illustrated the need to ensure better coordination and collaboration between the relevant authorities and organizations. Using the action plan as a starting point, the responsible authorities have therefore introduced a number of new measures as described below.

#### Establishment of a Centre Against Trafficking

674. The objective of the newly established Centre Against Trafficking is to provide improved and coordinated treatment of any victims of trafficking while they stay in Denmark. The centre is responsible for coordinating the collection and dissemination of knowledge among all relevant social actors at local as well as central level, for ensuring education and training of professionals and operating a helpline for victims and other persons related to this area.

#### Inter-ministerial working group

675. The existing working group, which was appointed as part of the first action plan, will be expanded with relevant NGOs in the child area and charged with ensuring coordination of the work of the various authorities operating in the area.

#### Network of relevant authorities and NGOs

676. The existing network of relevant authorities and NGOs will be expanded and tied to the Centre Against Trafficking. All interested parties will meet regularly in the network to share experience and make sure that children who are assumed victims of trafficking will receive the best possible support while they stay in Denmark and in connection with their possible repatriation. The network participants include the police, the Ministry of Integration, the Ministry of Social Welfare, the Red Cross and Save the Children. In addition, other authorities and organizations will be involved whenever relevant.

#### Helpline

677. To make sure that all potential victims will know where to seek help, the existing helpline will be extended to serve as a helpline for human trafficking in general. It can provide counselling and refer to appropriate organizations and authorities. Thus, in future it will have a broader target group: a) victims of human trafficking, b) people with knowledge about circumstances that may be defined as human trafficking, c) professionals and d) clients.

#### International initiatives

678. Trafficking in people is a cross-border problem that requires cross-border collaboration. The Government therefore intends to make a special effort to create cross-border partnerships and programmes between entry and exit countries. This work should

focus on preventing people from being deceived into going to the West by criminal organisers and supporting victims of trafficking in their repatriation process.

#### Methods and guidance on identifying victims

679. A variety of organizations and authorities are likely to obtain contact with possible victims of trafficking. It is therefore necessary to develop multi-disciplinary approaches to identifying the situations in which persons, both children and adults, are victims of trafficking and there is a need to prepare information material listing the authorities and organizations that are responsible for various services to victims in order to get clarity of the resources that are available to them.

#### Ongoing monitoring

680. The specific initiatives rooted in the action plan will be documented by the Knowledge and Coordination Centre against Human Trafficking. The centre will be required to publish annual situation reports that will describe developments and initiatives and also propose adjustments, if necessary. When the action plan expires, an external review will evaluate its targets and effects.

#### Instruction of professionals

681. Professionals who gain contact with victims must receive instruction on the issues of human trafficking, including the victims' background, rights, access to support in Denmark and socio-educational methodology. In relation to police officers, this instruction will be given in connection with the basic training programme of the Police College where the combat of human trafficking will be an integral part of the programme and also through continuing education activities for police officers and the prosecution service. Under the auspices of the network described above an initiative is currently under way to identify other professionals who may need instruction on human trafficking issues and to prepare relevant material for their education.

#### Seminars and conferences

682. Seminars and conferences will be held to disseminate knowledge about human trafficking and to exchange experience and develop methods, at national as well as international level.

#### Knowledge collection and research

683. To gain inspiration for method development in the area of social work, for example, knowledge about international initiatives will be collected. The Danish activities have to be documented in order to ensure that the accumulated insights will be institutionalised and used in future social work. The knowledge collected will be systematised to make activities comparable and it should be made possible to use the accumulated knowledge about victims in the monitoring of the area.

### **XI.B.3. Educational bachelor's degree programmes**

684. Executive Order No. 220 of 13 March 2007 on the Bachelor's Degree Programme in Social Education specifies special rules on education in topics concerned with vulnerable children. For example, it is an academic competence target for the programme's compulsory course on educational science and methods that graduates are able to identify absence of wellbeing in people, including vulnerable children and young persons. The course "Individual, Institution and Society", which is also a compulsory course, has international conventions and legislation, including rules on mandatory confidentiality,

mandatory reporting and disclosure of information, as one of its key elements. Students who choose to specialise in 'children and young persons' are required under the Executive Order to study "children and young persons' life situation and wellbeing, including neglect and bullying" as well as "vulnerable children and young persons and children and young persons with special needs of educational support and care".

685. A new set of regulations for the teacher training programme has been introduced in Executive Order No 219 of 12 March 2007 on the Bachelor's Degree Programme for Schoolteachers. The educational disciplines of the programme, which are compulsory for all student teachers, include elements of education focused on vulnerable children and young persons. For example, the colleges of education must ensure that, in the course of the programme, the particular student teacher studies the special conditions that need to be taken into account in relation to vulnerable children, including prevention of and measures to avoid abuse of children and neglect of care in general.

#### **XI.B.4. Employment of staff to work with children**

686. On 21 June 2005, Parliament adopted the Act on Obtainment of Criminal Record Disclosures in the Employment of Staff. The purpose of the Act is to create a basis for the further strengthening of initiatives to protect children from sexual exploitation. The Act and the executive orders issued under the Act prescribe that public authority entities and certain private associations must arrange for obtaining a so-called 'child certificate' before taking on staff members whose duties will include direct contact with children of less than 15 years of age.

687. The Act has recently been evaluated and the feedback has been predominantly positive. From the date when the Act entered into force until the end of 2007, the total number of child certificates obtained was approx. 450,000, with 59 certificates being positive.

688. Danish legislation contains rules that ensure that staff hiring authorities and associations etc. receive reports from the Director of Public Prosecutions in case an employee or a volunteer working for an association is charged with or convicted of abuse of a child of less than 15 years of age. Thus, information about existing employees is provided on an ongoing basis in case they commit sexual crimes against children.

689. In connection with the preparatory works for the Criminal Record Disclosure Act it was considered whether to make the Act comprise people who are already employed. It consistence had to be ensured between the rules of the Act for new employees and existing employees, it would mean that refusal of consent from an existing employee to the obtainment of a child certificate would lead to dismissal of that employee. The Government found, however, that it would be an excessive step, if a refusal of consent to obtainment of a child certificate were made a cause for dismissal of existing employees.

690. In addition, the situation as the years pass by will eventually be such that child certificates will have been obtained for most employees who work with children, because they have been appointed after the rules came into force. It is also possible to obtain certificates on a voluntary basis.

691. The Ministry of Culture has prepared information material, including guidelines on how to obtain child certificates. The information material has been posted at the website of the Ministry of Culture, [www.kum.dk](http://www.kum.dk). In addition, the Culture Ministry has been in dialogue with the key sports associations about it.

#### **XI.B.5. Protection of children and young persons in relation to the Internet and new technology**

692. In 2007 the Ministry of Science, Technology and Innovation took the initiative to have FDIM (the Association of Danish Interactive Media) and the sector behind Danish chat portals and a number of other relevant players establish a voluntary programme to ensure that providers of chat portals support good web ethics for children and young persons. This initiative led to a Chat Code and a Chat Label being introduced.

693. The Chat Code contains a number of security rules which the chat service providers undertake to comply with in the efforts to protect children and young persons against offensive behaviour, including sexual offences. Save the Children, the Danish Crime Prevention Council and the Office of the National Commissioner of Police also participated in the preparation of the Chat Code which was published on 15 December 2006.

694. The Chat Label is visible proof that the company behind a website complies with the security rules described in the sector's Chat Code. The Chat Label thus helps protect children and young persons against offensive behaviour, including sexual abuse. FDIM is responsible for the operation of the labelling scheme.

695. In the spring of 2005 the Ministry of Science, Technology and Innovation also initiated cooperation with UNI-C and the Media Council for Children and Young People regarding web ethics for children and young persons. The objective of this cooperation is to inform teachers and pupils of the precautions that children and young persons should take when they use the Internet.

696. The Internet service providers in the ISP group of the Danish IT Industry Association has established a forum where they exchange knowledge and experience on how to combat child pornography on the Internet. The Science Ministry participates in this forum as an observer.

697. The Internet service providers have also drawn up an industry code describing their procedures for removal of material such as child pornography from the Internet. This industry code has been in effect since 1 July 2005 and is revised once a year.

698. The industry code creates greater clarity and transparency of the Internet service providers' procedures and guidelines for handling illegal content. The industry code also contributes to ensuring that enquiries regarding removal or prevention of access to illegal content are handled in a uniform manner.

699. The Ministry of Science, Technology and Innovation has facilitated the blocking scheme, also termed the child pornography filter, which blocks access to illegal photos/films of sexual abuse of children on the Internet. The scheme was introduced in the autumn of 2005 by the Internet service providers, the National Commissioner of Police and Save the Children.

700. In 2007 the Ministry of Science, Technology and Innovation took the initiative to set up an inter-ministerial committee to contribute to a total overview of existing and planned initiatives to combat child pornography on the Internet and investigate the possibilities of initiating further joint or ministry-specific activity. The inter-ministerial committee comprises representatives from the Ministry of Social Welfare, the Ministry of Justice (the National Police) and the Ministry of Science. Relevant organizations will be involved in the work as it is carried forward, ensuring further strengthening of the combat against child pornography on the Internet.

701. The Ministry of Education has reported that primary and secondary school education comprises instruction in subjects such as anatomy, sexuality and sex. In addition, the education provided by the school system is required to give children and young people

awareness of and guidelines for safe Internet conduct. The objective of this education is to qualify children to take a critical approach and to act in a safe manner to protect themselves and others.

702. Education in IT and Internet use in primary and secondary school covers both the basic skills for using the Internet and understanding of the opportunities and the perils of the net. For example, pupils must be made familiar with strategies and guidelines for safe use of the net. This instruction is given as an integral part of a variety of courses. To help teachers to handle this teaching the Ministry of Education has collaborated with the Ministry of Culture on setting up a web portal, [www.emu.dk/webetik](http://www.emu.dk/webetik), that makes teaching materials for these subjects available to schools.

#### **XI.B.6. The campaign “Stop Child Sex Tourism”**

703. The effort to combat sexual exploitation of children is given high priority by the police and the necessary resources are allocated on an ongoing basis, thus allowing efficient action with up-to-date methods in the investigation and prosecution of such cases.

704. In March 2007 the Office of the National Commissioner convened a meeting for the purpose of further strengthening and intensifying action in this area. The meeting discussed the possibility of establishing formalised cooperation between the police, the Ministry of Foreign Affairs, the travel and tourist industry and relevant NGOs on reinforced efforts to crack down on Danes who commit sexual abuse of children abroad.

705. Representatives of the Danish Defence, trade associations, airline companies, etc. took part in subsequent meetings. The discussions resulted in the establishment of a small working group with representatives of Save the Children Denmark, the Danish Travel Agency Association and the National Police.

706. This cooperation, in which the Ministry of Foreign Affairs, the Crime Prevention Council and the SAS airline also participated, lead to a campaign, launched at the beginning of 2008, against sexual abuse of children abroad committed by Danish citizens or residents of the Kingdom of Denmark (child sex tourism).

707. The campaign consisted of advertisements in the national and regional daily papers and of poster campaigns in the Danish airports in Kastrup and Billund.

708. The campaign was aimed to attract attention to the fact that child sex tourism is a serious problem and that the fight against child sex tourism requires close cooperation between the Danish authorities and in particular the police and the population. An important element of the campaign was thus to enhance the population’s general understanding of the scope of child sex tourism and at the same time to stress the need for the population’s contribution to preventing and clearing up cases of sexual abuse of children abroad.

709. In this connection the campaign focused on the fact that it is now possible under the Criminal Code to prosecute Danish citizens and residents for sexual abuse of children abroad, even if the act is not punishable in the country where the abuse has taken place.

710. Against this background the campaign urged all Danes travelling abroad — including NGOs, stationed soldiers, business travellers, etc. — to call the Office of the National Commissioner of Police on a special hotline and notify the police of Danish citizens or residents who may be in contact with minors abroad under circumstances which give rise to suspicion of sexual abuse of a child or the risk that a child may be sexually abused.

## **XI.C. Prohibitions and similar (arts. 3–7)**

### **XI.C.1. The prohibition on the sale of children, child pornography and child prostitution**

#### *XI.C.1.a. Crimes against sexual decency committed against children and young persons*

711. Please refer to Section II, paragraphs 7–10 of Denmark's First Report concerning the implementation of the Protocol.

712. These paragraphs point out that anyone who has sexual intercourse with a child of less than 15 years of age may be punished with imprisonment for eight years under section 222 of the Criminal Code. If the child has been under 12 years of age or the perpetrator has gained intercourse with the child by coercion or by intimidation, the penalty may be raised to imprisonment for 12 years.

713. By Act No. 501 of 17 June 2008 (raised penalties for certain cases involving sexual abuse of children) a new subsection (3) has been inserted in section 222 of the Criminal Code, according to which, in sentencing under section 222 (1), it must be considered an aggravating circumstance that the perpetrator has gained intercourse with a child by exploiting his physical or psychological superiority. The aim of this amendment is to punish sexual abuse of children, where it has been committed by the mentioned type of exploitation, as severely as rape, even if it had not been necessary to use violence or threatened violence to make the child submit to the abuse.

#### *XI.C.1.b. Trade in children, child prostitution and child pornography*

714. Please refer to Section II, paragraphs 11–22, of Denmark's first report concerning the implementation of the Protocol.

#### *XI.C.1.c. Adoption and surrogate motherhood*

715. Please refer to Section II, paragraphs 30–34, of Denmark's First Report concerning the implementation of the Protocol.

716. It may be added that Danish law does not contain any overall regulation of surrogacy. There is no general prohibition of offering surrogacy but the access to agreeing on surrogate motherhood is restricted on a few points:

- Under the Adoption Act it is prohibited to provide or accept help in order to create a connection between a woman and a potential surrogate mother and advertising is not allowed to be used to create such a connection. Failure to observe these prohibitions will be punished.
- Artificial fertilisation may not be carried out if the woman concerned is a party to a surrogacy agreement.

717. The woman who gives birth to a child who has been conceived by artificial fertilisation is considered to be the child's mother. Therefore, a woman who lets her egg be implanted in the uterus of a surrogate mother cannot under Danish law claim to be the mother of the child.

### **XI.C.2. Criminal jurisdiction**

718. By Act No. 490 of 17 June 2008 (on Danish Criminal Jurisdiction), Parliament adopted a comprehensive revision of the general provisions of the Criminal Code concerned with Danish criminal jurisdiction. The existing main principles governing Danish criminal jurisdiction have been carried on with just a few extensions of the scope of

jurisdiction in certain areas, for example the protection of victims with relations to Denmark.

719. Acts covered by the provisions of the Protocol which have been committed in the territory of the Danish state or on board a Danish vessel or aircraft are subject to Danish criminal jurisdiction under section 6 of the Criminal Code.

720. In respect of the situations referred to in Article 4 (2) of the Protocol, Danish criminal jurisdiction will extend to acts committed within the territory of a foreign state by a person who has Danish nationality at the time when a charge is raised or who is resident in the territory of the Danish state or has a similar permanent abode in this country, provided that the perpetrator had the mentioned relations to this country also at the time when the offence was committed, as set out in section 7 (1) (2) of the Criminal Code, according to which the requirement of double criminality is excluded in certain cases, for example cases of sexual abuse of children or female genital mutilation.

721. If the offence is committed outside a Danish jurisdiction area by a person who has the relations to Denmark referred to above at the time when a charge is raised, Denmark will have criminal jurisdiction if the offence carries a higher penalty than imprisonment for four months, as set out in section 7 (2) of the Criminal Code.

722. As a new step, Denmark has introduced Danish criminal jurisdiction in respect of offences committed abroad aimed at victims with relations to Denmark, as set out in section 7A (1 and 2) of the Criminal Code, according to which Danish criminal jurisdiction extends to offences such as crimes against sexual decency or incest, subject to the requirement of double criminality and of the offence being a crime that is punishable with imprisonment for a minimum period of six years under Danish law. The offences covered by this provision include rape under section 216, intercourse with a child of less than 15 years of age under section 222 and the recording of child pornography under section 230 of the Criminal Code. The purpose of the provision is to provide extended protection of victims with relations to Denmark.

723. Acts covered by the Protocol that are committed outside the territory of the Danish state are still subject to Danish criminal jurisdiction irrespective of the country where the perpetrator belongs, in the cases when extradition of an offender for prosecution in another country is rejected under section 8 (6) of the Criminal Code.

724. To counter the dissemination of material such as child pornography via the Internet, a new provision has been inserted in section 9A of the Criminal Code, according to which Danish criminal jurisdiction will apply to the cases in which child pornography, for example, is disseminated from another country via the Internet etc. and thereby made accessible in this country. A requirement for Danish jurisdiction is that due to language or other conditions the material can be considered to have special relations to Denmark, including particular groups in Denmark.

### **XI.C.3. Extradition, international mutual assistance, seizure, confiscation, etc.**

725. Please refer to Section III, paragraphs 39–49, of Denmark's first report concerning the implementation of the Protocol.

## **XI.D. Protection of the rights of child victims (arts. 8 and 9 (3 and 4))**

### **XI.D.1. Criminal procedure**

726. Please refer to Section V, paragraphs 71–93, of Denmark's first report concerning the implementation of the Protocol.

727. By Act No. 517 of 6 June 2007 (Improvement of the legal situation of victims of crime) Denmark introduced a number of amendments to the Administration of Justice Act aimed to further enhance the legal situation of victims of crime.

728. To ensure better counselling of and information to victims, a new provision was added, i.e. section 741E of the Administration of Justice Act, which is a general provision on the duty of the police and the prosecution service to provide guidance to victims. In addition, the amendments comprised a statutory duty for the police or the prosecution service to notify the court in cases that will require special consideration for a witness, including the victim, and a duty for the court to assist the witness when the witness is due to give evidence, as set out in section 193 of the Administration of Justice Act.

#### *Legal representation and compensation*

729. Please refer to section V, paragraphs 72–77, of Denmark's initial report on implementation of the Protocol.

730. It may be added that the above-mentioned amendments to the Administration of Justice Act included the introduction of the possibility, also in other cases than cases concerned with sexual abuse of children and human trafficking, to appoint a legal representative to a victim where special circumstances will make this advisable.

#### *Video interviews*

731. Please refer to section V, paragraphs 78–88, of Denmark's initial report on the implementation of the Protocol, which describe the specific rules and guidelines for the use of video interviews.

732. In his Instructions No. 2/2007, the Director of Public Prosecutions has laid down guidelines for the handling of cases concerned with sexual abuse of children and the use of video interviews with children in such cases. The Instructions continue the guidelines for use of video interviews that were laid down in Instructions No. 2/2003 from the Director of Public Prosecutions. Please refer to the description of these in section V, paragraphs 78–88, of Denmark's initial report on the implementation of the Protocol.

733. In addition, the new Instructions include a new paragraph on the appointment of legal representation and a new paragraph on charging and the hearing of cases in court, including instructions on advance decisions as to the hearing of a case in a private session etc. In respect of the appointment of legal representation to a victim, please refer to section V, paragraphs 72–77, of Denmark's initial report on the implementation of the Protocol. As regards the possibility of making advance decisions as to the hearing of cases in private etc., please refer to the paragraph below concerning protection of the privacy of victims.

#### *Protection of the privacy of victims*

734. Please refer to section V, paragraphs 89–93, of Denmark's initial report on the implementation of the Protocol. By Act No. 517 of 6 June 2007 the possibilities of making advance orders on the hearing of cases in private and on reporting restrictions, including restrictions on disclosing names, as well as orders to the effect that the defendant must leave the courtroom while a witness is examined or that the residence or name or occupation of a witness must not be disclosed to the defendant, have been expanded so that in criminal trials it will in general be possible for the court to make advance orders on such matters. As stated in section V, paragraph 92, this possibility was previously restricted to cases concerned with rape, including rape of children, or incest, etc.

**XI.D.2. Other measures of protection***Witness protection*

735. Please refer to section V, paragraph 94, of Denmark's initial report on the implementation of the Protocol and the comments above on the new provision contained in section 193 of the Administration of Justice Act, according to which the police or the prosecutor must notify the court in cases that will require special consideration for a witness, including the victim, and a duty for the court to assist the witness when the witness is due to give evidence.

*Training of police officers*

736. The subject of "children and young persons" constitutes an important element in the basic and supplementary training of the police force at the Police College. The training is based on the consideration of the best interests of the child and comprises special protection measures, including measures in connection with the deprivation of liberty of children and young persons within criminal procedure and in other contexts, and the cooperation with other authorities, including social authorities. Problems relating to children and young persons will moreover be reviewed in courses on civil and administrative law, psychology and sociology.

737. The training programme of the Police College includes two special courses, "Sexual Abuse of Children" and "Video Interviews with Children", both concerned with protecting children. The aim of the course "Sexual abuse of children" is to ensure that police officers can work fast and efficiently and at the same time consider the child's best interests when they investigate cases involving sexual assaults on children. The aim of the course "Video interviews with children" is to qualify specially selected police officers to conduct video interviews with children in cases involving sexual offences to ensure the highest possible certainty of obtaining a clear and correct statement from the child and to consider the best interests of the child and safeguard legal security at the same time.

738. As shown in paragraph XI.B.1.b., trafficking in human beings, including children, is also an integral part of the basic training programme of the Police College. The instruction is organised as a sequence of eight lessons planned to give a cross-disciplinary perspective as the teaching is handled by experts from the National Police and an NGO as well as by an anthropologist.

*Reporting*

739. Please refer to section V, paragraphs 97–99, of Denmark's initial report on the implementation of the Protocol.

*Residence permits etc. and under-age foreign nationals*

740. The Ministry of Refugee, Immigration and Integration Affairs has reported that it is possible under the provisions of the Aliens Act to issue a visa or temporary residence permit to a foreign national who has been trafficked, thus ensuring that the person concerned will be able to give evidence against criminal organisers in connection with investigation or trial of a case concerned with human trafficking. In these situations, the authorities will grant a temporary residence permit to assist investigations.

741. If a foreign national who has been trafficked will be exposed to a risk of persecution etc. in his or her country of origin, it is possible to grant that person asylum in Denmark if the requirements of the Aliens Act are satisfied.

742. In addition, the Aliens Act contains special rules on the issue of residence permits to unaccompanied under-age foreign nationals who apply for asylum. For further details please refer to paragraph IX.A.

743. An element of the Government's action plan to combat human trafficking is centred on ensuring that trafficked children who do not obtain a residence permit in Denmark will be offered a well-planned and safe repatriation process. This applies to all unaccompanied children. For further details please refer to paragraph IX.A.

## **XI.E. International assistance and cooperation (art. 10)**

### **XI.E.1. Police cooperation**

744. The National Police is engaged in close international cooperation to combat computer crime, particularly in the area of combating child pornography, working closely with Europol and Interpol in this area and having initiated the establishment of a working team at Nordic level concerning the combat of computer crime. The team held its first meeting in May 2008.

745. In respect of identification of victims on child pornography pictures, the National Police participate in an international network of approx. 30 IT investigators who work on a worldwide scale on identifying the victims shown in child pornographic pictures and the perpetrators behind these pictures. In this network, police officers draw on their possibility to share information immediately when they see a new series of child pornographic material, so that a concrete investigation can be initiated as soon as possible.

746. When the police obtain knowledge of new series of child pornographic material on the Internet, a search is conducted in picture databases in Sweden and at Interpol with a view to determining whether the series is already known and whether the victim and the perpetrator have been identified.

747. The National Police is moreover part of Interpol's Expert Group on Crime against Children, which contributes to the identification of victims in specific picture series and the exchange of information on new investigative measures and new software for the combat of child pornography on the Internet.

748. Representatives of Danish police also participate on an ongoing basis in various international meetings about subjects associated with sexual abuse of children.

### **XI.E.2. International assistance**

749. The objective of Danish development assistance is to take part in fighting poverty. Thus, a substantial share of Danish development aid contributes to eliminating the fundamental causes mentioned in Article 10.3 of the Protocol. In January 2005, Denmark introduced guidelines for children and young persons in Danish development assistance, and they are designed to move the focus of Danish development cooperation more directly to children and young people, particularly in the sectors covered by the 2015 Targets.

750. In multilateral development assistance work, UNICEF is an important partner to Denmark in the struggle to improve children's conditions. UNICEF works on the basis of the UN Convention on the Rights of the Child with focus on five key areas: Education of girls, children's early development, vaccination, fighting HIV/AIDS and protecting children.

751. The Danish support provided to the ILO has the following target areas: Fighting child labour, supporting indigenous peoples, integrating employment considerations in national strategies for poverty reduction and ensuring sustainable development in Danish

cooperation countries in Africa through focus on employment activities, including youth employment. Based on these priorities, Danish support is aimed at the poorest and most vulnerable population groups among children and adults. The ILO programmes against child labour that receive Danish support are aimed to achieve progressive eradication of child labour with spotlight on eliminating the worst forms of child labour and creating alternatives for children and their families.

752. Based on Denmark's participation in the Human Rights Council, Denmark plays an active role in seeking, through cooperation in the European Union, to eliminate the sale of children, child prostitution and child pornography, also in connection with the adoption of resolutions in these areas.

753. In connection with Danish bilateral assistance, a number of smaller projects are in operation to promote children's rights in Asia, Latin America and Africa, for instance in Nepal, Nicaragua, Bolivia, Ghana and Uganda. A considerable number of the activities carried out in Denmark's programme contribute directly or indirectly to the implementation of the Protocol.

754. Among activities supported by Denmark are projects in Central America, including an educational sector programme in Nicaragua and a regional programme for Human Rights and Democracy in Central America, which also has focus on preventive efforts, support to ombudsman institutions in Central America, particularly the special ombudsman for children's rights in Nicaragua, support to IIDH (the Inter-American Institute for Human Rights) and the Inter-American System for Human Rights and several joint donor funds in Nicaragua, Honduras and Guatemala, which support initiatives to strengthen children's rights, for example.

755. In 2005, a programme on human trafficking was initiated under the Neighbour Relations Programme with the overarching goal of supporting national authorities, international organizations and NGOs in Moldova, Ukraine and Belarus in their efforts to combat human trafficking. The objective of the programme is to promote and reinforce the prevention of human trafficking, support the legal systems and protect and help victims. The programme, which runs from 2005 to 2008, has a total budget of DKK 29.5 million.

756. Under the Neighbour relations Programme, Denmark also supports NGO projects that focus on fighting human trafficking. The support in 2003–2005 was granted through the Danish Red Cross, Danish Doc Production and the International Organization for Migration.

757. Denmark has defined a strategy for support to the combat of HIV/AIDS in developing countries (2005) and thus provides funding in order to boost initiatives to help orphans and other vulnerable groups of children. In 2007, Denmark paid a three-year contribution of DKK 60 million to UNICEF's work to provide protection and help to children who are hit by the HIV/AIDS epidemic.

758. The NGO projects that receive Danish funding comprise both direct support to street children in prostitution and children who are victims of sexual abuse and trafficking, including information to make them aware of children's rights, and support to projects that have a more general goal of improving children's conditions, for example by improving their opportunities of receiving education.

759. The Ministry of Foreign Affairs has entered into a framework agreement with Save the Children for the years 2005–2008 to implement projects that will improve vulnerable children's conditions and promote their rights in conformity with the UN Convention on the Rights of the Child. In addition, in 2007, outside the framework agreement, the Ministry granted funds directly to a programme to combat sexual exploitation of children in Thailand, Burma and Cambodia. Other NGO projects operated with Danish support also

comprise elements that will help children. Over the years 2005–2008 Denmark has moreover granted extraordinary humanitarian funds to initiatives that include children in difficult circumstances, for example due to flooding, drought or civil war.

760. Denmark is also committed to creating better life conditions for children in other areas of its foreign policy cooperation. Thus, Denmark actively backed the drafting under OSCE auspices of a supplement to the OSCE plan of action to combat human trafficking (2003). The supplement, which takes account of children's special needs of protection and assistance in connection with the prevention of human trafficking, was adopted in July 2005, following a formal resolution to this effect passed at the meeting of the OSCE Council of Ministers in Sofia in December 2004.

### **XI.E.3. Cooperation to deal with misuse of the Internet**

761. The Science Ministry takes part, as the representative of the Danish authorities, in the European Commission's programme Safer Internet Plus, which spotlights illegal content on Internet sites.

762. The existing programme for promotion of safer Internet use was launched by the European Commission in 2005. The Science Ministry has carried out and published a survey of Danish initiatives to combat child pornography on the Internet in 2006. Its conclusion was that the Danish initiatives are consistent with the Commission's programme Safer Internet Plus and the initiatives comprised by that programme.

763. On 27 February 2008, the European Commission submitted a proposal to be considered by the European Parliament and the European Council for a new multi-year Community programme for protection of children who use the Internet and other communication technologies. The new programme will serve as a platform for the Science Ministry's future activity to combat child pornography on the Internet.

764. In addition, the Science Ministry is a partner to the global Internet Governance Forum, which discusses a range of issues related to the administration of the Internet such as protection of children on the net.

### **XI.F. Other legislative instruments (art. 11)**

765. On 20 December 2007, Denmark signed the Convention of the Council of Europe on Protection of Children against Sexual Exploitation and Sexual Abuse. A bill with the legislative amendments necessary to enable Denmark to ratify the Convention is expected to be put before Parliament in the parliamentary session 2008–2009.

## **Section 2 Greenland**

766. Parts of the family-law legislation applying to Denmark have not entered into force in Greenland. However, the Greenland Home Rule Authorities have asked that family-law rules for Greenland be adjusted to bring them up to date with Danish legislation. This project is expected to be implemented during the next few years. Thus protection of the rights of children in Greenland's family-law cases will reach the same level as in Denmark.

767. The protection of children against economic exploitation is primarily safeguarded by ensuring compliance with legislation and rules concerning the work of young people. The rules governing the work of young people are administered and enforced by the local office of the Working Environment Authority in Greenland.

768. Denmark's ratification of ILO Convention No. 138 of 1973 concerning the minimum age for admission to employment and ILO Convention No. 182 of 1999 on the worst forms of child labour also apply to Greenland.

769. The Greenland Working Environment Act was amended in 2005. Part 9 of the Act and the rules of the Executive Order on the Work of Young People in Greenland contain provisions as to the minimum age for admission to employment and rules to ensure that any employment involving young people under the age of 18 must enable the work to be performed in a manner that is perfectly sound from a safety and health point of view; and that the young people are not subjected to physical, biological, chemical or emotional hazards in the short and long term. The rules governing the work of young people in Greenland are almost identical to the rules in Denmark.

770. **The most important amendments to working environment legislation in Greenland are as follows:**

- As something new, the special rules of protection for young people now also apply to work in an employer's private household and work exclusively carried out by members of the employer's live-in family. The rules authorize the laying down of specific derogation provisions concerning periodic or short-term employment.
- As a new addition, young people's participation in hunting and fishing is also covered by the rules.
- The minimum age for lighter work has been raised from 10 to 13 years.
- To the statutory main rule that children under 15 years of age may not be employed, the act adds "and not covered by the education requirement".
- Young people may not work after 6 pm on weekdays and after 2 am on Saturdays, Sundays and holidays.
- The rules governing the scheduling of working hours have been clarified. The main rule is that young people may not work during the hours of 8 pm and 6 am. Young people under 15 years of age or individuals covered by the education requirement must have a daily rest period of at least 14 hours. Young people under the age of 18 must have two 24-hour periods off for each 7 day period.
- It has been specified that young people between 13 and 15 years of age or covered by the education requirement, may not be employed using, or be near, hazardous substances and materials.

### Statistical information

Table 7

#### Reactions from the Working Environment Authority by year and type of reaction

<i>Year</i>	<i>Prohibition and improvement notices</i>	<i>Guidance</i>	<i>Total</i>
2001	2	0	<b>2</b>
2002	2	0	<b>2</b>
2003	0	0	<b>0</b>
2004	5	0	<b>5</b>
2005	0	61	<b>61</b>
2006 (until October)	2	16	<b>18</b>
2007	2	37	<b>39</b>

*Source:* The Working Environment Authority of Greenland.

Table 8  
**Number of occupational accidents reported to the Working Environment Authority in Greenland by year, age and type of accident**

<i>Year</i>	<i>Age</i>	<i>Soft tissue injury</i>	<i>Open wound</i>	<i>Loss of body part</i>	<i>Closed fracture</i>	<i>Joint dislocation</i>	<i>Sprain, contusion, distortion</i>	<i>Other</i>	<i>Total</i>
2005	15								<b>0</b>
	16	1			1				<b>2</b>
	17				1				<b>1</b>
2006	15					1			<b>1</b>
	16								<b>0</b>
	17		1		1				<b>2</b>
2007	15		1				2		<b>3</b>
	16	1	1				1		<b>3</b>
	17						1		<b>1</b>
<b>Total</b>		<b>2</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>13</b>

*Source:* The Working Environment Authority of Greenland.

Table 9  
**Number of young people employed in Greenland by age, gender and year**

<i>Age and gender</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Male 15–17 years	1 083	1 112	1 081	1 069	1 130	1 122
Female 15–17 years	998	1 059	1 114	1 066	1 170	1 188
<b>Total</b>	<b>2 081</b>	<b>2 171</b>	<b>2 195</b>	<b>2 135</b>	<b>2 301</b>	<b>2 310</b>

*Source:* Statistics Greenland.

771. Statistics Greenland does not record young people under 15 years of age and does not include individuals earning less than DKK 40,000 per annum.

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

### **XII.A. Ratification and reservations**

772. Please refer to paragraph X.A.1. of Denmark's Third Periodic Report (2003).

#### **XII.A.1. Optional Protocol on the sale of children, child prostitution and child pornography**

773. The Greenland Executive is currently considering accession to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

## **XII.B. Measures for the implementation of the rights set out in the Convention (art. 4)**

### **XII.B.1. Incorporation of the provisions of the Convention into the law of Greenland**

774. Please refer to paragraph X.A.2. of Denmark's Third Periodic Report (2003).

775. In December 2003, the Greenland Parliament (the Landsting) adopted a new Act on a Knowledge Centre on Children and Young Persons, a documentation centre that will collect and systematise existing knowledge about the conditions of children and young persons in Greenland. The Centre's objective is to collect information based on the child's perspective, for example information about family, social, health, educational and housing conditions.

776. A reform of the public assistance area was launched in 2006, resulting in a new set of Regulations on Public Assistance, which makes it a mandatory requirement to give the child's best interests priority when local authorities compute the amount of the monthly benefits paid to a claimant. It means that claimants of public assistance who have children in their household will be entitled to monthly benefits of a magnitude that can cover all children's needs for shelter, food, clothes, recreational activity and the like. In addition, the local authority must administer the claimants' monthly benefits ensuring protection of the children's interests in case certain claimants are unable to do their own prioritising of their children's needs. This may be carried through by paying the monthly benefits by means of a coupon system or in kind.

777. The period of leave available to parents upon the birth of a child was extended by 11 weeks of parental leave in 2006 for all parents who have had a baby on 1 July 2006 or later.

778. In 2007, the Greenland Executive initiated a major research project comprising a quantitative study of the welfare of families. It will be representative of the entire population and examine a broad variety of conditions of health, financial circumstances, schooling/day care, recreational activity, parents' alcohol use and the extent of sexual abuse and general neglect in families with children who are 0 to 14 years old. The report of the study, which is due to be published in early 2009, is planned to serve as guide for new initiatives for children and young persons.

## **XII.C. Making the principles of the Convention widely known (arts. 41 and 42)**

779. Please refer to paragraph X.A.3. of Denmark's Third Periodic Report (2003).

780. A nationwide survey of all residential institutions in the child and youth area was carried through in 2007, aimed to check, for example, the extent to which staff has acquired knowledge of and uses the UN Convention on the Rights of the Child. The report has not yet been completed.

### **XII.C.1. Education of professional staff in the rights and principles of the Convention**

781. An information campaign focused on care for children and neglect of children was running from April 2006 to 2007. It was divided into two focus areas, one being an information campaign in national media aimed at all citizens and the other being a massive effort to conduct courses in local authorities for professionals in the social service area. Cross-disciplinary courses were held in all towns and in some villages, with 1382 social service staff attending the courses. The topics that dominated all courses were cross-disciplinary cooperation and early intervention. In addition, the UN Convention on the Rights of the Child was reviewed.

782. From 2003 the Greenland Executive has held a variety of courses dealing with children's rights in the social area legislation in which the Convention has been incorporated.

783. The following courses held in the period all had content that was related to the Convention on the Rights of the Child.

Courses in the implementation of new legislation on assistance to children and youth

Skills upgrading of staff at residential institutions

Modular continuing education for local authority staff

Courses on children's rights

Courses for foster parents

Special initiatives for the Year of the Family

Course for caseworkers dealing with foster homes

Seminar on family centres

Course for professional and non-professional foster families

Formally qualifying and upgrading courses on forensic psychiatry patients

To support measures in the social area – unskilled staff in day-care centres and day-care supports

Disability conference

Web-based social education programme for staff at residential institutions

#### **XII.D. Submission of reports to the UN Committee of the Rights of the Child (art. 44)**

784. In connection with the drafting of Greenland's contribution to Denmark's Fourth Report to the UN Committee on the Rights of the Child, the Department of Family and Health took part in an information meeting in Copenhagen convened by the Ministry of Foreign Affairs.

785. Subsequently, the Department of Family and Health held an information meeting for the relevant contributors from the Greenland Home Rule Government and Statistics Greenland.

786. Specific contributions from the Chief of Police, the Prison and Probation Service and the High Commissioner have in this report been included under the relevant Ministries in Denmark. Thus, Greenland's contribution includes only information from the areas that are the responsibility of the Greenland Home Rule Government.

787. In addition, the following of Greenland's NGOs have been notified of their possibility to submit specific input to Greenland's contribution: The Association for a Better Life for Children; Sorlak; The Fostering Association Nuuk, ICC, Red Cross Greenland, Save the Children Greenland, Spejderit Katuffiat, Atassutip Inuusuttai, the Inuit Ataqtigiiit Youth Organization and Siumut Inuusuttunut Suleqatigiiffiisa.

788. The report will be presented in Danish, English and the Greenland language.

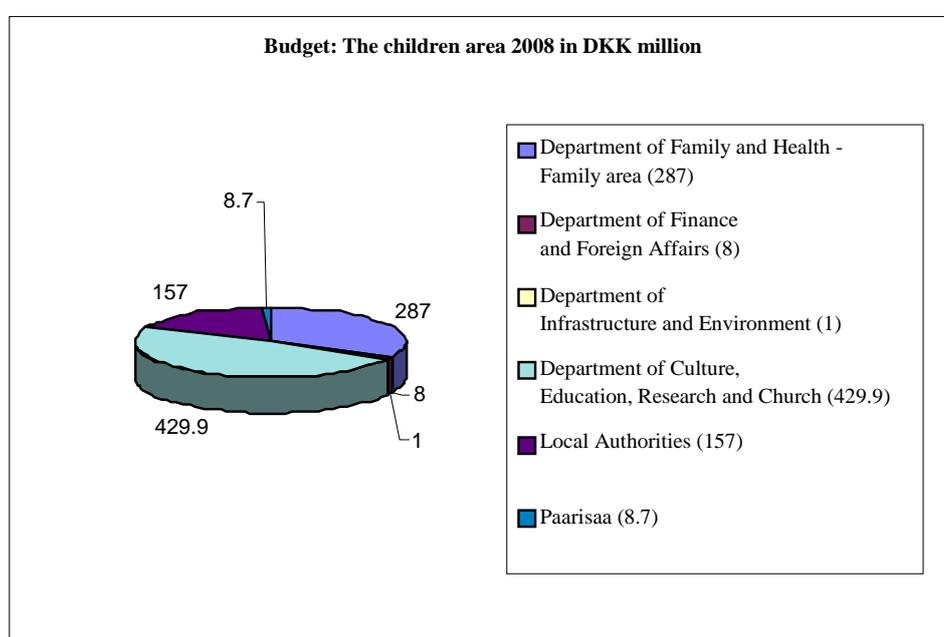
## XII.E. The Child Committee's observations and comments (art. 44)

789. This paragraph deals with the observations presented by the Committee on the Rights of the Child on the basis of its review of Denmark's Third Periodic Report (2003).<sup>1</sup>

### XII.E.1. Re the Committee's concluding observations, comments 16–17 on data collection

790. The Executive has set the goal of compiling more statistics on social affairs to be presented on the website of the Department of Family and Health in future and, in cooperation with Statistics Greenland, in the Statistical Yearbook. The department is in the process of making data about the number of placements in alternative care broken down by local authority available to the public at the new website [www.nanoq.gl](http://www.nanoq.gl) and in "Child and Youth Statistics".

### XII.E.2. Re the Committee's concluding observations, comments 18–19, on the national allocation of resources dedicated to children



791. The diagram does not include primary expenditure in the healthcare area, which is a substantial amount. In addition, the budgeted expenditure of the Department of Industry, Employment and Vocational Training is not included due to data collection problems. The expenditure related to children and young persons incurred by this Department is concerned primarily with training and vocational school programmes. There is furthermore some uncertainty in some of the budget figures submitted, for which reason the diagram is subject to considerable reservation.

792. The budgets for a few accounts vary significantly from one year to another. For example, the Department of Infrastructure and Environment has a budget amount of DKK 1 million on its capital account for 2008, while in 2006 the budgeted amount was DKK 40 million.

<sup>1</sup> Committee on the Rights of the Child, Concluding Observations: Denmark 23/11/05.

793. Since the data available are incomplete, this contribution will not present any statement of the relative expenditure on children and young persons compared to total public expenditure. Such a statement would not reflect the true picture due to insufficient data.

794. The Executive has set the goal of compiling more statistics on social affairs to be presented on the website of the Department of Family and Health in future and, in cooperation with Statistics Greenland, in the Statistical Yearbook.

**XII.E.3. Re the Committee's concluding observations, comments 40–4 concerning health and health services**

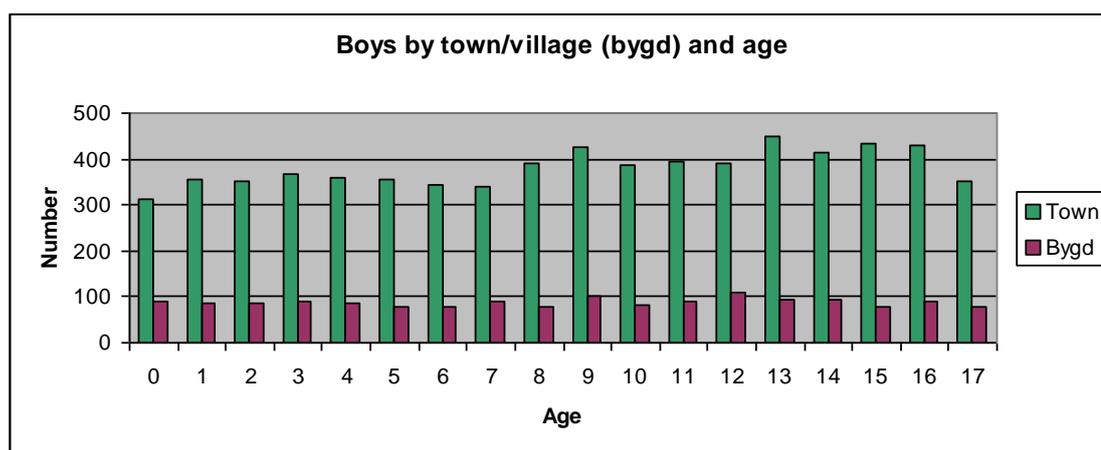
795. Please refer to paragraph XIV.C.6. of this report.

**XII.E.4. Re the Committee's concluding observations, comments 42–43, concerning mental health services**

796. Please refer to paragraphs XII.D.1 and XII.D.2 in this report.

**XIII. Definition of a child (art. 1)**

797. There are 16,603 children who are less than 18 years old in Greenland out of a total population of 56,648. A breakdown by town/village, age and gender is presented below:



*Source:* Statistics Greenland, 2007.

798. There are a total of 8,424 boys in Greenland between 0 and 18 years. 6,890 of these boys live in towns and 1,584 in villages. Thus, out of the total number of boys below 18 years of age approx. 82 per cent live in towns and 18 per cent in villages.



Source: Statistics Greenland, 2007.

799. There are a total number of 8,179 girls in Greenland between 0 and 18 years. 6,565 of these girls live in towns, while 1,614 live in villages. Thus, out of the total number of girls below 18 years of age approx. 80 per cent live in towns and 20 per cent in villages. In addition, please refer to paragraph X.B. of Denmark's Third Periodic Report (2003) for particulars about:

#### **End of the period of compulsory education**

800. Please refer to paragraph X.B.2. of Denmark's Third Periodic Report (2003) in respect of the extension of the period of compulsory education from nine years to 10 years as of 1 May 2008.

### **XIII.A. Imprisonment and other deprivation of liberty**

801. Please refer to paragraph X.B.16 of Denmark's Third Periodic Report (2003) for particulars concerning imposition of prison sentences. In the criminal justice system of Greenland offenders cannot be punished with imprisonment but solely other corrective measures, typically detention in an open institution, which is not viewed as punishment but placement with a view to rehabilitation.

802. In principle, children and young persons aged less than 18 years cannot be sentenced to detention in an institution in Greenland. This type of measure will only be considered if a young person has committed a crime against the person of a very serious nature. Children above 15 years of age may be detained by the police during a period of investigation or by order of a judge pending final conviction.

803. To avoid placing children and young persons who have committed serious crimes against the person alongside adult criminals in the open institutions it has been proposed to change the relevant counselling, making it possible to set up secure units for children and young persons. Accordingly, the Home Rule Government wants to establish a secure unit at a residential facility for young persons in order to completely prevent that children and young persons are placed with adult criminals.

804. For the number of children and young persons who are placed in detention, please refer to the contribution of the police. The Greenland Police will submit their contribution directly to the Ministry of Justice in Denmark.

**XIII.B. Age of majority**

805. Please refer to paragraph X.B.10 of Denmark's Third Periodic Report.

**XIII.C. Legal capacity in property law**

806. Please refer to paragraph X.B.12. of Denmark's Third Periodic Report.

**XIII.D. Freedom of association**

807. The freedom of association enshrined in the Constitution covers all, irrespective of their age. For details, please refer to paragraph V (f) of Denmark's First Periodic Report. However, the Freedom of Association Act has not been extended to Greenland.

**XIII.E. Freedom of religion**

808. Section 67 of the Constitution on freedom of religion covers all, irrespective of their age. Please refer to paragraph V (e) of Denmark's First Periodic Report.

**XIV. General principles (arts. 2, 3, 6 and 12)****XIV.A. Non-discrimination (art. 2)**

809. Please refer to paragraph X.C.1. of Denmark's Third Periodic Report.

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

810. Please refer to paragraph X.C.2. of Denmark's Third Periodic Report (2003) for a specification of the child's best interest under the law of Greenland.

811. In respect of the child's best interests in family-law cases (parental custody, contact and access and adoption) please refer to paragraph XIV.D.

812. The child's best interest is an important cornerstone of Greenland's legislation concerned with children and young persons, while at the same time the authorities have to take account of realities in the society of Greenland. The children and young persons who have difficulties or are in need of support are being helped by backing of their families and assistance to the personal resources that exist in the child or young person's environment. It is imperative to point out, however, that the authorities do what is necessary to protect children and young persons. Thus, current legislation is based on the principle of proportionality. The administration initiates the type of support that will be the least interfering measure while at the same time taking whatever steps are necessary.

**XIV.C. The child's right to life, survival and development (art. 6)****XIV.C.1. Death by execution**

813. No deaths caused by execution occur in Greenland.

**XIV.C.2. Death by death penalty**

814. No deaths as a consequence of any death penalty occur in Greenland.

**XIV.C.3. Death caused by disease, for example HIV/AIDS, malaria, tuberculosis, polio, hepatitis and other infectious diseases**

815. No deaths have been registered among children or young persons under 18 years of age due to HIV/AIDS, malaria, tuberculosis, polio, hepatitis or other infectious diseases. In the past five years, an average of 77 new cases of tuberculosis have been registered every year. There have, on average, been 12 cases of tuberculosis in children and young persons under 18 years of age. A massive campaign has been launched in Greenland in parallel with the world campaign for the eradication of tuberculosis.

**XIV.C.4. Deaths in traffic accidents and other accidents**

816. According to the Medical Officer of Health, four persons below 18 years of age died from traffic accidents and other accidents in the period under review.

<i>Traffic accidents</i>	2003	2004	2005	2006	2007
Number	2	0	1	1	0

**XIV.C.5. Deaths caused by crime**

817. According to the Medical Officer of Health, three persons below 18 years of age died from criminal offences in the period under review.

<i>Killings of children and young persons</i>	2003	2004	2005	2006	2007
Number	1	1	1	0	0

818. The Greenland Police will submit their report directly to the Ministry of Justice in Denmark.

**XIV.C.6. Suicide**

819. The suicide rate among young people below 18 years of age is unchanged relative to the period 1998–2002. The number of suicides among young people is relatively high viewed against a total population of 56,648<sup>2</sup> and a total number of young persons under 18 years of age of approx. 16,600. The figures have been provided by the office of the Medical Officer of Health to whom all deaths and causes of death are reported.

<i>Suicide</i>	2003	2004	2005	2006	2007
Number	5	6	4	8	8

820. For several years, the Centre for Population and Health of the Greenland Home Rule Government has been engaged in efforts to prevent suicide through various initiatives and projects. The first proposal for a coherent, national suicide prevention strategy for Greenland, which was prepared in 2004, was considered and adopted by the Greenland Parliament at its autumn session 2004.

<sup>2</sup> Population data as of 1 January 2007, Statistics Greenland.

821. From the spring of 2005, several initiatives have been introduced to underpin and reinforce the suicide prevention work carried out by professionals and resource persons in local communities. All local authorities except Qaanaaq have received visits. In 2007, the Greenland Executive launched a special effort in Upernavik after several young persons had committed suicide. In addition, preventing suicide became a subject in a new training programme for local authority prevention advisors, who are intended to communicate knowledge on and instruments to be used in ongoing preventive work.

822. In August 2007, a nationwide, anonymous telephone helpline was established in order to reach persons in deep need of help to cope with difficult situations in their life. The helpline called Attavik 146 is operated by professionals, who have also been given a course on crisis counselling. The telephone is open Wednesdays and Saturdays between 7 and 10 p.m. Calls to Attavik 146 are free of charge.

823. In collaboration with the Knowledge Centre on Children and Young Persons, leaflets have been published to present extra data material on young persons with a suicidal behaviour and young persons who are doing well from the study "Teenage Wellbeing in Greenland 2004" carried through by the National Institute of Public Health. One report is entitled "Memorandum on Young Persons who are Doing Well", while the other is entitled "Memorandum on Suicide Thoughts and Attempted Suicide among Young Persons in Greenland".

824. The Greenland Executive has international cooperative relations with other institutions engaged in suicide prevention, devoting special attention to contact with similar institutions in other Arctic regions. In addition, PAARISA has taken part in conferences and workshops, sharing experience and creating networks that can underpin its commitment to preventing suicide.

825. A review of the project has been carried through by two consultants, one from Alaska and one from Nunavut. The report will be published in mid-2008.

#### **XIV.D. Respect of the child's views (art. 12)**

826. On 8 April 2008, Parliament adopted the new Administration of Justice Act for Greenland. The Act (Act no. 305 of 30 April 2008), which will enter into force on 1 January 2010, is based on the proposals and recommendations made by the Justice Commission for Greenland (Den Grønlandske Retsvæsenkommission) in its Report No. 1442/2004 on the Greenlandic legal system.

827. In certain criminal cases it will be possible for the court, under section 333 of the new Administration of Justice Act, to appoint a social representative to the victim in cases concerned with contravention of the provisions of the Criminal Code on violence or threatened violence and several other provisions. In cases concerned with sexual offences committed against children of less than 15 years of age, such a representative must be appointed. The social representative may be a social worker from the social service or a person from the new 'victims' guard'.

828. The social representative's functions include participation in informing the victim about the course of the criminal case. The representative may attend the trial in court together with the victim and also be present during investigations, for example when the victim is interviewed by the police. The representative may also inform the victim of the existing services available to victims such as help from a psychologist, etc.

**XIV.D.1. Hearing of the child in decisions about parental custody and adoption**

829. Please refer to paragraph X.C.4. of Denmark's Third Periodic Report (2003) for a specification of the situations in which the hearing of a child may be omitted if it is assumed to be detrimental to the child or without any implications for the decision. The child's maturity must be assessed and if it is concluded that the hearing of the child's views will be detrimental to the child, then it should not take place. Furthermore, the child may always refrain from expressing any views.

**XIV.D.2. Adoption**

830. The rules governing adoption in Greenland are the same as those presented in the description of Danish law in paragraph VI (g) of Denmark's First Report.

**XIV.D.3. Parental custody and access**

831. The hearing of children in matters concerned with parental custody and access are governed by the Legal Capacity Act, which provides that an interview must be held with a child who has turned 12 years before any decision is made in a matter concerned with parental custody or access. Such an interview may be omitted, however, in case it is assumed to be detrimental to the child or without any implications for the decision.

832. The Greenland High Court has reported that the local courts — district courts — also conduct interviews with children who are less than 12 years old in matters of parental custody and access. The decision of whether to hold an interview with the child will depend on the particular child's maturity. In practice, interviews are held with children who have turned eight or nine years. The hearing of children is a consideration that the district courts take into account and it will be part of the new district judge qualification programme, expected to be commenced in the autumn of 2008.

**XIV.D.4. Name**

833. Under Act No. 193 of 29 April 1981 on Personal Names, which has been extended to Greenland, children above 12 years of age are required to grant their consent to any change of name.

**XIV.D.5. Associations for children and young persons**

834. The number of associations for and concerned with children and young persons known to the Greenland Home Rule Government is about 27.

Society for Better Children's Lives, Sorlak	150 members
Kalaallit Ilinniagaqartut Kattuffiat, K.I.K.	500 members
The Foster Family Association Nuuk	30 members
ICC	
Red Cross Greenland	
Save the Children Greenland	
Spejderit Kattuffiat	320 members
Atassutip Inuusuttai Nuuk	21 members
Atassutip Inuusuttai Upernavik	14 members
Inuit Ataqaqiiit's Youth Organization	15 members
Siumut Inuusuttunut Suleqatigiiffiisa	150 members

Nanuaraq	
Greenland's Sports Union	7,445 members
Igalaq Youth Forum	
Inuit Youth International	
SUKORSEQ	2,252 members
Kalaallit Ilinniagaqartut Kattuffiat, K.I.K.	500 members
NAIP-p inuusuttai	21 members
Sanningasup Tungujortup Inuusuttai	45 members
Ikinngutivut, Alluitsup-Paa	45 members
Meeqqat Inuusuttullu Peqatigiiffiat	32 members
Inuusuttut Peqatigiit, Upernavik Kujalleq	40 members
Ukkusissani Kalattoortartut Peqatigiiffiat	20 members
Festival-ip Inuusuttai, Uummanaq	35 members
Meerartai "Avalequt"	29 members
Inuusuttut Peqatigiit "Siut Isse", Kitsissuarsuit	27 members

#### **XIV.D.6. Schools with independent pupils' councils**

835. All schools in Greenland have an independent pupils' council. See paragraph XIII.A.

### **XV. Freedom rights, etc. (arts. 7, 8, 13–17 and 37 (a))**

#### **XV.A. Registration at birth (art. 7)**

836. All children in Greenland are registered at birth. Please also refer to paragraph X.D.1. of Denmark's Third Periodic Report (2003).

##### **XV.A.1. Paternity**

837. The rules governing paternity in Greenland are the same as those presented in the description of Danish law in paragraph V (a) of Denmark's First Report.

#### **XV.B. Freedom of expression (art. 13)**

838. Please refer to paragraph V (c) of Denmark's First Periodic Report in respect of the Constitution.

##### **XV.B.1. Youth Parliament**

839. Please refer to paragraph X.D.3.a. of Denmark's Third Periodic Report (2003).

**XV.C. The child’s right to freedom of thought, conscience and religion (art. 14)**

840. Please refer to paragraph V (e) of Denmark’s First Periodic Report in respect of the Constitution.

**XV.D. The child’s right to freedom of association (art. 15)**

841. Please refer to paragraph V (f) of Denmark’s First Periodic Report in respect of sections 78 and 79 of the Constitution.

**XV.E. The child’s right to privacy and family (art. 16)**

842. Please refer to paragraph X.D.6. of Denmark’s Third Periodic Report (2003).

**XV.F. The child’s right to information (art. 17)**

843. All children in Greenland are registered at birth. Please also refer to paragraph X.D.1. of Denmark’s Third Periodic Report (2003).

**XV.G. The child’s right to protection from torture or other degrading treatment (art. 37 (a))**

844. Please refer to paragraph X.D.8. of Denmark’s Third Periodic Report (2003).

**Duty of notification**

845. In addition to parents’ responsibility for their own children, the Greenland society as a whole has a responsibility to children and young persons. One aspect of this responsibility is that everyone is subject to a duty of notification, which means that they have a duty to call the local authority’s attention to children who live in circumstances that put their health or development at risk. Staff in the social service, school or healthcare sectors are under a more stringent obligation to inform the local council whenever they acquire knowledge about a child in need of help.

846. Particularly local authorities play a decisive role in relation to children and young persons because they are responsible for creating conditions for children and young persons that will promote their development, wellbeing and independence. Local authorities have a duty to supervise the conditions offered to children and young persons, and they conduct supervision of schools and institutions frequented by children and young persons. It is a local authority’s duty to take action if children in the local district do not enjoy wellbeing or need help. The help that can be provided to families and children who are not doing well ranges from special education to compulsory placement in out-of-home care.

**XV.G.1. Torture**

847. No persons have ever been exposed to torture in Greenland.

**XV.G.2. Rough, inhuman and degrading treatment of children and young persons**

848. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XV.G.3. Violent offences that have led to conviction or other types of sanction**

849. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XV.G.4. Special follow-up and care**

850. Under the Landsting Regulations on Help to Children and Young Persons, local councils may decide to provide support to children and young persons by measures such as:

- Social work dealing with the child's situation
- The child's attendance of a day facility, a youth club or an education programme, etc.
- Practical, educational or other support in the child's home
- Family therapy or other similar types of support
- A residential stay for the child, the holder of parental custody and other family members at a residential institution, in a foster family or a similar facility
- Relief care at a residential institution, in a foster family or a similar facility
- Appointment of a support provider to the holder of parental custody when a child is placed in alternative care
- Appointment of a personal advisor under section 16
- Financial support towards schooling at a boarding school
- Placement of a child in alternative care, for example at a residential institution or in foster care, which is considered to be suited to cover the child's specific needs or
- Post-placement care

851. The local council may decide to grant support towards payment of expenses resulting from the assistive measures set out above in cases where the holder of parental custody is without the means to pay for such measures.

852. In addition, the residential institutions for children and young persons provide special care to the children who are placed in alternative care due to neglect. Data for the number of children and young persons who receive special care are not available. Please refer to paragraph XVI.4.a for the number of children and young persons placed in alternative care.

**XV.G.5. Programmes against institutional use of force**

853. Under the existing rules, it is possible to use force in dealing with children and young persons at residential institutions. Such use of force is highly restricted, however, and consists solely of the possibility of restraining a child and moving a child to a different room. Humiliating, spiteful or other degrading treatment is not permitted and corporal punishment is not permitted. The staff is not allowed to keep children and young persons isolated or locked up, and an institution may not be locked off during day hours.

854. Each time force is used at a residential institution it must be reported immediately to the ultimate authority responsible for residential institutions. Children and young persons at residential institutions also have the possibility of lodging a complaint in case they have been exposed to the use of force.

## **XVI. The right to a family life and alternative care and upbringing (arts. 5, 9–11, 18 (1 and 2), 19–21, 25, 27 (4) and 39)**

### **XVI.A. Family support (arts. 5 and 18 (1 and 2))**

855. In 2005, the latest year for which data are available, there were 22,088 households in Greenland, 8276 being households with children, equivalent to a rate of 37.4 percent of all households. The most common household with children is a household of two adults and one child. There are more single mothers than single fathers.<sup>3</sup>

<i>Types of household</i>	<i>2003</i> %	<i>2004</i> %	<i>2005</i> %
0 children	61.7	62.2	62.2
1 child	15.9	15.9	16
2 children	12.3	11.9	12.1
3 or more children	10	9.6	9.4
2 adults, 0 children	18.9	19.1	19.2
2 adults, 1 child	7.9	7.9	7.8
2 adults, 2 children	7.5	7.1	6.9
2 adults, 3 or more children	6.4	5.9	5.7
Single woman, 0 children	12.7	13.1	12.9
Single woman, 1 child	3	2.9	3.1
Single woman, 2 children	1.6	1.6	1.6
Single woman, 3 or more children	0.9	0.9	0.9
Single man, 0 children	23	22.9	23.1
Single man, 1 child	0.9	0.9	0.9
Single man, 2 children	0.4	0.5	0.5
Single man, 3 or more children	0.1	0.1	0.1

#### **XVI.A.1. Programmes in the area of parental responsibility and upbringing**

856. Please refer to paragraph X.E.1.a of Denmark's Third Periodic Report (2003). Under the Landsting Regulations on Help to Children and Young Persons, local councils may decide to provide measures of support such as social work dealing with the child's situation, practical, educational or other support in the child's home, family therapy or other types of support, all for the purpose of helping the parent who has custody of the child to perform adequately the role of care provider to the child. In addition, local councils may decide to place a child in alternative care, for example at a residential facility or in foster care.

857. Local authorities can offer parents and children the following services.

858. The Department of Family and Health has appointed a psychologist to help local authorities offer psychological crisis help when traumatic incidents occur in their district. One of the tasks to be carried out is providing assistance to local authorities in their

<sup>3</sup> Statistics on Children and Young Persons in Greenland, 2007–2008.

development of local crisis preparedness resources, for which two psychologist's positions have been allocated. This area is still in the process of development.

859. With effect as from 2007, the Greenland Executive has granted funding to local authorities in connection with their establishment of family day schools, which are organised to strengthen the particular families, for example offering them opportunities to discuss family problems in dialogue with others.

860. The Greenland Executive started up a funding programme in 2006 aimed to support the local authorities' family work by means of Family Centres. The Executive offers grants towards the cost of staff who handle tasks in the area of family therapy and counselling. The Family Centres offer support such as day facilities, conversation sessions with families, sessions with children and special action to help families with extra needs. The Department of Family and Health held a seminar about Family Centres in 2007. The towns in which Family Centres have been set up are Nuuk, Aasiaat, Tasiilaq, Narsaq and Maniitsoq.

861. The Greenland Executive provides grants to a variety of preventive programmes in the social area in an annual basis, supporting interest organizations as well as voluntary and local authority initiatives. The programme, which has not been changed since 2003, provides grants for:

- Crisis shelters for battered women and children
- Special social education measures and day centres for children
- Grants to voluntary organizations
- Grants to special projects (associations and organizations)

862. In 2006, the Executive established a free, anonymous family counselling service staffed by professionals to handle talks with parents and families who need support, guidance and counselling.

863. The same year it also launched a project, "Early Backing", for families that expect a child, specifically to help pregnant women in situations that give rise to 'reasoned concern' about the family's ability to provide an upbringing with the necessary care and support for their child. Families must be offered support that will enable them to get their newborn babies into sound development. The project draws on a variety of resources, involving the Department of Family and Health, the local authority, the healthcare service and other relevant institutions.

#### **XVI.A.2. Services for families and children**

864. All children and families in Greenland have access to services such as day-care centres, child-minders, recreational activity centres and after-school programmes.

<i>Institutions<sup>4</sup></i>	<i>Number</i>	<i>Places</i>
Day nurseries	19	736
Nursery schools	16	834
Comprehensive day nursery/nursery school	46	2 206
Registered childminders	58	231
Private day nurseries + nursery schools	4	84
<b>Total</b>	<b>85</b>	<b>4 091</b>

<sup>4</sup> KIIP, October 2007.

865. In addition, the area of children and young persons comprises a number of special socio-educational programmes and pilot projects that are funded fully or partly from public resources. The grants provided may account for up to 1/3 of budgeted operating expenses. Pilot projects may not receive grants for any period longer than three years.

866. The following day centres for children received grants in 2007:

Nanortalik:	Pilutaq	DKK	234 000
Alluitsup paa:	Sikkersoq	DKK	237 000
Nuuk:	Mælkebøtten	DKK	1 404 000
Ittoqqortoormiit:	Kutsadda	DKK	200 000
Tasiilaq:	Amarngivat + branches in Kulusuk & Kuummiut	DKK	652 000

867. Save the Children in Qaanaaq has a day centre for children and young people, which has not applied for grants.

868. Family Centres have been set up in Nuuk, Aasiaat, Tasiilaq, Narsaq and Maniitsoq.

## **XVI.B. Children without care providing parents (art. 9)**

### **XVI.B.1. Separation of child and parents**

869. Please refer to paragraphs X.E.2. and X.E.2.a of Denmark's Third Periodic Report (2003) for a specification of the principle of proportionality compared to paragraph XIV.B. on the child's best interest.

870. A total number of 1152 children and young persons are placed in alternative care, out of a total population below the age of 18 years of 16,603. This amounts to a rate of 6.9 per cent.

871. The vast majority of the 6.9 per cent of children have been placed in care due to neglect and maltreatment.

### **XVI.B.2. Number of children separated from their parents by a judicial order**

872. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

### **XVI.B.3. Alternative care institutions for children without parental care**

873. The following statement of institutions is based on information in the Parliament's Budget, except for the 2003 figures for places available, which are based on the annual report for residential institutions because they do not appear from the Parliament's Budget for 2003. The staff/child ratios for the years 2004, 2005, 2006 and 2007 are based on the standard allocation of staff.

874. For the year 2003 no reliable figures are available to show the standard activity level for staff per child. A common factor in all the years listed below is that a large share of the staff positions allocated to the residential institutions for children and young persons are filled by unskilled helpers and that the turnover of both qualified and unskilled staff is substantial.

875. In addition to the national institutions, three local authorities have set up their own residential institutions:

Tupaarnaq in the local district of Nuuk with 9 places for children under 18 years of age

Miniibo in the local district of Upernavik with 6 places for children under 18 years of age

Tasiiga in the local district of Narsaq with 6 places for children under 18 years of age

876. In addition to the national and local authority operated residential institutions, there are four independent residential facilities:

IMP in Nuuk with 6 places for children and young persons

IMP in Maniitsoq with 10 places for children and young persons

Tugdlik in Nuuk with 10 places for children and young persons

Illu Paarsivik in Qaqortoq with 18 places for children and young persons

877. No information is currently available about the standard staffing per child in independent and local-authority residential institutions, for which reason the following activity levels for staffing per child comprise only the national residential institutions.

Region	Number of facilities/standard number of places				
	2007	2006	2005	2004	2003 <sup>5</sup>
North	2/38	2/38	2/38	2/33	2/33
Centre	1/9	3/30	3/33	2/25	2/25
East-West	4/85	5/97	5/95	5/95	5/89
South	1/19	1/19	1/19	1/17	1/14

Name of facility	Staffing per child				
	2007	2006	2005	2004	2003
Meeqqat Angerlarsimaffiat, Uummannaq	1.4	1.4	1.4	1.3	
Sarliaq, Ilulissat	1.4	1.4	1.2	1.4	
Uulinermiut, Nuuk	1.5	1.5	1.5	1.3	
Meeqqat Illuat, Nuuk	1.7	1.7	1.7	1.5	
Angerlarsimaffik, Aja including MATU and the girls' project	2.0/2.4	2.0/2.4	2.0/1.9	2.8/2.8	
Red Cross Children's Home, Nuuk	1.2	1.2	1.2	1.2	
Princess Margrethe's Children's Home, Tasiilaq	1.3	1.3	1.3	1.4	
Gertrud Rask Memorial, Sisimiut		1.9	1.8	1.2	
Qiviarfimmi Meqqat Angerlarsimaffiat, Sisimiut	2.7	2.7	2.0		
Innuusuttut Inaat, Qaqortoq	1.3	1.3	1.3	1.3	

<sup>5</sup> The figures are from the annual report of the residential institutions because the figures do not appear from the Budget 2003 as well as the Budget does not include activity levels for the standard staffing per child.

**XVI.C. Family reunification (art. 10)**

878. There are no family reunified children living in Greenland.

**XVI.D. Abduction (art. 11)**

879. No children have been abducted to or from Greenland.

**XVI.E. Parental responsibility and assistance to parents (art. 18 (1 and 2))**

880. Please refer to paragraphs X.E. 5. and X.E.5.a. of Denmark's Third Periodic Report (2003) for a specification of the financial support offered to parents under new Regulations on Public Assistance adopted in 2007 (Landsting Regulations No. 15 of 20 November 2006 on Public Assistance) compared to paragraph XII.B.1.

881. The rules of Greenland governing parental custody and access are the same as those accounted for in the description of Danish law in Denmark's First report, paragraph IV (d) and paragraph VI (b).

**XVI.F. Abuse and negligent treatment (art. 19)**

882. The age of consent in Greenland is 15 years, as determined in section 53 of the Criminal Code.

883. The Chief of Police for Greenland has reported that new directions on the prosecution service entered into force in May 2008. The directions include revised provisions on video interviews and medico-legal examinations of child victims of sexual offences as well as provisions on obtaining consent, on who may conduct video interviews, on how interviews are planned, on the rights of the social representative, the suspect and the accused, on the handling of disputes between the police and the social representative and on the execution of medico-legal examinations of victims.

884. Particularly in relation to Recommendation 57 (b) by the United Nation's Committee on the Right of the Child in response to Denmark's Third Periodic Report, we may report that by Act no. 1186 of 7 December 2004 a new provision was inserted in the Criminal Code with the following wording:

“Section 56 A. Any person who distributes immoral photographs or films, other immoral visual reproductions etc. of persons under the age of 18 shall be punished for the offence of child pornography.

Subsection 2. Any person who possesses or against consideration acquires access to or knowledge of immoral photographs or films, other immoral visual reproductions etc. of persons under the age of 18 shall be punished for the same offence.

Subsection 3. The provision in subsection (2) shall not apply to possession of immoral photographs of a person who has reached the age of 15 if the person in question has consented to such possession.

Subsection 4. Any person who takes immoral photographs etc. of a person under the age of 18 with the intention of selling the material or distributing it in other ways shall likewise be punished.”

885. In relation to Recommendation 57 (d) it may be reported that the Greenland Police ensures ongoing training of video interviewers and that the officers of the police district are

able to participate in the courses offered by the Police College in Denmark on sexual abuse of children, etc. as well as courses are held internally in the police district.

### **XVI.G. Adoption (art. 21)**

886. The rules governing adoption in Greenland are the same as those presented in the description of Danish law in paragraph VI (g) of Denmark's First Report.

887. The High Commissioner of Greenland is responsible for overseeing all pending adoption cases. The High Commissioner will contribute directly to the relevant ministry in Denmark.

888. The Greenland Executive handles all anonymous adoptions. The number is one to two adoptions a year. It is only possible to adopt children internally in Greenland.

889. Please refer, moreover, to paragraph X.E.8. of Denmark's Third Periodic Report (2003).

### **XVI.H. Ongoing reviews of decisions on alternative care (art. 25)**

890. Please refer to paragraph X.E.9. of Denmark's Third Periodic Report (2003).

#### **XVI.H.1. Placement in alternative care**

891. In 2005, the Greenland Executive computed the number of placements in alternative care reported by local authorities to the Department of Family and Health before 2005 covering children and young persons below the age of 18 years.

892. According to the annual report for the residential institutions the primary causes of placement of children at the institutions are misuse of alcohol and cannabis in their homes, negligent treatment due to lack of parenting skills, neglect in general and sexual abuse or physical violence.

893. As of 2008, a total number of 1152 children and young persons are in alternative care, out of a total population of 16,603 persons below 18 years of age.

894. The 1152 children in care are placed in permanent care primarily, meaning that it will either run until the child turns 18 years or until the child's parents regain the ability to handle their parental responsibility.

895. The total number of children and young persons has been retrieved from Statistics Greenland,<sup>6</sup> while the figures for children and young persons placed at national institutions are from the annual report of the residential institutions. For the years 2006, 2005, 2004 and 2003 it is not possible to obtain an overall statement of the number of children and young persons placed in foster care and the number placed in independent or local-authority institutions. The national residential institutions for children and young persons draw up an overall report at least once a year, which is submitted to the authority responsible for a placement, upon which this authority will assess whether the particular child or young person should continue to be placed in care, also in respect of children and young persons in foster care.

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<sup>6</sup> Greenland's population 1 January 2007, Statistics Greenland 2007.

<i>Children in care</i>	2003	2004	2005	2006	2007
Residential institution	158	153	144	133	
Foster care					884
Duration of placement in residential institution	1–3 years				

#### **XVI.H.2. Children returned**

896. The following statement shows only the figures for children returned from the national residential institutions, as no data are available for children who are returned to their homes from independent and local-authority institutions and foster parents.

<i>Children returned from residential institutions</i>	<i>Year</i>			
	2003	2004	2005	2006
Returns, percentage of placements in residential care	31	33.9	46.5	19.5

#### **XVI.I. Child maintenance (art. 27 (4))**

897. The rules governing child maintenance in Greenland are the same as those presented in the description of Danish law in the first part of paragraph VI (e) of Denmark's First Report.

898. Please refer to paragraph X.E.10. of Denmark's Third Periodic Report (2003). The amount has not been adjusted since 1994.

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

899. Please refer to paragraph XI.A.1. and paragraph XI.H.3. of this report.

##### **XVI.J.1. Number of cases reported concerning abuse and neglect of children**

900. The Greenland Police will submit their contribution directly to the Ministry of Justice in Denmark.

901. In 2005, the Greenland Executive computed the number of reported placements in alternative care at 1152 children and young persons. These placements had been reported by the local authorities and comprised all placements of children and young persons below 18 years of age.

902. In addition to the 1152 children in permanent care, there was a non-computed number of temporary placements, caused primarily by the parents' inability through a shorter period to meet their children's needs, while these parents would in normal circumstances be able to have their children living with them and handle their own parental responsibility.

##### **XVI.J.2. Number of legal sanctions imposed for abuse and neglect of children**

903. The Greenland Police will submit their contribution directly to the Ministry of Justice in Denmark.

**XVI.J.3. Number of children who have received special care after exposure to abuse and neglect**

904. Please refer to paragraph X.E.1.b. of Denmark's Third Periodic Report (2003), pointing out that the local councils may decide to provide assistive measures, including:

- Professional social work dealing with the child's situation
- Practical support in the home
- Educational or other support in the home
- Family therapy or similar measures of support
- Placement of the child in alternative care, for example at a residential institution or in a foster family

905. The aim of these measures is to assist the holder of parental custody with handling his/her parental duties in relation to the child.

906. Everyone in society in Greenland is subject to a duty to report concerns, meaning that they have a duty to inform the local authority of children they know who live in a situation that puts the child's health or development at risk. Staff employed in the social, school or healthcare sector are subject to a more rigorous duty to notify the local council if they receive information that a child is in need of help.

907. No statements have been computed of the number of children who have received special care after having been victims of abuse or neglect.

**XVII. Fundamental standards of health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27)**

908. Please refer to paragraph X.F. of Denmark's Third Periodic Report (2003).

**XVII.A. Children and young persons with a disability (art. 23)**

909. A total number of 197 children and young persons below 18 years of age are covered by the disability legislation of Greenland.

**XVII.A.1. Support to the parents of children with a disability**

910. All parents to children and young persons with a disability receive support from public authorities in conformity with current legislation.

**XVII.A.2. Institutions for children and young persons with disabilities**

911. There are two national residential institutions and three disability 'satellites' for children in Greenland. In addition, there is one residential institution for both children and adults with disabilities, accommodating persons from 12 years of age. 21 children with a disability are placed at an institution, while 7 are in foster care.<sup>7</sup>

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<sup>7</sup> Department of Family and Health, 2008.

<i>Institution</i>	<i>Antal børn</i>	<i>Disability</i>
Ivaaraq – children and young persons with multiple disabilities	8 children	Brain damage, epilepsy, spasticity and hearing and vision impairment
Gertrud Rask Memorial – disability institution	9 children	Mental retardation, ADHD, infantile organically-induced attention deficit disorder
Aaqa – adults with mental disorders	1 young person	Prader Willi Syndrome – Placed in a ‘satellite’ unit
Meeqqat Angerlarsimaffiat – Residential care of children and young persons	1 young person	Brain damage, placed in a ‘satellite’ unit
Ikinngut – mentally disabled adults	2 young persons	Mental retardation, placed in a ‘satellite’ unit

### XVII.A.3. Schooling for children with disabilities

912. Four (4) children with a disability are below school age; 6 children with a disability have left school after normal schooling; 167 children with disabilities are of school age.

- 28 of these children are able to follow ordinary education programmes without special measures and
- 139 of these children receive special education or support or attend special-care classes

## XVII.B. Health and health services (art. 24)

### XVII.B.1. Infant mortality

913. The number of infant deaths and deaths of children below five years of age is at a stable level.

<i>(1) Number of births and infant deaths</i>				
Year	2003	2004	2005	2006
<b>Births, total</b>	<b>895</b>	<b>893</b>	<b>887</b>	<b>842</b>
Boys	480	458	454	413
Girls	415	435	433	429
Of which died < one year				
Boys	5	7	4	7
Girls	3	3	3	6

<i>(2) Infant mortality</i>				
Year	2003	2004	2005	2006
<b>Total</b>	<b>8.9</b>	<b>11.2</b>	<b>7.9</b>	<b>15.4</b>
Boys	10.4	15.3	8.8	16.9
Girls	7.2	6.9	6.9	14

*Note:* per 1,000 live births.

<i>(a) Child mortality 1–5 years</i>				
Year	2003	2004	2005	2006
Boys	59.5	53.1	51.2	51.9
Girls	16.2	6.1	28.8	29.5

*Note:* per 10,000 surviving children.

### **XVII.B.2. Children with low birth weight**

914. The number of children born with a low birth weight was falling in the period.

<i>(1) Number of live and dead infants with low birth rate</i>				
Year	2003	2004	2005	2006
<b>Total</b>	<b>52</b>	<b>58</b>	<b>29</b>	<b>8</b>
Boys	30	31	13	4
Girls	22	27	16	4
Of which died < one year				
Boys	2	2	0	4
Girls	1	0	1	4

<i>(a) Percentage rate, children with low birth weight</i>				
Year	2003	2004	2005	2006
<b>Total</b>	<b>5.8</b>	<b>6.5</b>	<b>3.3</b>	<b>1</b>
Boys	6.3	6.8	2.9	1
Girls	5.3	6.2	3.7	0.9
Of which died < one year				
Boys	40	28.6	0	57.1
Girls	33.3	0	33.3	66.7

*Note:* Lower birth weight than 2,500 grams is undisclosed. The percentage rate is in proportion to births and infant deaths.

### **XVII.B.3. Children with seriously low birth weight**

915. Seriously low birth weight below 2500 grams is undisclosed.

### **XVII.B.4. Households without any access to hygienic sanitation and drinking water**

916. Not all households in Greenland have running water or connection to sewer systems. In most of the major towns all homes have water from the mains and are connected to sewer systems, but in small towns and villages there are either tapping points in the community or the particular household gets water supplied to its own water tank. Waste water is discharged directly onto the mountain in these locations, and toilets are dry closets that are emptied and disposed of by the local authority.

<i>Local authority</i>	<i>Households connected to sewer systems<sup>8</sup></i>
Nanortalik	50%
Qaqortoq	80%
Narsaq	80%
Ivittut	100%
Paamiut	80%
Nuuk	100%
Maniitsoq	80%
Sisimiut	Not reported
Kangaatsiaq	10%
Aasiaat	Not reported
Qasigiannuguit	40%
Ilulissat	80%
Qeqertarsuaq	20%
Uummannaq	Not reported
Ammassalik	40%
Ittoqqortoormiit	None
Qaanaaq	None
Upernavik	None

917. Out of the total number of approx. 22,000 households,<sup>9</sup> Nukissiorfiit<sup>10</sup> has 9,944 water meters registered. 853 are registered as water carriage customers (delivery of water to their own tanks). It should be stated, however, that the figure includes internal meters (but this is a small part) and that water meters are fitted on the public tapping points. Moreover some housing blocks have only one meter because the property has the same owner, and the local authority of Nukissiorfiit charges the water consumption to the owner.<sup>11</sup>

#### **XVII.B.5. Children vaccinated against tuberculosis, diphtheria, pertussis, tetanus, polio and measles**

918. The health service carries through vaccination of all children. The Medical Officer of Health estimates that the vaccination cover of children in Greenland has attained the targets defined by the WHO and UNICEF. The child vaccination programme includes BCG, Di-Te-Ki-Pol-Hib, MFR and Rubella. From 2008, HPV vaccination has been initiated for all children who are 12 years old, girls and boys.

#### **XVII.B.6. Maternal childbirth mortality**

919. There have been no cases of maternal childbirth mortality in the period under review.

<sup>8</sup> Reported estimate of all local authorities, 2008.

<sup>9</sup> Statistics Greenland 2007.

<sup>10</sup> The Greenland Energy Company.

<sup>11</sup> Nukissiorfiit, 2008.

**XVII.B.7. Pre- and post-natal care services**

920. The objective of the health service for its provision of perinatal care is to deliver health promotion, prevention and treatment in connection with pregnancy, childbirth, maternity care and family planning.

**XVII.B.8. Share of children born at a hospital**

921. Largely all babies are born at a hospital in Greenland. A small number of babies are born at village clinics, but only a few.

**XVII.B.9. Staff at maternity wards**

922. As shown by the table below, almost all are checked by a doctor one or more times in connection with pregnancy and more than half are checked by a midwife one or more times.<sup>12</sup>

<i>(2) Number of health checks during pregnancy</i>		
Year	2005	2006
Medical check, 1–5 times	96.5%	91.7%
Medical checks, none	1.7%	3.4%
Check by a midwife, 5 or more times	59.6%	62.4%
Checks by a midwife, none	6.7%	5.6%
Checks carried out by healthcare assistants, nurses or others	76.1%	72.1%

923. All 20 allocated midwife positions for Greenland as a whole are filled. 10 midwives are employed at the special unit of Queen Ingrid's Hospital in Nuuk, while the remaining 10 are employed in the 9 largest districts of the country.

**XVII.B.10. Breastfeeding**

924. Midwives devote a special effort to promoting breastfeeding to the child's requirements when they advise women during pregnancy and maternity care. Midwives recommend exclusive breast nutrition the first six months of a baby's life. A study made before the period of maternity leave was extended in 2006 indicates that almost all women breastfeed exclusively for four months and breastfeed from the child is from four months to nine months with a diet supplement.

**XVII.B.11. Children with HIV/AIDS**

925. One child was diagnosed with HIV in 2003. There have been no further cases.

**XVII.B.12. Teenage health situation****XVII.B.13. Early pregnancy, sexually transmitted diseases, mental disorders and drug and alcohol misuse in the teenage population**

926. The number of girls who became pregnant before attaining 18 years was falling in the period under review.

<sup>12</sup> The Annual Report of the Medical Officer of Health 2007.

<i>Early pregnancy</i>					
Year	2003	2004	2005	2006	2007
Pregnant below 18 years of age	43	41	49	35	32

927. The healthcare service provides treatment for sexually transmitted diseases. The Office of the Medical Officer of Health receives reports of sexually transmitted diseases. Chlamydia occurs commonly. In 2006, there were reports of 35 cases among youngsters below the age of 15 years and 936 cases among 15–19-year-old young persons. The figures for gonorrhoea were 8 and 330 respectively.

<i>Venereal diseases<sup>13</sup></i>				
Year	2003	2004	2005	2006
(a) Gonorrhoea				
Boys	78	82	99	124
Girls	140	169	187	206
<b>Total</b>	<b>218</b>	<b>251</b>	<b>286</b>	<b>330</b>
(b) Chlamydia				
Boys	186	209	366	290
Girls	506	486	746	646
<b>Total</b>	<b>692</b>	<b>677</b>	<b>1 112</b>	<b>936</b>

928. Psychosocial therapy is provided by local authorities and the residential institutions operated by the national, home rule authorities. In 2007, the total number of admissions to the psychiatric unit of young persons between 15 and 20 years of age was 29. In respect of young people's drug and alcohol misuse, please refer to paragraph XIII.F. of this report.

#### **XVII.B.14. Programmes and services targeted at prevention and treatment of young persons' health situation**

929. The population health programme Inuuneritta, which comprises the Greenland Executive's strategies and goals for the population's health situation in 2007–2012 was adopted by Parliament (the Landsting) in 2006.

930. PAARISA/the Centre for Public Health handles the implementation of the General Health Programme and the coordination of central and cross-sectoral health promoting activities, including child and youth health, for which the goals forward to 2012 are:

- Reinforcing initiatives to support children who have suffered neglect and their families
- Creating greater focus on taking care of each other
- Building up children and young persons' skills to make choices for a healthy lifestyle

931. The specific, national projects aimed at children and young persons under the Public Health Programme are:

<sup>13</sup> The table showing venereal diseases includes everyone from 0 to 19 years, because the data set does not permit separation of those aged 0 to 18 years.

- A free telephone hotline for children and young persons
- A youth radio programme with a website in which children and young persons may obtain professional counselling or help each other via a chat forum
- Early backing of pregnant women, a cooperative project between the health service and local authority social caseworkers targeted at young pregnant women who have social or misuse problems or mental disorders
- Student counselling services in the towns that are education centres
- Project Safe Sex, which ensures availability of free contraceptives and sexual guidance
- Partnership agreements on a healthy lifestyle with schools and leisure organizations
- The Inuunerietta Allocation aimed to support local health promoting projects
- Local authority prevention advisors (funding of 50 per cent of their pay and their continuing education)

## **XVIII. Education leisure and cultural activities (art. 28)**

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

932. Please refer to paragraph X.G.1.a of Denmark's Third Periodic Report (2003) for the extension of the period of compulsory schooling from nine to ten years as of 1 May 2008 and the exemption from compulsory schooling on the condition of the organization of an alternative vocational and training programme after the 9th school year as from 1 May 2008.

933. Greenland has 83 schools in all, 22 (27 per cent) being town schools and 61 (73 per cent) being village schools.

934. The total population of school pupils is 11,280, with about 82 per cent attending town schools and 18 per cent attending village schools.

935. Greenland has three upper secondary schools and six vocational colleges.

936. There are independent pupils'/students' councils at all schools and other education institutions.

937. Children have access to school libraries at all schools. In Nanortalik, Ilulissat, Ittoqqortoormiit and Kangerlussuaq the school libraries have been expanded to serve as public libraries as well, with an extended offering of books and services. All libraries have Internet services.

#### **XVIII.A.1. Illiteracy**

938. There is no illiteracy in Greenland, as all children of school age receive education. It is estimated, however, that about 2–5 per cent of the population have reading difficulties, including dyslexia and the like.

939. The Greenland Parliament has decided to carry through a mapping of children's reading difficulties in primary and secondary school. A final deadline for the survey has not yet been set.

**XVIII.A.2. Enrolment rates in primary and secondary school, post-secondary school and vocational programmes**

940. About 1,000 new pupils are enrolled in primary school every year, and about 1,000 take the last years of secondary school.

941. About 250 students start programmes at continuation schools (secondary boarding schools) and basic vocational programmes every year.

**XVIII.A.3. Retention in education in secondary school, post-secondary school and vocational programmes**

942. Every year, 15–20 per cent of pupils drop out without completing the last years of their schooling. 15 per cent of students drop out of post-secondary education every year without completing their programmes. These data are national figures. They do not show any break-down by town and village. In the vocational colleges, which have a variety of vocational tracks, the drop-out rates are from 5 per cent to 40 per cent. The body of students at vocational colleges has been computed to show whether students are from towns or villages.<sup>14</sup>

<i>Colleges</i>	<i>Students from towns</i>	<i>Students from villages</i>	<i>Drop-out rate total</i>
Iron and metalwork college	70%	30%	<b>18%</b>
Food processing programmes	85%	15%	<b>40%</b>
Imarsionermik Ilinniarfik (Maritime College)	50%	50%	<b>approx. 40%</b>
Niuernermik Ilinniarfik (Business College)	approx. 95%	approx. 5%	<b>15%</b>

**XVIII.A.4. Teachers**

943. Of all teaching positions allocated to Greenland's schools as a whole, 19 per cent are vacant in towns and 40 per cent in villages. Of the filled teaching positions at town schools, 21 per cent are filled by hourly-paid teachers, while at village schools 41 per cent of filled teaching positions are held by hourly-paid teaching staff.

**XVIII.A.5. The informal education system**

944. For Greenland as a whole, a few pupils receive education at home. Local authorities supervise this education.

**XVIII.A.6. Education preparing for school**

945. All children in Greenland take part in compulsory education preparing them for school. The first school year in Greenland serves as preparation for school.

<sup>14</sup> Data from two vocational colleges have not been received.

## **XIX. Special measures of protection (arts. 22, 30, 32–36, 37 (b)–(d), 38, 39 and 40)**

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

946. No children in Greenland have status as refugees, asylum seekers, unaccompanied refugees or forced transferees.

### **XIX.B. Child labour (art. 32)**

947. No reports have been registered in respect of illicit child labour in Greenland.

### **XIX.C. Drug and alcohol misuse (art. 33)**

948. Please refer to paragraph X.H.3.a. of Denmark's Third Periodic Report. Young people's access to intoxicating agents is limited as the sale of both alcohol and tobacco to young persons below 18 years of age is a punishable offence. There is a total prohibition against cannabis in Greenland and other narcotic substances are not found in the country. The Health Behaviour in School-aged Children study in Greenland in 2006 concluded:

- That half of the oldest pupils (15 to 17 years) smoke every day, fewest in the capital. The total share of pupils who have tried smoking has been declining since 1994.
- That 45 per cent of pupils responded that they had never tried drinking alcohol; this rate has been rising since 1994.
- That 77 per cent of 15–17 year-old pupils never had tried smoking cannabis. 8 per cent of the young had tried smoking cannabis within the past month.
- That 9 of 10 pupils had never tried sniffing substances, which was a distinct reduction from 1994. 2 per cent had tried sniffing substances within the past month.
- That 15–17 year old people's approach to intoxicating substances has become more differentiated since 1994. Fewer than previously have tried smoking, fewer have sniffed and fewer have been drunk. At the same time, however, there is a large share of young people who smoke daily and drink alcohol every weekend.

949. Greenland has two treatment centres for alcohol misusers but these centres do not admit young persons below 18 years of age. Several local authorities have introduced Teenage Power Programmes by the 12-step method.

950. Queen Ingrid's Hospital has reported that some of the young persons who are admitted with mental disorders are users/misusers of cannabis. The psychiatric unit has not, however, had any admissions directly as a consequence of misuse. In 2007, a total number of 29 young persons aged 15–20 years were admitted into psychiatric care.

#### **XIX.C.1. Conditions of children and young persons in institutions for criminals**

951. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.D. Sexual exploitation, abuse and trafficking (art. 34)**

952. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

953. Information from the Health Service: upon the initiative of the prevention unit Paarisa, a study of young people's wellbeing and life conditions was commenced in 2004. The study, which was carried through by the State Institute for Public Health, the Centre for Healthcare Research in Greenland, was conducted as a computer-based questionnaire study among students aged 15–17 years at 10 municipal schools.

954. The age of consent is 15 years and the study showed that at least 11 per cent of boys and 53 per cent of girls had been victims of criminal sexual acts defined as a sexual relationship before turning 15 years with a person who was 15 years old or older. Not all criminal acts are perceived by the child/young person to be exploitation or abuse, however. The study concluded that probably 9 per cent of boys and 28 per cent of girls had been victims of sexual abuse if this is defined as abuse of a child below 12 years of age or, in the case of 12–14 year old young persons, an act that the young persons had themselves considered as sexual abuse.

955. The authorities have never identified indications or gained knowledge that children and young persons from Greenland have been exploited for pornography or sold as sex slaves.

**XIX.E. (Article 35)**

956. Please refer to paragraph XIX.F. above.

**XIX.F. Deprivation of liberty, imprisonment, etc. (art. 37 (b)–(d))**

957. Please refer to paragraph XIX.K. below.

**XIX.F.1. Detention of children and young persons in remand custody**

958. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.F.2. Institutions for criminal children and young persons**

959. Please refer to paragraph XIII. of this report.

**XIX.F.3. Criminal children and young persons at institutions**

960. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.F.4. Criminal children and young persons at institutions not intended for their age group**

961. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.F.5. Convicted children and young persons**

962. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.G. (Articles 38 and 39)**

963. Greenland has no independent defence forces and no conscription service and is not involved in any armed conflict.

**XIX.H. Children and the criminal justice system (art. 40)**

964. Please also refer to paragraph X.H.7 of Denmark's Third Periodic Report and paragraph XIX.K.

965. On 8 April 2008 the Danish Parliament adopted a proposal for a new Criminal code for Greenland. The Act (Act no. 306 of 30 April 2008), which will enter into force on 1 January 2010, is based on the proposals and recommendations presented by the Justice Commission for Greenland (Den Grønlandske Retsvæsenkommission) in its Report No. 1442/2004 on the Greenlandic legal system.

966. With the new Criminal Code, the sanctioning system is changed. The Act makes it possible to impose a number of new measures on offenders, i.e. warnings, suspended sentences with a definite time limit, community service orders and orders for detention in an institution or for supervision.

967. Furthermore, there will be a certain extension of the special measures imposed on young and mentally ill offenders. Under the new Act a sentence involving special measures of support to young persons may be used in situations where the offender was under the age of 18 years at the time of conviction, or in special cases under the age of 20. When imposing the sentence of special measures of support on a young offender, the court will order that the convicted must be under the supervision of the social authorities, receiving support in accordance with social assistance legislation. The court will also order that the young offender is obliged to follow the directions which the social authorities impose on him or her. This may, however, only take place in so far as the social authorities have accepted to undertake the supervision. The court fixes a maximum time for the measure, which cannot in general exceed 2 years (and not more than 3 years).

968. In the preparatory legislative material it is indicated that to achieve a both consistent and constructive approach to young offenders, it is imperative to establish a binding partnership between the police, the Probation and After-Care Service and the social authorities based on local cooperation agreements centred on the resources that are available in the community.

969. It will be possible to use a wide range of measures of varying intensity within the scope of the provision – from counselling and supervision to detention in an institution. Thus, the measure cannot be fitted into the ladder of sanctions. It is an alternative. As it has been the case so far, young persons under the age of 18 cannot be sentenced to detention in an institution unless exceptional circumstances may require such a placement. In special cases, warnings, fines and potentially community service may be used based on a specific assessment.

970. As regards placing children under the age of 15 in detention cells, the Chief of Police for Greenland has reported that the following rules are included in Directions No. 1 of 20 April 2004 of the Chief of Police on deprivation of liberty, etc. in relation to placing intoxicated children in detention cells:

“... ”

A **child under the age of 15** may not be placed in a detention cell unless any other placement is found unsafe due to the child's behaviour.

...

Before a **child** is exceptionally placed in a detention cell, he/she must be examined by a doctor.

...

If, in exceptional circumstances, a child under the age of 15 years is placed in a detention cell, the child should be under increased supervision.

...

When circumstances permit, the police should always comply with a request from a detained person to have his /her relatives and/or employer informed of the detention. When a young person below the age of 18 years is detained, the police must always inform the holder of parental custody or the guardian and the social authorities of the arrest.

971. As regards children who are arrested and charged with criminal activity, the following is provided:

“ ...

The social authorities must always be informed upon the arrest of children under the age of 18 just as the home should be informed as far as possible, also without request from the young person concerned.

...”

972. The Chief of Police for Greenland has moreover reported that to his knowledge Greenland has no secure social institutions where young persons under the age of 18 years with severe problems can be placed or where young persons between 15–18 years who have been charged with a serious crime can be placed as an alternative to detention in the institutions of the Probation and After-Care Service.

973. The Probation and After-Care Service for Greenland has reported that, as of 30 April 2008, 154 persons were under the supervision of the Probation Service, 9 of them being 15 to 19 years old. No persons under the age of 18 are currently serving a sentence in the institutions of the Probation Service.

974. Moreover the rules of Instructions No. 4/2007 on the handling of cases against young offenders of the Director of Public Prosecutions are applied to the case handling of the Greenland police. Please refer to paragraph IX.K.

#### **XIX.H.1. Children and young persons in conflict with the law**

975. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

#### **XIX.H.2. Legal assistance to children and young persons**

976. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

#### **XIX.H.3. Deprivation of liberty**

977. The Greenland Police will submit their contribution direct to the Ministry of Justice in Denmark.

**XIX.H.4. Rehabilitation programmes**

978. Please refer to paragraph XIII. of this report.

**XIX.H.5. Recidivism**

979. The number of recidivists of either gender has more than halved in the period under review.

<i>Recidivists, number below 18 years</i>				
<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Boys	27	30	22	11
Girls	3	1	1	0

**XX. The Optional Protocol on the involvement of children in armed conflicts**

980. Defence matters are the responsibility of the central Danish authorities. Please refer to the comments in paragraph X. The Home Guard has units in Denmark exclusively.

981. It should be noted that young persons in the Faeroe Islands and Greenland are only subject to the rules on military duty under the Conscription Service Act if they stay in Denmark for a period of a certain duration. Citizens of the Faeroe Islands and Greenland who live in Denmark are able to obtain exemption from conscription service if they have lived in the Faeroe Islands or Greenland for at least 10 years.

**Section 3  
The Faeroe Islands**

982. This section contains a separate report on children's situation in the Faeroe Islands. The section has been drafted by the Faroese Executive. Please note that parts of the family law legislation applicable in Denmark have not been put into force in the Faeroe Islands.

**XXII. General measures of implementation (arts. 4, 42 and 44 (6))****XXII.A. Ratification and reservations**

983. After the Faroese Representative Council (Løgtingið) had adopted a resolution on the Faeroe Islands' accession to the UN Convention on the Rights of the Child, the Danish Government revoked its previous territorial reservations to the Convention on 11 May 1993, and the rights enshrined in the Convention have therefore since applied in the Faeroe Islands.

**XXII.B. (Article 4)**

984. Pursuant to Article 4 of the Convention, all States Parties must implement all appropriate legislative, administrative, and other measures for the implementation of the rights provided by the Convention. Generally, it may be said that Faroese legislation on children is partly Danish and partly Faroese.

985. Under Act No. 315 of 15 May 1995 the framework act for the social service in the Faeroe Islands came into force as from 1 June 1995. The purpose of the framework act is to give the Faeroese Executive better opportunities to organise and adapt Faroese social legislation to the Faroese conditions. The framework act lays down ten areas for which the Executive authorities must implement legislation. For example, they must provide rules on day-care facilities, child maintenance for single parents, special services for persons with a mental or physical disability, welfare benefits due to illness, pregnancy and birth and child welfare. The framework act has been adopted under section 9 of the Home Rule Act, and the area is consequently still a joint remit. The existing national laws remain in force until they are repealed by acts issued by the Faroese Executive.

986. The Faroese Executive has implemented laws under the framework act concerning children's rights. An act on day-care facilities, an act on child maintenance for single parents, an act on maternity/paternity leave schemes as well as a new child welfare act have come into force.

987. When drawing up the new child welfare legislation, the Executive attached importance to incorporating the rules of the UN Convention on the Rights of the Child.

### **XXII.C. Making the principles of the Convention widely known (art. 42)**

988. The police of the Faeroe Islands have advised that in criminal cases young persons and their guardians will receive guidance from the police, the prosecution and the court about their legal rights – both when a child is charged and a victim.

989. For the purpose of giving students greater insight into the Faeroese democratic system and the importance of their active participation, a 'Youth Parliament' is organised every second year. Students in the last years of secondary school occupy the 33 seats of the Faeroe Parliament for two days, while other students attend the proceedings from the audience area. In connection with the Youth Parliament, students are given an insight into the way decision processes work, with the reading of bills, committee work, etc.

### **XXII.D. Submission of reports to the UN Committee on the Rights of the Child (art. 44 (6))**

990. This reporting is the first submitted by the Faroese Executive on the measures taken to implement the rights recognised by the UN Convention on the Rights of the Child. The Faeroe Social and Health Ministry has headed the drafting of the report, while relevant ministries have contributed statistics and other types of input. After the submission, the press and other interested parties will be informed of the contents of the report, which will be made accessible to the public at the websites of the ministries, for example.

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

991. The following paragraphs deal with the observations made by the Committee on the Rights of the Child upon its review of Denmark's Third Periodic Report (2003).

#### **XXII.E.1. Re the Committee's concluding observations, Nos. 16–17, concerning data collection**

992. It has to be admitted that a small central administration and limited resources for the compilation of statistics have affected the collection of data for this report. It is, however, the Executive's objective to continue to increase the body of statistics on children's

situation in the Faeroe Islands. The impending census in particular may help increase the volume and quality of data concerning children's situation in the Faeroe Islands.

**XXII.E.2. Re the Committee's concluding observations, Nos. 18–19, concerning national resource allocation to children**

993. Please refer to paragraph XXVII.E. of this report.

**XXIII. Definition of a child (art. 1)**

994. In the Public Assistance Act (1988) a child is defined as a person below the age of 18. As of 1 January 2008, there were 13,080 children and young persons below 18 years of age in the Faeroe Islands, 6,716 being boys and 6,364 being girls. The total population as of 1 January 2008 comprised 48,433 inhabitants, 25,174 men and 23,259 women. Under the Child Welfare Act (2005) measures for children may be continued until they reach the age of 21 years if they consent to the measures. The age of consent is 15 years as in Denmark.

995. Under the Child Welfare Act the child or young person's views must be heard, taking account of the child's age and maturity. If the child has attained the age of 12, it must always be heard before decisions are made, and if the child is 15 years old he or she must be considered a party to the case with relevant rights.

996. According to Decree No. 827 of 30 September 2002 on the coming into force for the Faeroe Islands of the Act on Patients' Rights, a child who has attained the age of 15 must consent to treatment. Moreover, the custodial parent must receive information and be involved in the minor's decision. In addition, a child who has attained the age of 15 has access to personal files and may consent to disclosure of health details. The rules on self-determination in the case of minors are identical to the corresponding rules in Danish health legislation.

**XXIII.A. Age of majority**

997. A person under 18 years of age is legally incapable, as set out in section 1 of Act No. 277 of 30 June 1922 on Legal Incapacitation and Guardianship (the Legal Capacity Act) as last amended by Decree No. 228 of 15 March 2007.

998. On the basis of a request from the Faroese Executive, the Danish Ministry of Justice is drafting a decree on the coming into force for the Faeroe Islands of the Act on Guardianship (Consolidated Act No. 1015 of 20 August 2007). If adopted, it will replace the Legal Capacity Act. If the Act on Guardianship comes into force in the Faeroe Islands, children and young people under the age of 18 who have not contracted marriage are consequently minors and thus legally incapable. Under the Act on Guardianship young persons under the age of 18 who have contracted marriage are only legally incapable if this was made a requirement when the licence to the marriage was granted.

**XXIII.B. Legal capacity in property law**

999. A child who has reached the age of 15 years is entitled to have the disposal of whatever the child acquires through its own activity, cf. section 39 of Act No. 277 of 30 June 1922 on Legal Incapacitation and Guardianship (the Legal Capacity Act) as last amended by Decree No. 228 of 15 March 2007. This right of disposal also includes any income from the acquired property and anything that replaces it. The right of disposal does not involve any right to assume debts. The rules of section 39 of the Legal Capacity Act

apply correspondingly to property which the child may have received by gift or by will, as set out in section 40 of the Legal Capacity Act.

1000. On the basis of a request from the Faroese Executive, the Ministry of Justice is drafting a decree on the coming into force for the Faeroe Islands of the Guardianship Act (Consolidated Act No. 1015 of 20 August 2007). If adopted, it will replace the Legal Capacity Act. If the Guardianship Act comes into force in the Faeroe Islands, sections 42 and 43 of the Act will apply to the independent right of disposal and economic activity of minors. These rules correspond in essence to the existing rules.

### **XXIII.C. Freedom of association**

1001. Freedom of association includes all regardless of age. Please refer to Denmark's First Periodic Report, paragraph V (f), although the Freedom of Association Act does not apply to the Faeroe Islands.

### **XXIII.D. Freedom of religion**

1002. Freedom of religion includes all regardless of age. Please refer to Denmark's First Periodic Report, paragraph V (e).

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

### **XXIV.A. (Article 2)**

1003. Section 266 B of the Faroese Criminal Code was amended by Statutory Order No. 182 of 28 February 2007 so that it is now prohibited to discriminate on the basis of sexual orientation. The wording of the provision is similar to section 266 B of the Danish Criminal Code.

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

1004. As for the child's best interests in family-law cases (custody, contact and adoption) please refer to paragraphs XXVI.E and XXVI.H of this report.

1005. In the drafting of the new legislation on child welfare, importance was attached to incorporating all the rules of the UN Convention regarding child welfare. The objects clause of the Act confirms that the object of the Act is to ensure that children will grow up in security, and that children whose family situation is detrimental to their health and development duly receive the necessary help and care. Children must be helped so that they have secure conditions. In addition, the authorities must attach importance to finding the solutions that are best for the particular child. The legislation has been drafted with emphasis on ensuring protection of the rights of both children and parents.

1006. In the explanatory notes to the amendment to the Act concerning the introduction of support providers to children with special needs, it has been considered important to arrange for planning of services for children with special needs on the basis of the particular child's requirements.

**XXIV.B.1. Institutions, services, facilities, etc. (art. 3 (3))**

1007. The Child Welfare Act from 2005 provides that the local council must ensure that skilled persons with at least medium-cycle training and education are employed to administer child welfare cases. Moreover, it is required that the skilled persons must be conscientious, responsible, have a clean criminal record certificate and knowledge in the area of children. The Minister for Social Affairs and Health is responsible for the supervision of local authorities.

1008. The Act on Day Care Centres from 2002 sets the requirement that at least two thirds of the staff must be qualified educators. However, the centres have not been able to fully meet this statutory requirement due to a shortage of qualified people.

1009. Under the Day-care Centres Act, local authorities must examine the circumstances and check whether a prospective child-minder has the necessary qualifications for the job before a private home is approved as a day-care place. The local authorities are also responsible for ensuring that the rooms in which the children will be, the health conditions and the outdoor play areas are secure and suitable for the care of children.

1010. The Minister of Social Affairs and Health is responsible for the supervision of the local authorities. Under the Act on Preventive Health Examinations, the Medical Public Health Officer, who is the representative in the Faeroe Islands of the Danish National Board of Health, is responsible for supervising the health and sanitation conditions of day-care centres, schools, etc.

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

1011. Please see the description of fundamental health and welfare in paragraph XXVII of this report.

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

1012. In relation to respect for the views of the child in family-law cases (parental responsibility, contact and adoption) please refer to paragraphs XXVI.E. and XXVI.H.

**Involvement in child welfare cases**

1013. The Child Welfare Act prescribes that children must be informed and heard in child welfare cases that involve them, if it is compatible with their age and maturity and if it is estimated to be in the child's best interest. If the child has attained the age of 12, it must always be heard, and when a decision is made, emphasis must be put on the child's own views. A child who is 15 years old must be a party to the case with relevant rights. This provision has been inserted to implement the UN Convention on the Rights of the Child into Faroese legislation.

**Consent to treatment**

1014. According to Decree No. 827 of 30 September 2002 on the coming into force for the Faeroe Islands of the Act on Patients' Rights, a child who has attained the age of 15 years must consent to treatment. Moreover, the custodial parent must receive information and be involved in the minor's decision. A child who is 15 years old has access to personal files and may consent to disclosure of health details. The rules on self-determination with regard to minors are identical to the corresponding rules in Danish health legislation.

**XXV. Freedoms, etc. (arts. 7, 8, 13–17 and 37 (a))****XXV.A. The child's right to have an identity, including nationality, name and parental relations (art. 7)****XXV.A.1. Paternity**

1015. The rules on paternity for the Faeroe Islands correspond to the description of Danish law in Denmark's First Report, paragraph V (a).

**XXV.A.2. Name**

1016. According to Act No. 41 of 26 March 2002 on Personal Names, all children in the Faeroe Islands must be registered at birth. For details concerning the indication and protection of the child's nationality, please refer Denmark's First Periodic Report (1993), paragraph V (a).

**XXV.B. Maintaining identity and nationality (art. 8)**

1017. Under Act No. 41 of 26 March 2002 on Personal Names, parents or guardians must apply to the authorities for permission if they want to change the name of a child below 18 years of age. If the child is older than 12 years the child must consent to the name change. In exceptional circumstances an exemption may be granted from this rule, however.

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

1018. Please refer to Denmark's First Periodic Report, paragraph V (c).

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

1019. Please refer to Denmark's First Periodic Report, paragraph V (e).

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

1020. Please refer to Denmark's First Periodic Report, paragraph V (f), regarding sections 78 and 79 of the Danish Constitution.

**XXV.F. Deprivation of liberty and torture (art. 37 (a))**

1021. Capital or corporal punishment does not exist in the Faeroe Islands. The ordinary penalties are imprisonment, simple detention and fines. Prison sentences are imposed for life or time, i.e. not less than 30 days and not more than 16 years. However, a prison sentence may be extended up to 20 years in the cases where the law gives authority to increase the sentence prescribed for an offence.

1022. A sentence may for instance be reduced if the offender had not reached the age of 18 when he/she committed the criminal offence and the application of the full penalty of the law may be considered unnecessary or detrimental due to the offender's young age. Sentences imposed on such persons may not exceed imprisonment for 8 years.

1023. Denmark has ratified the United Nations Convention of 10 December 1984 against Torture and Other Cruel, Inhuman and Humiliating Treatment or Punishment, which also applies to the Faeroe Islands.

## **XXVI. The right to a family life and alternative care and upbringing (arts. 5, 9–11, 18 (1) and (2), 19–21, 25, 27 (4) and 39)**

### **XXVI.A. Responsibilities, rights and duties of parents (art. 5)**

#### **Responsibilities, rights and duties of parents according to social legislation**

1024. The Act on Public Assistance from 1988, as last amended in 2007, prescribes that every man and woman has a duty to public authorities to provide for his/her spouse and children. The duty to provide for a child ceases upon adoption, if the child contracts marriage, or in the case of a daughter's pregnancy, from the time when the birth is estimated to be eight weeks away.

1025. When public authorities support persons under the age of 18 in connection with their living away from home, the custodial parent can be required to pay all or part of the support provided.

1026. Pursuant to the Child Welfare Act, the authorities are obliged to secure adequate conditions for children and young persons and to supervise these. The authorities must also support parents in their upbringing and care of their children.

### **XXVI.B. Out-of-home placement (art. 9)**

1027. On the basis of the objects clause of the Child Welfare Act, i.e. to ensure that children grow up in security, it is prescribed that the central child welfare committee may decide to place children in care. A child may only be separated from its parents when this is deemed necessary to protect the child's best interests, and when preventive measures are not considered sufficient.

1028. The child welfare committee may decide that children must be placed in care temporarily or permanently. A decision on permanent placement may remain in force until the child turns 18 years. The Act includes rules that prescribe when a placement decision must be changed or cancelled.

1029. The child welfare committee has three members: An experienced lawyer, who is chairman of the committee, a psychologist and a child expert. In addition, the child welfare committee has a secretariat attached, working under the social services department. The Child Welfare Act prescribes provisions on and requirements for casework in placement cases.

1030. The local child welfare committees submit cases on out-of-home placement to the central child welfare committee. Only the central committee, not the local committees, may decide in cases on placement of children in care and thus also questions concerning rights of contact. However, local authorities must supervise the child's and the parents' situation and they must moreover pay the costs.

1031. The new Child Welfare Act prescribes a number of detailed rules on how the social services must handle child welfare cases. This is to ensure that children and parents have the necessary protection of their civil rights in these cases. In addition to these rules on case administration, the authorities must follow the rules of the Public Administration Act. In

cases before the central child welfare committee the parents are entitled to free legal assistance (cf. Art. 9 (2) of the Convention).

1032. Children and parents have a right of contact. In connection with child welfare cases, it is also decided how contact between the parents and the child may take place during the child's out-of-home placement. In connection with placement cases the central committee also decides on contact. The central committee may decide to terminate contact between child and parents if it is estimated to be in the best interest of the child.

1033. Appeal of a decision on out-of-home placement lies to the Faroese Court (Føroya Rætt), which sits with two assessors who are experts on child welfare and psychology, respectively. Appeal of a decision by the Court lies to the Danish High Court.

1034. The number of children and young persons placed in care in 2006 and 2007, according to information from the central child welfare committee, was as follows (both new cases and reassessments):

2006:

Placement in foster care: Undisclosed

Placement in residential care institutions: 6 children/young persons

Placement in institutions abroad: 3 children/young persons

2007:

Placement in foster care: 27 children/young persons

Placement in residential care institutions: 19 children/young persons

Placement in institutions abroad: 8 children/young persons

#### **XXVI.C. Residence permits (art. 10)**

1035. Applications for a residence permit to stay in the Faeroe Islands are considered on the basis of a special set of rules. Parts of the Aliens Act, i.e. Consolidation Act No. 191 of 20 March 2001, have been put into force for the Faeroe Islands under Statutory Order No. 182 of 22 March 2001, while later amendments to the Act have not been put into force for the Faeroe Islands.

1036. It should be noted that also in cases concerned with family reunification in the Faeroe Islands, the authorities consider whether residence permits must be granted on the basis of Denmark's international obligations, in particular Article 8 of the European Human rights Convention.

1037. We may report, in particular in relation to article 10 and Recommendations No. 31 and 32, that the changed age limit from 18 years to 15 years in the rules governing family reunification of children has not been put into force for the Faeroe Islands.

#### **XXVI.D. Parents' responsibility and assistance to parents (art. 18 (1) and (2))**

1038. The Danish Act on Custody and the Right of Contact came into force in the Faeroe Islands on 1 April 2007. From that point, the rules on custody and contact rights in the Faeroe Islands correspond to the description of Danish law in Denmark's Second Periodic Report, paragraph III, article 18 (items 96–99 and 102), and in Denmark's Third Periodic Report, paragraph IV.B.2.a, IV.B.2.b and paragraph IV.D.1.

## **XXVI.E. Protection of children from violence, injury, abuse, neglect or negligent treatment (art. 19)**

1039. It is a requirement under the Child Welfare Act that public authorities ensure that children grow up in secure circumstances and that local authorities set up local child welfare committees. The local authorities must cooperate on setting up these committees, as a population of at least 1,500 inhabitants is needed to set up a child welfare committee. The local council appoints the members of the child welfare committee and the local authorities pay the costs of running the local child welfare committees.

1040. However, the police of the Faeroe Islands have advised that a number of changes of the rules to protect children have been introduced by Lagting Act No. 18 of 8 March 2005. on child Welfare. The reservation in relation to the Faeroe Islands in Executive Order No. 125 of 4 December 1997 on the Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Convention) was repealed with effect from 15 December 2006.

1041. In addition, a Child Welfare House (Barnaverndarstovan) has been set up. Its primary objective is to advise and guide the local child welfare committees.

1042. The local child welfare committees are responsible for preventive initiatives and for implementing preventive measures in accordance with the law. Decisions made by the local child welfare committees may be appealed to the Social Appeals Board.

1043. As mentioned above, a central child welfare committee has been set up in the Faeroe Islands to make decisions in all cases on children's placement in care and on their rights of contact.

1044. According to preliminary figures for 2006 computed by the Child Welfare House, child welfare cases in some form or other had been opened for a total number of 650 children. 148 children had cases involving neglect/negligent treatment.

1045. According to information from the central child welfare committee there were five referrals to family treatment in 2006. In 2007 the number was also five referrals to family treatment.

### **Duty to report**

1046. Under the provisions of the Child Welfare Act, everyone who works with children and thereby obtains knowledge about circumstances which require a response by law must report this to the child welfare authorities. The duty to report under the provisions of the Act takes precedence over professional silence in such cases.

1047. In addition, the Act prescribes that the local child welfare committees, acting upon reporting or at their own accord, must take care of the children in the local area who live in conditions that are detrimental to their health and development, and the committees must implement measures. The Act emphasises that the child welfare authorities must cooperate with the custodial parent to the greatest possible extent.

### **Criminal acts**

1048. The Child Welfare Act prescribes that a person who exposes a child to treatment which is detrimental to the child's mental and physical health and development will be punishable under section 213 of the Criminal Code. In addition, under the Act, it is an offence not to report to the child welfare authorities in a situation when it is called for. It is also an offence to work against measures or investigations that the child welfare committee has initiated. In addition, certain other acts are defined as criminal offences.

**XXVI.G. Special protection and assistance to children, alternative care (art. 20)**

1049. Under the new Child Welfare Act, local authorities may initiate a number of preventive measures in the home, at school, in day-care centres and in support families, etc.

1050. In cases where the central child welfare committee decides to place the child in out-of-home care, the child will be placed primarily with foster parents or in a residential care institution.

1051. According to the Child Welfare House, relatively few children are placed in residential care institutions. Thus, as at 1 May 2008 there were no small children under the age of eight in any institution. Placement in foster care is used much more often. According to the Child Welfare House, foster care arrangements are generally stable and shifts to other families are very rare. The local authorities pay the costs of foster care. However, it is the central child welfare committee that makes decisions in placement cases (please see description in paragraph XXVI.B.).

1052. The Government is responsible for setting up and operating the child welfare institutions and paying the main part of their costs, but user charges have been imposed on local authorities. There are three residential care institutions in the Faeroe Islands. One is a children's home, whereas the other two are more like treatment homes. In addition, the Government is responsible for a day-care centre for children with behavioural difficulties. The central child welfare committee refers children to the institutions.

1053. "Føroya Barnaheim" is a children's home, which is an independent institution with an executive committee as its highest authority. The institution is financed from public funds and is divided into two wards. One ward is for children and young people from 13 to 18 years of age who have been exposed to inadequate parental care and control and have social and emotional difficulties. The ward has six residential places plus one for urgent cases. The other ward is a family ward with room for two families with children aged from 0 to 18 years. The object of a stay in the family ward is to allow observation of parents and to support their handling of the parental role. It is the central child welfare committee which refers families to observation and training. Both wards have a standard staffing level of 17.5 full-time positions.

1054. "Slóðin" is a residential care institution with five residential places. The target group is young persons aged 13 to 18 years who have problems at school and social and mental difficulties. The institution has a standard staffing level of 11.3 full-time positions. "Rókin" is a residential care institution with five places. The target group is children aged 7 to 13 years with attachment, emotional and social difficulties. The institution has a standard staffing level of 9.3 full-time positions. In addition, one day-care centre accommodates children with extensive behavioural and attachment difficulties. It has places for eight children.

1055. As a result of the new Child Welfare Act a central foster family programme has been set up to cover all of the Faeroe Islands. The programme approves new foster families, makes agreements on placement of children in care, fixes the remuneration to foster families, and is obliged to terminate the agreement if the foster family fails to perform its duties as a foster family.

1056. The Child Welfare Act prescribes provisions on children's rights in connection with stays in institutions and on the use of force and other cases of suppression of the right to self-determination. In 2006, the local authorities spent a total of DKK 32 million on initiatives under the Child Welfare Act. The Government spent approx. DKK 17 million on the operation of institutions and paying for placements at institutions abroad.

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

1057. The Danish Adoption Act came into force in the Faeroe Islands on 1 December 2006. Subsequently, the rules on adoption in the Faeroe Islands correspond to the description of Danish law in paragraph VI (g) in Denmark's First Report, in paragraph III, article 21 (items 169–175) in Denmark's Second Periodic Report and in paragraphs IV.B.2.c, IV.D.2 and VI.H.2 of Denmark's Third Periodic Report.

1058. As regards financial support in connection with adoption, parents who adopt a child from abroad are granted an amount of DKK 50,000 towards the expenses relating to the adoption. The grant was fixed in the Faroese legislation on support for adoption from 1994.

**XXVI.I. Alternative care measures must be subject to periodic review (art. 25)**

1059. Pursuant to the Child Welfare Act, the local child welfare authorities must supervise how the child and parents are doing when measures have been implemented. The child welfare authorities must frequently assess whether a measure has the intended effect or whether it is necessary to implement a new measure, and if so, they must ensure that a new measure is implemented.

**XXVI.J. Child maintenance (art. 27 (4))**

1060. The rules for the Faeroe Islands on maintenance for a child correspond to the description of Danish law in Denmark's First Report, paragraph VI (e).

**XXVI.K. Neglect, exploitation and abuse of children (art. 39)**

1061. Please refer to the description of special measures of protection in paragraph XXIX of this report.

**XXVII. Fundamental standards of health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27 (1–3))****XXVII.A. The child's right to life (art. 6)**

1062. References to Nomesco 2005 below are references to: Nordic Medico Statistics: "Health Statistics in the Nordic Countries 2005", the Nordic Medico-Statistical Committee, Copenhagen 2007.

1063. The Act on Measures in Connection With Pregnancy, etc. (1956), as last amended by Royal Decree No. 151 from 1988, provides rules on when a woman may have her pregnancy terminated.

1064. By Royal Decree No. 643 of 9 December 1982 on the coming into force for the Faeroe Islands of the Act on Pregnancy Hygiene and Obstetric Aid, as last amended by Royal Decree No. 543 of 30 June 1993, it is provided that in connection with pregnancy women are entitled to five preventive medical examinations by a doctor, three of them during the pregnancy. In addition, women are entitled to preventive health examinations by a midwife and to obstetric aid.

1065. Under the Child Welfare Act, healthcare professionals have a duty to report when they assess that a pregnant woman is in need of support due to serious alcohol or drug abuse, mental illness or psychological difficulties.

1066. In the period 2001–2005, a newborn boy in the Faeroe Islands could expect to attain the age of 76.9 years, and in the same period a newborn girl could expect to attain the age of 81.4 years (table 2.1.3 Nomesco 2005).

### **Infant mortality**

1067. According to statistical information from Nomesco 2005 the infant mortality in the period 2001–05 was as follows:

(table 2.2.3):

- Per 1,000 births: 2.3 stillbirths, 4.0 perinatal deaths, 0.9 within the first 24 hours
- Per 1,000 live births: 1–6 days: 0.9, 7–27 days: 0.6, total under 1 year: 3.2

### **General preventive actions**

#### *Sale of alcohol and tobacco*

1068. Pursuant to the Act on the Import and Sale of Alcohol and the Act on Action to Reduce the Use of Tobacco, the sale of alcohol and tobacco to persons under the age of 18 is prohibited.

#### *Preventive action – smoking*

1069. In 2005, the Faroese Parliament adopted the Act on Action to Reduce the Use of Tobacco for the purpose of reducing smoking and ensuring the right for everyone to live in an environment without any smoking. One of the primary objectives of the Act is to prevent children and young people from smoking and ensure that smoking is not part of children's everyday life. This has been achieved by banning smoking indoors in public places such as schools, day-care centres, sports centres, etc. In addition, it is prohibited to sell tobacco to young people under the age of 18. The Act also includes a ban on tobacco advertising, except for information campaigns and warnings against smoking, however.

1070. A new smoking act has been adopted by the Faroese Parliament, by which smoking is banned indoors in places to which the public has access, including restaurants. It also bans smoking in rooms in private homes while public childcare services take place there. Moreover, it prohibits any display of cigarettes, etc. in shops.

1071. Both the Act on Action to Reduce the Use of Tobacco and the Smoking Act have been drawn up based on the *WHO Framework Convention on Tobacco Control* from 2003 on initiatives to reduce the use of tobacco.

#### *Preventive action – drugs*

1072. Faroese authorities take part in the Nordic cooperation on drugs in the Nordic Council of Ministers and the Nordic Drugs Forum. In 2007, the Faeroe Islands set up a forum with representatives from relevant authorities and institutions. The objective is exchange of information and experience in the area of controlled drugs in the Faeroe Islands.

1073. The prohibition of controlled drugs is regulated by the Royal Decree for the Faeroe Islands on Controlled Drugs and the Act on Pharmacy Operation.

*Preventive action – SSP cooperation*

1074. An initiative has been launched to establish organised SSP cooperation by 1 August 2008. The SSP cooperation is between schools, social services and the police. The plan is to appoint an SSP consultant to assist and coordinate the various elements of the system and in relation to children/young people/parents.

*Preventive action – youth counselling*

1075. The association Barnabati whose objective is to protect the welfare of children and young persons receives public grants. For 2008, the grants have been raised by DKK 100,000 earmarked for a child and youth counselling project.

*Preventive action – health*

1076. By an Act from 2000, as last amended in 2007, a Public Health Council was set up for the Faeroe Islands. Its object is to advise the Minister of Social Affairs and Health and strengthen measures that promote health and prevent illness and accidents in the social and health services. This also includes tasks such as conducting studies and supporting research in the area.

1077. The Faeroe Islands participate in the ESPAD surveys, which are surveys of 9th form pupils' smoking, alcohol and drugs habits. They show, compared to the other countries in the surveys, that young people in the Faeroe Islands drink alcohol to a slightly lower extent but have been drunk to a slightly higher extent. The number of young people who have been smoking/smoke is substantially higher, whereas the number of young people in the Faeroe Islands who use illegal drugs is lower. However, the number of young people who use alcohol with pills is slightly higher.

1078. In 2006, the Minister of Social Affairs and Health presented a public health plan with specific health promoting and preventive actions in the area of exercise, aimed to deal with smoking, food and alcohol and drug abuse. The objective is to improve the Faroese population's standard of health, and efforts are directed especially towards children and young people. The Public Health Council is responsible for administering the plan.

*Preventive action – pregnancy*

1079. Pursuant to the Act on Pregnancy Hygiene and Obstetric Aid, which came into force in the Faeroe Islands by Royal Decree No. 643 of 9 December 1982, guidance on the use of contraceptives may be offered and given to persons who are under the age of 18 and unmarried or legally incapable for personal reasons without the consent of a custodial parent or guardian.

1080. The number of induced abortions for the Faeroe Islands is relatively low. The number of induced abortions in 2005 was 40.7 per 1,000 live births. The total abortion rate was 139.4. The abortion rate per 1,000 women aged 15–19 years was 3.3 and the rate for women aged 20–24 years was 1.6 (table 2.2.8 Nomesco 2005).

1081. A survey of live births per 1,000 women divided into age groups shows that more women under the age of 19 became mothers than in other Nordic countries. The survey shows live births in the period 2001–05 per 1,000 women as follows:

- 15–19 years old: 13.5; 20–24 years old: 109.8
- Total fertility: 2566

In addition, a new guidance service was set up in 2007 aimed to provide advice and guidance to women, including young mothers, on questions such as pregnancy.

*Preventive action – suicide and accidents*

1082. The suicide rate of the Faeroe Islands is relatively low. A survey of deaths due to suicide per 100,000 inhabitants broken down by sex and age shows that the total rate among men is 11.5. The rates for men in the age groups 10–19 years and 20–24 years are 5.3 and 12.3, respectively. For women the total rate is 0.9 per 100,000 inhabitants (table 4.1.6 Nomesco 2005).

1083. As for accidents, relatively many young men under the age of 24 are killed in accidents. A survey of accidental deaths per 10,000 inhabitants broken down by sex and age in the period 2001–05 shows the following:

- Total men: 36.8; men 0–14: 7.0; men 15–24: 70.4
- Total women: 19.4; women 0–14: 3.7; women 15–24: 6.9

**XXVII.B. The child’s right to childcare services and facilities (art. 18 (3))**

1084. In 2000, the Faeroe Islands introduced legislation on child day care provided by day-care centres or child-minders, placing the administration and funding of day-care services and facilities with the local authorities. Under these rules, local authorities are not obliged to offer a day-care place to all children. However, most local authorities in the Faeroe Islands offer a daily service in the form of day care in private homes or in day-care centres.

1085. The objective of the educational work carried out by day-care centres and child-minders is to ensure, with care and in secure and child-friendly surroundings within the cultural area and in cooperation with parents, that the children receive a Christian and ethically good upbringing and that they develop intellectual liberty, patience, a sense of self-worth and awareness of democracy. The work is also required to prepare the children for empathy, co-determination, responsibility, rights and solidarity in a democratic society, and to develop the children’s creative abilities attaching importance to strengthening their identity, self-respect, self-esteem and ability to care for their own situation in a calm and cooperative manner, and to provide a healthy and motorically stimulating indoor environment and outdoor areas which are fit for the children’s age and mobility. In cooperation with the children’s homes, the work must also strengthen the children’s development in close interaction with nature. Each centre must have a parents’ committee which may provide the principal of the centre with guidance and advice on the work with the children.

1086. An Order issued in 2006 provided that each day-care centre should describe the educational goals to be achieved for each age group of children, and how this should be implemented. It also provided that the registered child-minder service should draw up an educational goal for each day-care place, which must take account of each individual child to the greatest possible extent. Moreover, rules provide that places in crèches are intended for small children from about five months to about three years of age. Nursery schools are intended for children at the age of three to seven. Outdoor nursery schools are intended for children at the age of four to seven. After school centres are intended for children at the age of seven to 18. Local authorities make their own decisions as to whether and to what extent they establish after school centres.

1087. Children registered in day-care centres and in day care in private homes funded by the local authority, shown by age as a percentage of the respective age groups in 2005, were as follows for the Faeroe Islands (table 4.11 Nososko 2005):

<i>&lt;1 year</i>	<i>1–2 years</i>	<i>3–5 years</i>	<i>0–5 years</i>	<i>6 years</i>	<i>0–6 years</i>	<i>7–10 years</i>
21%	79%	88%	74%	83%	75%	28%

1088. It should be added that several local authorities operate various services in after school clubs for older children. Parents pay part of the costs of childcare in day-care centres. The Faeroe Islands have centrally prescribed rules on the maximum level of this payment and on free places. In 2005 the user charge amounted to approx. 29 % of the operating costs of day care in private homes and day-care centres (Nososko 2005).

1089. The Faeroe Islands do not (except in a single case) offer school-preparing classes. Physically and mentally disabled children must be integrated as far as possible in the local authorities' childcare services. In the cases where it is assessed that the service offered by the local authority is inadequate due to a child's extensive disability, the state must provide an alternative childcare service.

### **XXVII.C. Children with disabilities (art. 23)**

1090. The Faroese authorities recognise the UN Uniform Rules on Equal Opportunities for Disabled People, which the UN adopted at its 48<sup>th</sup> General Assembly in 1993. These uniform rules have been translated into Faroese and were published by the Faroese Ministry of Social Affairs in 1999. In this connection the Minister of Social Affairs and Health of that time presented a report on the conditions of disabled people, based on the Uniform Rules, before the Faroese Parliament on 3 December 1999. The report recommends that the uniform rules should be used as a basis for the work to improve conditions for disabled people. The report was debated by the Parliament. However, the principle of sectoral responsibility has not been officially acknowledged by the Faroese authorities. In addition, the Faroese Executive is in the process of drafting legislation on the expected ratification of the UN Disability Convention (CERD) in 2009.

1091. Under the Public Assistance Act (1988) families who provide for a child with physical or mental disabilities that result in special expenses are entitled to have such necessary additional expenses covered, including expenses for treatment. Financial support is also granted to cover loss of earnings. The support is subject to the requirement that the parents follow the medical directions given for the child's care.

1092. Moreover, support may be granted under the same Act towards expenses for technical aids, home alterations and the purchase of a car.

1093. If the conditions for granting support are fulfilled, the support is not income-related, except in the case of the purchase of a car, where the user is required to contribute.

1094. Rehabilitation services are also provided. Such services are means-tested.

#### **XXVII.C.1. Treatment services**

1095. Other services provided to families with disabled children include out-patient treatment at the 'Family House', where families may receive advice and guidance.

1096. The treatment services available to children, in addition to hospital treatment, include financial support towards physiotherapy, ergonomic therapy and horse riding. Moreover, children may receive support for various conductive education services abroad.

1097. However, preparations are made for the establishment of a new conductive education service for disabled children in the Faeroe Islands.

**XXVII.C.2. Day-care facilities and recreation services**

1098. For the purpose of strengthening the rights of disabled children, the responsibility for ensuring day-care places for children with disabilities was transferred to the local authorities in 2006. The amended legislation prescribes that children with special needs are entitled to a place in the local day-care centres on an equal footing with other children. The local authorities must ensure the children a satisfactory educational service and suitable physical premises. The local authorities pay the extra costs related to the service, and it does not affect the parental fees. In cases where it is estimated that the child cannot be integrated in a local day-care centre, but needs a special facility, the state takes over the responsibility for ensuring a day-care place or a place in an after-school centre.

1099. At the same time as the responsibility to provide day-care places for disabled children was transferred to local authorities, a new central support provider programme for disabled children under the age of 18 was set up in 2006. The programme, for which the state is responsible, offers day services for children under school age, after-school services for children of school age and, in addition, special relief for families and other care services 24 hours a day.

1100. It was also made a statutory requirement that a three-member expert committee must make recommendations in cases involving doubt as to whether a child should be granted a day-care offer from the local authority or from the state. The committee consists of a paediatrician, a psychologist and a physiotherapist.

1101. The explanatory notes to the Act state that all offers for day care or after-school care must be based on the needs of the particular child.

1102. According to social service information, a total of 78 children received some type of support from the above-mentioned support provider programme as at 21 May 2007.

1103. In addition to ensuring appointment of a few support providers, the new programme has also led to the establishment of a number of day centres, which may be compared to day-care and after-school facilities. So far the following special services have been set up:

1104. In Tórshavn:

Services for children with extensive disabilities in special premises, placed in the building where also the country's special school and institution for educational-psychological advisory services are placed:

- Day care for children with multiple disabilities (3 children)
- Day care for autistic children (2 children)
- After-school services for children with multiple disabilities (4 children)
- After-school services for autistic children (3 children)

1105. Other services in Tórshavn:

- One after-school facility for children with behavioural difficulties and disabilities (3)
- One after-school facility for teenagers who are slightly mentally disabled (4)
- One after-school facility for younger children who are slightly mentally disabled (7)

1106. In Eysturoy:

- One after-school facility for autistic children (3 children)
- One after-school facility for children with multiple disabilities and other mentally disabled children (5 children)

1107. In addition, in Eysturoy there is a day-care centre for children with multiple disabilities with room for eight children. Respite care is possible during evening and night hours.

1108. In a few cases it is necessary to offer children and young persons with disabilities places at institutions abroad, primarily in Denmark. In 2007, five children and young persons were placed at residential institutions in Denmark. In addition, in the same year, seven young persons stayed at an institution in Denmark in connection with rehabilitation.

### **XXVII.C.3. Respite care in the home or in residential care institutions**

1109. Support measures may be given in the home or in a residential care institution. When the support is given in the home, a support provider stays in the home with the family at night, or the child may be placed at an institution for respite care.

1110. Moreover there are a few residential places for autistic children in a residential care institution in Klaksvik.

### **XXVII.C.4. Special needs education and schooling for children with disabilities**

1111. Pursuant to section 4 (3) and (4) of the Primary and Secondary School (Folkeskole) Act, special needs education and other special needs assistance must be made available to children with special needs if these are not covered by the ordinary special needs education, and to children with learning difficulties who do not receive a satisfactory service from their ordinary education.

1112. Children are referred to special needs education and other special needs assistance in cooperation between the school, the parents and the local PPR office (the educational-psychological advisory service).

1113. In future, the special needs area, which undergoes restructuring at the moment, will consist of a main PPR office in Torshavn and five local PPR offices, which are supervised by the main office in Tórshavn. The local PPR offices, set up in cooperation with the local authorities, will offer special needs guidance and assistance to local authorities, schools, day-care centres, parents, pupils, etc.

1114. Another part of the restructuring of the special needs area is the establishment of 'centre schools' at selected schools, where units for special needs pupils in the school district will be created, i.e. children with autism, AD/HD, Down's syndrome, etc.

1115. The Finance and Appropriation Act for 2007 included an allocation of DKK 50.2 million for special care education and other special needs assistance and special needs guidance in primary and secondary school.

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

1116. In 2005, the Act on Preventive Health Examinations of Children and Young Persons was adopted by the Faeroese Parliament. The objective of the new Act was to improve the preventive health examinations for all children and young persons in the Faeroe Islands. Thus, children and young persons must be offered regular examinations by a health visitor and the local authority medical officer. Children and young persons must be offered a total of nine preventive medical examinations under the Act. Children under school age must be offered seven examinations, of which three are within the child's first year — at five weeks, five months and 12 months — and four are when the child is two, three, four and five years old, and children of school age must receive two examinations, one at the beginning of school and the other at the end of school. In addition, children must be offered preventive and health-promoting health examinations by a health visitor, also children of school age.

The health visitor may also offer guidance to persons with children or responsibility for children who have special needs in the form of social difficulties or illness or disabilities. In addition, the health visitor may offer guidance to staff in day-care centres or the like.

1117. There is no charge for the mentioned examinations. As for inoculation, it is prescribed by law that persons under the age of 18 who have Danish citizenship or residence in the Faeroe Islands may be inoculated free of charge. The inoculation programme is prescribed by law and mostly follows Danish rules in this area.

1118. Local authorities provide a free school dental care service for children under the age of 16. This service also includes special services such as adjustment of irregular teeth. All citizens receive free medical treatment and visits from district nurses, and there are no user charges in connection with hospital treatment.

1119. Under the Act on Hospital Services from 2005, residents of the Faeroe Islands are entitled to free hospital treatment, which includes treatment in Denmark or in any other country if they are referred to treatment in accordance with current rules.

1120. The Faroese hospital has a special children's ward. In addition, children may be offered out-patient psychiatric treatment in the hospital's psychiatric ward. It should be mentioned that an initiative has been taken to further develop child and youth psychiatry services in the Faeroe Islands. If a child under the age of 18 must be treated at a hospital abroad, the Faeroese hospital pays the travelling expenses as prescribed by a statutory order so that one accompanying person, or in special cases two accompanying persons, may travel with the child for treatment abroad.

#### **XXVII.E. Ensuring the child a standard of living and social security (art. 26 and art. 27)**

1121. When this paragraph refers to Nososko as a source, the reference is to: NOSOSKO (Nordic Social Statistics): "Social Protection in the Nordic Countries 2005", Nordic Social-Statistical Committee.

1122. Parents who are unable to provide for themselves and their child due to unemployment or illness are entitled to public assistance. The Faroese Social Department grants support pursuant to the Public Assistance Act, the Incapacity Benefit Act, the Social Security Pensions Act or from the unemployment insurance system.

1123. Social security benefits are granted when all other forms of support are excluded in cases where a citizen loses his or her income or experiences other social contingencies. Social security benefits are income-related and means tested. The support is paid as a tax-exempt net benefit.

1124. Under the Public Assistance Act, support is also granted for loss of earnings to parents with disabled children. According to information provided by the Faroese Social Department, 196 citizens received compensation for loss of earnings in 2007. In addition, families with disabled children receive compensation for their additional expenses. In 2007, 326 families received compensation for additional expenses.

1125. Pursuant to the Act on Child Maintenance for Single Parents from 1996 maintenance may be granted to orphans or children who have only one living parent. Maintenance may also be granted to children born out of wedlock, where paternity has not been established. The child maintenance for 2008 is DKK 11,832 a year.

1126. According to the Social Security Pensions Act, pensioners are entitled to the child allowance if they provide for a child under the age of 18. The allowance for 2008 is DKK 11,832 annually per child. The allowance is neither means tested nor taxable.

1127. As mentioned above, financial assistance is also provided towards adoption and advance payments of child maintenance for single parents, as described in paragraphs XXVI.H and XXVI.J. of this report. Moreover, it should be noted that benefits may be granted in connection with pregnancy, maternity leave and adoption.

1128. A statement from Nososko 2005, i.e. table 4.4, shows the payment of income-replacing cash benefits on childbirth as at December 2005: The maximum period in which childbirth benefits may be granted is 26 weeks; the mother before birth 4–8 weeks; the mother only 14 weeks; the father only 0 weeks; either the mother or father 10 weeks, the father together with the mother 2 weeks. The income ceiling per week is DKK 6,250. In addition, the area is also regulated by collective agreements.

1129. In the Faeroe Islands, parents' leave to stay home to care for a sick child is regulated by collective agreements as in Denmark. However, parents are fully compensated when caring for a child with a short-term illness (Nososko 2005).

1130. Parents are given financial assistance for children, not income-related, in the form of a tax deduction until the child is 18 years old. The annual rate of the child tax deduction for 2005 per child is: DKK 9,699. In the Faeroe Islands local authorities finance 43 % of the cost of child allowances, whereas the state finances the rest. Persons with a low or no taxable income have the allowance paid out to them (Nososko 2005).

1131. No extra allowance is granted to single parents, but a bill is prepared proposing an extra child allowance to single parents.

1132. The Faroese Parliament has recently adopted an amendment act to ensure that as from 1 September 2008 children of single parents will receive an extra child allowance, The amount of the allowance is DKK 6,000 per child per year.

1133. Families are not granted housing benefits. However, citizens who live in their own house receive relief for interest payments.

1134. A statement from Nososko, i.e. table 4.14, shows that the cost of allowances for families and children in 2005, in million DKK, was: Cash benefits: 222; Services: 224. Totalling DKK 446 million, equal to 4.3 % of GDP.

1135. A statement from Nososko, i.e. table 4.15, shows that the cost of services to families and children calculated in PPP (purchasing power parity) for 2005 was:

<i>Expenditure (DKK)</i>	<i>Cash benefits</i>	<i>Services</i>	<i>Total</i>
Per capita	439	442	880
Per child 0–17 years	1 574	1 585	3 159

## **XXVIII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

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

#### **The Folkeskole (primary and secondary school)**

1136. Pursuant to the Primary and Secondary School (Folkeskole) Act, i.e. Act No. 125 of 20 June 1997, as last amended by Act No. 64 of 7 June 2007, all pupils of education age must receive instruction, but there is no compulsory schooling. Consequently, all children in the Faeroe Islands are entitled and obliged to participate in the Folkeskole's instruction or any other instruction which can match that of the Folkeskole. Compulsory education commences at the beginning of the school year in the calendar year in which the child

reaches the age of seven years. It comes to an end when the child has received regular instruction for nine years. Moreover, there is an optional 10<sup>th</sup> form. Under current legislation, children may be exempted from ordinary instruction after seven years of education. However, this will require implementation of other educational measures which may be approved as an alternative or supplement to the 8th and 9th school years. The Folkeskole offers children free education for a period of ten years.

1137. With the amendment of the Primary and Secondary School Act of 7 June 2007 several reforms were introduced. In outline these reforms involve strengthening of elementary instruction by the increase of the number of lessons in the 1st – 3rd years, the introduction of compulsory national tests in Faroese, mathematics and natural sciences/technology in the 4th and 6th years, diagnostic tests in selected subjects in the 3rd, 5th and 7th years as well as new curricula with competence assessments in the 2nd, 4th, 6th, 9th and 10th year.

1138. Both the introduction of tests and of curricula with competence assessment are part of an overall plan to strengthen the evaluation of the schools' instruction with a view to upgrading the quality of the education provided.

1139. In addition, the reform comprises amendments which facilitate the special education measures for pupils with adjustment and attachment difficulties, upgrading of the examination regulations and possibilities of launching educational research in the school area.

1140. A compulsory requirement on schools is to ensure ongoing evaluation of the instruction as an integrated part of the instruction. The evaluation must be used as an instrument to plan future teaching and as a basis for guidance of pupils and information to pupils and parents on the pupils' outcome of the instruction.

1141. It is a requirement that the instruction is based on the particular pupil, and that it is planned and differentiated to ensure that it corresponds to the needs and qualifications of each pupil. In each subject the teacher and pupil work together on an ongoing basis to determine the goals to be fulfilled, after which the pupil's work is planned to take account of these goals. Working methods and topic selection must also be planned in cooperation between teachers and pupils.

1142. The Faroese Teacher Training College (Færøernes Seminarium) is responsible for the education of primary and secondary school teachers. In the academic year 2007/08 approx. 200 students attend the college. The college graduates approx. 24 primary and secondary school teachers a year.

1143. Local authorities are responsible for providing school premises and initiate renovation projects and new buildings. The local authorities are different with regard to population and tax receipts, and consequently school buildings and their facilities vary a great deal. In recent years the local authorities have initiated major renovation work on school buildings and several new buildings have been constructed.

1144. In the academic year 2007/08 7,200 pupils attend the Folkeskole. 40 % of them live in the metropolitan local district. There are 680 teaching positions in primary and secondary school and the language of instruction is Faroese.

### **Upper secondary education**

1145. Faroese upper secondary education gives access to higher education in the Faeroe Islands, in Denmark as well as in other countries. According to an agreement between the National Education Authority of Denmark and The Faroese Ministry of Education, Faroese upper secondary education is approved as equivalent to corresponding education in Denmark.

1146. In the Faeroe Islands the following upper secondary education is available: general upper secondary school leaving examination, higher preparatory examination, commercial upper secondary school leaving examination, technical upper secondary school leaving examination and higher fishing examination. Upper secondary education is available on Suðuroy, in Tórshavn, Vestmanna, Fuglafjørð and Klaksvík. Approx. 60 % of a youth cohort receives upper secondary education. As our statistical material is not very precise, we do not have a definite overview of the rate of young people who goes on to higher education after completion of upper secondary education, but we estimate that it is about 35 %. Our goal is that by the year 2015 approx. 50 % of a youth cohort will take higher education.

#### **Vocational education and training**

1147. Vocational training may be taken in two ways. One way is based on the signing of a contract between an employer and an apprentice. Such an apprenticeship training programme takes approx. four years, and it involves courses based on the sandwich principle with training in the work place and school courses.

1148. Another way to take vocational training is to complete a basic year at a vocational college, after which a contract is signed between the employer and the apprentice. Part of the basic year is accredited to the overall apprenticeship training programme, however, depending on the subjects.

1149. In the Faeroe Islands it is possible to complete a full apprenticeship training programme as a motor mechanic, electrician, hairdresser, machine fitter, plumber, joiner and carpenter. In other apprenticeship training programmes, the apprentices have to take some of the school courses at vocational colleges in Denmark, as the number of apprentices is too small for offering these school courses in the Faeroe Islands.

#### **Completion of education programmes**

1150. Due to lack of statistical material, it is not possible to provide an overview of the dropout rates from post-secondary education, but some surveys suggest that the drop-out rate from general upper secondary education is about 20–25 %. However, the same surveys also suggest that some of the young people who did not complete their chosen education programmes initially, have taken another general or vocational post-secondary education at a later stage.

1151. In order to reduce drop-out rates and give young people in secondary school a better opportunity to choose a general or vocational post-secondary education programme based on better insight and knowledge, the Faroese Ministry of Education is contemplating a reform of the entire guidance system, in order to obtain coherent, continuous guidance of all pupils right from secondary school on to higher education. Careers guidance and guidance on the requirements of the labour market will also be part of the reform.

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

1152. Under the Primary and Secondary School (Folkeskole) Act, it is the responsibility of the schools, in cooperation with parents, to ensure that pupils acquire knowledge, skills, working methods and ways of expressing themselves, which will contribute to the particular pupil's all-round development.

1153. The school (the Folkeskole) must also provide a framework that gives pupils the opportunity of experiences, active minds and absorption and possibilities to develop their own awareness, imagination, and desire to learn. In addition, they should be able to train

their ability to form independent opinions, decisions and initiatives and they should feel confident of themselves and the opportunities of the community.

1154. Moreover, the school must cooperate with parents to help to give pupils a Christian and moral education and upbringing. Based on the home culture, the school must develop pupils' knowledge of Faroese culture and help them to understand other cultures and man's interaction with nature.

1155. The school must, in addition, provide such a framework for the everyday life and work at the school that pupils develop their self-respect, confidence and ability to cooperate, their sense of responsibility and respect of other people.

1156. The school must prepare pupils for the empathy, co-determination, joint responsibility, rights and duties of a democratic society. It is the intention that the school's instruction and everyday life is based on intellectual liberty, equal status and democracy. The planning of the instruction, including selection of teaching and working methods, educational material and selection of topics, must live up to the objectives of the Folkeskole and be planned considering each individual pupil's needs and qualifications.

1157. Consequently, the school's management must ensure that all teachers plan and prepare their instruction so that it involves challenges for all pupils.

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

1158. Under Act No. 70 of 30 June 1983 on Leisure Education, as amended most recently by Act No. 124 of 10 December 2003, the Ministry of Education and Culture appropriates funding to local authorities for their establishment of leisure education for children and young people. The services consist of three categories:

1. General leisure education, which is available to all who have attained the age of 14.
2. Special leisure education, which includes special needs education for adults in writing, reading, arithmetic and Faroese for foreigners, instruction aimed at the school leaving examination, higher preparatory examination single subject course and work-related training such as maritime education in navigation, navigation rules, examination for motormen and radio telephony.
3. Recreational activity, which is for children and young persons younger than 25 years, offering a varied selection of courses and subjects. The relevant statutory order attaches great importance to making the activities available to all who are interested, in order that no one is denied access due to a certain ideology, job, association or other. Course subjects may be song and music, dance and drama, chess, art, needlecraft, ICT, film, photo and sports.

1159. The annual funding is provided in proportion to the population of the local authorities and in accordance with the teaching load within the three main areas. Consequently, the Ministry pays 50 % of the support for general leisure education and recreational activity and 100 % for special leisure education.

1160. The number of participants in leisure education in the academic year 2006/07 was 6,472 students. Approx. 1,500 took recreational activities. The total budget was approx. DKK 9 million, of which the Ministry of Education appropriated DKK 5.5 million.

## **XXIX. Special measures of protection (arts 22, 30, 32–36, 37 (b)–(d), 38, 39 and 40)**

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

1161. No children in the Faeroe Islands have the status of refugees, asylum seekers, unaccompanied refugee children of forced transferees.

### **XXIX.B. Child labour (art. 32)**

1162. Part 9 of the Working Environment Act, i.e. Act No. 70 of 11 May 2000, includes the provision that the minimum age for admission to employment in the Faeroe Islands is 14 years as well as rules that ensure that in any employment of young persons who are less than 18 years old it must be taken into account that the work must be capable of being performed without any risk to health and safety and that young workers do not experience any exposure that may be detrimental to their development in the short as well as the long term.

### **XXIX.C. Drug and alcohol misuse (art. 33)**

1163. In respect of prevention of drug and alcohol misuse among children, please refer to paragraph XXVII.A. of this report.

1164. In the Faeroe Islands the rules applying to illegal use of controlled drugs etc. are the same as the rules that apply in Denmark as stated in paragraph IX.D. above.

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

1165. Please refer to description of the Child Welfare Act in paragraphs XXVI.B. and XXVI.F. of this report.

1166. According to the Child Welfare Act it is possible to have a child examined and treated by a doctor without the parents' consent if the child has a life-threatening illness, or if there is reasonable suspicion of child abuse or sexual abuse.

1167. Please refer also to the provisions of the Criminal Code, which is a Danish responsibility area. No indications have been received and no knowledge exists suggesting that children or young persons in the Faeroe Islands are abused for pornography or have been sold as sex slaves.

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

1168. Section 215 of the Faeroese Criminal Code corresponds to section 215 of the Danish Criminal Code, according to which any person who removes another person under the age of 18 from the authority or care of his parents or other authorised persons or assists him in evading such authority or care shall be punishable under the provisions of section 261 on deprivation of liberty.

1169. However, there are no provisions in Faeroese law on human trafficking corresponding to section 262A of the Danish Criminal Code.

**XXIX.F. Protection from other forms of exploitation (art. 36)**

1170. Please refer to description of the Child Welfare Act in paragraphs XXVI.B. and XXVI.F. of this report.

**XXIX.G. Deprivation of liberty, etc. (art. 37 (b)–(d))**

1171. Please refer to paragraph XXIX.K. below.

**XXIX.H. Children in armed conflicts (art. 38)**

1172. The Faeroe Islands do not have any independent defence forces or any compulsory military service and are not involved in any armed conflict. In respect of the child's rights in relation to the involvement of children in armed conflicts, please refer to paragraph XXX.

**XXIX.I. Physical and psychological recovery and social reintegration of children (art. 39)**

1173. Pursuant to the Child Welfare Act from 2005 a number of services are available such as psychological treatment, treatment of the whole family, support in the home, a personal adviser to the child and relief care with foster parents. In respect of treatment it should also be mentioned that out-patient psychiatric treatment for children is available at the hospital.

1174. As at 1 March 2008 there were a total of 88 children and young people in out-patient treatment at the psychiatric ward. As at 1 March 2008 there were 58 children on the waiting list. In addition, please refer to the description in paragraph XXVI.G. of this report on special protection and assistance to children and alternative care.

**XXIX.J. Children and criminal justice (art. 40)**

1175. The Police of the Faeroe Islands follow the guidelines set out in Instructions No. RM 4/2007 from the Director of Public Prosecutions on the handling of cases against young offenders subject to the changes that follow from the special conditions of the Faeroe Islands. The age of consent is 15 years in the Faeroe Islands.

1176. The rules on detention, youth covenants and the juvenile sanction are not applicable in the Faeroe Islands.

1177. It should be mentioned in that connection that a special administration of justice act is in force in the Faeroe Islands. The rules of this act on the stopping of prosecution and withdrawal of charges are different from those of the Danish Administration of Justice Act. Withdrawal of charges subject to the condition of supervision by the child welfare authorities is a measure used frequently as well as suspended sentences conditional upon supervision by the Probation Service have been used in cases in which the offender turns 18 years a short time after conviction.

1178. The Chief of Police complies with the guidelines of Directions No. 2/2007 of the Director of Public Prosecutions on the handling of cases concerned with sexual abuse of children and video interviews with children in such cases.

1179. The Faroese Administration of Justice Act includes no special rules on how to conduct video interviews. However, section 877 (3) of the Act has in practice been used in a dynamic interpretation, by which the rules of the Danish Administration of Justice Act are followed. For instance, the suspect is not allowed to be present in the monitor room when the child is interviewed.

1180. As regards remand custody, the Faeroe Islands have a prison with room for 15 persons. It is used for both remand prisoners and offenders who serve a sentence. The limited facilities thus make it possible to have close contact with the inmates and it is possible to divide the prison into separate units.

1181. If a young person must be taken into alternative custody in a secure institution, it will be possible to transfer that person to a suitable institution in Denmark. However, this will be a serious intervention into the young person's right to family life and such a transfer will only be contemplated in cases involving crimes of a certain seriousness or deprivation of liberty for a long period of time.

1182. The Chief of Police of the Faeroe Islands has advised that during her period of service in the Faeroe Islands, which started on 1 October 2005, there have been no cases of young persons being transferred to Denmark for alternative custody in a secure institution.

1183. There is no secure psychiatric hospital unit in the Faeroe Islands.

### **XXX. The Optional Protocol on the child's rights regarding involvement of children in armed conflicts**

1184. The armed services are the responsibility of the central authorities in Denmark. Please refer to the comments in paragraph X.

1185. Please note that young people in the Faeroe Islands are only subject to the rules on compulsory military service under the National Service Act if they live in Denmark for a period of a certain duration. Young people from the Faeroe Islands who live in Denmark may be exempt from compulsory military service if they have lived in the Faeroe Islands for at least ten years. The Home Guard has units only in Denmark.

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