

COMMITTEE ON THE RIGHTS OF THE CHILD
Fortieth session

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

DENMARK

1. The Committee considered the third periodic report of Denmark (CRC/C/129/Add.3) at its 1072nd to 1073rd meetings (see CRC/C/SR.1072 and 1073), held on 26 September 2005, and adopted at its 1080th meeting, held on 30 September 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's third periodic report, which complied with the guidelines for the preparation of periodic reports and the written replies to its list of issues (CRC/C/Q/DNK/3), and allowed for a better understanding of the situation of children in Denmark. The Committee expresses its appreciation to the State party for including information concerning the situation of children in Greenland. However, it regrets that the report did not comprise sufficient information on the Faroe Islands.
3. The Committee notes with appreciation the frank and constructive dialogue with the delegation of the State party, which included experts from the relevant ministries. It also expresses appreciation for the inclusion of a representative from Greenland in the delegation.

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

4. The Committee welcomes a number of positive developments in the reporting period, including:
 - (a) The overall progress in implementing the Convention on the Rights of the Child;
 - (b) The continued commitment to overseas development assistance, including in the promotion and protection of the rights of the child;
 - (c) The revision to the Aliens Act and Integration Act which provides for legal representation for un-accompanied asylum seeking children;
 - (d) The amendment to the Administrative of Justice Act on the conduct of criminal proceedings regarding the sexual abuse of children;

- (e) The establishment of a Youth Forum which advises the Government on youth related issues.

The Committee also welcomes the ratification of:

- i) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in September 2002 and August 2003 respectively;
- ii) The Rome Statute of the International Criminal Court in June 2001; and
- iii) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in September 2003.

C. Principal subjects of concern, suggestions and recommendations

C.1. General measures of implementation

Committee's previous recommendations

- 5. The Committee notes with appreciation that various concerns and recommendations (CRC/C/15/Add.151) expressed after its consideration of the State party's second periodic report (CRC/C/70/Add.6) have been addressed through legislative, administrative and other measures. However, the Committee notes that some of the concerns and recommendations have not been sufficiently addressed, inter alia those related to the incorporation of CRC into domestic law; the dissemination of the CRC; adolescent health and juvenile justice system.
- 6. **The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented and the list of recommendations contained in the present concluding observations.**

Reservations

- 7. The Committee welcomes the information provided by the delegation that State the party will undertake legal reforms which may make it possible to restrict the scope of the reservation to article 40.
- 8. **The Committee, in light of the Vienna Declaration and Programme of Action, recommends that the State party continue its efforts for a full withdrawal of the reservation to article 40.**

Legislation and Implementation

- 9. The Committee takes note of the State party's explanation in the report and in the written replies to the list of issues for not formally incorporating the Convention on the Rights of the Child into the domestic laws and the statement of the delegation that the State party is striving for a full implementation of the Convention. It further notes that the State party has incorporated other regional instruments into domestic law, including the European Convention on Human Rights.

10. **The Committee recommends that the State party continue and strengthen its efforts to make sure that the domestic laws and regulations fully comply with the Convention. It further recommends that the Convention prevails whenever domestic laws provisions are in conflict with the rights enshrined in the Convention.**

Coordination

11. The Committee welcomes the establishment of the Ministry of Families and Consumer Affairs charged with the task to coordinate the implementation of the Convention and notes the role of the ad-hoc inter-ministerial committees for thematic coordination and the fact that municipalities have to develop in the course of 2006 coherent child policies. However, the Committee is concerned that it is still unclear how a comprehensive coordination at the national and between the national and local level will be established.
12. **The Committee recommends that the State party strengthen the ability of the Ministry of Family and Consumer Affairs to effectively coordinate all policies of the State party to ensure a comprehensive and effective implementation of the Convention throughout the country.**

National Plan of Action

13. The Committee while noting the various sectorial plans of actions, it is concerned that a comprehensive national plan of action is still lacking.
14. **The Committee recommends that the State party develop and implement a national plan of action which encompasses the various sectorial action plans, addresses the possible divergences between these plans by putting them in a comprehensive national framework which covers all areas of the Convention and takes into account the outcome document of the 2002 United Nations General Assembly Special Session on children, "A World Fit for Children".**

Data collection

15. The Committee notes with appreciation the amount of data provided, inter alia in the in the written replies to the list of issues, but shares the State party's concern that there are still gaps in these data. It is further concerned at the lack of statistical data on the implementation of the Convention in Greenland and in the Faroe Islands.
16. **The Committee recommends that the State party continue and strengthen its efforts to collect data necessary to obtain a full picture of the implementation of the Convention. It further recommends that the State party undertake the necessary measures to provide in the next periodic report detailed data on the implementation of the Convention in Greenland and the Faroe Islands.**

Resources for children (art. 4)

17. While welcoming the information available on the allocation of resources dedicated to the implementation of the Convention, the Committee is concerned at the very limited information on Greenland.
18. **The Committee recommends that the State party continue and strengthen the provision of specific information in figures and percentage of the national budget regarding the implementation of the Convention, particularly in Greenland and Faroe Islands, in order to allow for a proper assessment of the degree to which the State party meets its obligation under article 4 of the Convention.**

Independent monitoring mechanism

19. The Committee notes the information that the National Council for Children has a monitoring role and that a discussion is currently taking place in the State party about its role and its functions. However, the Committee is concerned at the fact that financial resources for this Council have been reduced.
20. **In light of General Comment No. 2, on national human rights institutions, the Committee recommends that the State party establish an independent body, either the Office of the Ombudsman, the National Council for Children, or as a separate organ for monitoring of the implementation of the Convention. Such body should be empowered to deal with individual complaints and should be provided with the necessary human and financial resources.**

Training/dissemination of the Convention

21. While taking note of the efforts undertaken by the State party and that the dissemination of the Convention is a continuous process and it has high priority in the work of the National Council for Children, the Committee remains concerned at the lack of a systematic and consistent education of the Convention in schools.
22. **The Committee encourages the State party to:**
- (a) Incorporate the Convention and other relevant human rights treaties and strengthen the education in the curricula of both primary and secondary schools;**
 - (b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children, e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and especially children themselves.**

D.1. General principles (Arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination (art. 2)

23. The Committee welcomes the adoption of the Act on Ethnic Equality in May 2003 which includes prohibition against direct and indirect discrimination based on race or ethnic origin and a prohibition of harassment and instructions to discriminate. However, the Committee reiterates its previous concern (CRC/C/15/Add.151) regarding de facto discrimination against and xenophobia and racist attitude to children of ethnic minorities, refugee and asylum-seeking children and children belonging to migrant families. In this

regard, the Committee joins its voice to the concerns raised by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.102) and the Committee on the Elimination of Racial Discrimination.

24. **In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against all children.**
25. **The Committee welcomes the information that a plan of action to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination and Xenophobia and Related Intolerance is being prepared. The Committee requests that information on content and implementation of the plan be included in the next periodic report.**

Respect for the views of the child (art. 12)

26. The Committee welcomes the increased consideration granted to the views of children in administrative decision making process, including children under the age of 12 years.
27. **In light of article 12 of the Convention, the Committee recommends that the State party**
 - (a) **Ensure that all adults who work with children are trained to effectively ensure that children capable to express their views are provided with adequate opportunities to do so and ensure that their views are taken into account;**
 - (b) **Ensure that all municipalities meet the requirements for active participation by children and young people and regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.**

D4. Civil rights and freedoms (arts. 6-8, 13-17, 19 and 37 (a))

Access to appropriate information

28. While welcoming the initiatives undertaken by the Media Council to studies of children's use of Internet and the development of a set of consultative "rules of the road" for children use of the Internet, the Committee is nevertheless concerned about the amount of unsuitable and illegal material that can be found on the Internet.
29. **The Committee encourages that the State Party ensure the protection of the child from information and material harmful to his or her well-being in conformity to article 17(e) of the Convention.**

D.5. Family Environment and Alternative Care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39)

Family reunification

30. The Committee remains concerned at the legislative reform that reduces the age limit of the child to family reunification from 18 to 15 years.

31. **The Committee recommends that the State party undertake all measures to ensure that family reunification procedures fully comply with article 1 of the Convention.**

Alternative care

32. The Committee notes with concern the increasing number of children placed in out-of-home care. It is particularly concerned that:
- a) A thorough assessment of the need for out-of-home placement does not always take place;
 - b) A significant number of young children (0-7 years) have experienced three or more placements;
 - c) Children of ethnic minorities are over represented in alternative care facilities;
 - d) Contact between the child and her/his parents are very limited.
33. **The Committee recommends that the State party strengthen its efforts to support children and their parents in order to avoid as much as possible the placement in out-of-home care. In particular, the Committee recommends that the State party:**
- a) **Ensure that placement of children takes place after a full assessment of the need of such placement;**
 - b) **Ensure that in all cases the objectives and the means to achieve them are part in a plan of action before the child is placed and that the plan is developed with the active participation of children;**
 - c) **Take all necessary measures to ensure the continuity for the child in out-of-home care;**
 - d) **Undertake all necessary measures to recruit foster families and institution staff of non-Danish ethnic origin; and**
 - e) **Actively promote and support regular contact between the child and his or her parents whenever such contact is not contrary to the best interest of the child.**

Abuse and neglect, maltreatment, violence

34. The Committee welcomes the various initiatives, including the adoption in 2004 of a plan of action by the Ministry of Social Affairs to combat child abuse. However, it remains concerned at the high level of child abuse and neglect and other forms of domestic violence.
35. **The Committee recommends that the State Party continue and strengthen its efforts to provide adequate assistance to children who are victims of child abuse, including through:**
- a) **Early detection and treatment of cases involving child abuses;**
 - b) **Public awareness-raising and education campaigns with the involvement of children to prevent and combat all forms of child abuse;**
 - c) **Specific parenting programmes for families at risk of abusing children;**
 - d) **Ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;**
 - e) **Providing adequate protection to child victims of abuse in their homes; and**
 - f) **Increasing its support to and collaboration with the national helpline “Borne Telephone”.**

36. **In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for Europe and central Asia in Slovenia, from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical, sexual or mental violence, and to gain momentum for concrete and, where appropriate, time bound actions to prevent and respond to such violence and abuse.**

D.6. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras 1-3)

Children with disabilities

37. The Committee is concerned at the fact that some of the municipalities may not have policies for children with disabilities in childcare and that the best interest of the child is not always respected.
38. **The Committee recommends that the State party take all necessary measures to:**
- a) **Ensure that the needs of children with disabilities are fully taken into account in policies of all municipalities;**
 - b) **Ensure that equal access to services is provided to children with disabilities taking into consideration the standard rules on the equalization of opportunities for persons with disabilities (General Assembly resolution 48/96); and**
 - c) **Provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within the regular schools.**

Health and health services

39. The Committee welcomes the adoption of the health programme "Healthy throughout life" which includes, among others health promotion programmes at schools and day care centres and initiative to prevent asthma, allergic diseases and problems related to general well-being. However, the Committee is concerned about the growing problems of overweight among Danish children that results from low physical activity combined with a poor diet. The Committee is also concerned at the high infant mortality and high incidence of malnutrition in Greenland.
40. **The Committee recommends that the State party continue and strengthen its efforts in managing the issue of overweight and obesity among children and to pay close attention to child and adolescent health, taking into account the Committee's General Comment No. 4 on adolescent health and development in the context of the CRC (CRC/GC/2003/4). In particular, the state party is recommended to strengthen its efforts to prevent and combat obesity and to reduce and prevent malnutrition in Greenland. It also recommends that the State party continue to refine its policies on pre-natal care in remote and rural areas to address the issue of high infant mortality.**

Mental health services

41. While acknowledging the measures taken to strengthen the mental health care services, the Committee is concerned at the remaining challenges such as the fact that a considerable number of children and young people are placed in adult psychiatric centers. The Committee is deeply concerned at the high rate of suicide in Greenland, particularly among adolescents.
42. **The Committee encourages the State party to continue and strengthen the development of mental health care so as to ensure that adequate treatment/care are provided to all children and young people in order to avoid their placement in adult psychiatric centers. It further recommends that the State party strengthen its measure to prevent suicide among adolescent, particularly in Greenland.**
43. The Committee is concerned at the information that Attention Deficit Hyperactivity Disorder (ADHD) and Attention Deficient Disorder (ADD) are being mis-diagnosed and therefore psycho-stimulant drugs are being over-prescribed, despite the growing evidence of the harmful effects of these drugs.
44. **The Committee recommends that further research be undertaken on the diagnosis and the treatment of ADHD and ADD, including possible negative effects of psychological well-being of children, and that other forms of management and treatment are used as much as possible to address these behavioral disorder.**

Adequate standard of living

45. The Committee notes that the State party 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. However, the Committee is concerned that the needs of children from socially disadvantaged families and children of ethnic minorities may not be fully reflected.
46. **The Committee recommends that the State party ensure that the needs of all children are met and take all necessary measures to ensure that children, in particular those from socially disadvantaged families and of ethnic origin, are not living in poverty.**

D.7. Education, leisure and cultural activities (arts. 28, 29, 31)

47. The Committee welcomes various measures undertaken by the State party, including the working group on Improved Integration and the campaign “All Young People are Needed”, which aim to ensure that all young people, irrespective of their ethnic background, enjoy equal opportunities in the Danish education system.
48. **The Committee recommends that the State party to:**
 - a) **Take the necessary measures to ensure access to primary and secondary education to all children; and**
 - b) **Strengthen efforts to bridge the racial disparity in education, giving special attention to promoting education of ethnic minorities.**

49. While welcoming the numerous measures taken to combat bullying at school, including the Educational Environment Act, the Committee remains concerned at the persistence of this phenomenon in schools and the insufficient involvement/inclusion of children and young people contributions.
50. **The Committee recommends that the State party strengthen the measures taken to combat bullying and ensure the participation of children in the initiatives aimed at reducing bullying.**

D.8. Special protection measures (arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

Refugee and asylum-seeking children

51. While noting that the revision to the Aliens Consolidation Act and Integration Act to improve the legal status of asylum-seeking children and to ensure that more attention is paid to their needs, the Committee remains concerned about the conditions in reception centres. It is particularly concerned at the limited capacity to provide adequate psychological support as well as recreational opportunities. The Committee is also concerned that a number of unaccompanied asylum-seeking children disappear from reception centers.
52. **The Committee recommends that the State party undertake all measures to improve the conditions of reception centers and that qualified guardians are assigned to all unaccompanied asylum-seeking children. It further recommends that the State party conduct a study on unaccompanied children who disappear from reception centers and the outcome of the study should guide the State party to respect the rights of these children. The Committee draws the attention of the State party to the General Comment on Treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6).**

Drug and alcohol abuse

53. The Committee notes with concern the high number of children who consume drugs and alcohol in the State party.
54. **The Committee recommends that the State party:**
 - a) **Provide children and parents with accurate and objective information about the harmful consequences of drugs and alcohol abuse;**
 - b) **Ensure that children using drugs and abusing alcohol are treated as victims and not as criminals; and**
 - c) **Develop recovery and reintegration services for children victims of drugs and alcohol abuse.**

Sexual exploitation

55. The Committee welcomes the information provided in the written replies to the list of issues that the Office of the National Commissioner of Police has established a special IT Investigation Unit which provides for the investigation of criminal offences through internet, particularly cases concerning child pornography. However, the

Committee is deeply concerned at the production of images representing sexual abuse and at the fact that pornography involving children is increasing. It is further concerned at the images of “child erotica” on internet and that children are encouraged and manipulated to provide sexual services.

56. **The Committee recommends that the State party:**
- a) **Strengthen its efforts to prevent commercial sexual exploitation of children, including through the development of a National Plan of Action on Commercial Sexual Exploitation of Children as agreed at the First and Second World Congresses Against Commercial Sexual Exploitation of Children in 1996 and 2001;**
 - b) **Adopt adequate measures in combating child pornography, including by defining as illegal the distribution of erotic images involving children;**
 - c) **Strengthen measures aimed at recovery and reintegration programmes for victims; and**
 - d) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases of sexual exploitation, in a child-sensitive manner.**

Administration of juvenile justice

57. The Committee welcomes the recent changes (2004) in the Administration of Juvenile Act inserting clear exhaustive rules into this Act for measures that may be taken against children in conflict with the law under 15. However, the Committee is concerned at the practice of solitary confinement and imprisonment of persons below 18 showing serious behavioural problems in the youth institutions.
58. **The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular article 37(b), article 40 and 39 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee’s day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:**
- a) **Review as a matter of priority the current practice of solitary confinement, limit the case of this measure to very exceptional cases, reduce the period for which it is allowed and seek the abolition of such practice, and**
 - b) **Take measures for the abolition of the practice of imprisonment of persons under 18 for their difficult behaviour in institutions; and**
 - c) **Fully implement the rules for children under 15 in conflict with the law and ensure that they are not deprived of their liberty without due process in accordance to article 40 of the Convention.**

9. Follow-up and dissemination

Follow-up

59. **The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

60. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

11. Next report

61. **The Committee appreciates the State party's regular and timely reporting and invites the State party to submit its 4th periodic report, which should not exceed 120 pages (see CRC/C/118), by 17 August 2008. The Committee expects the next periodic report to include information from Greenland and Faroe Islands.**
