



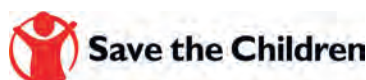
# SUPPLEMENTARY NGO REPORT

- to the Danish Government's 5th periodic report to  
the UN Committee on the Rights of the Child

November 2016



»» RED BARNET UNØDOM ««



## **SUPPLEMENTARY NGO REPORT**

-to the Danish government's 5<sup>th</sup> periodic  
report

-to the UN Committee on the Rights of the  
Child

November 2016

**Supplementary NGO Report**

- to the Danish Government's 5th periodic report

Submitted to the UN Committee on the Rights of the Child

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## 1. Introduction

### **The rights of children in Denmark – Progress achieved, recent developments and outstanding issues since the 4<sup>th</sup> examination by the UN Committee on the Rights of the Child of the Danish government in January 2011**

Since Denmark's last examination, many achievements concerning the rights of the children have been reached:

- 1) Ratification of the optional protocol on communication procedures to the Convention on the Rights of the Child.
- 2) A special Office for Children as part of the Parliamentary Ombudsman institution was established in 2012.
- 3) Strengthening of the advocacy role of the National Council for Children.
- 4) The national initiative to prevent and address violence and sexual abuse against children including establishment of five regional Children's Houses.
- 5) The action plan to prevent Bullying.
- 6) The age of criminal responsibility was raised to 15 years of age in 2012 after having been lowered to 14 years of age in 2010.

In spite of these and other positive changes for children, the reporting group would like to draw the Committee's attention to some concerns and developments:

- 1) The current government has formulated the deliberate goal that it should be 'significantly less attractive (for asylum-seekers) to seek to Denmark'<sup>1</sup>. Therefore, they have tightened the asylum and reception conditions in Denmark. Some of these measures have led to restrictions on the rights of children. The government has stated that it is willing to push the limits of what international conventions permit. Moreover, the government has claimed that it is willing to take a 'process'-risk when tightening the family reunification rules.<sup>2</sup>
- 2) The government has recently presented their new policy proposal on foreigners as part of the 2025- economic plan for Denmark: A stronger Denmark – controlling the influx of the refugees.<sup>3</sup> In this plan, the government states: 'The Government believes that there is a need to take a critical look at the way the dynamic interpretation of the convention texts has developed, in practice through the years and brought the scope of the conventions out of line with the original intentions. The Government will work towards a return to the original intention of providing protection.'

The reporting group is deeply concerned about the deliberate willingness to 'push the limits of what conventions permit' and how this approach may develop a more polarized debate in Denmark and how it will affect children.

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<sup>1</sup> [http://www.ft.dk/samling/20151/lovforslag/L87/som\\_fremsat.htm#dok](http://www.ft.dk/samling/20151/lovforslag/L87/som_fremsat.htm#dok)

<sup>2</sup> <http://www.dr.dk/nyheder/politik/stoejberg-om-muligt-konventionsbrud-der-er-en-proces-risiko-i-det-her>

<sup>3</sup> <http://uibm.dk/nyheder/2016-08/regeringens-nye-udlaendingeudspil>

### **Urgent measures to be taken by the Danish government**

The reporting group draws special attention to the following recommendation in this Supplementary NGO report:

- To strengthen the CRC in the schools curricular and ensure that all professionals working with children are trained in the Conventions (para 2.4.)
- To adopt a cross-sectoral prohibition of disability specific discrimination (para. 4.1)
- To prohibit the placement of persons under the age of 18 in solitary confinement (para 5.2)
- To recognize that prolonged divorce conflicts cause neglects to children and the affected children should be provided with the necessary protection (para 6.5)
- To develop an action plan for combating child poverty including disability related poverty (para 7.1 and 7.2)
- To introduce appropriate anti-bullying strategies in schools and ensure that teachers and social workers education includes training in preventing of bullying(para 8.1)
- To apply a systematic screening and medical examination to asylum-seeking and refugee children to identify who are victims of torture and apply adequate treatment (para 9.4 and 9.5)
- To guarantee separated children the right to family-reunification and o ensure durable solutions to unaccompanied children (para 9.7 and 9.9)
- To ensure that the fifth Danish periodic report to the Committee and Concluding Observations (CO) be translated into Danish including a child friendly version of the CO to be made public to a young audience (para 10)

### **This Supplementary NGO Report**

This is a supplement to the Danish government's fifth periodic report to the UN Committee on the Rights of the Child (the Committee). The reporting group consists of organisations, which except from DIGNITY are members of "The Coalition on the Convention on the Rights of the Child in Denmark". This Coalition was established in 1991 with the aim to heighten awareness of the UN Convention on the Rights of the Child (CRC) in order to promote its implementation and its optional protocols in Danish legislation and practice.

The reporting group emphasises that the present Supplementary NGO report, November 2016, is considered complementary to the two reports from the Danish National Council for Children and the Danish Institute for Human Rights with whom the NGO's work very closely in matters concerning the rights of the child.

The present report has been built up according to other reports to the UN system. Therefore each section is followed by a number of suggested questions to pose to the Danish government as well as a number of suggested recommendations.

The reporting group can inform that there will be no individual parallel report from Greenland's NGOs. The NGOs of Greenland concerned with children's rights and welfare are together with MIO<sup>4</sup> and NAKUUSA<sup>5</sup> organized in the Greenlandic Children and Youth Alliance. The NGO's of the Children and Youth Alliance have not made a supplementary NGO Report to the fifth periodic report to the UN Committee on the Rights of the Child, November 2016. Instead, the NGO's of the alliance have contributed to MIO's "Parallel Report to the Committee on the Rights of the Child (CRC)".

While supporting MIO's thorough work the NGO's of the Children and Youth Alliance ask that the Greenlandic government takes step to ensure the ability of the NGO's to contribute to strengthen children's rights and welfare, both in terms of making contributions to the reporting cycle more accessible to NGO's as well as allowing NGO's easier access to the regular policy process.

In the following, we wish to comment on the concrete recent developments concerning the rights of children:

### **1.1. Denmark's international responsibilities**

As a wealthy country, Denmark holds a special responsibility towards the less fortunate countries of the world. In 2016, the Danish government published a draft development policy and humanitarian strategy indicating a renewed focus on creating synergies between emergency relief and long-term developmental aid. The strategy implies that the Danish government will increase focus on the young generations of the world and enhance efforts in creating decent job opportunities in developing countries.<sup>6</sup> If realized, the development policy and humanitarian strategy can become an important step in fulfilling Denmark's international responsibilities including the advancement of human rights including child rights according to Conventions ratified by Denmark. However, in recent years, the Danish government has also presented policies, which brings Denmark's ability and willingness to fulfill its international responsibilities into question: Namely, the practice of financing national activities with developmental aid which risks reducing the quality and scope of Denmark's international developmental activities. Moreover, the official Danish development assistance has decreased drastically in recent years. In 2015, the government thus cut the assistance by approximately 2,8 billion DKK.<sup>7</sup> As noted by OECD in their annual review of Denmark, the funding for

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<sup>4</sup> The Independent National Advocacy for Children's Rights of Greenland

<sup>5</sup> The joint Children's rights project between Greenland's Ministry of Family, Gender Equality, Social Affairs and Justice and UNICEF Denmark

<sup>6</sup> Danida, Foreign Ministry of Demark 2016: "*Verden 2020. Udkast Danmarks udviklingspolitiske og humanitære strategi.*" Page 5. Available at: <http://um.dk/da/danida/maalsaetning%20og%20strategi/udkast>

<sup>7</sup> Altinget 11.08.2016: "Ris og ros til dansk bistand i ny international evaluering".

<http://www.altinget.dk.molly.ruc.dk/udvikling/artikel/ris-og-ros-til-dansk-bistand-i-ny-international-evaluering>



development assistance managed by the Ministry of Foreign Affairs has declined by 42%.<sup>8</sup> Evidently, this causes concern regarding the future quality of Danish developmental aid.

#### Questions to pose to the Danish government:

How will the Danish government ensure that financial cuts in the official Danish development assistance do not affect the quality of Danish developmental aid negatively?

How does the practice of financing national activities affect Danish developmental aid?

#### Recommendations to the Danish government:

To abolish the financial cuts in the developmental aid.

### **1.2 Denmark's implementation of the UN's Sustainable Development Goals (Agenda 2030)**

Since the Danish government's last periodic report to the UN Committee on the Rights of the Child the UN's 70<sup>th</sup> General Assembly (UNGA 70) adopted the Resolution *"Transforming our world: the 2030 Agenda for Sustainable Development"*<sup>9</sup> containing 17 immensely ambitious Sustainable Development Goals (SDGs).

The SDGs evidently provide a great platform to advance the Convention on the Rights of the Child (CRC). In fact all goals are anchored to human rights and according to the Danish Human Rights Institute's (DHRI) *"Human Rights Guide to the SDGs"*, no less than 13 Goals and 59 targets of the SDGs are directly linked to the CRC.<sup>10</sup>

The Danish Prime Minister, Lars Løkke Rasmussen, accurately captured the essence of what is at stake with the promise of SDGs as he opened UNGA 70:<sup>11</sup> *"The new Agenda has laid out our vision of where we believe the world should be in 2030. History will judge us – and hold us accountable for achieving the results that we owe our children. And their children."*

This firm statement by the Danish Prime Minister on the obligation of all countries to honor the commitment of the SDGs raise expectations that Denmark will 'walk the talk' when it comes to its national implementation of the SDGs. Yet, the challenges of implementation are significant. Many key questions remain.

Particularly one target appears urgently to address in a Danish national context: SDG target 16.2. This target commits all countries to end all forms of violence against Children in 2030.

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<sup>8</sup> OECD (2016): OECD Development Co-operation Peer Review: Denmark 2016, OECD Development Co-operation Peer Review, OECD Publishing, Paris. Page 17.

<sup>9</sup> A/RES/70/1: <https://sustainabledevelopment.un.org/post2015/transformingourworld>

<sup>10</sup> <http://www.humanrights.dk/projects/human-rights-guide-sustainable-development-goals>

<sup>11</sup> Denmark took over the Presidency of UNGA for the first time in history at UNGA70 and therefore the Danish Prime Minister opened the meeting.

Despite the fact that corporal punishment was finally banned in 1997, recent surveys suggest that 17 percent of Danish children are still subject to violence at home.<sup>12</sup> Yet, Denmark still does not have an officially recognized baseline allowing the public to scrutinize progress towards the goal of ending violence against children in Denmark.

At the time of reporting (November 2016), the Danish government has only taken a single tangible step: The government has promised to publish a national SDG-implementation plan in the beginning of 2017. Clearly, Danish civil society organizations welcome the promise of an implementation plan, but a lot of uncertainty about the process remains. Especially, the fact that the government on numerous occasions has stated that Denmark is already close to fulfilling the SDG's at the national level gives rise to uncertainty. The reporting group represents and are engaged in activities related to the most vulnerable groups of children, including children from Greenland living in Denmark, children with disabilities and children seeking asylum. As will be documented in this report, the living standard of these vulnerable groups is far lower than the average living standard in Denmark. On parameters such as educational achievement, civic participation and inclusion in the Danish society, the vulnerable groups also score significantly below average. Therefore, it is of paramount importance that the Danish SDG-implementation plan explicitly addresses the "Leave no one behind"-principle.

#### Questions to pose to the Danish government:

How will the national SDG-implementation plan ensure that Denmark meets its commitments related to the CRC?

How will children, youth and child rights organizations be involved in the design and monitoring of the national SDG-implementation plan?

How will Denmark influence other countries to honor the Convention on the Rights of the Child-related commitments under the UN Committee on the Rights of the Child?

#### Recommendations to the Danish government:

To ensure that the national SDG-implementation plan mirrors the CRC and provides an example to follow for other countries in this regard.

The Danish national SDG-implementation plan should particularly focus on the SDG 16.2 committing all countries to end all forms of violence against Children in 2030.

The Danish national SDG-implementation plan must deliver on the SDGs promise to "Leave no one behind" by putting the most vulnerable children first. The 'Leave no one behind' principle implies that no SDG target or goal is met unless it is met for all groups in society.

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<sup>12</sup> SFI (2016): *Vold og Seksuelle Overgreb mod Børn og Unge I Danmark*

## **2. General implantation measures**

### **2.1 General Measures of implementation**

Since the last examination, the Coalition on the Convention on the Rights of the Child in Denmark has created a forum for discussion and coordination regarding children's rights and the implementation of the Convention in cooperation with the Ministry of Social Affairs in Denmark. Inter-ministerial meetings are held on a regular basis with the purpose of enhancing cooperation between civil society and public authorities including the follow-up of the Concluding Observations to Denmark.

The reporting group finds this systematic follow-up very fruitful but it lacks access to the political authorities working with children's rights across sectors. Therefore it is still recommended that the government creates a special unit reporting directly to a high-level authority and thereby contribute both to the overall purpose of making children more visible in government and to ensure the respect for children's rights at all levels of the government (in accordance with para 15, CRC/c/DNK/CO/4 and GC no. 5 (26, 27, 37, 39).

#### Questions to pose the Danish government:

How will the government ensure a central coordination of the implementation of the CRC across sectors at a political level?

#### Recommendations to the Danish government:

To repeat the Committee's 2011 recommendation to Denmark (Para 15):

"clearly identify a high-level coordination system/authority across sectors and with all regions and municipalities in order to ensure the implementation of child rights in a comprehensive, coherent and consistent manner, throughout its territory".

### **2.2 Reservations**

Denmark maintains its reservation to article 40, paragraph 2 (b), of the UN Committee on the Rights of the Child which, in breach of the right to a fair trial, limits the right to appeal for children who have been sentenced for minor offences.

#### Questions to pose to the Danish government:

Can Denmark elaborate on how many cases are affected by this reservation and whether the government has any new considerations regarding withdrawing this reservation?

#### Recommendation to the Danish government:

To repeat the Committee's 2011 recommendation to Denmark (para. 9): "the State party consider withdrawing the reservation made to article 40 paragraph (2b) of the Convention".

### **2.3 Status of the Convention**

In December 2012, the Danish government established a committee of experts on incorporation etc. within the human rights field. This committee was to consider whether Denmark should incorporate additional human rights instruments, including the CRC, into Danish law. In August 2014, the Committee of Experts issued its 527-page report with

recommendations to the government.<sup>13</sup> After its thorough assessment of the legal, judicial, and practical implications of incorporation of the Convention on the Rights of the Child into Danish law, the Committee noted:

*"We will particularly stress the practical importance of incorporating UN's Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disability. These two conventions are of great importance for the protection of the two target groups who in practice are at particular risk of being victims of interventions and assaults. It is also within the application of these conventions that practice is lacking furthest behind in terms of implementation of the international human rights. CRC and CRPD should be at the centre of the political and practical attention if incorporation should have any significant practical importance for citizens in Denmark".<sup>14</sup>*

However, when it came to the final vote on incorporation, the Committee of Experts was split: Six members recommended that the CRC and the CRPD be incorporated into Danish law. Four members abstained from statements on the incorporation noting however, that incorporation may entail a shift in the legal powers conferred upon Parliament to the courts. Five members – all government representatives - concluded that they would not take a stand on the issue of incorporation until the Committee of Experts had concluded its work.

As a response to the recommendations of the committee, the previous Danish government decided to ratify the optional protocol on communication procedures to the Committee on the Rights of the Child. Yet, no political initiatives have been taken regarding incorporation - neither by the former government nor by the present government, which came into office in 2015. Currently, there is not a majority in the Parliament for an incorporation of the CRC, the CRPD or any of the other UN human rights treaties.<sup>15</sup>

Questions to pose to the Danish government:

Is Denmark willing to reconsider to implement the recommendation of the Committee to incorporate the Convention into Danish legislation?

Recommendation to the Danish government:

To repeat the Committee's 2011 recommendation to Denmark (para. 11 in Concluding Observations): "that the State party promote the application of the Convention on the Rights of the Child by the courts and administrative decision-making bodies, including by undertaking measures to fully incorporate the Convention into its national legislation".

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<sup>13</sup> Report no 1546/2014 (Betænkning) on incorporation etc. in the human rights field, 14 August 2014, available at:

[http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2014/Betaenkning\\_1546.pdf](http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2014/Betaenkning_1546.pdf)

<sup>14</sup> Ibid, page 258.

<sup>15</sup> See Denmark's national report to the UN Committee against Torture and the UN Committee on Human Rights in 2015 and the subsequent recommendation of the two committees to incorporate the conventions.

## 2.4 Dissemination of knowledge of the Convention

Danish children's knowledge of their rights and the CRC has fallen. 11 % of Danish children know the Child Rights Convention well and only 23 % think they know somewhat about children's rights. The number is lower now than in a similar survey six years ago. At that time, the figure stood at 39 %.<sup>16</sup> Moreover, it is the lowest number in all of the Nordic countries.

In the fifth Danish periodic report to the Committee, the government emphasized that teaching children the Convention has become mandatory according to The Public School Act of 2014.<sup>17</sup> However, only a single subject - SSF, *Sundheds- Seksualundervisning og Familiekundskab* (English: Health, Sexuality and Family education) - has a reference to the CRC. It should be noted that SSF is not a subject as such. It is more like a theme to be included in other subjects. The CRC ought to play a much more significant role in the Danish school system and it should be incorporated in the curricula of the subject Danish in both primary and secondary schools.

The Committee has already recommended Denmark twice to incorporate teaching on the Convention as a specific subject in school curricula: both in the Concluding Observations of 30 September 2005 and in the Concluding Observations of 4 February 2011. The reporting group recognizes that teaching on the CRC is now part of The Public School Act of 2014 but it recommends that the CRC becomes a much more significant topic in schools.

### Questions to pose to the Danish government:

How will the government enhance Danish children's awareness about child rights?

If the government does not recommend that children should learn about their rights in school, which other channels do the government recommend for this purpose?

How will the government ensure that all persons working with children learn systematically about child rights through ongoing teaching programs?

### Recommendations to the Danish government:

To strengthen the CRC in the schools curricular. The CRC should not only be included in SSF, but also in more dominant subjects such as the Danish lessons.

To ensure that all the professional adults working with children are trained in the Conventions and thus can inform children about their rights.

## 3. Definition of a child

Please refer to CRC, article 1 and also refer to chapter 9 'Special Protection' 9.5 'Family Reunification', last three sections regarding 15 to 17 year olds.

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<sup>16</sup> <https://www.unicef.dk/nyheder/10730/markant-faerre-danske-boern-kender-til-deres-rettigheder>

<sup>17</sup> <https://www.retsinformation.dk/forms/r0710.aspx?id=182008>

## 4. General principles

### 4.1 Protection against discrimination

In Denmark, discrimination for disability reasons is only prohibited with regard to the labor market.<sup>18</sup> The Board of Equal Treatment can decide on cases concerning discrimination based on gender or ethnicity in general, while they are limited in making decisions on disability related discrimination concerning the labor market.<sup>19</sup> As a result, children with disabilities may be denied access to a number of private services and institutions, e.g. private schools, restaurants, cinemas or sufficient insurance. The lack of protection against disability specific discrimination has led to recommendations from the CRPD-Committee<sup>20</sup> and to remarks from governments during Denmark's Universal Periodic Review in January 2016.<sup>21</sup> So far, the government has not taken initiatives to bring the national legislation in compliance with international human rights legislation.

#### Questions to pose to the Danish government:

What initiatives have been taken to adopt a cross-sectoral prohibition of discrimination for disability reasons?

What is the time schedule for adopting such legislation?

Will children with disabilities be given the opportunity to file a complaint at the Board of Equal Treatment?

How will the government ensure that knowledge of the prohibition of discrimination will be disseminated and that the legislation will be respected?

#### Recommendations to the Danish government:

To adopt a cross-sectoral prohibition of disability specific discrimination.

To establish a nationwide campaign disseminating knowledge of the general obligation not to discriminate for both public and private sectors.

The mandate of the Board of Equal Treatment should be broadened by including the option to file complaints over disability specific discrimination in all sectors.

### 4.2 The best interest of the child

Please refer to para 7.1 'Children's standard of living' and 9.9 'Durable solutions for children: Time limited residence permits to children in families and separated children. Children of rejected asylum-seekers'.

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<sup>18</sup>

[http://menneskeret.dk/sites/menneskeret.dk/files/policy\\_briefs\\_final/policy\\_brief\\_forbud\\_mod\\_diskrimination.pdf](http://menneskeret.dk/sites/menneskeret.dk/files/policy_briefs_final/policy_brief_forbud_mod_diskrimination.pdf)

<sup>19</sup> <https://ast.dk/naevn/ligebehandlingsnaevnet/ligebehandlingsnaevnet>

<sup>20</sup>

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDNK%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDNK%2fCO%2f1&Lang=en) paragraph 14-15

<sup>21</sup> Her skal indsættes en fodnote, men UPR er endnu ikke lagt ud i en fuld version, den kommer.

### **4.3 Respect for the views of the child**

Please refer to para 6.1. 'Children deprived of a family environment who are placed in families outside their homes and para. 9.4. 'Asylum seeking and refugee children'.

### **4.4. The Child Helpline**

The Child Helpline conducted more than 40.000 counsellings in 2015 but app. 96.000 inquiries remained unanswered mainly because the children call out of opening hours. The opening hours have been from 11 a.m. to 23 p.m. From 1 November 2016, the telephone services will be open every day from 11 a.m. to 02 p.m. The extended opening hours will be possible due to a financial allocation from the social reserve funds for 2016 and 2017.

However, the funding from 2018 is uncertain.

The annual costs of the Helpline include technical operations, professional development and support, recruitment and retention of volunteers as well as marketing because it is important that all Danish children be given information about the Child Helpline.

The telephone services are conducted on a voluntary basis by counsellors who have a professional background within child issues.

As recommended by the Committee the Child Helpline needs further financial resources extend the opening hours, to raise further awareness and to engage more volunteers in counselling.

#### Questions to raise to the Danish government:

How will the Danish government ensure that no child calls the Child Helpline in vain?

#### Recommendation to the Danish government:

To finance a free, nationwide Child Helpline which is open 24 hours per day, every day?

## **5. Civic rights and freedom**

### **5.1 Administration of juvenile justice**

In Denmark, there is a general decrease in criminality among youth.<sup>22</sup> It is the main rule that children aged 15 to 17 years, who have committed an offence, are placed in one of the 8 juvenile institutions.<sup>23</sup>

However, this main rule is derogated if the Ministry of Justice decides that the law enforcement requirement<sup>24</sup> speaks against a placement in a facility for children (the Sentence Enforcement Act § 78 (2)), for example if there is risk of new criminality being committed. Denmark maintains on occasions that it is necessary to place juvenile offenders in adult prisons for the best interest of the child and if it ensures his/her safety. Denmark also maintains that consideration is given to the selection of co-detainees with whom the child is in contact.

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<sup>22</sup> www.statistikbanken.dk

<sup>23</sup> the Sentence Enforcement Act § 78 (1) (b).

<sup>24</sup> In Danish "afgørende hensyn til retshåndhævelse".

In the period (January – June 2016), an average of 15 children per day aged 15 to 17 years<sup>25</sup> old were placed in adult prisons or in one of the 36 Danish “arresthuse”. The latter are places of detention for adults, mainly used for pre-trial detainees. These children were either serving a sentence, detained or pre-trial detained, or detained under the Aliens Act. The average of 15 children per day during six months of 2016 indicates an increase compared to previous years (2015: average 11; 2014: average 9; and 2013: average 12).<sup>26</sup>

Questions to pose to the Danish government:

Will Denmark take steps to prohibit the placement of children in adult prisons?

Is the average of 15 children per day in prisons and in “arresthuse” during the first six months of 2016 an indication of increased placement of 15 to 17 years old young persons in prisons?

Which considerations are taken when placing a young person in an adult prison? Could it be for economic reasons?

Has Denmark begun a study on the impact on children being placed in adult prisons?<sup>27</sup>

Recommendation to the Danish government:

To immediately prohibit the placement of children with adult

To abolish derogations in the enforcement law

## **5.2 Solitary confinement**

The Committee stated in the Concluding Observations (2011) that Denmark should: “[...]prohibit the placement of persons under the age of 18 in solitary confinement”. This recommendation has been reiterated recently by the Committee against Torture,<sup>28</sup> the UN Committee on Human Rights with reference to the recently revised Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules).<sup>29</sup>

The Danish Administration of Justice Act regulates the use of solitary confinement on children during pre-trial detention and the Sentence Enforcement Act regulates the issue during sentence enforcement. While the number of child pre-trial detainees in isolation has been limited and only amounted to a single person since 2011, the number of children in isolation under the Sentence Enforcement Act is still high.

With regard to pre-trial detention, in early 2016, solitary confinement was used against a minor who was suspected of preparing some explosives. The period of isolation extended more than two weeks. She received a visit by the Danish Ombudsman, Institute for Human

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<sup>25</sup> Direktoratet for Krimnalforsorgen. The vast majority were 17 years old (11.5 of the average 15). See further [www.kriminalforsorgen.dk](http://www.kriminalforsorgen.dk) (unge indsatte).

<sup>26</sup> *Ib.*

<sup>27</sup> As recommended by the UN Committee against Torture, CO (2015), paragraph 35.

<sup>28</sup> CO (2015), paragraph 33 (a).

<sup>29</sup> CO (2016), paragraph 24.



Rights and DIGNITY – Danish Institute against Torture.<sup>30</sup> It is noted that the combination of being detained in pre-trial detention and being isolated, which is known to be mentally harmful in general, is particularly worrying when applied to children.

With regard to the use of solitary confinement during sentence enforcement, some 25 to 30 juveniles (aged 15 to 17 years) have been held in various forms of solitary confinement in 2015 and 2014 respectively.<sup>31</sup> This represents a decrease from 40 cases in 2012 and further decrease from previous years.<sup>32</sup> The maximum length of solitary confinement has been 10 days.

The rules on isolation under the Sentence Enforcement Act allow isolation for different offences. The system of isolation of detainees in prisons has been established for adult detainees as the target group, but the reality is that this system is (with very few exceptions) equally enforced on juveniles who serve their sentences in prison.

In 2014, the European Committee for the Prevention of Torture (CPT) expressed very strong reservations about any form of solitary confinement of juveniles, as this can compromise their physical and/or mental integrity.<sup>33</sup> The CPT also noted that juveniles should not be placed in solitary confinement for disciplinary purposes more than three days.

Danish NGOs, the Danish Council for Children and the Danish Institute for Human Rights have maintained their recommendation that solitary confinement of children should be prohibited.

#### Questions to pose to the Danish government:

In the light of the severe health consequences of solitary confinement, is Denmark considering abolishing the use of such measures during pre-trial detention and sentence enforcement and introducing alternative measures?

#### Recommendation to the Danish government:

To reiterate its previous recommendation (para 66, B): “prohibit the placement of persons under the age of 18 in solitary confinement”.

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<sup>30</sup> <http://holbaekonline.dk/2016/02/06/ombudsmandens-boernekontor-har-besoegt-15-aarig-pige/>

<sup>31</sup> Letter of 26 August 2016 from Kriminalforsorgen to DIGNITY. The forms of solitary confinement include solitary confinement as a disciplinary sanction (strafcelle); exclusion from association and isolation in a security cell (sikringscelle).

<sup>32</sup> Kriminalforsorgen. See also letter by Børnerådet and Institut for Human Rights (2014) available at <http://www.boerneraadet.dk/nyheder/nyheder-2014/boern-skal-ud-af-isolation-i-de-danske-faengsler>

<sup>33</sup> CPT/Inf (2014) 25, para 61.

## **6. The right to family life and alternative care**

### **6.1 Children deprived of a family environment who are placed in care outside their homes**

The Care Placement Reform 2004 and its renewal in a new Care Placement Reform in 2006 have strengthened the right of the child to be involved and to be heard in relation to their placement outside their home. According to the Reforms, each child is guaranteed a mandatory examination before a placement. The examination should include the topics 1) personal development and behavior 2) family relations 3) schooling 4) health conditions 5) leisure activities and friendships and 6) other relevant circumstances.

For each child, an individual action plan should be worked out before a placement to ensure a relevant development for the child in care and an ongoing and regular follow-up. According to annual reports from the Danish Social Appeal Board<sup>34</sup> there was no mandatory examination for 51 % of the children before entering the alternative care. 46 % of the children lacked an individual action plan, and 39 % of the placements took place without conversations and inclusion of the children.

The reporting group is concerned about the absence of inclusion of children, about the missing mandatory examinations and the omission of individual action plans. In its concluding observations of 4 February 2011, the Committee has already recommended Denmark to undertake the necessary measures to ensure that children placed in care are provided with individual action plans. The Committee has also recommended that the view of the children be taken into account on matters regarding placement.

#### Questions to pose to the Danish government:

How will the government ensure that the municipalities comply with the law regarding the inclusion of children, the execution of mandatory examinations and the preparations of individual action plans?

#### Recommendation to the Danish government:

To ensure the inclusion of children and their views with regard to be placed in alternative care.

To undertake the necessary measures towards the municipalities to ensure the mandatory examination prior to the placement of children in alternative care.

To ensure that children in care are provided with individual action plans.

### **6.2 Children's placement in foster care and in institutional care**

In accordance with the Child Reform Act 2010, the municipalities are obliged by law to consider placement in a foster family before choosing the future placement for a child. It is evident from statistics that the number of placements in foster families has increased: In 1983

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<sup>34</sup> Research 2006-2015 (Praksis – og Velfærdsundersøgelser)

it amounted to 39 % of all placements. In 2013 this number has gone up to 53 %.<sup>35</sup>

The Committee has in its Concluding Observations from 4 February 2011 recommended that the State party should programme and implement action plans with a view to ensuring that family-type care rather than institutional care is the preferred form of care provided to children in need of care.

Studies by the National Research Centre from 2014<sup>36</sup> indicate that more children are satisfied with their placement in a foster family than children who are placed in institutional care. On the other hand, most of the children find that they are happy and they receive support both from their foster family or from the adults in their institution.

A survey conducted by the municipality of Copenhagen<sup>37</sup> shows that children with disabilities more often than children without disabilities are placed in institutions and less in foster families. This seems to happen without thorough assessment of the needs of the single child, since in many cases it is anticipated that a placement in a foster family is without reach. The survey also shows that children with disabilities in foster care thrive better than children with disabilities in institutions. Thus, actions should be taken to prevent routine decisions.

Each child subject to a placement outside his or her family should be examined thoroughly for their best interest.

#### Questions to pose to the Danish government:

How will the Danish government ensure that the best interest of the child will be the guiding post when authorizing a placement in alternative care?

How will the Danish government ensure that the views of the child are taken into account when he or she will be placed in alternative care?

What special initiatives will the government take to ensure that the needs of children with disabilities are properly considered in relation to placement in foster care versus institution?

How can the Danish government strengthen an interaction between foster care and institutional care for the benefit of the placed children and for the better use of the specialized treatment offered by one or the other?

#### Recommendation to the Danish government:

To ensure statistics and documentation on the quality and importance of foster care compared to institutional care.

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<sup>35</sup> Rockwool Foundation Research 2016: Anbringelser – historik, omfang, årsager og virkemidler - <http://www.rockwoolfonden.dk/publikationer/anbringelser-historik-omfang-aarsager-og-virkemidler/>

<sup>36</sup> National Research Centre: Anbragte børn og unges trivsel 2014 - [https://pure.sfi.dk/ws/files/194561/1501\\_Anbragte\\_boern\\_og\\_unges\\_trivsel.pdf](https://pure.sfi.dk/ws/files/194561/1501_Anbragte_boern_og_unges_trivsel.pdf)

<sup>37</sup> [http://centerforfamiliepleje.kk.dk/sites/centerforfamiliepleje.kk.dk/files/uploaded-files/boern\\_og\\_unge\\_med\\_kronisk\\_sygdom\\_eller\\_handicap\\_i\\_familiepleje.pdf](http://centerforfamiliepleje.kk.dk/sites/centerforfamiliepleje.kk.dk/files/uploaded-files/boern_og_unge_med_kronisk_sygdom_eller_handicap_i_familiepleje.pdf)

To conduct a nationwide survey on placement of children with disabilities.

To develop an action plan for municipalities to consider the placement of children with disabilities in foster families.

To force the cooperation between foster families and the specialized institutions in order to create tools and procedures for the benefit of children deprived of a family environment.

### **6.3 The Right to family life for children with disabilities**

In the Danish social legislation, several provisions give parents to children with disabilities different kinds of support. The aim is to ensure that children with disabilities are able to live at home with their parent(s). The support is provided by the municipalities. Due to austerity measures and recent cut downs, the support has been reduced with 30 % for disability related extra costs from 2010 to 2013. In the same period, the number of persons who have received this support has been reduced by 21 %. Further decline is expected towards 2016.<sup>38</sup> The expectation of decline is based on the proposed act on the national budget for 2016. There is also extrapolation on years after 2016. These are based on municipality spending and municipalities decide themselves on their budgets. However, the government puts restrictions on municipality spending, and municipalities are fined if their budgets raise above the limit.

Furthermore, there are examples of cut downs in the number of hours you can receive respite care<sup>39</sup> and allowances for parents of children with disabilities.<sup>40</sup> As a result, parents to children with disabilities find it harder to support their children at home.

#### Questions to pose to the Danish government:

How will the government ensure that parents to children with disability get sufficient support and have the option to live at home in their family?

What will the government do to stop the continuous reduction in service levels in the municipalities?

#### Recommendation to the Danish government:

To ensure that municipalities provides the necessary support to families to children that the child/children can live at home and experience development and thriving equal to children without disabilities.

### **6.4 The use of force**

The use of force against children placed in alternative care is regulated by an administrative order and an accompanying guidance. However, these are repealed by the entry into force of the Act on adult responsibilities from 1 January 2017. The purpose of the new law is to

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<sup>38</sup> Finanslov 2016 (se vedhæftede dokument) eller <https://www.fm.dk/publikationer/2016/finanslov-for-2016>

<sup>39</sup> <http://egedal.lokalavisen.dk/foraeldre-til-handicappede-boern-raser-besparelser-rammer-haardt-20160419/artikler/704209967/1045> and the advisors working in disabled people's organizations.

<sup>40</sup> The advisors working in disabled people's organizations.

ensure legal protection of the children and to clarify the rules. Currently, only the staff at the institutions are permitted to use force when it is considered necessary. From January 2017 'municipal foster homes' will also be permitted to use force. These municipal foster homes only amount to a very small percentage of the total number of foster homes.<sup>41</sup> Studies have shown that all types of foster families use unwarranted physical force against children in care<sup>42</sup>, and that an increasing number of children are placed in foster homes.<sup>43</sup> Since children who have been exposed to use of force do not have access to remedy it is of great importance that the authorities consider the use of force and take action if the use has no legal basis.

Denmark should also be aware of its positive obligations to actively prevent and protect children against use of force in violation of Article 3 of the ECHR and to take steps to legally and practically protect children against such acts committed by private actors.

Questions to pose the Danish government:

How will the government prevent unauthorized use of force in foster homes?

How will the government ensure that the use of force is coherently monitored?

How will the government ensure more access and education in alternatives to the use of force?

How will the government ensure that alternatives to the use of force will be implemented?

What measures will Denmark take to ensure that there will be no violation of the prohibition of inhuman and degrading treatment and to ensure strong legal mechanisms, including prompt and effective investigations of allegations and proper reparations and rehabilitation for the victims?

Recommendations to the Danish government:

To ensure that all staff in institutions and in foster homes receive additional training on children's rights. The training should clarify during which circumstances the use of force is allowed and how to avoid the use of force.

To ensure that children in foster care are continuously educated in child rights, including the guidelines for the use of force to make sure that children are aware of their rights, are able to enforce them and to complain.

To review the practice regarding the use of force against children with physical or mental disabilities and consider whether there is a need for special protection in this area.

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<sup>41</sup> Ankestyrelsens anbringelsesstatistik 2014, p. 9; Of the 37% of effected foster home placements only 2% was in 'municipal foster homes.

<sup>42</sup> <http://sim.dk/service/find.aspx?query=magtanvendelsesudvalget>

<sup>43</sup> The Child's reform from 2011 states that the municipalities is obligated, before placing a child in alternative care, to first explore the possibility of placing in foster homes.

To clarify the exact extent of the use of force in foster families, so that specialized preventive measures for this group can be implemented if necessary.

## **6.5 Divorced families**

The Act on Parental Responsibility was amended in 2012 to further strengthen the best interest of the child, in particular during conflicts between the parents. Despite this, the primary focus is still on the parental rights. The government now wants to create a simple and transparent system meeting the needs of the families.<sup>44</sup> However, there are still children in Denmark whose well-being and development are threatened by the parental divorce conflict and the authorities' handling of them. Some children develop severe trauma without intervention from any authority. Often, there are mutual concerns and accusations of sexual abuse, neglect and violence against children, and typically, one or both parents additionally may experience challenges like addictions or mental illness and vulnerability. Such cases are often handled by several authorities with inadequate coordination. For some children their parents' strife takes them to desperate actions.<sup>45</sup>

### Questions to pose to the Danish government:

How will the Government ensure that the best interest of the child is always the focus of the future more simple divorce system?

How will the Government ensure that the involved families are being assessed as a whole, and not only the individual parent's parenting skills are taken into account when making decisions on e.g. visitation rights?

### Recommendations to the Danish government:

To recognize that prolonged divorce conflicts cause neglects to children and the affected children should be provided with the necessary protection.

To amend the child's right to well-being and development as a separate object in the Parental Responsibility Act.

To continue to support counselling and therapeutic intervention that strengthens the ability of parents to cooperate after a divorce or break up.

## **7. Disability, basic health and welfare**

### **7.1 Children's standard of living**

The previous Danish government introduced an official poverty line in June 2013.<sup>46</sup> Despite the fact that it was a very conservative poverty line, it made possible to measure poverty and variations over time. The current government has abolished this official poverty line.

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<sup>44</sup> <http://sim.dk/nyheder/nyhedsarkiv/2016/sep/ét-system-for-skilsmisefamilierne.aspx>

<sup>45</sup> Breivik, K. & Olweus, D. (2006) & Størksen, I., Røysamb, E., Holmen, T.L. & Tambs, K. (2006) & Walsh, B.W. & P.M. Rosen (1998) i "Jeg er træt af at være deres brevdue," Børns Vilkår og Egmont Fonden 2015.

<sup>46</sup> The official poverty line was based on 50% of the median income of a given household for three consecutive years

Recent studies using the poverty line from 2013 show that child poverty in Denmark has declined since 2011. The most recent figures show that 8,500 children live in poverty in Denmark.<sup>47</sup> The studies show a clear correlation between the reduction in child poverty and the abolishment of previous laws lowering social assistance.<sup>48</sup>

Despite this positive trend, the current government has taken several measures that will significantly lower social assistance, despite the recommendations from the Committee.

Indeed, as of 1<sup>st</sup> September 2015 and July 2016, the current government has introduced a new Integration Allowance (*Integrationsydelsen*). This new legislation includes substantially reduced social benefits for those who have not legally resided in Denmark for at least seven of the last eight years (mostly affecting refugees and immigrants). According to the Danish Minister of Integration it is estimated that 11,900 children will be affected by the Integration Allowance in 2016, while the estimated figure rises to 21,800 children in 2017.<sup>49</sup>

As of 1<sup>st</sup> October 2016, the new legislation also includes a 'ceiling for what a family can receive in social benefits' (*Kontanthjælpsloft*), resulting in substantial cuts in the total amount of financial support for financially disadvantaged families for both single-parent and two-parent families.

The reform will particularly affect already vulnerable families who have a weak attachment to the labor market and who are also experiencing marginalization in the Danish society. Examples include Greenlandic families and children in Denmark, which in all respects have poorer living conditions than other Danes.<sup>50</sup>

Finally, the present government has introduced a so-called 225-hour rule (*225-timersreglen*), whereby a person must work at least 225 hours in the course of a year. Failure to do so results in significant cuts in the social assistance.

The newly introduced cuts in social assistance are of deep concern to the reporting group, since they will have great significance for the children in the affected families. Recent studies show that children who have been living in low-income families for just one year of their

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<sup>47</sup> <http://www.ae.dk/publikationer/de-glemte-fattige>; Statistics from 2013; publication from 2015.

<sup>48</sup> <http://www.ae.dk/publikationer/de-glemte-fattige>; Familiernes økonomi 2015 web.pdf-2.pdf. Statistics from 2013, publication from 2015.

<sup>49</sup> <http://www.ft.dk/samling/20151/almindel/fiu/spm/29/svar/1283819/1575755.pdf>

<sup>50</sup> 'Grønlandere i Danmark. En registerbaseret kortlægning', SFI 2015.

[https://pure.sfi.dk/ws/files/265671/1529\\_Groenlaendere\\_i\\_Danmark.pdf](https://pure.sfi.dk/ws/files/265671/1529_Groenlaendere_i_Danmark.pdf) The report concludes that 35% of Greenlanders between 25-60 years were employed in Denmark - compared with 80 % of Danes. Income among Greenlanders in Denmark between 18-60 years was on average 60 % of the Danish population's average income. Four times as many Greenlandic children in Denmark (about 1.3 % of all Greenlandic children in Denmark) was placed outside their home compared to Danish children.

childhood have a significant risk of receiving lower grades in primary school and are more likely to be unemployed when they become adults.<sup>51</sup> Additionally, children in poverty do not have equal opportunity to participate in social activities, holidays and leisure activities, and many of them try to hide their family's poor financial situation to the outside world and therefore risk isolating themselves.

The Committee has already in its Concluding Observations of 4<sup>th</sup> February 2011 urged Denmark to provide support to economically disadvantaged families including children of single parents, and to guarantee the right of all children to an adequate standard of living.

Questions to pose to the Danish government:

Why has the government abolished the former poverty limit of June 2013?

Which initiatives will the government take to put child poverty into the center of the debate on poverty?

Which mechanisms has the Danish government installed to ensure that new legislation is in conformity with the rights of children and the general principle of the child's best?

How has the government applied the laws regarding the integration benefits, the 'ceiling for what a family can receive in social benefits' and the 225-hour rule?

How does the government plan to monitor the effects on children affected by the newly introduced reduction or withdrawal of supplementary social benefits?

How will the government ensure that the reform on social subsidies and welfare benefits will not lower the standard of living for children in vulnerable families?

Which measures will the state take to ensure that the affected children are not subject to social inequality and exclusion?

Recommendation to the Danish government:

To develop an action plan for combating child poverty including families who have lived in poverty for just one or two years.

To re-introduce an official poverty line in order to measure developments in child poverty in Denmark, increase financial support and social protection for financially disadvantaged families, including the children of parents receiving social welfare, and for newly arrived families.

To reconsider and remove the lowered integration benefits, the 'ceiling for what a family can receive in social benefits' and the 225-hour rule and make sure families income are above an official poverty line.

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<sup>51</sup> <http://www.denoffentligesektor.dk/sites/default/files/suppliers/news/files/boern-i-lavindkomstfamilier.pdf>



In all new legislation, the Danish government should ensure that it takes into account the interests of the child - even when children are not the direct target of the law, but indirectly affected by it.

## **7.2 Disability related child poverty**

In January 2013, the reforms on the early retirement pension and on flex job were implemented. The reforms entail those persons less than 40 years of age can no longer be referred to early retirement unless it is outright meaningless to try to develop their ability to work. For persons with disabilities, this leads to salary reduction. Since the reform, the number of persons obtaining early retirement pension has dropped from 17.152 persons in 2010 to 6.912 in 2015,<sup>52</sup> while persons with disabilities referred to flex job from 2013 onwards or changed their flex job from 2013 onwards are paid less.

Furthermore, a reform on social benefits (Kontanthjælpsloftet) is in force from October 2016 which will reduce the support for renting a residential. The more children in a family, the more the subsidy is reduced, and the reduction is harder to single parents.

Due to the reduction in number of parents with disability obtaining early retirement pension, reduction in flex job-salary and reduction in support for rent, the number of children with parents with disabilities experiencing reduction in standard of living or outright poverty is expected to rise.

### Questions to pose to the Danish government:

How does the Danish government define poverty?

What initiatives has the Danish government taken to prevent child poverty stemming from parents disabilities?

### Recommendation to the Danish government:

To develop an action plan for combating child poverty; the issue of disability related poverty should be addressed in this plan.

## **7.3 Use of forced hospitalization and treatment**

The Psychiatry Act was amended in 2010 and 2015 with the aim of reducing the use of coercion in psychiatric institutions. Despite the positive steps taken by the state, there has been an increase of children and juveniles being exposed to coercive measures from 2011 to 2014.<sup>53</sup> The total number of cases where children and juveniles are deprived of their liberty have also increased, with 25 episodes from the baseline study conducted in 2011-2013.<sup>54</sup> The National Council for Children has documented that a high number of children and youth in

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<sup>52</sup> <http://ast.dk/tal-og-undersogelser/tal-fra-ankestyrelsen>

<sup>53</sup> Danish Health Authority/Sundhedsstyrelsen: Monitorering af tvang i psykiatrien 2015, published April 2016, page 8

<sup>54</sup> Danish Health Authority/Sundhedsstyrelsen: Monitorering af tvang i psykiatrien 2015, published April 2016, page 35

psychiatric wards are subject to forced hospitalization and treatment.<sup>55</sup> The CRPD has in 2014 expressed strong criticism of the Danish practice and recommended Denmark to abolish forced hospitalization and treatment of children in psychiatric hospitals. The CRPD recommended that the State party abolishes forced hospitalization and treatment of children in psychiatric hospitals, and provides adequate opportunities for information and counselling to ensure that all children with disabilities have the support they need to express their views.<sup>56</sup> This issue was selected under the 1-year follow procedure of the CRPD, but the Danish government replied simply by reiterating the legal basis for the situation without taking specific initiatives to change the situation.<sup>57</sup>

Question to pose to the Danish government:

Which initiatives has the government launched to reduce the use of coercive measures towards children and juveniles in mental health facilities?

Is there a decrease in the use of coercive measures toward children and juveniles in mental health facilities from the time of the baseline study, 2011-2013<sup>58</sup> until today?

Recommendations to the Danish government:

To ensure that staffing levels and staff competencies in psychiatric institutions are adequate in order to reduce the recourse to coercion in the psychiatric hospitals. This should include allocating contact persons and reviewed guidelines for staff at the child and youth psychiatric wards.

To amend to the Danish Psychiatry Act that hospitalization and treatment of children under the age of 15 against their will legally counts as use of force and grant the children full legal rights.

To propose an action plan to support children with psychiatric diagnoses and their parents with the aim of avoiding the use of force altogether.

#### **7.4 Access to psychological treatment**

In Denmark, psychological treatment of anxiety disorders and light to moderate depression is in part publicly subsidized. However, reduction of payment is only granted to persons at the age of 18 and above. As a result children and young persons under 18 years of age with anxiety disorders and light to moderate depression must pay the full amount for a rather costly treatment (in practice, their parents often pay). It is common that anxiety disorders occur at an early age and, if not treated professionally the consequences for the development of the children may be crippling. It is estimated that the prevalence of anxiety

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<sup>55</sup> <http://www.boerneraadet.dk/media/31161/Det-er-bare-almindelige-mennesker-der-har-en-saarbarhed-til-web.pdf>

<sup>56</sup> Convention on the Rights of Persons with Disabilities, Concluding Observations CRPD/C/DKN/CO/1, 30 October 2014, rec. 20-21 and 68.

<sup>57</sup> <http://www.handicap.dk/files/2358/Sundheds-%20og-%20c3%86ldreministeriets%20opfoerelse%20og%20p%c3%a5%20pkt.%202011%20i%20concluding%20observations.docm.pdf>

<sup>58</sup> Danish Health Authority/Sundhedsstyrelsen: Monitorering af tvang i psykiatrien 2015, page 6.

disorders in need of treatment among children and adolescents is 8-9 %.<sup>59</sup>

The present age limit seems accidental and unfair and it produces inequality in health for children and young persons under 18.

Questions to pose to the Danish government:

What is the reason for setting the age limit at 18 years?

Which initiatives will the government take to enhance access to psychological treatment of anxiety disorders and light to moderate depression for children and young persons below 18 years of age?

Recommendations to the Danish government:

To amend to the positive list for subsidized psychological treatment to include anxiety disorders and light to moderate depression with children and young persons below than 18 years of age.

To propose a comprehensive action plan for improving the mental health of children and young persons below 18 years of age.

## **8. Educational, recreational and cultural activities**

### **8.1 Bullying in Schools**

Bullying is harmful for all children involved. In 2011, the Committee called on the Danish Government to take action<sup>60</sup>, and in 2016, the UN Human Rights Council recommended for Denmark to step up efforts to prevent and address bullying in schools by introducing a range of educational and socio-pedagogical methods and to consider introducing appropriate monitoring of anti-bullying strategies in schools.<sup>61</sup>

According to Danish legislation,<sup>62</sup> all schools must have anti-bullying strategies. Unfortunately, not every third school complies with this requirement. Until now, no sanctions have existed for schools that have not put sufficient efforts into preventing bullying. There has also been a lack of clarity in the legislation regarding the responsibility of school authorities and necessary follow-up actions in cases of failure to comply with the anti-bullying legislation. In some cases, this leaves the children without sufficient protection.

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<sup>59</sup> "Angstlidelser hos børn og unge" (2011), sundhed.dk

<https://www.sundhed.dk/sundhedsfaglig/laegehaandbogen/boernepsykiatri/tilstande-og-sygdomme/kliniske-tilstande/angstlidelser-hos-boern-og-unge/>

<sup>60</sup> CRC/C/DNK/CO/4/paras. 55 and 56

<sup>61</sup> UN General Assembly: Human Rights Council Thirty-second Session Agenda item 6. Universal periodic review: *Report of the Working Group on the Universal Periodic Review\**. Denmark. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/076/29/PDF/G1607629.pdf?OpenElement>

<sup>62</sup> 7 L 534, Jun. 12. 2009 and Bek.nr. 320 26/03/2010

Being subject to bullying is harmful to the development and well-being of children as it can cause loneliness, physical discomfort, anxiety and self-destructive behavior. Moreover, actively participating in or passively observing bullying can affect the mental health and social development of children negatively. Recent studies indicate that one in five pupils in primary school has been bullied. Of these children, six out of 10 indicate that they still feel bullied when asked.<sup>63</sup>

In addition, Denmark has intensified the process to turn to a more inclusive educational system. However, many children with disabilities do not feel comfortable in mainstream school and in some instances this relates to bullying - and therefore some totally drop out for that reason.<sup>64</sup>

In 2016, the Danish Ministry of Education has in cooperation with Save the Children Denmark, Children's Welfare, and the National Council for Children, developed an Action Plan to prevent bullying in day care institutions, primary and secondary schools.<sup>65</sup> With a broad range of recommendations to the various actors on the three levels, the plan provides a coherent and comprehensive effort against bullying. However, the fact that not every third Danish school has an anti-bullying strategy indicates a need for specifically targeted efforts in promoting awareness and knowledge on the nature of bullying. The Danish minister of Education is planning to establish a complaints body under the Danish Centre of Educational Environment. The minister has also proposed for children and parents to first bring claims to the municipal authorities in cases where municipal institutions are involved and to school boards in cases where private institutions are involved. Therefore, the minister has announced a new legislative proposal supporting the Action Plan in order for children and parents to have the opportunity, as a last resort, to refer to a complaints body, when all other measures have failed.

#### Questions to pose to the Danish government:

Which steps will the Danish government take to support the implementation of the Action Plan in order to ensure that schools involved in complaints receive adequate and professional support and guidance?

What steps will the government take to ensure that the Action Plan targets the most vulnerable children?

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<sup>63</sup> Trivselsmålingen 2016, see Ministry for Children, Education and Gender Equality 2016: "*Alle for en, aktionsplan. Aktionsplan til forebyggelse og bekæmpelse af mobning i dagtilbud, grundskole og på ungdomsuddannelser*". Available at: 160818 UVM\_195\_Aktionsplan\_8k.pdf

<sup>64</sup> Disabled Peoples Organizations Denmark know off an unpublished survey in this field – to be published after this report is turned in, but can be delivered at the latest at the end of 2016.

<sup>65</sup> Ministry for Children, Education and Gender Equality 2016: "*Alle for en, aktionsplan. Aktionsplan til forebyggelse og bekæmpelse af mobning i dagtilbud, grundskole og på ungdomsuddannelser*". Available at: 160818 UVM\_195\_Aktionsplan\_8k.pdf

Which steps will the government take to ensure adequate funding to support the Action Plan?

Recommendations to the Danish government:

To introduce appropriate monitoring of anti-bullying strategies in schools.

To adopt legislation that clearly articulates roles and responsibilities of schools in the elimination of bullying.

To ensure that teachers and social workers education includes training in preventing of bullying. Ensure that this training includes training in protection of the most vulnerable children.

To establish a governmental complaint mechanism for children who have been bullied and local authorities failed to intervene.

## **8.2 Children with disabilities in compulsory education**

Since 2012, Denmark has had a transition process towards strengthened inclusion in the elementary school. About 95, 2 % of all children are now in the mainstream school system. Inclusion of children is still a big challenge and not all children with disabilities receive adequate support to reach their full potential. Pupils with disabilities are participating less in school activities such as sports, music, language lessons as well as in the playtime<sup>66</sup>. Some children are staying at home for long periods, receiving no education.<sup>67</sup> There is a lack of time and professional qualifications to include children with special needs appropriately.

Children in need of more than 9 hours of special education per week can file a complaint over the level and quality of the support to the Special Education Board, while children in need of support in less than 9 hours per week do not have such an option. For children with a limited need for support, the support is in most occasions allocated to the class. The need of the single child has often not been assessed, and thereby the support is in many situations not as precise and targeted as it should be. The CRPD has touched upon the issue in its concluding observations from 2014.<sup>68</sup>

According to the legislation about the public school, pupils with more than 15 days of absence from school because of illness/health problems, have the right to substitute education at home.<sup>69</sup> It is the responsibility of the headmaster to provide this but often this is not initiated. There are no options to file complaints to an independent authority regarding a lack of substitute education.

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<sup>66</sup> Disabled Peoples Organizations Denmark know off an unpublished survey in this field – to be published after this report is turned in, but can be delivered at the latest at the end of 2016.

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<sup>68</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDNK%2fC0%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fDNK%2fC0%2f1&Lang=en) (para.55)

<sup>69</sup> Folkeskoleloven § 23 stk. 1, BEK nr. 694 af 20/06/2014 om sygeundervisning af elever i folkeskolen og frie grundskoler

#### Questions to pose to the Danish government:

How will it be ensured that schools and teachers have sufficient time, the right resources and competences to teach children with special needs so they can attend all classes?

How will it be ensured, that children with disability with a limited need for support have proper assessments and that these are fulfilled?

How will it be ensured, that children with a high level of absence, because of disability or chronic disease, are receiving substitute education?

#### Recommendation to Danish government:

To give all children with limited need of adjustments and support the right to have the needs properly assessed and the recommendation for support fulfilled.

To give access to file a complaint for children in need of support below 9 hours per week.

To make it possible to file a complaint to an independent authority regarding lack of substitute replacement education.

### **8.3 Secondary education for children and youth with disabilities**

The Danish 2020-goals include a target that 95% of young people finalise secondary education. However, in practice education at this level is not sufficiently inclusive, including a lack of physical accessibility and knowledge about teaching methods, assistive devices and accessible formats among the teachers and headmasters. Recently the government (and the former government) introduced minimum level of grades to access secondary education. Consequently, there is a risk that the number of young persons with disabilities in secondary education will decrease at the minimum level of grades cannot be met.

Denmark has a 3-year secondary education programme for youth with learning disabilities or youth who for other reasons cannot participate in mainstream education.

#### Questions to pose to the Danish government:

How will the government ensure higher quality in inclusion for young persons with disability in secondary education?

How will the government ensure that young persons with disabilities have equal opportunities to access an education at secondary level?

#### Recommendation to the Danish government:

To ensure that the educational rates of young persons with disabilities be investigated with the focus to reveal barriers.

To ensure that a result-oriented initiative will be taken that the education rate for young persons with disabilities reaches the same level as that of other young people.

## 9. Special protection measures

### 9.1 National initiative for preventing and addressing violence and sexual abuse against children

Since 2012, the Danish government has increased the funds to prevent violent assaults of children and young people with the *National initiative for preventing and addressing violence and sexual abuse against children*<sup>70</sup>. This has ensured that professionals dealing with violence and sexual abuse of children and young people possess adequate competences in discovering and handling such cases. However, current policies solely focus on the children and young people who fall victim to assaults. In order to decrease the number of assaults, preventive measures are needed. Especially measures focusing on potential offenders must be strengthened.

#### Questions to pose to the Danish government:

What measures will the Danish government take to prevent violence and sexual abuse of children from occurring?

#### Recommendations to the Danish government:

To allocate additional funds to the efforts directed at potential offenders including the treatment of (potential) violent perpetrators and sexual offenders.

### 9.2 Addressing rehabilitation of children victims of violence and sexual abuse

Following the Act of 14 May 2013, five *Children's Houses* have been established in Denmark in order to provide a coordinated, cross-sectoral and interdisciplinary approach to cases of violence and sexual abuse of children.<sup>71</sup> The Children's Houses ensure that presumed victims are taken care of in a child friendly atmosphere and every case is handled in a coherent and uniform way. Therefore their establishment mark a very positive step in the Danish government's approach to violence and sexual abuse of children. However, the current legislation only addresses early phases of how the government handles cases of violence and sexual abuse of children. Thus practice regarding later stages (rehabilitation e.g. psychotherapy and social support) varies significantly in the 98 municipalities of Denmark. In some cases necessary specialized qualifications are absent.

#### Questions to pose to the Danish government:

How will the government ensure that later phases of violence and sexual abuse of children are treated in a qualified, coherent and uniform manner across the municipalities of Denmark?

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<sup>70</sup> Danish Social Agency "Assault Package": <http://socialstyrelsen.dk/projekter-og-initiativer/born/overgrebspakken>

<sup>71</sup> BEK no 1153 of 01/10/13 Available at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=158447>

Recommendations to the Danish government:

To expand the legal framework of the Children's Houses and develop a more detailed legislation stipulating the steps in later phases of cases of violence and sexual abuse of children.

### **9.3 Life-sentencing of juveniles**

According to the penal code, juvenile criminals aged 15 to 17 may be sentenced to prison for 20 years. From 1930 to 2010, the maximum penalty for this group was 8 years in prison.

The reporting group is concerned that the government in its fifth periodic report to the Committee has concluded that Denmark has decided not to re-introduce the maximum of 8 years imprisonment for juvenile criminal aged 15 to 17.

The Committee has in its Concluding Observations of 4 February 2011 expressed its deep concern with the amendment to the Danish Penal Code as of July 2010 to abolish the maximum prison sentence of 8 years in cases involving children.

Questions to pose to the Danish government:

How will the government ensure that young people are guaranteed as a mitigating circumstance that they were younger than 18 at the time of their criminal act?

Recommendation to the Danish government:

The government should re-introduce a maximal prison sentence of 8 years for juveniles.

### **9.4 Asylum-seeking and refugee children**

The principle of non-refoulement is stipulated in the Danish Aliens Act § 31. Over the last year, the UN Human Rights Committee and the UN Committee against Torture have criticized the Danish Refugee Appeals Board in a number of cases of not implementing this principle and a high number of cases are pending with the two committees.<sup>72</sup> Specifically regarding the issue of children, the UN Committee against Torture expressed concern in its last examination of Denmark regarding a case involving a child who was deported from Denmark to Afghanistan in December 2014 and who reportedly was killed upon return to Afghanistan. In the light of this case, the Committee recommended Denmark to "put into place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation".<sup>73</sup>

With regard to girls in risk of Female Genital Mutilation (FGM), the reporting group would like to highlight that we share the view of the Committee on this harmful practice.<sup>74</sup> The Danish

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<sup>72</sup> As of August 2016, 130 cases pending before the Human Rights Committee and 10 cases before the UN Committee against Torture.

<sup>73</sup> CAT Concluding Observations to Denmark 2016, para 21.

<sup>74</sup> The Committee on the Rights of the Child General Comment No. 18 on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18) of 4 November 2014, section 7.2, pr. 53: "The practice may lead to a variety



asylum practice on non-refoulement of girls in risk of FGM is not fully effective and does not provide the safeguards to ensure that children are being properly identified as being in risk. The lack of identification is partly because children's asylum cases normally follow their parents, which especially put the children of parents who are supportive of FGM in a vulnerable position. In addition to the identification one could also question if rejections are being issued on a substantiated basis. Two decisions from the Danish Refugee Appeals Board in 2016 regarding deportation of girls in risk of FGM in Somalia reached different conclusions.<sup>75</sup> The reason for this is the assumption that in some parts of Somalia strong women will be able to protect their child from FGM. However, the Danish Refugee Appeals Board's assessing of the rejected woman in the above-mentioned case seems to be on fragile ground. This case is now pending before the Committee.<sup>76</sup>

The reporting group also notes that Denmark has incorporated the European Convention of Human Rights into Danish law and that the jurisprudence of the European Court on Human Rights regarding Article 3 forbids refoulement of persons in risk of FGM.<sup>77</sup>

Questions to pose to the Danish government:

How does Denmark ensure that children will not be deported in violation of the principle of non-refoulement?

Which safeguards in the Danish asylum process ensures the identification of girls in risk of FGM (or other child specific forms of persecution) in their home country?

On what ground are the assessment made regarding a person's ability to protect a child from FGM in their home country?

Recommendations to the Danish government:

To take safeguards to ensure that the principle of non-refoulement is respected in cases involving children and put into place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation.

To ensure that all children in the asylum process are identified when in risk of FGM in their home country.

To develop guidelines to address persons in risk of FGM in the asylum system and how to assess a caretakers' ability to protect a child from FGM.

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of immediate and long-term health consequences, including severe pain, shock, infections and complications during childbirth affecting both the mother and child, long-term gynaecological problems such as fistula as well as psychological consequences and death"<sup>74</sup> which also addresses the legislation and asylum process. "See also joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women.

<sup>75</sup> Danish Refugee Council, case no. Soma/2016/81/MVI and in a not publish case from the 2. February 2016, now pending before CRC, Registration no. 3/2016

<sup>76</sup> Registration no. 3/2016

<sup>77</sup> Case Omeredo v. Austria, judgment no. 8969/10, 20 September 2011, and case E. Collins and A. Akaziebie v. Sweden, judgement no. 23944/05 of 8 March 2007.

Accompanying children should be heard in a child friendly manner during the processing of their family's asylum case if in their best interest.

### **9.5. Identification of children who are victims of torture**

Victims of torture, who seek asylum in Denmark, do not undergo adequate medical screening to ensure that they are properly identified during the asylum procedure. This has a negative impact on children who are victims of torture themselves and/or suffer from having parents who are victims of torture. The Committee against Torture noted this issue in the examination of Denmark last year and recommended: The State party should (a) put into place procedures for the systematic screening and medical examination of alleged torture victims by qualified personnel throughout the asylum process, including at reception centres and places of detention such as the Ellebæk Prison; and (b) ensure that victims of torture are not held in detention facilities and have prompt access to rehabilitation services. The Committee on Human Rights issued a similar recommendation this year (paragraph 34 in CO).

#### Question to pose to the Danish government:

How will Denmark strengthen the medical skills and expertise in identifying torture victims with the staff who performs the (current summary) screening at the accommodation centers?

#### Recommendations to the Danish government:

To include psychologists and other medical staff in the screening procedure and not rely on a summary screening that is primarily suitable for identifying somatic illnesses.

### **9.6 Detention of Children**

The Danish Aliens Act provides for the possibility for the police to administratively – thus not in contemplation of prosecution on criminal charges - detain asylum seekers, including children, pursuant to article 36 of the Aliens Act. In the period 1 November 2014 – 2 December 2015, some 20 children were detained.<sup>78</sup>

The Aliens Act provides that the police should first consider less restrictive measures against foreigners, including for example requesting the person to leave his/her passport with the police or give notice at a specific location (article 34 of the Aliens Act). As an exemption to this main rule, the police might decide – if these less restrictive measures are insufficient - to detain foreigners and deprived them of their liberty pursuant to article 36 of the Aliens Act. Thus, detention should be the exception to the main rule of using less restrictive measures. After a maximum of three days, the court will consider the detention (article 37 of the Aliens Act). In 2011, the authorities introduced a maximum limit of six months for administrative detention pursuant to article 36 (article 37 (8) of the Aliens Act) which in exceptional cases can be extended by 12 months (hence a total of 18 months).

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<sup>78</sup> Answer to the Parliament <http://www.ft.dk/samling/20151/almdel/UUI/spm/130/index.htm>

During the initial max 3 days period, there is no review of the decision by the police. Moreover, after the amendment to the Aliens Act in November 2015 (L 62), the judicial review after 3 days can be suspended by the Minister of Immigration, for example in a situation of mass influx.

Specifically, with regard to children, the European Committee on the Prevention of Torture (CPT) noted after its visit to Ellebæk (Prison and Probation Establishment for Asylum-seekers and Others Deprived of their Liberty)<sup>79</sup>:

*The CPT wishes to recall its position that every effort should be made to avoid resorting to the deprivation of liberty of an irregular migrant who is a minor. Following the principle of the "best interests of the child", as formulated in Article 3 of the United Nations Convention on the Rights of the Child, detention of children, including unaccompanied children, is rarely justified and, in the Committee's view, can certainly not be motivated solely by the absence of residence status.*<sup>80</sup>

Question to pose to the Danish government:

How many children are detained in Ellebæk, in juvenile detention centres and in Vridsløselille?

Recommendations to the Danish government:

The Danish government should amend the Aliens Act and abolish the detention of children for migratory reasons, including detention in centres as Ellebæk and Vridsløselille.

## **9.7 Family reunification**

The Danish Aliens Act was amended in February 2015 with the effect that asylum seekers who origin from countries of armed conflict (typically Syria) would obtain temporary protection status. Temporary protection status entailed a limited right to family reunification (at the earliest one year after their recognition). However, in February 2016 the Aliens Act was amended again<sup>81</sup> with the effect that refugees with temporary protection would not have a right to apply for family reunification until three years after their recognition. It is the view of the reporting group that this limitation is a violation of the right to family life as stipulated in Article 23 in the ICCPR and the article 8 of the ECHR. It is furthermore considered that this practice of systematic separation will violate the best interest of the child (cf. CRC article 3), the right of the family to be reunited (cf. CRC article 10) and a violation of the state party's obligation to ensure the development of the child (cf. article 6, part 2).

Many the family members to the refugees, who are now in Denmark, barely survive under highly insecure circumstances in their home country or neighboring country. Therefore, the reporting group is deeply concerned about the risks these family members face in the course of three years, as well as the stress that is imposed on the refugees in Denmark due to the uncertainty about the protection of their families. Most of the refugees who obtain

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<sup>79</sup> At the time of the 2014 visit, Ellebæk was holding 87 asylum seekers of whom three were women and, in a separate section, 18 detainees (including one juvenile) awaiting deportation.

<sup>80</sup> *Ib*, at para. 76.

<sup>81</sup> Law 102 of 3 February 2016.

temporary protection status have not been united with their husband/wife or children until now. The consequences for the children stuck in the refugee camps or in the conflict zones have not been seen yet.

DIGNITY's clinical work on rehabilitation of torture survivors in Denmark clearly shows that there are severe negative health consequences of this separation including stress and anxiety, which can cause brain damage, primarily regarding the children. The separation can also cause mental and physical symptoms that can occur as anxiety, heart problems, headaches, stomach pain, fear of social affiliation, generalized anxiety disorder, separation anxiety and a constant level of emergency preparedness. These health implications can lead to a more difficult rehabilitation of trauma and generally complicates the integration process into the Danish society.

When granted temporary protection status (Danish Aliens Act §7, 3), unaccompanied and separated children are given the same guidance notes on family reunification as adults. It is therefore often unclear for the unaccompanied and separated children that they have the right to family reunification.

There have been cases where reunification has been denied because the child or the young person has been accompanied by another relative such as an aunt or uncle.

Earlier, the Danish state would pay for the transport for family-unification to the country. This has now been abolished. It is now the responsibility of the refugee to reserve and pay for the tickets to Denmark. Some of the municipalities still choose to pay for family members to separated children, but the practice varies and may leave it to the child to raise the funds. Therefore, children might not be able to be re-united with their parents.

#### Questions to pose to the Danish government:

How is rehabilitation of traumatized refugees affected by the delayed access to family reunification?

Which steps will the government take to ensure that family reunification is dealt with in a positive, humane and expeditious manner?

#### Recommendations to the Danish government:

To abolish the three-year restriction of access to family reunification.<sup>82</sup>

To guarantee separated children the right to family-reunification in cases where the family of the child cannot afford to pay for their own tickets.

### **9.8 Special accommodation for unaccompanied children**

Since the second half of 2015, there have been an increasing number of unaccompanied children at the asylum-centres in Denmark. The younger children, typically from 8 to 12 years of age, represent an especially vulnerable group, as they have experienced a traumatizing

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<sup>82</sup> This was also recommended by the UN Committee on Human Rights in July 2016 (para 35 of Concluding Observations).

flight without their families, with people they often did not know before the journey and suffered from the lack of basic needs. When the children arrive at the asylum-centres they need a secure base to settle down with serene and professional adults.

Today, some younger children are together in centres with 50-100 other children up to the age of 17. This implies a constant unrest and stress with the risk of re-traumatization and stagnation of development for the 8 to 12 year olds. The capacity to overcome a trauma is less developed among the pre-teenagers than the young people of 13 to 17 years. At a centre in Jutland there is established a special accommodation for the youngest unaccompanied and separated children, but only with a limited amount of beds. Such accommodation provides the professionals better opportunities to create a safe, stable and serene relationship with the children.

Questions to pose to the Danish government:

How does the practice conform to the general principle of the best interests of the child?

Recommendations to the Danish government:

To guarantee that the youngest of the separated and unaccompanied children to be placed in care-arrangement suitable for their needs.

**9.9 Durable solutions for children: Time limited residence permits to children in families and separated children. Children of rejected asylum-seekers**

In 2011, the Committee recommended that the Danish Aliens Act should ensure the legal status and a durable solution for children suffering from trauma and diagnosed with psychological or psychiatric problems, providing the social and health measures required for their mental rehabilitation.

The following four issues are of special concern:

1) The protection of the needs of separated children: According to the Aliens Act §9c, 3.1 and §9c, 3.1 (amendment, of 1 January 2011), the residence permit of an unaccompanied minor asylum-seeker with no access to a social network in the country of origin is withdrawn when he turns 18. The uncertain future experienced during the waiting time of asylum can be traumatizing in itself, with grave consequences for the well-being of the child. The child's personal development and integration into the Danish society (e.g., education, personal ties) are hampered by the continuous fear of the future in the home country and by anticipated deportation.

The receiving municipality may also find it difficult to implement an integration programme for the child. The consequences can be greater isolation and traumatization.

2) Temporary protection status for children of some asylum seekers and separated children: Temporary protection status will also be given to asylum seekers 'in need of protection due to a particularly serious situation in their home country characterized by indiscriminate violence and attacks on civilians'. A residence permit is granted for a maximum of one year and after three years for a maximum of two years at a time.

The key issue will be whether the overall situation remains of such a character that the refugee is in need of protection. The extension of the residence permit is not subject to a

minimum period of time. The authorities can revoke the permit at any time, which causes a high level of insecurity, especially to children.

3) Temporary permits have a negative impact on the development of children and are therefore not recommendable: Recently, the Danish Immigration Service (Udlændingestyrelsen) has changed the administrative practice concerning the evaluation of the general conditions in Somalia. As a result, this revokes the temporary residence permits from Somali refugees.<sup>83</sup> This practice can further increase the high level of insecurity, especially concerning children.

4) The well-being of children of rejected asylum seekers: In 2014, the Commissioner for Human Rights of the Council of Europe called on the Danish authorities to ensure full respect of the rights of the children of families of rejected asylum-seekers who cannot be deported to have their best interests treated as a primary consideration in all decisions affecting them, including as members of their families. In the Commissioner's view, arrangements whereby children spend prolonged time in asylum centres are incompatible with these rights.<sup>84</sup>

#### Questions to pose to the Danish government:

How will the Danish government ensure the fulfilment of the right of the children of families of rejected asylum-seekers who cannot be deported to have their best interests treated as a primary consideration in all decisions affecting them, including as members of their families?

#### Recommendations to the Danish government:

To return to the practise of collecting data on the length of the stay of rejected asylum-seekers.

To ensure durable solutions to unaccompanied children by ensuring that their residence permits are automatically renewed when turning 18.

Temporary permits to families with children should only be given or extended for a very short period of time. Otherwise, durable solutions must be found.

To introduce a formal Best Interest procedure before the return of children.

Reinstate the possibility for rejected asylum-seeking families to be housed outside asylum centres

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<sup>83</sup> Newspaper article from the Danish Newspaper Information, the 24. September:

<https://www.information.dk/indland/2016/09/udlaendingestyrelsen-sende-somaliske-flygtninge-tilbage-al-shabaab-kontrollerede-omraader>

<sup>84</sup> Report by Nils Muižnieks Commissioner for Human Rights of the Council of Europe Following his visit to Denmark from 19 to 21 November 2013. Strasbourg, 24 March 2014 CommDH(2014)4.

Available at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2487451&SecMode=1&DocId=2121972&Usage=2>

### **9.10 Private accommodation of unaccompanied children**

A long-standing practice in the Danish asylum procedure has been the possibility for unaccompanied children (UAM) to be accommodated with close relatives immediately upon arrival in Denmark instead of being brought to a reception centre. Of course only if the relatives were deemed capable of taking care of the UAM in accordance with CRC, Gen. Com. No.6. This practice ceased in 2013. According to the current regulations, passed in 2013, a UAM is forced to remain accommodated in an asylum centre for 6 months even if the UAM has close family in Denmark, unless the relatives are parents.

Since the monthly allowances in most cases cannot cover the children's travel expenses in Denmark, the unaccompanied and separated children are routinely cut off from contact with close relatives in Denmark during 6 months. This in turn causes grief and disappointment and it is detrimental to the long term relationship between the UAM and his or her only remaining family in Denmark.

Questions to pose to the Danish government:

Which steps will the Danish government take to bring back the practice to be in accordance with article 3 in the CRC and with General Comment no 6 to the Convention on the Right of the Child?

Recommendations to the Danish government:

To reinstate the practice in force until 2013 and allow unaccompanied and separated children to be accommodated with close relatives immediately upon arrival.

## **10. Follow-up and dissemination of the fifth national report**

### **Recommendations from the reporting group concerning the Danish fifth national periodic report to the Committee:**

The reporting group recommends that the fifth Danish periodic report to the Committee and Concluding Observations (CO) should be translated into Danish and displaced on the homepage of the Ministry of Social Affairs.

The group also recommends that a child friendly version of the CO is made public to a young audience in corporation with relevant partners such as children's newspapers, student groups and other on-line media for children.

## 11. The organisations behind the reporting group

- **Association for Greenlandic Children (Foreningen Grønlandske Børn)**

The Association for Greenlandic Children (AGC) has a vision for all Greenlandic children and young people in Greenland and Denmark to live a dignified life with the opportunity for positive development furthered through a respect for their rights.

Therefore, AGC implements activities that strengthen the resources and skills of Greenlandic children and youth with a focus on children and young people who are particularly vulnerable. We are engaged in activities in both Greenland and Denmark. AGC's activities are academically sound and endeavor to solve the specific problems that characterize the lives of Greenlandic children and young people in both Greenland and Denmark. We consider children and young people to be competent contributors and therefore involve them in the projects for the benefit of all parties.

**Foreningen Grønlandske Børn, Balders Plads 1, DK-2200 Copenhagen N**  
Tel: +45 35 85 83 30, [fgb@fgb.dk](mailto:fgb@fgb.dk) [www.fgb.dk](http://www.fgb.dk)

- **Children's Welfare in Denmark (Børns Vilkår)**

Children's Welfare in Denmark is a private, humanitarian organization working to stop neglect. Children's Welfare in Denmark makes a special effort to benefit those children who are disadvantaged. The purpose is to ensure that all children can get the help they need and to ensure children's right to a good childhood and a good life.

Children's Welfare in Denmark is by the Danish government chosen to be the national carrier of the common European short number 116 111 for child helpline services.

**Børns Vilkår, Trekronergade 126 F 2. sal, DK-2500 Valby**  
Tel.: +45 35 55 55 59, [bv@bornsvilkar.dk](mailto:bv@bornsvilkar.dk) [www.bornsvilkar.dk](http://www.bornsvilkar.dk)

### **DIGNITY**

DIGNITY is a Danish human rights institute, which works with treatment, research, international development work and advocacy. We are present in more than 20 countries where we cooperate with local partner organisations to fight torture and help torture victims and their families to a better life. DIGNITY works to eradicate torture, abuse and organized violence in Denmark as well as abroad. We do so because we know that torture destroys people, increases violence in society and creates a fundamental sense of insecurity and fear in the countries where torture is used. DIGNITY was one of the first places in the world to offer treatment to torture victims. For more than 30 years, we have been helping torture victims to a better life. On a global scale, we work in politics, law and healthcare to make sure that all torture victims get the necessary treatment.

**DIGNITY – Danish Institute Against Torture, Bryggervangen 55, DK-2000 Copenhagen Ø**  
Tel: +45 33 76 06 00, [info@dignityinstitute.dk](mailto:info@dignityinstitute.dk) [www.dignityinstitute.org](http://www.dignityinstitute.org)



- **Disabled Peoples Organisation Denmark (Danske Handicaporganisationer - DH)**

Disabled Peoples Organisation Denmark (DPOD) was founded in 1934 (as "De Samvirkende Invalideorganisationer" – DSI) and has 33 national member organisations representing more than 320,000 persons with disabilities in Denmark. DPOD is the only Danish umbrella organisation in the disability field.

The principal objective of DPOD is to take care of the common interests of the member organisations.

**Danske Handicaporganisationer, Blekinge Boulevard 2, DK-2630 Taastrup, Denmark**  
Tel.: +45 36 75 17 77, [dh@handicap.dk](mailto:dh@handicap.dk) [www.handicap.dk](http://www.handicap.dk)

- **Joint Council for Child Issues (Børnesagens Fællesråd)**

The Joint Council for Child Issues is a network of 20 social organisations, who work for vulnerable and placed children in Denmark. Together, the organisations cater for the care of more than 500,000 children and youth. The Joint Council for Child Issues was founded in 1903.

The purpose is to cater for the common interests of member organisations who are working with the conditions of disadvantaged children, youth and families, to further voluntary work with a social purpose and to formulate political views relating to children on a national and on an international level and raise funds to support the work with vulnerable children and youth.

The Joint Council for Child Issues is in favour of incorporation of the UN Convention on the Rights of the Child into Danish law.

**Børnesagens Fællesråd, Dronningensvej 4, 1., DK-2000 Frederiksberg, Denmark**  
Tel.: +45 24 62 62 29, [bf@boernesagen.dk](mailto:bf@boernesagen.dk) [www.boernesagen.dk](http://www.boernesagen.dk)

- **Save the Children Denmark (Red Barnet)**

Save the Children works in Denmark and in more than 120 other countries. We save children's lives. We protect and strengthen them. We fight for their rights. We are the world's leading independent organisation for children. We provide emergency aid and prevent disasters. We fight violence, abuse and bullying. We ensure schooling, build communities and strengthen children's resilience. We advocate for positive changes for vulnerable children and encourage debate on the quality of children's lives. Save the Children Denmark is a democratic organisation of committed volunteers organised into more than 65 local branches. Volunteers provide children with life changing experiences at holiday camps, on outdoor trips and in local communities. They run second hand shops and lend a hand at the Save the Children collections.

**Red Barnet, Rosenørns Allé 12, DK-1634 Copenhagen K, Denmark**  
Tel.: +45 35 36 55 55, [redbarnet@redbarnet.dk](mailto:redbarnet@redbarnet.dk) [www.redbarnet.dk](http://www.redbarnet.dk)

- **Save the Children Youth Denmark (Red Barnet Ungdom)**

Save the Children Youth - Denmark is an independent youth organisation run by young people for young people. As in Save the Children, the work of Save the Children Youth - Denmark is based on the UN Convention on the Rights of the Child. Save the Children Youth - Denmark has initiated both national and international projects. The activities cover a wide spectrum but are all characterised by an animated commitment and participation of young people. Save the Children Youth - Denmark is working towards general dissemination of the Convention through concrete projects. Save the Children Youth - Denmark is striving:

- For good conditions for all children
- To ensure that all children are being heard and have contributory influence

**Red Barnet Ungdom, Rosenørns Allé 12, DK-1634 Copenhagen K, Denmark**

**Tel.: +45 35 24 85 42, [redbarnetungdom@redbarnetungdom.dk](mailto:redbarnetungdom@redbarnetungdom.dk) [www.redbarnetungdom.dk](http://www.redbarnetungdom.dk)**

**Danish National Committee for UNICEF (UNICEF Denmark)**

The Danish National Committee for UNICEF is the Danish department of UNICEF. UNICEF is the UN Children's Foundation and the world's largest and most influential relief organisation for children. The organisation operates in more than 150 developing countries and in 36 industrialized countries through National Committees within all the areas, which are important to ensure children's rights to survival and development.

Through its work, UNICEF e.g. ensures that children get a good and healthy start in life, vaccinations against the most dangerous children's diseases and equal access to education.

The UN Convention on the Rights of the Child plays a central role in the work, and to aid children who are in need of special protection, e.g. children who are subject to violence and abuse is one of the main working areas, which is given the highest priority. Most of the UNICEF funds are allocated to long-term children's relief. However, UNICEF also provides quick and effective help in emergency situations, because the organization is present when an emergency occurs by means of its network of national offices. The work of UNICEF is solely financed by voluntary donations.

The purpose of UNICEF Denmark is to disseminate the knowledge of the conditions and rights of children, to create an understanding of the work of the organization and to raise funds for this work.

**UNICEF Denmark, Marmorvej 51, DK-2100 Copenhagen Ø, Denmark**

**Tel.: +4535273800, [amfriis@unicef.dk](mailto:amfriis@unicef.dk) [www.unicef.dk](http://www.unicef.dk)**

