

Comments to Denmark's Follow-up Report on A World Fit for Children/Special Session for Children "Plus 5" submitted by The Cooperation Group on the Convention on the Rights of the Child

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Introduction

1. In December 2006 the Danish Government delivered its official follow-up report on A World Fit for Children "Plus 5". The report was submitted to UNICEF Denmark and other NGO's on Monday December 1. The time limit for consideration was, however, so short that it was not possible to work out thorough comments on all points. Therefore some of the organisations of The Cooperation group on the Convention on the Rights of the Child decided to prepare comments to be sent directly to UNICEF's Deputy Executive Director with a copy to the Ministry of Consumer and Family Affairs.

2. This document contains comments on the follow-up report of the Government. It has been drafted by six organisations represent in a network of a number of organisations with a particular interest in children's rights. This network has existed since 1991 referred to as The Cooperation Group on the Convention on the Rights of the Child. 14 organisations participate in total. The aim is to heighten awareness of the CRC in order to promote its implementation and its optional protocols in Danish legislation and practice. The six organisations have agreed on the general comments and they are: Children's Council, Children's Welfare, DSI – The Danish Council of Organizations of Disabled People, DUI - Leg og Virke, Save the Children Denmark, and UNICEF Denmark. Besides, each organisation has added specific comments, enclosed with the document. Due to the short notice the comments are not split into subjects. Not all organisations signed each organisation's specific comments, but this does not necessarily express differences of opinion, but is simply due to the short time available. The general comments are summarized by UNICEF Denmark.

General comments

3. In spite of the fact that Denmark takes many measures to improve children's conditions, not all initiatives succeed. The priorities within this area are often politically decided upon, meaning that the deliberations on the benefit of the child are both objective and subjective. In case the development difficulties had also been described, the report would appear more nuanced and would thereby become the wanted tool. The purpose of the monitoring is to give the Government appropriate advice and recommendations and the national reports do not only intend to make laws, but merely to make material which can be measured objectively.

4. The government report mentions the municipality reform (Local Government Reform) with its consequences, but does not take into account or evaluate how the implementation secures the quality of the wanted goals and of the necessary strategies to obtain them. The enormous

restructuring caused by the municipality reform will for a long time occupy many employees of the municipalities. This will have very unfavourable consequences especially for the groups of vulnerable children who, as it is, were insufficiently mentioned in the follow-up report. The Cooperation Group on the Convention on the Rights of the Child worries whether children with disabilities, children with mental disabilities or other chronically diseases, children of mentally ill or abusing parents, refugee children, asylum seeking children, children living below the poverty line and others may get their special demand for support fulfilled now and in the future. In connection with the reform regarding children placed outside home, which came into force on January 1, 2006 the local authorities shall have to decide upon a joint child policy as well as standards for the case work, meaning a local political filling up of the laws. The cooperation group will follow the completion of this work and secure that it is carried out in accordance with the Convention on the Right of the Child.

5. Cooperation group on the Convention on the Rights of the Child finds that there are several essential points in the plan of action A World Fit For Children which are not commented sufficiently in the follow-up report. Both WFFC and The UN Committee of the Rights of the Child's Concluding Observations on the third periodic report of Denmark mentions the implementation of the Convention on the Rights of the Child on many levels which according to The Cooperation Group on the Convention on the Right of the Child should have been mentioned in the follow-up report. An example is to make the Convention on the Rights of the Child directly usable within Danish legislation and system of justice, but also general information about the articles of the convention to children and youngsters as well as adults, working with children. An inquiry, made by Children's Council, proves that only 30 % of all children and youngsters know about the convention, still not a compulsory subject in the primary and secondary schools in Denmark. Neither case officers, paediatricians, school teachers, police, lay assessors or others working with children are informed about the convention.

6. As to the implementation of the report the organisations want to comment on the process as such. We deeply regret that the Ministry of Consumer and Family Affairs did not involve us in the collecting of information for the follow-up report. We consider ourselves being professional within the work for children and our qualifications being a positive resource for the Government both as a partner and an opponent. We wonder why we were not invited as sparring partner in this work, thereby neglecting an essential part of our obligations. We also regret the very short notice the ministry gave us to comment on the follow-up report, as well as the fact that some members of the Cooperation group did not receive the report from the start. These were: Children's Council, Children's Welfare, and DUI – Leg og Virke.

7. The Cooperation group on the Convention on the Rights of the Child would also have preferred a special paragraph of the follow-up report treating the involvement of children, indicating how the Government intends to involve children and youngsters in decisions, relating to them. WFFC recommends the Government to allow children and youngsters to take part in decisions and use their right to be consulted.

8. From the report it is not clear how the actual areas were chosen, but we suppose that newer laws within specific areas have been considered. Logically, this means that areas in which no newer laws exist were not included. As example may be mentioned possible dilemmas in the protection of basic rights of refugee children in Denmark. Furthermore the level of details in the report is rather uneven. The details about economy in the day care 4.3.1. are very wide, whereas the description of the preventive state of health 3.2.2. is superficial and sporadic.

9. Finally we would mention that The Cooperation Group on the Convention on the Rights of the Child has previously contacted the Ministry of Social Affairs, recommending the working out of a

national plan of action as follow-up to UNGASS. The reply was that the ministry does not see the necessity of such a plan.

10. With a view to The Danish Realm we wonder how the interests of Greenlandic and Faroese children are taken care of, considering this reply.

With kind regards,

Children's Council, Children's Welfare, DSI – The Danish Council of Organizations of Disabled People, DUI - Leg og Virke, Save the Children, and UNICEF Denmark

Comments from Børns Vilkår (Children's Welfare)

11. Children's Welfare did not receive the original report from the Danish Government and was thus not asked to comment on it by the Government which we find surprising and unacceptable. However, we were informed by UNICEF Denmark, about the existence of the report but at a point in time which did not allow us to elaborate our separate comments.

12. Therefore, Children's Welfare organisation will not forward our own separate comments but by means of the present document extend our support to the documents forwarded by UNICEF Denmark and DUI-Leg og Virke.

Kind regards,

Dorthe Lysgaard
CEO
Children's Welfare

In the following texts, the numbering of the parts refers to the numbering in the Danish Government-report.

Comments from DSI

13. DSI – The Danish Council of Organizations of Disabled People – is the Danish umbrella organization in the disability field. DSI was founded in 1934 and has 32 national member organizations representing more than 320.000 people with disabilities in Denmark.

14. As a main point DSI wants to draw the attention to the fact, that Children with disabilities are completely ignored in the report. Children with disabilities often encounter problems with attaining the necessary generally oriented treatment on an everyday basis. The law includes many explanatory mandates regarding what can be done in several sectors, instead of what must be done. Children with disabilities ought to be regarded as an integrated part of questions concerning the conditions of children. Children with disabilities have special needs, which are not always covered by the general offers in a certain sector.

15. DSI has the following concrete comments to the report:

3. Promote a healthy and good life for children in Denmark

16. Prevention occupies a place in this part of the report, and from the point of DSI it is a very important issue. Regarding children with disabilities, however, it is not enough. Sometimes preventions cannot preclude disabilities. Children with disabilities are dependent on a very close connection to the health care system. It is therefore necessary, that the health care sector can oblige the needs of children with disabilities. Both with regard to involvement of the children themselves, to communicating with them and giving them the necessary compensation.

17. Another problem is that many mentally ill children must wait too long for tests and treatment on account of the lack of room for admissions in pediatrics, psychiatric wards.

4. Day care institutions and education of children

18. With regard to education, children with disabilities have a lack. Children with disabilities do not reach final examination as often as children in general. This fact must lead to a critical examination of the Danish support system to see, where the conditions for children with disabilities do not meet the quality requirements. The quality of teaching opportunities offered to these children cannot be compared to what other children receive.

19. The public school system ought to state requirements regarding the form of the products and accessibility.

20. Another problem is that less than 10 percent of Danish public primary and lower secondary schools are accessible for people with disabilities.

21. Regarding daycare institutions children with disabilities are to be integrated in ordinary childcare schemes as much as possible. But the report does not mention anything about children with disabilities. It is a lack. Only in those cases where the municipal childcare cannot meet the child's special needs for support and treatment, a special childcare arrangement is necessary.

22. There is a general need for establishing flexible personal support schemes where the child has an integrated scheme. That means for example, that the support person shall be allowed to follow the child, instead of being tied to a certain institution.

5. Protection of children against abuse, exploitation and violence

23. In this part it is said, that the municipality is under the obligation to speak with the child in order to learn about the child and to know about its opinions. The Social Services Act dictates that children must be heard in connection with social service measures. However, this does not apply to children with disabilities. It is not obligatory for them to be heard regarding the choice of aids intended to alleviate the disability, e.g. a wheelchair, car or modifications for their residence.

24. In relation to sexual assault DSI knows that children with disabilities are a particular vulnerable group. Initiatives have to be taken for the prevention of sexual abuse directed specifically towards children with disabilities.

Yours sincerely,

Stig Langvad
Chairman
DSI

Comments from DUI-LEG og VIRKE

25. DUI-LEG og VIRKE is a voluntary family organisation, which runs activities in the field of children and young people with special needs. DUI-LEG og VIRKE wonders why it has not been invited directly as a partner in the consulting process in this matter and strongly urges the ministry to include DUI in coming consultancies in the field.

26. Apart from co-signing the general comments summarized by UNICEF Denmark we have gathered the following specific comments, starting with one general concern:

27. As an overall comment to the Danish report we wonder why the voluntary aspect of working in the field of children and youth is somehow absent throughout the report. Our wonder derives from the fact that Denmark has a proud position and tradition of voluntary organisations engaging in the field. We do hope that the voluntary aspect will continue to be acknowledged as playing a valuable role and that the conditions for engaging in this work will not be neglected, but rather supported and mainstreamed to be carried out on the basis of well thought through considerations and priority.

2 Children and youth in the Danish development assistance

28. DUI-Leg og VIRKE surely appreciates that Denmark puts children and youth as a high priority in the development assistance. When that is said, we are very sad that due to the heavy reduction in DANIDA's funds for information work, it will become more difficult for children and young people in Denmark to get acquainted with the huge work invested. We find this a pity as well as inappropriate as it is future generations that are going to help continue this huge amount of work for instance via the organisations. Hence it is regrettable that the organisations in the future will find it harder to prioritise the necessary information activity targeted at children and youth.

3.2.3 Promotion of a healthy and good life

29. There is a lot of talk on the topic of better diet habits and the increase of overweight children/young people. Yet organic food arrangements in schools and day-care institutions are not more than mere declarations of intent. DUI-LEG og VIRKE would like to see that this area is prioritised much higher, and via a proper organic and free- food plan, in all public institutions, work towards healthier diet habits thereby also including children from lesser-off families.

3.2.5. The fight against extreme poverty and hunger in Denmark

30. Despite an ideal of equality, poor children DO exist in Denmark. This is clearly sensed in a leisure organisation such as DUI that receives groups of children in which difference in how to dress and material goods are noticeable.

In their work DUI makes a point of making activities that can be managed financially by a participation fee as low as possible, making it possible for everyone to participate. DUI hopes the government will help support this objective by securing proper conditions for the voluntary work with less resourceful children and young people, also in the upcoming municipal merger.

Furthermore, we also want to urge a removal of the limit from the cash benefit and initiation rate that affects the children from these families in particular.

4.1.1 To ensure sound education for children and young people

31. The Danish system of daycare services are described as having moved from being mostly a concern for the labour market daycare service till today's focus on well being for the child, learning and development. DUI strongly hope that the concept of free play and free space for the child will be of highest priority so that these daycare services to not end up being a school-like activity.

4.1.2.1 and 4.1.2.4

32. You might wonder why the topic of mother tongue education was not mentioned in the report as a tool to improve the integration of bilingual children/young people in Denmark as this used to be an area where Denmark did very well internationally.

4.1.2.7 Law on educational setting

33. It is commonly known that many schools have not implemented the assessments of the educational settings and as it is a matter of pure assessments, the possibility of sanctions is low as there is no demand for action.

4.2 Initiatives to promote a good day-care system and educational system

4.2.1.1 Pedagogical curriculum

34. Due to the fact that the development of the Danish day-care service has been taken over by demands to produce curricula and assessments of competencies it is important that the children still have the option to spend time in organisations such as DUI in their spare time. In DUI, every activity with the children is not carefully planned and measured.

4.2.1.2 Assessments of the settings for children

35. As in the law on educational setting, it is a matter of assessments taken by the institution itself. If these assessments are to have an actual effect they need to be taken by an impartial authority, similar to the labour market legislation. When the legislation on the labour market does work as it was originally intended, we do not have faith in this construction either.

5 Protection of children against abuse, exploitation and violence

"Ombudsmand" function for children

36. DUI has to mention their suggestion regarding a child ombudsman which is to work like a authority of complaint which children can complain to if they feel unjustly treated. The ombudsman is also to take cases which concern children e.g. in case the legislation is deficient with regards to the rights of children. Furthermore, it is the role of the child ombudsman to surveil and ensure that new legislation takes the well-being of children into consideration. In this manner, the rights of children will be ensured much better than they are today.

5.1.1.3 Examination

37. There is a four month deadline for examinations in relation to suspicion of neglect of care and sexual assault. We do not consider this an early effort but a rather tedious process which definitely does not benefit the children or parties involved.

5.1.2 Action plans against violence, exploitation and abuse of children and young people

38. With regards to further supplementary initiatives: Children need safe environments during the administration of their case. This is why DUI has previously suggested 'Barnets Hus' (The House of the Child) which is to watch over and take care of the competence and capacity needed to help the child. In this way it is then the adults that come to the child in child-friendly settings when there examinations and interrogations are to be conducted.

5.1.8 Prevention of sexual assault

39. Child certificates are now used as tools to prevent assaults, but it should not be made a resting pillow.

The teaching within this area at the teacher colleges needs to be currently updated and more materials on this targeted at the children should be developed. Besides, an international cooperation needs to be prioritized higher so that Denmark can be a leading player in terminating the trade with children.

Kind regards,

The national organisation DUI-LEG og Virke

Comments from Save the Children Denmark

2: Children and Youth in Development cooperation

40. The following comment has been made by four Danish child focused organizations: UNICEF Denmark, Danish Youth Council, AC International Child Support Denmark and Save the Children Denmark, who are members of the Children and Youth Network in Denmark

The section contains important areas of intervention for children and youth in development assistance and it is a very positive development that the Ministry of Foreign Affairs in 2005 developed guidelines for Children and Young People in Development Cooperation.

It should be mentioned in this regard that Danish child focused organization had been encouraging the ministry to do this for several years.

However the organizations had preferred that this had been a real strategy and not a set of guidelines which in their form to some extent appear as inspirational rather than as obligations.

41. We would also like to point out that no specific budget has been allocated to this area – as has been the case with other strategic areas (gender, governance, hiv/aids).

We would further like to note that the ministry does not have a specific technical advisor/focal point in the area of children/youth, which could systematically follow and strengthen this area.

42. As far as we are informed there has also not been any internal capacity building made in regards to qualifying staff of the ministry and embassies in this area.

43. Danish NGOs have pointed to the need for systematically monitoring C/Y assistance on the basis of the guidelines. At the moment this is only done in the form of an annual stakeholder meeting and a review after 5 years.

44. We are therefore happy to note the information stated in the official report that the ministry is looking into how the reporting of the assistance to C/Y can be strengthened.

45. We also like to point out that it is very positive that the ministry supports a network of child focused NGOS with the aim to develop the capacities of the NGOs to work effectively for C/Y in developing countries.

5.1.1. Measures by the municipalities to ensure children ...

46. In the course of 2006, the Danish municipalities have prepared the Local Government Reform, which is to come into effect as of 1 January 2007. This reform means that work of a particularly difficult character – where the municipalities formerly could consult with the expertise accumulated at the county level – must now be solved on the municipal level. Particularly in relation to the relatively rare – but at the same time professionally challenging – cases involving child abuse and assault, we fear that the municipalities are unable to accumulate the necessary experience and expertise in these cases.

Similarly, transferring responsibility to the municipalities for the counseling and treatment of the victims of violence and sexual assault can result in very uneven – and occasionally arbitrary –

efforts in relation to the victim and her/his family. Not all municipalities can be expected to possess the necessary expertise in such cases; while at the same time there will be no assistance to draw upon from the county level.

5.1.2 Plans of actions against violence, exploitation and abuse of children and young people

47. In 2003, the Danish Government launched an action plan for the prevention of the sexual abuse of children. The plan was followed up with new initiatives in 2004 by the Ministry of Social Affairs. The action plan and the follow up has been criticized, because the plans have no objectives, no plans of assessment and no estimation of the financial needs to fulfill the proposed actions. The plan does not prioritize to allocate resources to national research centre or similar institution on prevention and treatment in connection with sexual abuse of children.

5.1.3. Combating of negative social inherit

48. Save the Children Denmark have observed that the report from the Danish Government, don't mentions the problem about children in poverty, which the Plan of action (A, 18) is containing. But the report mentioned *negative social inherit*. Maybe it would be more appropriate to use the Term: inequality. Save the Children finds, that it would be good if the Government in the report decide one's attitude to children in poverty.

49. The national Danish action plan for the prevention of poverty and social exclusion

Save the Children Denmark finds it positive that the Danish Government has developed an action plan for the prevention of poverty and social exclusion and that this action plan includes a section concerning children and youth with special needs in which the solutions to various types of problems are described. The socially disadvantagedness of the action plan is that it was drawn up without the necessary knowledge of the mechanisms leading to, in particular, life-long poverty and the consequences for children.

In light of the general lack of knowledge regarding what it means for the well-being and development of children when their childhood is marked by a deprived existence, a far more reflexive action plan is called for in which these conditions are investigated and described. Moreover, there is a lack of research capable of providing overall knowledge regarding the consequences for children when families are struck by several of the problem types that can create poverty. Without such reflection and concrete knowledge, the action plan does not represent a usable instrument capable of alleviating child poverty.

In 2003 The Danish National Institute of Social Research carried out a study for Save the Children Denmark about child poverty in Danish municipalities Here it is documents that approximately 90.000 children lived under EU' s poverty line (60 pct). This study also indicates that the children of ethnic minorities suffer the most from poverty in Denmark.

In a follow-up study conducted in 2004 (*Børnefattigdom i Danmark 2002 and Færre penge end andre børn*. Both carried out by The Danish National Institute of Social Research for Save the Children Denmark, 2004) children have been interviewed regarding their perception of having less money than other children. This study reveals that children attempt to maintain an external façade, but suffer deprivation in relation to e.g. ordinary recreational activities and vacations and other experiences together with their parents. Ethnic minority children are cf. the study the hardest hit by poverty.

Save the Children Denmark therefore finds it positive that funding has been set aside in the Danish Budget for 2005 to better enable participation in sports clubs for these children and young people by offering free participation to the most socially vulnerable children and youth in the local communities; however, the Reporting Group would like to see this support further extended so as also to include other recreational activities, thereby providing the children from materially deprived families with the same recreational opportunities as their friends.

An overall children's policy and differentiated measures are required to ensure that children in families with limited financial means receive the same opportunities to do well and develop

competencies as other children. A national plan of actions their secure a measure for these children are still lacking.

‘Start help’

50. People hailing from countries outside of the Nordic region and the EU who have travelled to Denmark without the means necessary to provide for themselves receive so-called ‘start help’ if they have resided in Denmark for less than seven years. These amounts to far less than the welfare benefit that others residing in Denmark receive if they are unable to provide for themselves. Welfare is the lowest public benefit and is regarded as being the least amount upon which one can maintain a reasonable standard of living. The start help, also commonly referred to as ‘the integration benefit’, therefore contributes to placing these families in a social situation with extremely negative consequences for children, as these children are prevented from enjoying childhood conditions that bear any semblance to those of their friends.

Save the Children Denmark regards ‘start help’ as being far too small and further regards it as representing the differential treatment of children. It is not in accord with the best interest of the child. The well-being and positive development of these children are threatened

5.1.4. Education on health and sexuality

51. In spite of the promises made in the Danish Government action plan for the prevention of the sexual abuse of children, there have been no changes made to the educations of the relevant professionals in relation to knowledge about this area. The knowledge among professionals remains insufficient as to how the detrimental effects and other problems related to sexual offences are best dealt with.

52. The government has yet to allocate resources to improve the education of childcare workers, teachers and social workers. These professionals lack fundamental knowledge about child sexual abuse and exploitation. Resources have not been allocated to supplementary education in order to achieve a far stronger focus on being able to trace and provide help to children and young people who have been subjected to violence and sexual assault

5.1.8. Prevention of sexual abuse

53. In 2005, the Danish parliament passed a law about criminal records disclosures. It means that all persons – paid employees and volunteers alike – working directly with children under 15 years of age must be able to produce a clean criminal record in relation to sexual offences against children

In connection with the implementation of this legislation, the government has been criticized for failing to allocate resources to inform or educate the personnel who are responsible for administrating the requisition of the criminal records disclosures as well as those working to prevent adults with a sexual interest in children from gaining free access to children in their work. The requisition of the criminal records disclosure therefore comes to serve as an isolated act outside of any context of broader preventive efforts, aimed at preventing adults with a sexual interest in children from working directly with children. This does not allow the framework, competences and instruments to be developed to help prevent sexual assault and abuse, thereby creating secure environments for children.

5.1.9 Protecting of children against Trafficking

54. In September 2005, the Danish Government presented ‘The Appendix to the Danish Government’s Action Plan to Combat Trafficking in Women’. The appendix to the action plan only covered the period until 30 November 2006. At the moment we are anticipating the Governments new Action Plan to combat trafficking in human beings which according to the Danish government’s rapport on “A World fit for Children” will intensify the actions. Unfortunately we are not able to comment on content of the coming plan of action since it has not yet been published.

The appendix dealt with initiatives to protect and support children that have been trafficked to Denmark. The appendix included a number of initiatives relating to a range of areas that Save the

Children Denmark had recommended earlier. Save the Children Denmark was satisfied with the fact that the Danish Government had developed an addendum regarding children to the government's action plan for combating trafficking in women. The addendum was evidence that the Danish Government actively relates to the fact that children who fall victim to trafficking have special needs and rights.

In relation to the earlier The Appendix to the Danish Government's Action Plan to Combat Trafficking in Save the Children did have a long list of comment which we already in March of this year delivered to the Committee on the Rights of the Child¹ and which we have been giving to the Danish government. Still we do not know whether the coming Action Plan will reflect these recommendations.

Excerpts of Save the Children's comments to the Committee on the rights of the child:

▪ **All children who are victims of trafficking**

55. The existing addendum focuses on children who are trafficked for sexual exploitation. It is important that the responsibility for this support that Denmark provides to children who are the victims of trafficking is gathered in one ministry, such that all trafficked children are covered by the same measures and ensured the same rights.

▪ **Investigation and criminal prosecution in trafficking cases**

56. It is of great concern that not all cases involving the exploitation of under-aged foreign citizens for prostitution that are discovered in police raids result in an investigation of the case aimed at uncovering possible indicators of trafficking and the criminal prosecution of possible customers.

This concern is based on the experiences of Save the Children Denmark's working partner, The Nest – STOP Trafficking (*Reden - STOP Kvindehandel*), which has knowledge of a concrete case involving a minor in their protection programme, where the police waited for the minor's own report of the case prior to proceeding with the case. This lack of activity related to the trafficking element as well as the illegal purchase of sexual services from minors.

According to section 262a(ii) of the Danish criminal code, trafficking in children is punishable even in the absence of coercion. With the appendix to the Danish Government's action plan to combat trafficking in women, there is particular focus in the action plan on the prosecution of ringleaders. According to the appendix, "Combating human trafficking is an area of high priority for the police force." The action plan supports activities with special focus on the criminal prosecution of ringleaders in connection with trafficking in children, including the training of professionals in the particular conditions required to ensure the rights of trafficked children.

Save the Children Denmark is of the impression that the prioritization of the investigative aspect requires further political prioritization and the allocation of the necessary resources to be able to attend to these – often extremely resource-demanding – investigations.

▪ **Investigation of trafficking cases regardless of the purpose of the exploitation**

57. The responsibility for investigations regarding trafficking in both adults and minors for prostitution has a central placement in NEC, the national investigations support centre within the Danish police. The placement of investigations in a single centre for investigations focusing on organized crime provides a number of advantages regarding the accumulation of knowledge and experience to the benefit of the overall investigations in

¹ Supplementary NGO report: DENMARK'S FIRST REPORT -Implementation of the Optional protocol 25th May 2000 to the UN Convention on the Rights of the Child on the sale of Children, Child Prostitution and Child Pornography, March 2006

trafficking in persons for the purpose of prostitution. This central positioning does not have the same effect in relation to the investigation of the trafficking in persons for purposes other than sexual exploitation (e.g. theft, begging, trafficking in organs etc.). In recent years, there have been a number of children in Denmark, primarily from the Balkans, that have been involved in petty crime, where it has either been proven or there is strong evidence indicating that the gains from such criminal activity have been handed over to ringleaders.

58. It is feared that the lack of focus on these types of exploitation leads to possible cases involving trafficking not being investigated to the extent necessary, with particular focus on the trafficking element; moreover, that the accumulation of knowledge in such cases therefore does not take place systematically.

Save the Children Denmark recommends that all investigations including elements of trafficking are placed centrally, so that all forms of trafficking are made a high priority.

- **Detention**

59. In September 2004, an executive order was issued about the use of force regarding the detention of aliens less than 15 years of age without legal residence in Denmark in locked facilities. In 2004, the Copenhagen police experienced significant problems with young Rumanian children who were involved in thefts. The youth claimed to be less than 15 years of age and could therefore not be locked away in a closed social institution. New legislation therefore made it possible for children with repeated arrests to be placed in a ward for aliens under 15 years in a secure youth institution (*Sølager*). The background and intention was that children ought to be protected from their ringleaders. Save the Children Denmark is convinced that such an intense encroachment on the freedom of so many young children can only be made in the event that it is to provide protection to children. According to the executive order on the use of coercion (BEK no. 1309 section 7), the reason for detention can be:

- to avoid the youth hurting him or herself or others
- using such a form of detention instead of being remanded in custody
- that it is carried out in preparation for subsequent deportation.

Save the Children Denmark is convinced that the detention of young children in a secure institution never ought to be carried out of consideration to the interests of the Danish state and that foreign children are entitled to the same treatment and have the same rights as national children and children with permanent residence in Denmark. They must first and foremost be treated as children, and all considerations regarding the immigration status of the children must be secondary. Unaccompanied children ought to never be detained for reasons pertaining to immigration or types of crime in which Danish children of similar age are not detained in a secure facility.

- **Witness protection**

60. Children who fall victim to trafficking can become incredibly vulnerable if they choose to witness in a court case. In Denmark, the repatriation of trafficking victims is prioritised to the extent possible. In conjunction with subsequent repatriation to some countries, it will be very difficult for Danish authorities to guarantee the protection of the children from reprisals perpetrated by their ringleaders.

61. The Danish state ought to ensure that children who cannot be guaranteed witness protection upon repatriation ought to be guaranteed permission to reside and in Denmark and receive protection.

62. Furthermore it is practice in Denmark that a child that is more than 15 years of age is present in the courtroom during court proceedings at the same time as the accused. Save the Children finds that the Danish state need to consider how they can take special care of the children's needs and ensure their right to special protection measures.

- **Repatriation**

63. The action plan also states that a child cannot be repatriated prior to ascertaining that the child will be 'received correctly' in his/her home country. However, "received correctly" is not defined in the action plan and it is not expressed that an assessment of this has to build on the principle of the best interest of the child.

64. The appendix states that there is a model for prepared repatriation. However, the practice in Denmark is that in certain cases, children are returned to a country other than their home country. Save the Children Denmark is of the opinion that children ought to be exempted from special procedures such as e.g. return to third countries. While children in Denmark are returned to third countries, there is no knowledge whether these children have the same rights to rehabilitation and extended stay in Denmark as other victims.

65. Save the Children recommends that children are exempted from special procedures and as a minimum are guaranteed the same rights as the victims under the Action Plan to combat trafficking in children.

66. Furthermore the Danish state ought to take initiatives to ensure that a child who cannot be reunited with his/her family in his/her home country, and where the receiving state is not able to protect the child from his/her traffickers and from continued exploitation, will be able to receive long-term protection in Denmark.

- **Guardian**

67. Among the very positive initiatives referred to in the appendix is the fact that children who fall victim to trafficking now have the right to a professional guardian. In addition to representing the child, the guardian, in cooperation with the relevant organizations, is to develop an individual action plan for the child and ensure that the child is placed in a suitable residential institution.

68. In the appendix to the action plan, the guardian has received a particularly responsible role; however, the division of responsibilities between the parties involved in the child's case is not clearly defined. For example:

- **Prevention**

69. The existing appendix focuses on the protection of children that have been trafficked to Denmark. It makes no mention of preventive elements aiming at prevention in the countries of origin.

70. Danish soldiers are participating in an increasing number of international missions in conflict areas. These areas are often characterized by a high crime rate including organized trafficking in human beings of both adults and minors for prostitution. Save the Children Denmark recognizes that the Danish Army has elaborated a code of conduct concerning Danish soldiers on missions and paid sexual services. The code of conduct states that "soldiers are not to engage privately, including having sexual relations, with the local population in the mission area" and furthermore that "it is not advisable or allowed (depending on the legislation in the country where the soldier stays) to engage in sexual activity with prostitutes during the stay. It is furthermore pointed out that "even if prostitution is allowed in the country where the soldier stays, buying sexual services can contribute to establishing or maintaining conditions for the prostitute which are often completely unfair". However, Save the Children Denmark finds it worrying that Danish soldiers when stationed abroad can buy sexual services during their leave outside the mission area. The conditions and the fact that many of the prostitutes are minors does not change, just because the soldiers are traveling outside the mission area and the prostitution market is often controlled by organized crime gangs. It is not appropriate that envoys of the

Danish State, even under their leave, legally can support such circumstances.

Kind regards,

Dorrit Hermann
Program Manager
Save the Children

Comments from UNICEF Denmark

3.1 The Danish health system

71. Under the primary health sector should also be mentioned health visitors, municipal paediatricians as well as midwives.

3.2.2 Preventive healthcare for children and young people

72. The municipal council organises the local health care according to the laws, but the implementation varies very much between the municipalities, depending on local policy and economy. The local health care comprises health visitors and municipal doctors. It concerns all children. It ought to appear from the report that the mentioned interdisciplinary groups consist of health professional, educational, psychological and social professional employees.

3.2.4 Fight against hiv/aids

73. The increased effort towards special risk groups is very positive, but we would recommend the specific campaigns continuously to be complemented by general information campaigns towards the youth generation.

3.2.5 The fight against extreme poverty and hunger in Denmark

74. UNICEF Denmark does not agree to the Government's observation that traditional poverty does not exist in Denmark. Studies from SFI (Social Research Institute) prove that 43.000 children live below the poverty line according to the UNICEF definition of poverty, corresponding to 90.000 children according to the EU criteria. As to health, social problems, culture and education these children are in a special exposed situation. In the follow-up report it is mentioned that the poor children are only poor within a certain period to which a further explanation is wanted as well as an indication of the length of the period. Furthermore is missing a description of the help to the poor children, independent of the period.

4.1.2 The Danish school system

75. A separate description of the efforts within the pedagogical and psychological guidance is missing – both in connection with the special-pedagogical support or other support in the school system – and in the interdisciplinary work with children and their families with mental and social load.

4.1.2.7 Law on educational settings

76. The follow-up report gives a short description of the Law on educational settings, but the difficulties with the implementation of the law are not mentioned. According to the law all schools have to make an evaluation of the educational environments – UVM. In 2003 DCUM, Danish Center for Educational settings, Dansk Center for Undervisnings Miljø, state resort responsible within this area, concluded that only 39 % of all schools had followed the law of making an evaluation. According to an impartial study, made by Rambøll in 2004, only 41 % of the schools

follow the law. Based on these studies the Government's review of the law to the Parliament in March 2005 says: "The Government finds it very unsatisfactorily that not more education places have made the evaluation". As this is a clear statement from the Government, we wonder why it was not mentioned in the follow up report. According to the preliminary work for the law on educational settings victimization falls under this law. This is, however, not clear enough in the law and is not well known within the schools.

77. In November 2006 DCUM made an electronic survey, showing that the occurrence of victimization is nearly the same as in 2001 when the law came into force. 18% of the pupils confirm that they have been victimized within the last two months. UNICEF Denmark considers this figure as alarming. Being expelled systematically from the group of friends in the school means a dramatic reduction in the quality of life of the children. Studies from 1998 and 2002 (Health Behaviour in School-aged Children) show that victimized children are very unhappy and have more psychosomatic reactions and courage problems than other children. Therefore UNICEF Denmark recommends that the schools are legally bound to work out plans of action against victimization.

5.1.1.1 Supervisory duty

78. There are no rules for supervision. In a UNICEF study on supervision of children left away from their home, introduced at the European Consultation in Ljubljana in July 2005, it was pointed out that the frequency of supervision on Danish residential homes for children varies from one to eight times a year and that a supervision will never be a surprise visit.

5.1.1.2 Mandatory report

79. The follow-up report mentions that the mandatory report may secure an early effort to help children, but often the employees are not able to treat the reports professionally.

5.1.1.6 Consultation of the child

80. UNICEF Denmark finds it positive that children in residential homes shall be consulted. A UNICEF study from 2004 points out that children are seldom consulted, as well as they has no possibility for complain.

5.1.2 Action plans against violence, exploitation and abuse of children and young people

81. Here is no indication of the number of children involved. There is no possibility of judging whether the efforts available cover the demand. As no monitoring or follow-up is announced a control of the consequences is not possible.

5.1.7 Protection of children against sexual abuse and pornography

82. This paragraph seems to overexpose the fight against child pornography in relation to the well known kinds of sexual assaults, being still the majority of assaults. In the last but one part is mentioned that in 2003 the Government presented a plan of action on fight against sexual abuse of children in order to evaluate the initiatives within the area. As far as we know this evaluation did not yet take place.

5.1.10 Protection of children against violence

83. At a conference arranged a short time ago by Children's Council and UNICEF Denmark, the two organisations presented a number of recommendations for prevention of violence against Danish children, inspired by UN global Study on Violence against Children. These recommendations: central recording of all reports on violence against children, better supervision in homes for children, possibility of complaining for all children and more focus on mandatory reports, may inspire the Government to future efforts to get rid of violence against children. The report of the Government does not mention the social side of the problem, only the criminal side about rigorous fixing of sentences and limitation periods.

6 Future efforts

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84. Where children are under adults' charge, under supervision or in the middle of a conflict between adults, it is still uncertain how they can complain or be consulted, ref. Article 12 of the Convention of the Right of the Child. It concerns education, placing in residential homes (as mentioned in paragraph 5) and custody cases in connection with the parents' divorce.

It is seldom that pupils, subject to ban, exclusion for a couple of days and resignation are consulted before a decision is made. It is not evident whether and how the pupils can complain about the decision.

As far as children in residential homes are concerned, it is neither evident how they can complain, for instance about the residential home.

In case of a divorce visiting rights is still the parents' right and not the right of the child in spite of the documentation of SFI² that children from broken homes suffer at a high level of conflict.

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85. Overriding UNICEF Denmark finds that the fulfilment of WFFC and Concluding Observations as well as the evaluation of Denmark's efforts for children is obstructed by the fact that six ministries are involved in the work. It might be better to have a special ministry for children, taking care of children. Since the Special Session for Children in 2002 the budget of Children's Council has been reduced. We want that Children's Council is given the best possible working conditions.

Kind regards,

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UNICEF Denmark

² Social Forsknings Institutttet. Institute of Social Research. Research by Mai Heide Ottesen