



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

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

Concluding observations: 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 (CRC/C/SR.1080), 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), which 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 include 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 official 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 unaccompanied asylum-seeking children;

(d) The amendment to the Administration 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.

5. The Committee also welcomes the ratification of:

(a) 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;

(b) The Rome Statute of the International Criminal Court in June 2001; and

(c) 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

1. General measures of implementation

Committee's previous recommendations

6. The Committee notes with appreciation that various concerns and recommendations (see 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 the Convention into domestic law, the dissemination of the Convention, adolescent health and the juvenile justice system.

7. 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

8. The Committee welcomes the information provided by the delegation that the State party will undertake legal reforms, which may make it possible to restrict the scope of the reservation to article 40.

9. **The Committee, in light of the Vienna Declaration and Programme of Action, recommends that the State party continue its efforts towards full withdrawal of the reservation to article 40.**

Legislation and implementation

10. The Committee takes note of the State party's explanation in the report and in the written replies to the list of issues of why the Convention has not been formally incorporated into the domestic laws, and the statement of the delegation that the State party is striving for 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.

11. **The Committee recommends that the State party continue and strengthen its efforts to ensure that its domestic laws and regulations comply fully with the Convention. It further recommends that the Convention should prevail whenever domestic law provisions are in conflict with the rights enshrined in the Convention.**

Coordination

12. The Committee welcomes the establishment of the Ministry of Family and Consumer Affairs charged with the task of coordinating 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 coherent child policies in the course of 2006. However, the Committee is concerned that it is still unclear how comprehensive coordination at the national level and between the national and local levels will be established.

13. **The Committee recommends that the State party strengthen the capacity of the Ministry of Family and Consumer Affairs to effectively coordinate all policies of the State party to ensure comprehensive and effective implementation of the Convention throughout the country.**

National plan of action

14. The Committee, while noting the various sectoral plans of action, is concerned that a comprehensive national plan of action is still lacking.

15. **The Committee recommends that the State party develop and implement a national plan of action which encompasses the various sectoral 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 General Assembly special session on children, "A world fit for children".**

Data collection

16. The Committee notes with appreciation the amount of data provided, inter alia 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.

17. **The Committee recommends that the State party continue and strengthen its efforts to collect the data necessary to obtain a full picture of the implementation of the Convention. It further recommends that the State party take 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

18. 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.

19. **The Committee recommends that the State party continue and strengthen the provision of specific information in terms of figures and percentage of the national budget regarding the implementation of the Convention, particularly in Greenland and the Faroe Islands, in order to allow for a proper assessment of the degree to which the State party is meeting its obligation under article 4 of the Convention.**

Independent monitoring mechanism

20. 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 functions. However, the Committee is concerned at the fact that financial resources for this Council have been reduced.

21. **In light of general comment No. 2 (2002) on national human rights institutions, the Committee recommends that the State party nominate an independent body, such as the Office of the Ombudsman or the National Council for Children, or establish a separate organ to monitor the implementation of the Convention. Such a 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

22. While taking note of the efforts made by the State party and that the dissemination of the Convention is a continuous process and has high priority in the work of the National Council for Children, the Committee remains concerned at the lack of systematic and consistent education on the Convention in schools.

23. **The Committee encourages the State party:**

(a) **To incorporate the Convention and other relevant human rights treaties in the curricula and strengthen the education thereon in both primary and secondary schools;**

(b) **To 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 and health personnel, and especially for children themselves.**

2. General principles

Non-discrimination

24. The Committee welcomes the adoption of the Act on Ethnic Equality in May 2003, which includes a prohibition against direct and indirect discrimination based on race or ethnic origin and a prohibition on harassment and instructions to discriminate. However, the Committee reiterates its previous concern (see CRC/C/15/Add.151) regarding de facto discrimination against and xenophobia and racist attitudes towards 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 (see E/C.12/1/Add.102) and the Committee on the Elimination of Racial Discrimination.

25. **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.**

26. **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, Xenophobia and Related Intolerance is being prepared. The Committee requests that information on the content and implementation of the plan be included in the next periodic report.**

Respect for the views of the child

27. The Committee welcomes the increased consideration given to the views of children in administrative decision-making process, including children under the age of 12 years.

28. **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 ensure that children capable of expressing their views are provided with adequate opportunities to do so and that their views are effectively 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.**

3. Civil rights and freedoms

Access to appropriate information

29. While welcoming the initiatives undertaken by the Media Council to study children's use of the Internet and develop a set of "rules of the road" for such use, the Committee is nevertheless concerned about the amount of unsuitable and illegal material that can be found on the Internet.

30. The Committee encourages the State party to ensure that children are protected from information and material harmful to their well-being, in conformity to article 17 (e) of the Convention.

4. Family environment and alternative care

Family reunification

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

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

Alternative care

33. 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 is very limited.

34. The Committee recommends that the State party strengthen its efforts to support children and their parents in order to avoid as much as possible placement in out-of-home care. In particular, the Committee recommends that the State party:

(a) **Ensure that any placement of children follows 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 of a plan of action drawn up before the child is placed and that the plan is developed with the active participation of the child;**

(c) **Take all necessary measures to ensure continuity for the child in out-of-home care;**

(d) **Take 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

35. 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.

36. **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 abuse;**
- (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”.**

37. **In the context of the Secretary-General’s in-depth study on the question of violence against children 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 held 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 for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

5. Basic health and welfare**Children with disabilities**

38. The Committee is concerned at the fact that some municipalities may not have policies for children with disabilities in childcare and that the best interest of the child is not always respected.

39. **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 the 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

40. 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 initiatives to prevent asthma, allergies and problems relating to general well-being. However, the Committee is concerned about the growing problem of overweight among Danish children resulting from little physical activity combined with a poor diet. The Committee is also concerned at the high infant mortality and high incidence of malnutrition in Greenland.

41. The Committee recommends that the State party continue and strengthen its efforts to manage overweight and obesity among children and pay close attention to child and adolescent health, taking into account the Committee’s general comment No. 4 (2003) on adolescent health and development in the context of the Convention. In particular, the State party is urged to strengthen its efforts to prevent and combat obesity and to reduce and prevent malnutrition in Greenland. The Committee recommends that the State party continue to refine its policies on prenatal care in remote and rural areas to address the issue of high infant mortality.

Mental health services

42. 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 centres. The Committee is deeply concerned at the high rate of suicide in Greenland, particularly among adolescents.

43. The Committee encourages the State party to continue and strengthen the development of mental health care so as to ensure that adequate treatment/care is provided to all children and young people in order to avoid their placement in adult psychiatric centres. It further recommends that the State party strengthen its measure to prevent suicide among adolescents, particularly in Greenland.

44. The Committee is concerned at the information that attention deficit hyperactivity disorder (ADHD) and attention deficient disorder (ADD) are being misdiagnosed, and therefore psychostimulant drugs overprescribed, despite the growing evidence of the harmful effects of these drugs.

45. The Committee recommends that further research be undertaken on the diagnosis and treatment of ADHD and ADD, including the possible negative effects on the psychological well-being of children, and that other forms of management and treatment be used as much as possible to address these behavioural disorders.

Adequate standard of living

46. The Committee notes that the State party has developed an action plan for the prevention of poverty and social exclusion and that this plan includes a section on 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 in the plan.

47. The Committee recommends that the State party ensure that the needs of all children are met, and that it take all necessary measures to ensure that children, in particular those from socially disadvantaged families and of non-Danish ethnic origin, do not live in poverty.

6. Education, leisure and cultural activities

48. 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.

49. **The Committee recommends that the State party:**

(a) Take the necessary measures to ensure that all children have access to primary and secondary education; and

(b) Strengthen efforts to bridge the racial disparity in education, giving special attention to promoting the education of ethnic minorities.

50. 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.

51. The Committee recommends that the State party strengthen the measures taken to combat bullying and ensure that children participate in the initiatives aimed at reducing bullying.

7. Special protection measures

Refugee and asylum-seeking children

52. While noting the revision of the Aliens Consolidation Act and the Integration Act to improve the legal status of asylum-seeking children and 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 centres.

53. **The Committee recommends that the State party take all necessary measures to improve the conditions in reception centres and ensure 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 centres, and the outcome of the study should guide the State party in respecting the rights of these children. The Committee draws the attention of the State party to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.**

Drug and alcohol abuse

54. The Committee notes with concern the large number of children who consume drugs and alcohol in the State party.

55. **The Committee recommends that the State party:**

(a) Provide children and parents with accurate and objective information about the harmful consequences of drug and alcohol abuse;

(b) Ensure that children who use drugs and abuse alcohol are treated as victims and not as criminals; and

(c) Develop recovery and reintegration services for child victims of drug and alcohol abuse.

Sexual exploitation

56. 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 committed through the Internet, particularly cases concerning child pornography. However, the Committee is deeply concerned about the production of images representing sexual abuse and the increase in pornography involving children. It is further concerned at the images of “child erotica” on the Internet and that children are encouraged and manipulated to provide sexual services.

57. **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 World Congresses against Commercial Sexual Exploitation of Children held in 1996 and 2001;

(b) Adopt adequate measures to combat child pornography, including by criminalizing the distribution of erotic images involving children;

- (c) **Strengthen measures aimed at the recovery and reintegration of 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

58. The Committee welcomes the recent (2004) changes in the Administration of Juvenile Act, inserting into the Act clear, exhaustive rules for measures that may be taken against children under 15 in conflict with the law. However, the Committee is concerned at the practice of solitary confinement and imprisonment in youth institutions of persons below 18 with serious behavioural problems.

59. **The Committee recommends that the State party ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 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 use of this measure to very exceptional cases, reduce the period for which it is allowed and seek its eventual abolition;**
- (b) **Take measures to abolish the practice of imprisoning or confining in institutions persons under 18 who display difficult behaviour; 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.**

8. Follow-up and dissemination

Follow-up

60. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the national Parliament, and to provincial or local governments and parliaments, when applicable, for appropriate consideration and further action.**

Dissemination

61. **The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country,**

including (but not exclusively) through the Internet, 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.

9. Next report

62. The Committee appreciates the State party's regular and timely reporting, and invites the State party to submit its fourth 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 the Faroe Islands.
