

SUPPLEMENTARY NGO REPORT



-to the Danish Government's 4th periodic report
to the UN Committee on the Rights of the Child
May 2009/ June 2010

>> **RED BARNET UNØDOM** <<
SAVE THE CHILDREN YOUTH DENMARK

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to the UN Committee on the Rights of the Child
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Supplementary NGO Report

- to the Danish Government's 4th periodic report
submitted to the UN Committee on the Rights of the Child

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1. INTRODUCTION

This is a supplement to the Danish Government's 4th official periodic report submitted to the UN Committee on the Rights of the Child (the Committee). The report was drafted by organisations which are all represented in a network with focus on the rights of the child. This network has existed since 1991 under the designation: "Samarbejdsgruppen om Børnekonventionen i Danmark" ("The Coalition on the Convention on the Rights of the Child in Denmark"). There is a total of 16 organisations and institutions participating in the Coalition¹. The aim of the Coalition is to heighten awareness of the UN Convention on the Rights of the Child (the Convention, CRC) in order to promote its implementation and its optional protocols in Danish legislation and practice.

The organisations behind the report

The following ten organisations, "the Reporting Group", have drafted the present report²:

- The Rights of All Children (Alle Børns Rettigheder)
- Amnesty International, Danish Section
- The Joint Council for Child Issues (Børnesagens Fællesråd)
- Children's Welfare in Denmark (Børns Vilkår)
- Disabled Peoples Organisation Denmark (Danske Handicaporganisationer)
- DUI - Leg og Virke
- Save the Children Denmark (Red Barnet)
- Save the Children Youth Denmark (Red Barnet Ungdom)
- The Danish Red Cross Youth (Ungdommens Røde Kors)
- The Danish National Committee for UNICEF (UNICEF Danmark)

The organisations from Greenland have decided to prepare their own supplementary report which is included as an independent part at the end of the present report (page 39 – 57).

The National Council for Children and The Danish Institute for Human Rights are independent, national institutions which participate in the Coalition. Both organisations have chosen to draft their own supplementary report, and therefore they are not among the organisations behind this report. We have, however, tried to coordinate the efforts and in this way ensure that as many focal items as possible will be covered in at least one of the three reports. We will also aim at making cross references between the supplementary reports when all three reports are available. However, the responsibility for the individual sections rest with the signing organisations and institutions.

About the writing of this report

Each of the organisations behind the Reporting Group has provided input to the report, primarily in relation to the core areas that the individual participating organisation works with. The Reporting Group has benefited from valuable dialogues about the sections in the report. The content in the individual sections therefore represents an expression of the views of the entire Reporting Group. Save the Children Denmark and Disabled Peoples Organisation Denmark have provided the resources necessary for compilation and editing of the report.

This is an English translation of the Danish version which was finalized in May 2009. The contents of the report have not been updated in connection with the translation.

¹ The Coalition comprises the following 16 organisations/institutions:

The Rights of All Children, Amnesty International Danish Section, The National Council for Children, The Joint Council for Child Issues, Children's Welfare in Denmark, Danish Youth Council, Disabled Peoples Organisation Denmark, The Danish Guide and Scout Association, DUI — Leg og Virke, Foreningen Grønlandske Børn, The Danish Institute for Human Rights, World Organisation for Early Childhood Education (OMEP), Save the Children Denmark, Save the Children Youth Denmark, The Danish Red Cross Youth and The Danish National Committee for UNICEF.

² For more information about these organisations, see chapter 13.

General remarks to Denmark's official report

The Coalition on the Rights of the Child in Denmark was involved at the start of the Government's reporting process, but has subsequently not been heard. It is not the Reporting Group's immediate view that cooperation in the shaping of the Danish Government's report needs to be intensified further as we believe there are good reasons to keep the two processes reasonably separated. On the other hand, the Reporting Group underlines, at the end of the report (chapter 12), that there are many areas where we find that the cooperation between the Danish Government and the Coalition should be expanded in order to strengthen the dissemination of the Convention on the Rights of the Child in Denmark.

In some areas, the situation about dissemination and implementation of the Convention on the Rights of the Child is not satisfactory in relation to what can be expected in a country like Denmark. This relates in particular to the conditions for certain groups of vulnerable children which we have therefore chosen to describe in the report. Issues in the government report that the Reporting Group has not commented on are neither to be construed as consenting with the content in the official report nor anything to the contrary.

2. GENERAL IMPLEMENTATION MEASURES

(CRC Art. 4, 42, 44; Gen. Com. No. 5; COs 2005 C1 5-22; DK's 4th Report II.A-C)

In its Concluding Observations 2005 the UN Children's Committee in Geneva notes that some of the Committee's concerns and recommendations have not been met by Denmark to a sufficient extent, including incorporation of the Convention on the Rights of the Child in national legislation and dissemination of the Convention. These concerns and recommendations have still not been met.

2.1 Withdrawal of the reservation in relation to Article 40

The Committee has previously urged Denmark to withdraw the reservation in relation to Article 40.2 (b) (v) about right of appeal in connection with court rulings. Till now, the Danish Government's response has been that decisions in jury trials (the question of guilt or innocence itself) cannot be appealed, but that this aspect will be taken up in connection with a revision of the Administration of Justice Act.

As appears from the fourth official periodic report this revision was implemented in connection with a court reform which came into force on 1 January 2008. In connection with the implemented reform of police and courts, largely all cases, including jury cases, are heard by the city courts as the first instance. As regards most cases, the reservation will therefore not be relevant as there will be a possibility to appeal the rulings of the city courts to the high courts. However, there will still be cases brought before the high courts as the first instance and which are therefore precluded from concrete two-instance treatment.

The Reporting Group recommends the following:

- Denmark ensures appeal option for both the issue of guilt and innocence as well as sentencing in all cases without limitations so the reservation in relation to Article 40 can be rescinded.

2.2 Incorporation of the UN Convention on the Rights of the Child into Danish legislation

The Danish Government states in Denmark's 4th periodic report to the Committee that the state of the law still reflects that the Convention has not been incorporated directly into Danish legislation, but that in case of an apparent conflict between a Danish statutory provision and a Convention provision the Danish authorities employing courts will follow two unwritten rules – the interpretation rule and the presumption rule - and that is to say to interpret Danish law in line with the Convention so that such conflicts be eliminated or avoided.

The Reporting Group wishes, see Supplementary NGO Report of January 2005, to point out that all experience shows that the conventions which are incorporated directly into Danish law, thus receiving the same status and legal force as general acts will have greater practical significance and be more directly applicable before the Danish courts³.

³ It is generally acknowledged that The European Convention on Human Rights has obtained the prominent position it has today in Danish legal practice because it is incorporated directly and can be applied directly before Danish courts.

Interpretation of Danish acts "in the light of Denmark's international obligations" provides the same protection as if citizens could base rights directly on the Convention on the Rights of the Child. In the event of incorporation, citizens could initiate civil litigation against the Danish Government (the authorities) for not providing citizens with the concrete rights they have pursuant to the Convention in situations where Danish law and the rights protected by the Convention are conflicting.

This is important as the Convention is of relevance to more than one million children in Denmark. In concrete terms, the Reporting Group points at the present rules of family reunification for children older than 15 years, the provisions for mother-tongue teaching, the provisions for preventive custody and solitary confinement for minors as examples of provisions which, in the opinion of the Reporting Group, are in conflict with the provisions of the Convention within certain areas. Direct incorporation would provide citizens with far more efficient legal remedies to have concrete decisions made by authorities tried as well as the conformity of Danish provisions with the Convention. Under the present state of law there are no efficient examination options, but solely the more diffuse "interpretation and presumption rules" which in themselves do not contain any concrete protection of the citizens.

In the opinion of the Reporting Group, citizens do not possess the necessary legal remedies available if, in a concrete situation, they find that a given administrative decision does not provide them with the rights prescribed by the Convention. This also applies if they find that a given general practice/rule of law/legislation is not in conformity with the Convention.

The Reporting Group recommends the following:

- The Convention on the Rights of the Child should be incorporated into Danish law by enactment.

2.3 National action plan

The Danish Government has still not developed a comprehensive national action plan that covers all areas of the Convention, see the final declaration at the World Summit on Children in 2002 in New York (UNGASS), which Denmark acceded to. The Coalition on the Convention on the Rights of the Child in Denmark has repeatedly called on the Danish Government to draw up this national action plan and finds it criticisable that it has not been prepared yet.

The Reporting Group recommends the following:

- Denmark should prepare and implement a national action plan for the areas of the Convention according to the resolution from the UN General Assembly and should follow up on the final declaration from the World Summit on Children.

2.4 Independent complaint board

The Committee has previously recommended Denmark to incorporate the Convention in Danish legislation and that the legal position of children is strengthened by, among other things, strengthening their right of complaining and their practical access to complain. The Reporting Group finds that, continuously, there is a need for practical strengthening of the legal position of children. In many areas, the rights of children, their practical action opportunities and their special prerequisites are not described or not described in a way which makes them practically applicable.

The existing administrative complaint opportunities apply in particular to adults and are not arranged in a way which makes allowance for the special prerequisites of children and therefore lack the ability to handle approaches from children in an expedient manner. There is therefore a need for a governmental ombudsman institution which is independent of all administrative authorities to ensure this decisive access to complaint.

The Reporting Group recommends the following:

- The Danish Government should by statutory provisions establish a governmental, independent ombudsman institution with particular focus on the conditions of children. On the one hand, the ombudsman should perform general advocacy work to promote the rights of children, and, on the other hand, guide children generally and specifically, including entering into individual complaints and providing statements within all areas where regulatory decisions are made in relation to the conditions of children.

2.5 Public knowledge of the Convention

A study made by the National Council for Children in 2008 shows that less than every fifth of the 7th grade pupils interviewed had heard of the Convention on the Rights of the Child. This shows distinctly that Denmark does not, to a sufficient extent, ensure public knowledge of the Convention⁴.

It is also the experience of the Reporting Group from daily contacts with children and professionals that the knowledge of children's rights among many relevant professional groups is insufficient. Chapter 12 provides further recommendations on how to increase the knowledge of the Convention and the control system in Denmark.

The Reporting Group recommends the following:

- The Convention should be included in curricula for both the primary schools and lower secondary schools.
- Systematic and ongoing teaching programs on the rights of the child should be prepared for all persons working for and with children, including justices, attorneys, police officers, civil servants, public employees, teachers, social workers and health staff.

2.6 The Municipal Reform and vulnerable children in Denmark

Since the previous report, major changes have been made in the distribution of responsibility between authorities in the Danish society. The Municipal Reform came into force in January 2007 and entailed that the former 275 municipalities were merged to 98 municipalities, and the regional entities, the counties, ceased to exist. Until 2007, the counties had the regulatory responsibility for specialised areas such as the social area (e.g. vulnerable children) and teaching (including specialised teaching). The municipalities have taken over all areas of responsibility of the counties – apart from the hospital sector which was placed under the five new regions.

In order to ensure knowledge gathering and support to advisory services and documentation of individual cases on children in a vulnerable and complicated situation, a national knowledge and special advisory organisation named VISO⁵ was established. Applications to VISO must go through the central referral unit. Municipalities still make decisions on efforts and have the full regulatory responsibility.

At the commencement of the Municipal Reform, VISO was far from being ready to assume its tasks. In the experience of the Reporting Group, the collaboration between the central referral unit, the professional experts constituting VISO's supplier network, citizens and municipalities still do not function optimally, primarily on account of major bureaucracy in connection with administrative procedures. The Minister for Social Welfare (now: The Minister for Social Affairs) has stated that she has focus on the area and that she has initiated various initiatives to optimise the organisation.

The new municipal tasks comprise a reporting obligation to the regional development council. So far, municipalities have only lived up to their total monitoring obligations to a very limited extent. Altogether there is very limited knowledge of the effect of the Municipal Reform on children and youth in a vulnerable and exposed position. There are various indications that municipalities do not solve the tasks satisfactorily. There are, for example, a major number of complaints in relation to extensive special education which show that children with disabilities and their families experience deterioration of the offers they receive. It is the experience of the Reporting Group that within the specialised knowledge area on sexual abuse of children the tasks are not solved satisfactorily in all municipalities (see further information in chapter 11).

Further referrals in the report to the Municipal Reform refer to this new set-up.

4 A survey made in 2008 by The National Council for Children among more than 1,150 pupils in 7th grade showed that only 18% of the interviewed had heard about the Convention on the Rights of the Child, and 15% answered that they knew what the Convention is. Source: The National Council for Children's Child Panel 2008 (not published).

5 The target groups for VISO are children with disabilities, children with social or behavioural problems, vulnerable groups, social psychiatry, other groups with very complex problems, special teaching and special education assistance to children and adults.

2. 7 International aid and collaboration regarding development

The basis of the Danish development policy, Partnership 2000 (DANIDA, 2000) defines the overall objectives for Danish development assistance policy. The strategy highlights children as a resource in the development process. That children are a priority in Danish development assistance means that the theme should be included in the assistance, where appropriate. The embassies are, among other things, to report separately on the theme every two years.

In support of the Danish efforts for children, guidelines⁶ have been prepared which set out a number of principles for aid and some priority areas for the efforts. The framework for support is UN's eight Millennium Development Goals (MDG-goals), and each of the objectives lists a number of priorities for the aid. The guidelines are primarily intended for use in Danida and at the embassies. There are annual dialogue meetings between the Danish Ministry of Foreign Affairs and Danish actors. Meetings in 2006 and 2007 considered such topics as the need for knowledge about how the guidelines are used in practice, and how the efforts for children are to be monitored.

The guidelines also state that five years after their commencement, an evaluation of Danish aid to children has to be performed focusing on a) achievement of MDG-priorities, b) progress in bilateral and multilateral development and c) collaboration between Danish actors. The evaluation is scheduled for 2010 (Review 2010).

The Reporting Group appreciates the Danish focus on children and welcomes the link between the Partnership 2000, MDG and guidelines.

However, the Reporting Group questions the practical application of the Danish priorities. The reporting from the embassies also suggests that the guidelines are not applied in a targeted manner at the Danish missions and that the Danish efforts are not coordinated. One of the reasons could be that the guidelines for the efforts do not formulate concrete goals for the work or the parameters of how to measure whether the efforts succeed.

The Reporting Group recommends the following:

Denmark should ensure that the focus on children in international aid becomes institutionalised, including the assurance that:

- A central resource base in the Ministry is established to support implementation of the guidelines for assistance to children.
- Guidelines for children in international aid are targeted at the embassies.

3. DEFINITION OF A CHILD

(CRC. Art. 1; COs 2005 D5 30-31 and D8 58 b, c; DK's 4th Report III)

In the Concluding Observations 2005, the Committee recommends that the Danish Government uses all means to ensure that procedure for family reunification fully live up to CRC Art. 1.

The Danish family reunification rules are still not in line with basic international human rights standards, including the Convention on the Rights of the Child - see chapter 6.9 of this report

6 Ministry of Foreign Affairs, "Children and Young People in Danish Development Cooperation", Danida, 2004.

4. GENERAL PRINCIPLES

(CRC Art. 2, 3, 6 and 12; COs 2005 D1 23-27; DK's 4th Report IV.A-D)

In the Concluding Observations 2005 (D1 23-27), the Committee notes, among other things, that the Danish Government should intensify its efforts to prevent and stop all forms of de facto discrimination. The Committee also remarks that professionals working with children should be trained in involving children and that the Danish Government should ensure that municipalities are capable of involving children actively and reassess children's influence on policies and programmes.

In this section the Reporting Group will focus on the transition from child to adult, on the large variations existing in relation to how much children are involved in various fields and the lack of involvement of children in the municipal child policies. In relation to examples of violations of the best interest of the child and concrete examples of discrimination, reference is made to the subsequent chapters.

4.1 The transition from child to adult

For children in a vulnerable position and therefore in contact with social and other authorities, the transition from child to adult often causes problems. In a legal perspective, there are possibilities of establishing a re-entry arrangement and certain measures, such as attachment of personal guides, permanent contact person and 24-hour care centres. In spite of these possibilities, after-care measures for children placed in out-of-home care are often deficient.

When children with disabilities turn 18, a new caseworker is most often assigned to them and who is without knowledge of which process with support, compensation and aids the young person has undergone. These and many other scenarios contribute to creating insecurity in the latter part of childhood. Also for other groups of children placed in out-of-home care, deficient after-care causes problems.

The Reporting Group recommends the following:

- The Danish Government should prepare specific procedures for collaboration between the different authorities in order to ensure a secure transition from child to adult for the children in contact with the social authorities. In this context the Danish Government should include procedures to ensure that the children almost adult are involved in the first part of their adult life.

4.2 Protection against discrimination

The Reporting Group is awaiting a report from the Danish Institute for Human Rights which according to information received will have a special focus on discrimination against children from ethnic minorities. See also the section on children's living standards and starting allowance, including mother-tongue teaching and teaching of children with disabilities and the section on right to family life in this report.

Children with disabilities are almost completely ignored in the Danish Government's report to the UN Committee on the Rights of the Child. The Reporting Group does not find that it is in accordance with Article 2 only to inform about the conditions for children with disabilities cf. Article 23 of the Danish Government's report. Children with disabilities should also be seen as an included part in all issues on the conditions of children. Conditions concerning children with disabilities are therefore dealt with in this report within the relevant sections and articles.

4.3 The child's right to be involved

In the legislative field, there is still unevenness and inconsistency in relation to the involvement of children⁷ For example within the social sphere, there is considerable variation in the lower age limit for participation in the various problem areas. While, for example, there is no lower age limit for children's right to be heard in connection with assignment of special support, a 12-year-old may complain with suspensive effect against a decision on residence, while a 14-year-old cannot complain about a decision on repatriation from a foster family. There is no consultative obligation in relation to children with disabilities as to choice of aids such as wheelchairs and other disability compensating benefits.

⁷ The Danish Parliament — REU gen. part — Annex 363. Background material for hearing on the legal position of children. 1. Application of 30/11-2006 from a number of organisations on strengthening children's legal position in Denmark, Christiansborg, 9/2-2007.

The Care Placement Reform (2006) has led to some strengthening of rules on children's involvement, and it prescribes, among other things, that the municipal council shall ensure that, at least once a year, the municipality interviews children in out-of-home care, and that there must be an interview with the placed child before decisions are taken on new measures - taking into account the child's maturity.

Within other sectors — such as primary school, health and the area of family law – there is similar lack of consequence in relation to children's consultation right during decision-making processes and in relation to children's access to lodging complaints against decisions.

Within the family law area, the Reporting Group wishes, however, to point at improvements within children's right to involvement. According to the Act on Parental Responsibility, which came into force in October 2007, the child's perspective should always be highlighted in all decisions, and considerations must be shown in relation to the child's own points of view according to the child's maturity and age (as to the reservations of the Reporting Group in relation to the Act: See section 6.1).

In relation to municipal planning, all municipalities are required to draft a coherent child policy (see the Care Placement Reform). Unfortunately, it is rare for municipalities to involve children in the development of the child policy.

This scenario is similar to the experience of the Reporting Group that many of the young persons in frequent contact with the authorities do not have a uniform perception of being involved in decisions affecting them.

A project conducted by Disabled Peoples Organisation Denmark in 2008 in relation to the view of children with disabilities of their situation and the involvement⁸ shows that children with disabilities find, to a greater extent than many other children who are in contact with authorities, institutions and health staff, that they are not or only very marginally involved in issues that concern them.

The Reporting Group finds it to be a continuous and general problem that staff in different sectors are not adequately informed or trained in how children may be involved in an appropriate manner.

According to Art. 12, paragraph 2 of the Convention, the child's right to express itself may also be assured by assigning a representative to the child. Under Danish law, such a representative or observer may be a person at least 15 years old from the child's own network⁹.

The Reporting Group considers the existing arrangements to be insufficient as the child should be entitled to an adult person with a professional background who is trained in seeing the issue in a child perspective and who may ensure that the child's legal rights are catered for. In addition, and in the experience of the Reporting Group, the arrangement is not utilised optimally partly because many children do not consider the possibility, and partly because the authorities do not always provide information about it.

Therefore, the Reporting Group appreciates that from the Parliament's special allocation agreement in 2008 money was allotted to Children's Welfare in Denmark, for establishment of a professional, national observer group for children under 18 years.

The Reporting Group recommends the following:

- The Danish Government should develop uniform and transparent rules for the involvement of children based on principles of maturity of the child to ensure children's right to involvement.
- The Danish Government should require municipalities to review the coherent child policy demanding that the review is conducted in collaboration with the children of the municipality. The municipality should be obliged to active involvement of vulnerable children. In relation to the municipalities, the Danish Government should underline that children's right to be heard should apply to all children in Denmark irrespective of any practical difficulties which the involvement may entail.

8 Disabled Peoples Organisation Denmark has on the basis of a project prepared a report on children with disabilities and their own view of their situation and involvement. For a short English version, see: <http://www.handicap.dk/dokumenter/publikationer/meet-me>

9 New rules have come into force on assessors for children in cases on special support pursuant to Act. No. 542 of 6 June 2007.

- The Danish Government should take research and development initiatives that develop ways to involve children with disabilities, including children with intellectual disabilities and children without verbal language.
- The Danish Government should strengthen methods involving children in professional child education programmes.
- The Danish Government should require municipalities to inform stakeholders about the child's claim for an observer with a professional social background and who has been trained in viewing issues in a child perspective and that the municipality assists in making this person available to the child.

5. CIVIC RIGHTS ETC.

(CRC Art. 6-8, 13-17, 19, 37 a; COs 2005 D4 28-29; DK's 4th report V.A-H)

The Reporting Group refers to the reports from the National Council for Children and the Danish Institute for Human Rights.

6. THE RIGHT TO FAMILY LIFE AND ALTERNATIVE CARE

(CRC Art. 5, 9-11, 18, 19-21, 25, 27, 30, 39; Gen. Com. No. 9; COs 2005 D5 30-36; DK's 4th report VI.A-K)

In Concluding Observations 2005 (D5 30-36) the Committee expresses concern in relation to children's rights in placement cases and recommends, among other things, that, before a placement in out-of-home care, thorough investigation is performed and that a thorough plan of action should be conducted with the involvement of children and that Denmark should support recruitment of foster families with a different ethnic background than Danish.

In addition, the Committee recommends that the Danish Government uses all means to ensure that the Danish family reunification rules are consistent with Articles 1, 7, 9 and 10 of the Convention. Furthermore, the Committee has a number of comments on how the Danish Government should ensure early action to combat violence against children and ensure that children who experience violence get protection and help.

In the following, the Reporting Group comments on the need for a sharpened focus on consideration for the best interest of the child in visitation cases.

In relation to placement issues, there have been some improvements on the legislative side, while the implementation of legislation is not guaranteed. Furthermore, it is still necessary to strengthen efforts to combat violence against children in Denmark.

The Reporting Group finds that the Danish family reunification rules do not comply with basic international human rights standards, including the Convention on the Rights of the Child.

6.1 The best interest of the child in the event of care failure in visitation cases and in connection with shared visitation against the wish of one of the parents

If children and youth from divorced families are exposed to care failure (such as alcohol abuse, violence and mental instability) during visitation, the authorities have difficulty in handling information from one parent about the other parent's care failure in relation to the child. The Reporting Group believes that it is frequently perceived as pleadings in a conflict when one parent has problematised the other parent's care ability.

The legislation within the social area is clear. It expresses distinctly that children should be protected against care failure during visitation. It also stresses that attention must be tightened to children in cases where one parent subjects the other parent to violence. In such cases visitation may be repealed.

In visitation cases, problems can arise when social legislation focusing on child protection clashes with family law and the Act on Parental Responsibility that also focuses on the child having a right to two parents.

Questions about visitation are decided by the Regional State Administration. It is the Reporting Group's impression that children in complex visitation cases can be protected much better if the Regional State Administration consistently sends notifications to the social service authorities in the event of suspicion of care failure during visitation. Then the municipalities would have a reason to initiate intensified attention in relation to the families.

In addition, the Reporting Group wishes to point at the decisions on visitation made on the basis of the request from one or both holders of custody. The Reporting Group has knowledge of children whose parents strongly disagree on very important upbringing issues and are forced into a share scheme without support to the parents in making the arrangement function in the best interest of the child.

The Reporting Group recommends the following:

- The Danish Government should ensure that the right of the child comes first in all cases where the interests of the child and the parents' interests collide in visitation cases. The Danish Government should examine the Regional State Administration practice within administration of visitation cases and should ensure that the Regional State Administration, consistently and without delay, informs the social authorities if they suspect care failure during visitation.

6.2 Violence against children in the home

Despite the fact that the Danish Government has launched two action plans to combat violence against women and children¹⁰, the Reporting Group remains concerned as to the protection of children who have witnessed domestic violence or who have been victims of violence during conflicts at home.

Over the past four years, children statistics from the National Organisation of Women's Crisis Centres (LOKK) have shown that over half of the children staying at crisis centres together with their mother, have been subjected to violence from family members and that 75-85 per cent of the children have witnessed violence against their mother¹¹.

Unfortunately, the latest report (2007) from LOKK shows that the municipal efforts in relation to children living with domestic violence are inadequate. The crisis centres' assessment is that some of these children who do not receive support from the municipality are very strained and have a pronounced need for support. To an increasing extent, the crisis centres send notifications about these children to the municipality. According to the report from LOKK, almost half of the children who in 2007 stayed at a crisis centre for more than a week did not receive support from the municipality neither during their stay nor in connection with vacating the crisis centre. As for 74 per cent of the children, either no investigation of the child's situation¹² was conducted or it was uncertain if such an investigation had been initiated.

The study also shows that children's stress level increases in line with the length of time children have lived with violence. This clearly demonstrates the necessity of early efforts. Based on the practical work with vulnerable children, the Reporting Group assesses that the municipalities' deficient efforts in relation to preventive work may be due to both lacking knowledge or lack of communication between professionals (social workers, educators, police and others) surrounding the family. (Violence against children in visitation cases is described specifically in section 6.1 above).

In addition, it is the Reporting Group's impression that citizens are generally hesitant to fulfil their civic duty and inform the authorities and that this reluctance is due to citizens not experiencing any effect of their notifications.

The Reporting Group recommends the following:

- The Danish Government should ensure that municipalities meet their obligations to supervise children during their stay at women's crisis centres.
- The Danish Government should ensure that municipalities always examine the child's situation thoroughly when reports indicate that the child needs special support.
- The Danish Government should implement mandatory training of social workers, policemen, psychologists and attorneys in handling domestic violence and the consequences for children.

¹⁰ The first in the period 2002-2004, the next in the period 2005-2008.

¹¹ 2007 was the fourth time the National Organisation of Women's Crisis Centres (LOKK) issued a national child statistics within the crisis centre area. Please see "LOKK Statistics on Children 2007", and reports of later years in English and Danish at http://www.lokk.dk/PDF/Statistik/LOKK_child_2007_eng%20-%20FINAL.pdf

¹² A so-called section 50 survey.

6.3 The child's rights in connection with placement

The Care Placement Reform now prescribes mandatory examinations before placements based on an overall view¹³. In the official Danish report, the Danish Government has not explained how the country's municipalities meet this legal requirement for examinations.

In addition, the Social Appeals Board has the opportunity to take up placement cases on its own initiative, but there are still no sanctions against municipalities that do not satisfy the statutory provisions on the preparation of examinations.

With the Care Placement Reform, the demands for action plans have also been tightened, and the municipality must now set objectives and targets in relation to the child's development and behaviour, family relations, school conditions, health conditions, leisure relationships and friendships.

It is the Reporting Group's experience that municipalities have not, to a satisfactory extent, prepared the mandatory action plans in connection with placements. This experience is based, inter alia, on minor analyses made by the Joint Council for Child Issues in relation to children who were placed in out-of-home care in 2006 and 2007. The analysis from 2007 shows that, at the start of the placements, action plans had only been prepared for 62% of the placements.

The Reporting Group is also concerned as regards the quality of the action plans which in many cases are not acceptable (see section 8.3 on school attendance of placed children).

The Reporting Group recommends the following:

- The Danish Government should introduce a tightened notification obligation for professionals acquiring knowledge of lacking examinations or lacking preparation of examinations.
- The Danish Government should establish quality standards for action plans and for evaluation of action plans.

6.4 Supervision of placed children

The municipality shall supervise all children residing in the municipality, including those placed in out-of-home care.

The Danish Government has in its reporting explained that the act within this area has been amended since the last report so that it is now prescribed that at least once a year the municipality shall interview children during supervisory visits to the placement. So far, no general guidelines have been set for the content and quality of the supervision.

The Reporting Group recommends the following:

- The Danish Government should set quality standards for supervision of placed children and prescribe that supervisory visits are to take place at least twice a year.

6.5 Placed children's right to family

The UN Committee on the Rights of the Child has recommended to support placed children's contact with their parents unless the contact is against the best interest of the child (VI.A).

The Danish Government has, with reference to the Act on Parental Responsibility, stated that visitation with parents should be determined on the basis of the best interest of the child, and both parents are obliged to ensure that the child has visitation. Section 71 of the Social Services Act states that parents and children are entitled to visitation and contact during the child's placement in out-of-home care.

In the opinion of the Reporting Group there are still examples of visitation taking place even if the child does not want it and where considerations for the parents' rights overshadow consideration for the best interest of the child.

¹³ The Danish Government has accounted for the legal basis of the Care Placement Reform, including section 50 in the Social Services Act (see the official Danish report section VI.G.1).

6.6 Foster families for placed children with foreign ethnic origins

The Reporting Group appreciates that since 2007 the Danish Government has taken several steps to secure more foster families for children with foreign ethnic origin. In addition, the Danish Government has advocated that placement should be arranged with foster families of a similar ethnic background or with Danish foster families with knowledge and understanding of the cultural background and identity of the child.

The Reporting Group recommends the following:

- The Danish Government should ensure that, in connection with recruitment of foster families, there will be emphasis on linguistic, religious, ethnic as well as cultural background.

6.7 Placment of children with disabilities

Some children with disabilities are placed in residential homes because they demand so much care that the task cannot be solved within the framework of the family.

The basis of the placement is therefore not lacking parental capability nor care failure, but the inability to continue to accommodate the child in the parental home. In spite of this, the placement is performed in conformity with the general placement rules. This entails, among other things, that the child benefits are discontinued, and maintenance of the child is managed by the institution. This occurs even if the parents still want and can act as parents with influence on and involvement in, for example, purchase of clothes. They are cut off from this role in relation to the child.

Another problem is that the specific arrangements, aids etc. cannot be granted to parents if and because the child is placed in out-of-home care. Therefore, there is not always enough assistance in the parents' homes to enable them to have their child visit them. A car, for example, will be discontinued if previously support was provided for acquisition of the car. This means that the family can no longer transport the child to different social and family activities during visitations, weekends and holidays. This has a very negative effect on the possibilities for visitation.

The consequences are that the parents' love, resources and relations to the child are not acknowledged and cannot be involved to a sufficient extent. The parents feel that they are deprived of custody of the child. In this way some children with disabilities lose the right to attachment to their parents.

The Reporting Group recommends the following:

- The Danish Government should modify the legal framework so that placement of children with disabilities is undertaken as a part of the compensatory support for disabilities offered to families pursuant to chapter 10 of the Act on Social Services rather than pursuant to chapter 11 unless the basis for applying the usual placement rules are present. Public authorities should not take over the maintenance of the child as the parents both can and want to be parents of their child although placement is necessary.
- Aids, furnishing of the home and additional costs should still be granted to families of children with disabilities although the child is placed outside the home out of concern for visitation with the family.

6.8 The Children's Telephone

The Reporting Group has noted that the Committee, in its concluding remarks of 17 October 2006 to the Optional Protocol on the sale of children, child prostitution and child pornography, has recommended that the Danish Government should increase its financial and technical support to the Children's Telephone¹⁴, including seeing to it being open around the clock and calls being free.

¹⁴ The Children's Telephone is an anonymous child counselling which has existed for more than 21 years without public support, In 2007 there was a total of 35,000 contacts to the Children's Telephone of which almost 10,000 resulted in concrete counselling to children. The Children's Telephone is the largest and most used child counselling in Denmark. The majority of the users are between 10 and 14 years, and a considerable part of the counselling covers for example care failure, violence, eating disorders and incest.

The Children's Telephone is open weekdays from 12 noon to 9 pm, Fridays from 12 noon to 7 pm. The telephone service is operated by voluntary counsellors who all have a professional background within child issues. The Children's Telephone was in 2008 awarded with a pan-European toll free telephone number.

On this occasion, the Minister for Social Welfare pledged to cover the extra telephone costs resulting from a toll free number. Apart from this, the Children's Telephone has not been promised other financial support.

The annual costs of the Children's Telephone include the costs of technical operations, professional development and support, recruitment and retention of volunteers and marketing as it is important that all Danish children are given information about the Children's Telephone. The Reporting Group must therefore conclude that the Danish Government has not to a satisfactory extent acted on the Committee's recommendations and ensured opening hours around the clock.

The Reporting Group recommends the following:

- The Danish Government should finance a free, nationwide Children's Telephone open around the clock.

6.9 Maintenance of the family unity

The Reporting Group finds that the Danish rules on family reunification, which deprives children aged over 15 years of a right to family reunification with their families in Denmark, to be a violation of the Convention which comprises all persons under 18 years and a breach of the clearly fundamental human rights principle of family unity.

The Danish Government has in August 2008 in its reporting to the Committee described the Danish rules on family reunification. The following appears from the report:

*"During the reporting period there have been some amendments to the rules on family reunification of children with their parents in Denmark in order to ensure optimal integration in Denmark and in the best interest of the child"... "It should be noted that in all cases of family reunification it is assessed whether Denmark's international obligations, in particular Article 8 of the ECHR, require granting of a residence permit. Therefore this also covers children between 15 and 18 years applying for residence permit."*¹⁵

The Reporting Group is aware of cases where we do not find that decisions on family reunification for a child aged over 15 years are based on an assessment of the best interest of the child.

The Reporting Group recommends the following:

- The legislation should be amended so that all children under 18 have a legal right to be reunified with their families.

7. BASIC HEALTH AND WELFARE

(CRC Art. 6, 18, 23, 24, 26, 27; Gen. Com. No. 4 and 9; COs 2005 D6 37-46; DK's 4th Report VII.A-D)

In the Concluding Observations 2005, the Committee recommended that the Danish Government uses all means necessary to ensure that children – in particular in poor families and children with a different ethnic background – do not live in poverty. The Committee was concerned that some municipalities do not have specific policies in relation to the care of children with disabilities, and respect for the best interests of the child is not always involved. Furthermore, the Committee worried about the increasing obesity among Danish children.

There has been some improvement, particularly in relation to the care which children with severe disabilities are offered. Nevertheless, the Reporting Group finds that there is still reason for concern in this area, see below.

The Reporting Group also makes the Committee aware of the relative poverty in Denmark and problems in relation to the waiting time for psychiatric evaluations in psychiatry.

7.1 Children's standard of living

The Danish Government's fourth report outlines the welfare services that exist in Denmark and which constitute the social safety net. However, the Reporting Group does not find that the Danish Government's

15 Denmark's fourth report to the UN Committee on the Rights of the Child... page 27.

report reflects the inequality which - despite general prosperity - also exists in the Danish society. This inequality has for years been increasing in line with more people becoming more affluent.

The Danish Government has not enough focus on families whose financial resources are so small that the children can not participate in a comprehensive childhood with leisure activities, events, holidays and friends which otherwise is the norm in Denmark. Studies from the Danish National Centre for Social Research have shown that in particular, children of single parents, children of parents on cash benefit and children in families on starting allowance are affected by the relative poverty.

The starting allowance is the financial assistance which Denmark grants to people who have travelled to Denmark without the means necessary to provide for themselves and who come from countries outside the Nordic countries and the EU – primarily refugees who have left their home countries on the basis of persecution. The benefit is 45-55 % smaller than the lowest, general social benefit (cash benefit). The Reporting Group finds that the starting allowance will appear as an unreasonable differential treatment of children, see Article 2.1 of the Convention on the Rights of the Child, and it is so low that it contributes to placing families in a social situation that prevents children from being integrated into the group of friends.

The Reporting Group also finds that there is insufficient focus on children living in families where, in addition to problems with low income, there are also other problems such as abuse, violence, mental illness, etc. There is not enough focus on the total social capital of the family being too small to develop the competences of the child. These children risk social exclusion with life-long consequences.

The Danish National Centre for Social Research has also conducted a qualitative study on children in resource-poor families where children have been interviewed¹⁶. The survey shows that although children are largely experiencing possession of the same material goods as their friends, several of the children experience being different and outside the group of friends. More than half of the interviewed children do not thrive in school. Several of the children suffer from physical and psychological bullying and do not think they get help from teachers or other care providers.

Children spend much of their waking hours in public institutions or recreational activities specifically intended to help ensure that all children receive the same opportunities. It is crucial that school, leisure activities and day care institutions have resources and quality to compensate for lack of resources at home, thereby ensuring that all children really have equal opportunities.

The Reporting Group is positive towards the Danish Government's allotment of means to strengthen vulnerable children's participation in sports associations. The Reporting Group would continuously like to see that this will apply to other recreational areas. Similarly, it is also encouraging that schools and day care centres can offer a healthy meal, but it should be free so children from families with scarce resources may avail themselves of the offer without limitations.

The Reporting Group recommends the following:

- The Danish Government should recognise that children experience poverty in Denmark, and it should prepare a clear-cut plan for combating poverty among children who grow up under poor conditions that promote social vulnerability and exclusion. Objectives and time frames for the efforts should also be apparent.
- All schools and day care centres should offer a daily complimentary healthy meal.
- The Danish Government should remove the starting allowance.

7.2 Health and welfare for children with disabilities

On 1 October 2008 a new opportunity for home training of children with severe disabilities came into force. The legislation provides parents with the opportunity to train their children using methods such as Doman,

16 "Childhood with deprivation" ("Opvækst med afsavn"), the Danish National Centre for Social Research for Save the Children Denmark, 2006.

Sunrise and others if the child needs a special offer, and the municipality determines that the parents have the resources to perform the treatment¹⁷.

The Reporting Group finds that the obligation to involve and consult the child about its vision of home training is very limited. In connection with supervisions (which are quarterly and vaguely defined) it should either be recorded how the child seems to thrive, or the child should read the annual supervision report and comment on this. On the one hand, the basis for involvement of the child in connection with supervisory visits and assess whether the child seems to thrive seems very limited and provides minimal assurance that the expressions of the child are interpreted correctly. On the other hand, very few children (if any) in the target group for home training will be able to read the supervisory report.

In addition, there should be more focus on the fact that the form of training which may be used presently can be very extensive and may require a large part of the time and energy of the child. In this way the child's right to both education and leisure may be limited.

The Reporting Group recommends the following:

- The legislation within this field should be amended so that children with disabilities are heard systematically and their interests are catered for.
- The professionals who perform the supervisions should receive further training so they become better at using relevant teaching methods and modern IT tools to involve the child and ensure that the child's wishes are understood.

7.3 The physical health of children

The Reporting Group remains concerned about the health of obese children. On an average, children become still more overweight. The tendency is falling among children of affluent families, whereas the tendency among children from poor families is increasing.¹⁸

Obesity has become a new indication of poverty. The reasons for obesity are continuously inadequate exercise, unhealthy eating habits and far too much candy and soft drinks. This entails increased exposure to lifestyle diseases and higher mortality among persons with short education, in particular. It may also contribute to reinforcing a negative social heritage as it is well-known that also lifestyle is handed down from generation to generation to a very great extent¹⁹.

The Reporting Group recommends the following:

- Lower VAT on healthy foods.
- A ban on television advertisements for unhealthy foods aimed at children.

7.4 The mental health of children

For several years, there have been long waiting lists for children in need of psychiatric evaluation and treatment. Now a treatment guarantee has been established to ensure treatment within two months after referral. When the guarantee came into force, the regions, which are responsible for health, announced that they were not ready for that task. The Minister of Health announced in reply that he had not been aware that the regions could not undertake the task, and it did not fall under the Minister's responsibility to provide the regions with the necessary preparedness. Therefore, it does not seem that the waiting time for psychiatric treatment is reduced.

The Reporting Group recommends the following:

- The Danish Government should initiate education of the necessary number of child psychiatrist.

17 Parents have the opportunity to receive compensation for lost income and have the costs for training reimbursed for up to DKK 500,000 per year.

18 See for example "Health and sickness in Denmark 2005", The Institute of Public Health.

19 See for example "Social inequality in health among children", The Institute of Public Health, University of Southern Denmark, January 2008

8. EDUCATIONAL, RECREATIONAL AND CULTURAL ACTIVITIES

(CRC Art. 22, 28, 29, 30, 31; Gen. Com. No. 1; COs 2005 D7 47-50; DK's 4th Report VIII.A-C)

In Concluding Observations 2005 under section D6 (37-38) the Committee notes that the Danish Government should ensure equal educational opportunities for children with disabilities and take steps to ensure that teachers are trained to teach children with disabilities within the regular school system. In the Concluding Observations 2005 (D1 47-50), the Committee notes, among other things, that the Danish Government should intensify its efforts towards ethnic minorities, and that interventions against bullying must be strengthened.

During the period there has been a revision of teacher education, which means that the student teachers are taught special education. As regards children in asylum-seeking families, practices have changed so some of the children now have the opportunity to choose schools other than those in asylum centres.

The Reporting Group does find, however, that the legislative protection of children of asylum-seeking parents' rights to educational offers in Denmark is insufficient. In addition, the chapter points at the discrimination of ethnic minorities as regards native language instruction that takes place in Denmark.

The Reporting Group also points out that conditions of placed and disabled children should be improved and efforts to combat bullying should be strengthened.

Finally, the Danish Government should ensure that the framework for use of force within the areas of school and leisure is defined more clearly.

8.1 Use of force within the areas of school and leisure

The Reporting Group finds that the legal framework for use of force in schools and after-school centres should be reviewed and extended. The set of rules for use of force within the placement area is differentiated and imprecise²⁰. Children do not have the same necessary protection and legal rights within the areas of school and leisure.

It is the Reporting Group's experience that there are situations where physical force is used in schools, in particular in relation to children with developing inhibitions and developmental disorders. In the public elementary school children enjoy only limited protection against use of force by teachers and other staff. Corporal punishment and humiliating treatment is prohibited, but there are also remarks such as "necessary force" may be used against children who injure themselves or others or damage things²¹. There is no definition of "necessary force".

After use of force, the teacher or the principal must record the episode, but it is not clear what is to be done with the records as there are no guidelines for how authorities or parents are to be notified after use of force has occurred. It is a purely municipal issue if reporting is to be performed. If there are no municipal guidelines, it is up to the principals to decide whether or not the use of force is to be reported. It is also up to the principal to decide how parents are to be notified about the use of force.

The problem issues of use of force are further intensified for children placed in out-of-home care, and where the placement has resulted in a total institutional solution so that day care, school and leisure activities take place at the placement site. The child is subjected to the above-mentioned highly restricted rules when the child goes to school at the site of the placement. When the child is at the placement site, but is off from school, another far more differentiated and precise set of rules comes into force.

Often these children are not in regular contact with adults who share the child's confidentiality and who could detect changes in the child's behaviour. Vulnerability is reinforced in these children if force is used and in particular if the use of force is of a violent nature.

As to children in day care – kindergartens, special kindergartens and after-school centres - there are no rules on use of force.

²⁰ Ministerial Order no. 893 of 09/07/2007: "Ministerial order on use of force on children placed in out-of-home care".

²¹ Ministerial Order no. 27 of 12 January 1995 on measures to promote good order in the primary school. Guide no. 14 of 12 January 1995 on measures to promote good order in the primary school. There was a consultation limit on "Guide for special education in day care facilities and placements" on 28 Jan. 2009.

In addition, it is the experience of the Reporting Group that it is difficult to bring cases on use of force before the courts.

The Reporting Group recommends the following:

- The Danish Government should establish set of rules for prevention of use of force. The set of rules should describe how the use of force can take place, when it can not be avoided and how the matter should be treated (rules for registration, reporting to the local council, legal counsel, judicial remedies, court trials, etc.). Rules on notification of parent or guardian and hearing of the child should be included.
- The Danish Government should ensure that children, to the extent possible, maintain day, school and leisure activities in connection with the placement rather than forced total institutional solutions.

8.2 Teaching of children with disabilities

Since the previous report there has been a revision of teacher education, which means that teachers must have special education in their general educational subjects and the opportunity to choose special education as a main subject, and that is a positive development.

It will, however, take another three years (June 2011) before the first teachers graduate after the new teacher education programme. It will take even more years before the teachers from the new education programme constitute a significant share of primary and lower secondary school teachers. We are therefore faced with a continuous need for further education of a sufficient number of teachers within the subjects of special teaching.

Pursuant to Danish legislation, all children are entitled to educational counselling. The children with the greatest difficulties in choosing and proceeding in the educational system are also the ones to be the target of the major counselling efforts. It is, however, the experience of the Reporting Group that very rarely knowledge about the disability area is available at the counselling centres. The counselling efforts in relation to children with disabilities are therefore quite frequently deficient and of a significantly lower quality than the counselling efforts in relation to other children.

Studies have shown that an insignificant number of primary and lower secondary school teachers are physically accessible for persons with disabilities. The Danish Government continuously refers to primary and lower secondary schools being a municipal responsibility, whereas municipalities refer to tight financial conditions dictated by the Danish Government as the reason why the schools are not accessible. Children with disabilities and their families are not involved in education or other local activities if nobody takes the responsibility for ensuring the physical accessibility of the schools.

Municipalities are obliged to make the necessary special teaching support available to children in primary and lower secondary schools. Free schools are not subject to a comparable obligation, and the Reporting Group therefore finds that pupils of free schools are not secured the same access to special education support. Free schools may, according to needs, apply for special education support for children in a collective pool of resources within the realm of the Ministry of Education (the Danish Educational Support Agency). The pool of resources is fixed, and therefore it does not provide the same certainty that a pupil from a free school with a need for special education has access to satisfying the need for special education. It is also seen that the general grant entails that free schools do not want to admit children with disabilities as the school runs a great risk of not having funds to cover the costs. In this way, the arrangement leads to discrimination of children with disabilities and limitation of the children's free choice of school.

The municipalities do not fulfil their teaching obligation in relation to children who, on account of chronic illness, need teaching at home. Pursuant to legislation, the children are entitled to teaching after 15 days of sickness, but in the experience of the Reporting Group, the municipalities do not observe current legislation. The ministerial order covering the area has been in consultation, and therefore it has not been finished on the part of the Ministry of Education, and therefore the Minister of Education, and in this way also the Danish Government have done nothing within this field.

The Reporting Group recommends the following:

The Danish Government should ensure:

- Further education of a sufficient number of teachers within the subjects of special teaching.
- The accessibility of primary schools to people with disabilities.
- That all counselling centres possess knowledge about the disability area.
- That children with disabilities are not limited in the free choice of school.
- That municipalities observe current legislation so that children with disabilities are ensured right to education at home after 15 days of sickness.

8.3 School attendance of placed children

The Danish Government has stated that according to the Care Placement Reform it is required that school attendance shall form part of both examinations and action plans. The Danish Government has not explained how the country's municipalities meet this legal requirement as regards school attendance of the placed children.

The Reporting Group finds, see section 6.3., that the quality of the action plans is objectionable. The criticism is based inter alia on a minor analysis made by the Joint Council for Child Issues in relation to children who were placed in out-of-home care in 2006 and 2007. The study shows that only in 40% of the cases education is included in the action plans. It is not acceptable that an important area such as education is not included consistently in the mandatory action plans.

The Reporting Group recommends the following:

- In relation to the municipalities, the Danish Government should underline that examination of placed children should comprise the children's school attendance, and a strict notification obligation should be introduced for professionals with knowledge of deficient or lacking preparation of examinations and action plans as regards school attendance of placed children.

8.4 Teaching of children in asylum centres

When children of asylum-seeking parents arrive in Denmark, they start at special schools in connection with the asylum centres.

In a reply from the Minister for Education to the Education Committee of the Danish Parliament²² it appears that "as a starting point the education is provided at the asylum centres", and that "children of asylum seekers may participate in the education of the primary and lower secondary schools if permitted by the municipality". According to the Danish Government, this is in conformity with section 76 of the Danish Constitution (all children within the compulsory school attendance age have a right to free education in primary and lower secondary schools).

The school attendance excludes the children from natural involvement in the surrounding community. In addition, children of asylum-seeking parents have during the reporting period had many school transitions between different reception classes, which contribute to mental failure to thrive (see section 9.2) and lack of continuity in instruction. In addition, the instruction in reception classes is directed at children with many different languages and educational backgrounds, and pupils have fewer subjects and lessons than in the Danish primary and lower secondary schools. In various fields, the teaching in reception classes does therefore not reach the requirements of the Danish primary and lower secondary schools²³. This is further problematised by the fact that the children are waiting in the asylum centres for years. It provides no real legal protection that children of asylum-seeking parents "can participate in the education of the primary and lower secondary schools if the municipality allows it".

One of the very unfortunate consequences of education in asylum centres is that children in reception classes cannot take final exams and thus obtain a qualifying diploma. The negative impact is best documented for children who travel back to their home country when the parents have received refusal of their asylum

22 The Minister for Education's reply to question no. 117, delivered on 28 March 2008.

23 Else Christensen and Kathrine Vitus Andersen (2006), *Livsvilkår for børn med familie på danske asylcentre* ("Living conditions for children with family at Danish refugee centres"), The National Institute of Social Research.

application. The experience with Kosovar Albanian children forced to return shows that lack of primary school education with official certificate of what children have learnt has caused many problems²⁴. On their return to the home country, these children had problems with being placed at the appropriate grade - and as for the slightly older children – problems with entering the local educational institutions

The Reporting Group recommends the following:

- The Government should ensure that children of asylum-seeking parents are offered education which meets the requirements of Danish law so children in asylum centres are not discriminated against. The children should in principle have a right to education in local schools as the schools of the reception centres are only a temporary offer.
- The government should introduce a qualifying certificate specifying the grade the individual child has reached in the reception classes of asylum centres and from other school attendance and education.

8.5 Mother-tongue instruction for children with foreign ethnic origins

After the change of government in 2001 the Danish Government abolished the governmental (municipal) obligation to provide mother-tongue education for all children with another ethnic background than Danish²⁵. According to section 5(7) of the Primary and Secondary School Act, in future only children of EU citizens, children from Norway, Iceland and Liechtenstein (EEA-background) and children from the Faroe Islands and Greenland are entitled to mother-tongue instruction paid by the public sector. Children from third-party countries have been deprived of publicly paid instruction in their mother tongue.

Since 2001 it has thus been left to individual municipalities to decide whether to organise and fund the education. In the school year 2007/2008, only 5,000 of the approx. 70,000 bilingual pupils received municipally organised - and in most cases also municipally funded – mother-tongue teaching²⁶. This is extremely serious because children from third-party countries are overwhelmingly from socio-economically disadvantaged homes where any positive support of the learning situation is essential for their schooling and future career opportunities. In the Danish Government's reporting to the Committee in 2003 this discontinuance of the mother-tongue education of children from third-party countries is depicted as "development" in relation to the previous reporting — and not the actual "discontinuance" which in reality was the case. The development was the introduction of compulsory language stimulation to bilingual children from three years of age *in Danish*, which of course has nothing to do with "mother tongue education".

The importance of mother-tongue education to the individual child is clearly documented in international studies²⁷ and recommended, among others, by UNESCO²⁸ and the European Parliament²⁹. In their mother-tongue the children acquire a personal and primary relationship to basic concepts, while the secondary language acquires a secondary character. The issue is that there are two different language skills in the first and second languages respectively, and there are different language experiences of great importance to all subsequent learning. This is not respected by the Danish authorities and causes great damage in relation to the quality of the teaching provided for children with a different ethnic background from third-party countries, and it is very detrimental to the general development³⁰ of these children.

24 "Recommendation for the Return and Reintegration of Rejected Asylum Seekers", Danish Refugee Council and Bayerischer Flüchtlingsrat, May 2008.

25 Act no. 412 of 6 June 2002.

26 "Danmark har ondt i modersmålet — En kortlægning af kommunernes modersmålsundervisning" ("Denmark has problems with the mother tongue – A mapping of the municipalities' mother tongue teaching"). Lene Timm for The Documentation and Advisory Centre for Racial Discrimination 18 November 2008.

27 "A Meta-Analysis of the Effectiveness of Bilingual Education" by Jay P. Greene Assistant Professor of Government University of Texas at Austin March 2, 1998 <http://ourworld.compuserve.com/homepages/JWcrawford/greene.htm>

Research Foundations of the Bilingual Education Act James Crawford, National Clearinghouse for Bilingual Education, March 1997 <http://www.ncele.gwu.edu/pubs/reports/bestevideance/>

28 Dutcher, N. (2004). "Expanding educational opportunity in linguistically diverse societies". Washington DC. CAL. And: [http://unesdoc.unesco.org/Ulis/cgi-](http://unesdoc.unesco.org/Ulis/cgi-bin/ulis.pl?database=&lin=1&gp=0&look=default&sc1=1&sc2=1&nl=1&req=2&au=Dutcher,%20Nadine)

[bin/ulis.pl?database=&lin=1&gp=0&look=default&sc1=1&sc2=1&nl=1&req=2&au=Dutcher,%20Nadine.](http://unesdoc.unesco.org/Ulis/cgi-bin/ulis.pl?database=&lin=1&gp=0&look=default&sc1=1&sc2=1&nl=1&req=2&au=Dutcher,%20Nadine)

29 Texts passed by the Parliament, 2005 "Integration of immigrant communities". P6_TA-PROV(2005)0385. A6-0243/2005

30 See e.g. Arne Poulsen: "Udvikling, risiko og modernitet" ("Development, risk and modernity"), 2002 Klim.

For children in asylum centres, qualified mother-tongue education is particularly important because these children - depending on the outcome of the asylum-application – may possibly have to continue their schooling in their home country³¹.

Teaching in asylum schools should as to "content and scope be similar to the teaching offered to bilingual pupils in Danish primary and upper secondary school"³². However, in 2006 an act was passed specifying that teaching of mother tongues should be a general offer for the children of asylum-seeking parents³³. According to a study conducted by the Danish National Centre for Social Research from 2006³⁴, this offer was only fulfilled to a limited extent by the Danish asylum schools.

The Reporting Group finds that by abolishing the municipal obligation in 2002 to provide mother tongue education for all children with another ethnic background than Danish (and limit the obligation to include only children from countries with a bilateral agreement), the Danish Government introduced discrimination in education. The Reporting Group also finds that the Danish Government concealed this fact in its reporting to the Committee in 2003. This point of view - that the legislation is discriminatory or creates inequality – is something that the Reporting Group shares with international organisations which have also criticised the Danish Government³⁵.

The Reporting Group recommends the following:

- The Danish Government should reintroduce mother-tongue education by law and ensure that all children with Danish as their second language gain access to mother-tongue education. The Government should ensure that municipalities have the necessary financial means to finance the mother-tongue education.
- The Danish Government should ensure that schools at primary and secondary school level introduce learning measures for the children of immigrants, especially those not fluent in the host country language, to facilitate their integration and to avoid that they are treated worse than other children.

8.6 The Danish efforts against bullying

WHO surveys of school children's health and well-being among 11-15 year olds show that the proportion of school children who are bullied often or very often during a school year has fallen from 25% in 1998 to 8% in 2006. The proportion of children exposed to permanent bullying has for a number of years remained constant at 8% - in 2006 it was 5%.³⁶

In 2004 the National Council for Children examined the situation for about 1400 schoolchildren. The survey showed that about every fifth pupil at some time during his school attendance has felt bullied by a teacher. The study also showed that parents' attitude to and mention of others was of great importance to how much their children bully.

The Reporting Group finds that the patterns of bullying are drawn up at a very early age. It is therefore important that there is a focus on an early and preventive action.

On 1 August 2001 the Educational Environment Act came into force. The act comprises pupils, students and other participants in public and private education. On 1 August 2007 the Child Environment Act came into force. The act also covers day care institutions.

31 Experience with forcibly returned Kosovar Albanian Children shows that many years' neglect in maintenance of the original language has serious consequences when children have returned to their country of origin. "Recommendation for the Return and Reintegration of Rejected Asylum Seekers", Danish Refugee Council and Bayerischer Flüchtlingsrat, May 2008

32 Ministerial Order of the Ministry of Integration on teaching and activation of asylum applicants, no. 622, dated 30.06.2003.

33 Section 6 subsection 3 in MO no. 622 of 30/06/2003 in Christensen, E. and Andersen, K.V. (2006),

34 Christensen, E. & Andersen, K. V. (2006) "Livsvilkår for børn med familie på danske asylcentre" ("Living conditions for children with family at Danish asylum centres").

35 See e.g. UN Committee on the Elimination of Racial Discrimination's (CERD) latest response report to Denmark in autumn 2006 CERD/C/DEN/CO/17. See also OECD: EDU/EC(2004)4, and EDUCATION COMMITTEE

Special Session of the Education Committee: "Pilot review of the Quality and Equity of Schooling Outcomes in Denmark". Examiner's report. 9 June 2004 in Copenhagen, Denmark: Items 267 and 368.

36 See also latest survey from the National Council for Children "Mobning 2008" ("Bullying"), March 2008.

The child and education environment acts are necessary, but not sufficient steps in combating bullying. The legislation lacks a clear indication that the responsibility for efforts to combat bullying is lodged with the school management and board, and there are no sanctions or compulsory measures in cases where a school(s management) does not meet legal requirements.

The Reporting Group recommends the following:

- The Danish Government should initiate passing of legislation against bullying which makes it easier for principals, day care institution managers, teachers, educators and pupils to take action in the event of bullying. The act should ensure early prevention of bullying and ensure the focal involvement of children in this preventive work. The act should also oblige municipalities to integrate bullying strategies in the municipality's overall bullying policies.
- The government should amend the Child and Educational Environment Acts to a specific Working Environment Act so it contains a clear obligation to act and a clear placement of responsibility.

9. SPECIAL PROTECTIVE MEASURES

(CRC Art. 12, 18, 20, 22, 27, 37, 39, 40; Gen. Com. No. 6; COs 2005 D8 51-58; DK's 4th Report IX.A-I)

In Concluding Observations 2005 the Committee expressed concern about conditions in reception centres for children in asylum-seeking families - particularly regarding the psychological support that the children are offered, as well as their leisure activities. In addition, the Committee was concerned about the unaccompanied children who disappear from the reception centres. The Committee had comments on the practices in relation to children in criminal justice, including in connection with detention in solitary confinement. The Committee's comments on improving the control of sexual abuse are treated in chapter 11 of this report.

Some improvements for children in asylum-seeking families have been implemented, in relation to the psychological support the children are offered. The Reporting Group finds reasons for continued concern, see below. There are no investigations of the disappearance of the unaccompanied children.

In addition, the Reporting Group has decided to make the Committee aware of the right of children in asylum-seeking families to be heard in immigration matters, children's schooling, the long waiting times and forced return of children who have been waiting a long time. In addition, the Reporting Group draws attention to lack of documentation of unaccompanied UN refugee children in Denmark.

Lastly, the Reporting Group points at the many factors that should be improved so that children's conditions in criminal justice is adapted to children's particular situation, age and maturity stages.

Children in asylum-seeking families

9.1 Children's right to be heard in immigration cases and children's own asylum and protection motives

There is no mapping of the extent to which children are heard in immigration matters. (The term includes here visa applications, family reunification and asylum and deportation cases, applications submitted in or outside Denmark, and unaccompanied children and children who are in this country with their parents)³⁷.

Based on experience with individual cases, however, the Reporting Group believes that there is no established practice to hear children in immigration matters, and that means that hearing of the children is often omitted. The consequence is, in the opinion of the Reporting Group, that the statement of the children is therefore often disregarded. Particularly in immigration cases, it is extremely important that children have the opportunity to comment because decisions have such profound consequences for both children and their family, if any.

In relation to the children's independent asylum motive³⁸ it is largely up to parents in their asylum interview to draw attention to their children's potential protection motive.

³⁷ In Sweden and Norway mappings have been made. See e.g., Swedish Refugee Advicecenter and Save the Children Sweden: "Barns egna asylskäl, Uppföljande kartläggning 2005" and Hilde Lidén et al.: "Å høre barn i utlendingsaker", Institute for Social Research 2008, report ordered by Utlendingsdirektoratet (UDI).

The Reporting Group wishes to emphasize that the child's right to comment is not a requirement, and it should be up to a child-professional assessment whether the child has sufficient maturity to be consulted.

The Reporting Group recommends the following:

- The Danish Government should ensure children's rights to be heard in all immigration matters that affect them and ensure that the child's independent asylum motives are always involved. The Government should ensure that parents and children in an asylum case receive a reasoned decision that attaches weight to the child's perspective.
- The Danish Government should ensure that decision-makers, lawyers and representatives of asylum seekers are taught how to involve children, child protection-specific motives and child-specific forms of persecution.

9.2 Mental and physical recovery of children in asylum-seeking families

Since the last reporting there has been additional focus on the mental state of children in asylum-seeking families. Several recent studies conducted within the last two years show that many of the children show signs of mental illness and are affected by the traumas that their families have been afflicted with.³⁹

A report from Amnesty International on newly arrived asylum seekers in Denmark shows that almost half have been tortured before their arrival⁴⁰. The Danish Government states in Denmark's fourth report that it is part of the government program from November 2007 that the situation of traumatised asylum seekers should be improved. In order to prevent psychological problems in children of asylum-seeking families the Danish Red Cross now offers psychological screening of all newly arrived children. In addition a psycho-education offer is provided⁴¹. The project began in December 2008 and runs provisionally over two years.

The Reporting Group considers the new measures to be positive. The Reporting Group thinks, however, that greater attention should be directed at the fact that many of the children's poor mental state is not only a result of past traumatic experiences, and that many of the children suffer directly from a worse condition because of the long residence time in asylum centres and the many migrations between various asylum centres⁴². It is about one third of the children aged 4-16⁴³. For children who have been asylum seekers for more than a year, there is an increased risk of mental failure to thrive ⁴⁴.

According to the Act on Preventive Health Conditions children in asylum centres have a right to receive aid equal to what Danish children receive. Municipalities where asylum centres are located have supervisory responsibilities for the children. The children in asylum centres must be treated like Danish children in relation to receiving social and health measures. A study by the Danish National Centre for Social Research based on 20 case studies shows that efforts vary from municipality to municipality⁴⁵.

38 See more on child-specific protection motives e.g. in UNHCR: "Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum", 1997 (UNHCR is developing new age-sensitive guidelines); Edwards, Alice: "Age and Gender Dimensions in International Refugee Law", 2003; General comments No 6 on Treatment of Unaccompanied and Separated Children outside their Country of Origin p. 19 (VI, d, 74).

39 See the National Centre for Social Research: Livsvilkår for børn med familie på danske asylcentre", 2006; Eva Christiansen et al.: "En børnepsykiatrisk børnepsykologisk undersøgelse af 6 asylbørn – en humanitær indsats for asylbørn ved gruppen af speciallæger og psykologer", October 2007; Signe Smith Nielsen et al: "Psykiisk helbred blandt asylbørn i Danmark", Ugeskrift for læger 169/43, 22 Oct. 2007; and S:S: Nielsen et al: Mental health among children seeking asylum in Denmark – the effect of length of stay and number of relocations: a cross-sectional study", BMC Public Health, 8:293, 2008.

40 Amnesty International: "Asylansøgere i Danmark — En undersøgelse af nyankomne asylansøgere helbredstilstand og traumatiseringsgrad", 2008. A survey where it has been tried to involve all newly arrived asylum seekers irrespective of age. Children under 18 were informed and examined in the presence of the parents.

41 Psycho-education shall increase the individual person's awareness of reactions to traumatised events and in this way develop methods to master the complications following from the trauma.

42 The average stay at the asylum centres was in 2007 three years and one month. Some families and individuals have stayed up to ten years in Danish asylum centres (Figures from the Danish Immigration Service).

43 Signe Smith Nielsen et al, 2007.

44 S.S. Nielsen et al, 2008.

45 The National Centre for Social Research, 2006.

The Reporting Group recommends the following:

- The Danish Government should ensure that children in asylum-seeking families are not moved between centres in Denmark.
- The Danish Government should ensure that children whose parents are seeking asylum stay the shortest time possible and never more than one year of uncertainty in the Danish asylum centres
- The Danish Government should ensure physical and psychological rehabilitation of children who have already developed mental disorders due to the long waiting times in asylum centres so they are put in the same position as Danish children.

9.3 Forced repatriation of children after many years of residence in Danish asylum centres

Some asylum-seeking families have been accommodated in Danish asylum centres for many years. Several children in asylum-seeking families were born in this country. During the summer of 2006 Denmark began repatriation of rejected asylum seekers from Kosovo.

In April 2007, the Danish Ministry of Foreign Affairs granted DKK 4.4 million to the Danish Refugee Council for medical and psycho-social assistance to the Kosovo Albanians to be repatriated. The project ended in 2008. Based on the Danish Refugee Council's experience, it is now possible to form a picture of what happened to the children and their parents after they returned to Kosovo⁴⁶.

The returned children have had big problems with socialisation in schools and in their leisure time. Several of the children have shown signs of mental problems (stress, PTSD, adjustment difficulties). There is not presently available data as to the returned children's mental and physical health⁴⁷.

Denmark is negotiating a forced repatriation scheme with Iraq for 541 Iraqi refugees who refuse to return home voluntarily. Of these 85 are children⁴⁸. If such repatriations are realised, it will happen despite UNHCR's recommendation not to repatriate Iraqis who refuse to leave voluntarily.

The Reporting Group recommends the following:

- The Danish Government should immediately stop repatriation of the children who have developed mental disorders as a result of many years of residence in Danish asylum centres and uncertainty of the family's future.
- The Danish Government should ensure that the principle of the best interest of the child is included in all future decisions on forced repatriations.
- The Danish Government should take account of the child in the treatment of asylum cases so asylum-seeking families receive residence permit after one year if it was not possible to repatriate them. The residence permit is to be granted with a view to permanent residence and integration into Danish society with support for housing, work, education and health.

Unaccompanied refugee children

9.4 Unaccompanied UN refugee children

Every year, both unaccompanied asylum-seeking children and unaccompanied UN quota refugees arrive in Denmark. The unaccompanied children who come as UN refugees will not stay in a reception centre in Denmark, but will be referred directly to municipalities.

It is the receiving municipality's responsibility to place children in appropriate residential accommodation and provide them with education or integration offers. Unaccompanied children are referred to a large number of municipalities. Consequently, it is not the case that the task is mainly concentrated in a few municipalities which therefore have the opportunity to build up special competences to receive this group of children. In

46 It covers a total of 84 persons of which 35 were children, and 32 of these were under 18 years when returning. "Recommendation for the Return and Reintegration of Rejected Asylum Seekers", Danish Refugee Council and Bayerischer Flüchtlingsrat, May 2008.

47 Eight of the returned adults among the 84 persons who accepted help suffered from severe mental health problems, Danish Refugee Council, 2007.

48 Figures from the Danish Immigration Service.

the opinion of the Reporting Group such an arrangement would favour the possibility of concentration of resources and specific expertise, and this would be expedient.

The existing documentation on unaccompanied quota refugee children is very sporadic. Statistical material on age and sex is not even available.

The Reporting Group's experience is that municipalities may find themselves totally unprepared for the big challenge it is to receive a group of children or a single child that comes directly through one of UNHCR's resettlement programs. Often the children do not receive a guardian/representative until long after their arrival, if ever, before they turn 18⁴⁹.

The Reporting Group recommends the following:

- The Danish Government should ensure the unaccompanied UN refugees their rights as described in General Comments no. 6 (2005), including:
- The Danish Government should prepare covering statistical material and data collection about unaccompanied UN refugees.
- Unaccompanied UN refugees should have a representative/guardian assigned immediately after arrival in Denmark.
- Staff working with unaccompanied UN refugees in the municipalities should receive the necessary training in children's rights and special needs.

9.5 Disappearing unaccompanied asylum-seekers

Every year, a significant number of unaccompanied asylum-seeking children who come to Denmark disappear before final processing of their asylum case. The children stay away from the reception centre, and, to a great extent, there is only the presumption that they proceed and seek asylum in other countries.

The problem has previously been brought to the attention of the Committee. The number of children disappearing has not declined since Denmark's 3rd report. In 2006 it was 73% of the unaccompanied refugees who disappeared. However 22% of these children reappeared at the reception centres again. In 2007 it was 69% of the unaccompanied refugees who disappeared. And 25 % of these children reappeared after some time⁵⁰.

There is not much concrete knowledge of the whereabouts of these children. In response to a question from the Aliens and Integration Committee of the Danish Parliament about the 605 children who since 2002 have been registered as disappeared, The Minister for Refugees, Immigrants and Integration stated that they have "left, are considered to have left the country or are still registered as being absent"⁵¹.

It causes concern that so many children disappear without Danish authorities acquiring knowledge of their further fate. The fact that many children disappear after just a few days stay in Denmark may indicate that from the first step, the children were only making a transit stop in Denmark. The fact that by all indications the children can stay in Denmark without renewed contact to the authorities or that they can travel through several EU counties without being registered in EURODAC and returned to Denmark indicates that the children reside illegally in Denmark or in other countries. If these children are residing illegally in another country, then they are particularly vulnerable to being exploited.

Since the previous report no survey has been made of the unaccompanied children who disappear. However, there has been pressure on the Danish Government in the period, and it is reported that immigration authorities have initiated efforts to prevent disappearances in connection with the Dublin procedures (see section 9.6 on the Dublin Regulation).

49 These experiences are based on interviews with employees of the receiving municipalities, professionals, employees of residence institutions and interviews with the children themselves.

50 Figures from the Danish Red Cross in Information on 11 August 2008. The figures have subsequently been verified by the Danish Red Cross to the Reporting Group.

51 June 2008

The Reporting Group recommends the following:

- The Danish Government should initiate timely practical measures to prevent unaccompanied children's disappearance (see concrete proposals in section 9.6 on the Dublin Regulation and section 9.7 on Unaccompanied children's right to representation).
- The Danish Government should initiate a survey of the high number of unaccompanied refugee children who disappear. The result of such an investigation should in future guide the Danish Government so that unaccompanied children's rights are respected.

9.6 Unaccompanied children and the Dublin Regulation

The immigration authorities follow the Dublin Regulation rules in cases where unaccompanied minor asylum seekers have previously applied for asylum in a member state and subsequently enter Denmark and lodge application for asylum again.

It is the staff of the Danish Red Cross⁵² who at the introductory interview informs the unaccompanied children of the possibility of having their asylum case treated in another country if the child has relatives in other countries⁵³. The Danish Red Cross also asks the Danish Immigration Service not to return the child to another country where he resided if the child has relatives in Denmark⁵⁴. The Minister for Integration also decided in July 2008 to stop the return of unaccompanied children to Greece following an assessment of available information on the reception conditions of unaccompanied minor asylum seekers in Greece⁵⁵.

Finally, it appears from the Danish Government's action plan to combat human trafficking 2007-2010 that in their case processing the immigration authorities will, among other things, take "into account the child's age, health condition and affiliations to Denmark".

The Reporting Group believes that one of the reasons why unaccompanied children disappear from asylum centres is their fear of being returned to another EU country⁵⁶. Children should only be returned if it is in their best interest, and therefore the Danish practice is not sufficient. The Reporting Group estimates that fewer children would disappear if they were guaranteed that they will only be returned if it is assessed to be in their best interest.

The Reporting Group also believes that it is of fundamental importance to the confidence-building work in relation to all unaccompanied children that the child representative or other care givers can help a child to calm and comfort. Of course this applies particularly in relation to children who are suspected to be victims of trafficking. A quick return does not guarantee an opportunity for the necessary identification process⁵⁷. Neither does a quick return guarantee an opportunity for conducting an investigation of what is the best interest of the child.

Finally, the Reporting Group finds that the child's right to information is not guaranteed appropriately in the Danish system. It is not enough that the task of informing the minor in relation to the Dublin Regulation is

52 Danish Red Cross operates the reception centre for unaccompanied asylum-seeking children.

53 Article 15 in Dublin II Regulation: Separated children shall be reunited with family members in another Member State on humanitarian grounds if it is in their best interests.

54 Article 6: "Where the applicant is a separated child, the Member State responsible for examining the application shall be that where a member of his/her family is legally present, provided that it is in the child's best interests. In the absence of a family member, the Member State responsible shall be that where the child has lodged his application for asylum."

55 In this way the Danish Government may in certain cases use the right of the states to use Art. 3(2) in the Dublin Regulation: the 'opt out' clause — each Member State may examine an application for asylum lodged with it by a third country-national, even if such examination is not its responsibility under the Regulation's criteria.

56 The Reporting Group bases this assessment on one of the reporting organisations' experiences from the work in a collaboration group under the Social Ministry in 2006. The collaboration group's focus was potential victims of human trafficking, but via this work it became evident that children disappear when they are notified of a decision of return to another EU country. There are different reasons why the children do not wish to be returned. In some cases it is based on fear that the other EU country will deport the child to the home country and in other cases that another country was the aim of their escape. The Reporting Group also has knowledge of cases where children have not wished to be returned to traffickers in the country in question.

57 See CRC art. 8 and the European Council Convention against Human Trafficking.

placed with social workers in a reception centres⁵⁸, who are not educated or trained to give legal advice and do not formally have it as their responsibility.

The Reporting Group recommends the following:

- The Danish immigration authorities should only use the Dublin Regulation in the cases where it would be in the child's interest to follow the Dublin Regulation. In all other cases the authorities should deal with the child's asylum case in Denmark⁵⁹.
- The Danish Government should ensure that all unaccompanied minor refugees are granted an attorney already on arrival in Denmark until the asylum process is finally completed, ensuring the child's right to information (see section 9.7 on representative and attorney).

9.7 Unaccompanied children's right to a representative and an attorney

Unaccompanied children have in consequence of Gen. Com. No. 6⁶⁰ a right to both a person with the responsibility to represent the child's best interest in all circumstances (hereinafter referred to as the 'representative') and a person responsible for carrying out the child's legal interests (hereinafter referred to as the 'attorney').

In Denmark, the representative's task is described in the "Guide for representatives"⁶¹. The arrangement came into force in 2003. By an amendment to the Aliens Act, which came into force in August 2007, it is required that the appointment of the representative takes into account whether the minor has been subjected to trafficking. The scope of the representative system⁶² was simultaneously expanded from only to unaccompanied minor asylum seekers to all unaccompanied alien minors who come to Denmark. In the event of a child suspected of having been trafficked or in specifically complex situations, a professional representative is appointed who is employed by the Danish Red Cross. In all other cases the representative scheme is based on volunteers. The Danish Red Cross is in charge of the representative system in both cases.

The Ministry of Integration decided on 26 June 2007 to establish a working group to evaluate the representative system. The evaluation is not available at present (January 2009).

Although the representative's duties in many ways are consistent with General Comments no. 6, the Reporting Group is convinced that the implementation of the system comprises factors that should be improved:

- Often children are not assigned a representative at a sufficiently early stage.
- Many of the representatives choose to take the responsibility to represent the child in the asylum proceedings in relation to the authorities involved⁶³. This practice is problematic because representatives often lack the adequate legal background to effectively complete this task.
- The task of representative ceases when the child obtains a residence permit. It is not always the case that a guardian is appointed in the municipality. There is an urgent need for the children in these situations to be supported by an adult who can mentor them and ensure their best interests during their integration into Danish society.

The attorney's job is to defend the child's legal interests. Experience has shown that unaccompanied asylum seekers are in need of legal advice much earlier in the process than it is the case today. The problems surrounding the Dublin Regulation (see previous section) mean that children disappear because they do not get assurances that considerations for their best interests are weighted. What matters most to these children is their possibility to stay. Therefore they must also have assistance with all their questions about their chances of staying.

58 Such an arrangement does not live up to standards as described in General Comments no 6 ((V, b), 33.,36.,37, relating to Arts. 18 (2) and 20 (1).

59 And in this way use the option in Article 3(2) in the Dublin Regulation.

60 See CRC art. 18(2), art. 20(1) and General Comments no. 6 (2005)

61 Guide for representatives June 2003, prepared by the Integration Ministry, The Aliens Department, Danish Red Cross and Danish Refugee Council.

62 Section 56 of the Aliens Act.

63 This is due to the fact that unaccompanied are not assigned an attorney before their asylum case is treated in the Refugee Council (when a refusal is appealed).

Moreover, the application for residence under section 9b or section 9c of the Aliens Act is left to the minor himself, in collaboration with the child representative. Many unaccompanied children in Denmark are looking precisely for residence according to sections 9 b and 9 c, but are often unaware of their rights in this regard. If they were informed of their actual opportunity to obtain a residence permit, it could in many cases prevent them from having the same incentive to disappear.

The Reporting Group recommends the following:

- The Danish Government should establish expanded training of representatives of unaccompanied refugees including teaching in the representative's obligations pursuant to Gen. Com. no. 6, the Convention on the Rights of the Child, the Social Services Act, the Aliens Act and relevant sections of criminal and procedural law and appeal in connection with resolutions and decisions.
- The Danish Government should establish an independent access to appeal for representatives of unaccompanied refugees.

Protection against sexual abuse

The Reporting Group refers to chapter 11 of the Optional Protocol on the Sale of children, child prostitution and child pornography.

Children in the criminal procedure

9.8 Preventive custody of children aged 15 to 17

The Reporting Group remains concerned that existing Danish legislation provides opportunity for children between 15-17 years to be remanded in preventive custody together with adults.

Under the current rules, the 15-17 year olds are to be placed in special institutions for young people, the so-called remand surrogates, but up to half of all under 18 years who receive an unconditional prison sentence or youth sanction have been placed in a prison during the whole or parts of the remand period.

The rationale for placing 15-17 year olds in prison, although it involves young people in detention along with adult inmates⁶⁴, is that there is inadequate capacity in the closed institutions where, according to the act, young people should normally be placed.

The Reporting Group finds it unacceptable that resource issues are decisive for not placing the under-18s under conditions matching their age and maturity. It is not consistent with the child's best interest to be placed with adults suspected of crimes.

According to the Administration of Justice Act there are two time limits for remand - 4 and 8 months depending on the penalty for the crime that the child is suspected of having committed. The limits can be waived if there are exceptional circumstances. These rules may in the opinion of the Reporting Group lead to quite unreasonable results⁶⁵.

9.9 Solitary confinement of children aged 15 to 17

According to section 770 C subsection 5 of the Administration of Justice Act it is permitted to place 15-17-year olds in solitary confinement for up to 4 weeks. If the child is charged with violation of the Penal Code's Chapter 12-13 (crimes against national security/terrorism) the limit of 4 weeks does not apply. The Reporting Group is concerned that the amendment has led to a weakening of the protection of 15-17 year olds. In the opinion of the Reporting Group 15-17 year olds should never be placed in solitary confinement, but instead in institutions where the purpose of isolation (in relation to the investigation of proceedings, etc.) is achieved without the severe load of solitary confinement.

64 The country's prisons are obsolete and constructed in such a way that the remand prisoner is actually alone 23 hours a day (without being together with others) – i.e. placed in de facto solitary confinement. The remand prisons are because of their obsolete arrangement often more of a burden to be in than the ordinary prisons where persons found guilty of crime are placed.

65 The Reporting Group knows as at January 2009 that a now 17-year old who when he was 15 committed murder which he confessed at once has now been remanded for 17 months and is still remanded.

9.10 Imprisonment of 15-17 year olds

Under the current rules, children who are sentenced to imprisonment, serve sentences in secure/closed day institutions in a social education framework which acts as a surrogate prison. But as in certain cases these institutions can refuse to accept the children in question, it means that there are 15-17 year olds who are placed to serve their sentence in the realm of the Prison and Probation Service - as far as possible in institutions, but also in ordinary prisons for adult convicts.

Children, who serve their sentence in prisons, do so together with adult inmates. The explanation for doing so is that it is not possible with existing resources to ensure sufficient and appropriate activation offers for the children. The Reporting Group finds that it is not in the best interest of the child to serve his sentence together with adult criminals. In addition, it is unacceptable that the welfare of the child is disregarded with purely financial arguments.

9.11 Youth sanctions

Youth sanctions are used primarily for young people who otherwise would be sentenced to imprisonment of between 30 days and 18 months. The underlying purpose of imposing a youth sanction is positive. It can contain different combinations of a short placement in a closed institution, followed by an open institution and educational, social and other measures.

A youth sanction is always biennial. Therefore, the Reporting Group fears that the intention of youth sanctions is in some cases countered by the fact that a proportion of young people can experience the youth sanction as an extra punishment because of the longer time-period than the typical prison sentence and therefore they do not cooperate optimally.

9.12 Sentencing procedures for children under 15 years of age

Children down to 12 years may be placed in a secure residential institution (closed institution). The Reporting Group finds it indefensible to place so young children together with criminals 15-18 years of age. There is a considerable risk that their older friends will affect the young children negatively in such institutions and that it is not possible to protect them adequately .

The Reporting Group recommends the following:

- The Danish Government should ensure establishment of the appropriate number of childcare places so that all 15-17 year olds are placed where there are only children under 18 years
- The Danish Government should establish mandatory time limits for remand of juveniles under 18 years of age.
- The Danish Government should prioritise crime prevention by allotting resources to development of methods and education of prison personnel so as to ensure early detection and measures capable of putting an end to the early criminal activities committed by children.
- The Danish Government should ensure adequate facilities for minors within criminal justice proceedings where the purpose of remand is met, but without the pressures and the negative impact entailed by remand in prisons.
- The Danish Government should ensure the establishment of placement forms which fulfil the purpose of solitary confinement, but avoid the strong psychological pressure on the inmates and do not involve a risk of permanent injury to the child.

10. THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (OPAC; COs 24/11/2005; DK's 4th Report X)

10.1 Rehabilitation and social reintegration of refugee children

The UN Committee on the Rights of the Child asked in the Concluding Observations 24/11/2005 to the Optional Protocol for information on the physical and psychological rehabilitation and reintegration of refugee and migrant children who may have been involved in conflicts in their home country. The Reporting Group refers to chapter 9 of this report – in particular to the section "Mental and physical recovery of children in asylum-seeking families".

11. THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(CRC Art. 34-36, 39; OPSC; COs D8 55-56 and COs 2006 to OPSC; DK's 4th Report IX.E-F, XI A-B)

In Concluding Observations (2006) to the Optional Protocol and in the concluding remarks to the third reporting to the UN Committee on the Rights of the Child, the Committee noted inter alia that Denmark should strengthen the overall efforts against commercial sexual abuse of children by providing training to professionals working in the field, better documentation in this area, by providing the police with adequate resources, by cooperation with civil society organisations and by efforts to strengthen combating of sex tourism, by protection for children who are witnesses in court on child trafficking, etc.

The Reporting Group proposes inter alia, that efforts be strengthened and clarified by updating the action plan to combat sexual abuse from 2003, so clear objectives and resources are included, and professional skills in civil society are involved. Strengthened national efforts should include training needs of professionals, and a connection should be established between this action plan and the action plan to combat human trafficking.

11.1 General implementation measures

The Municipal Reform has meant that responsibility for addressing sexual assault and violence against children rests fully with the new municipalities (see section 2.6). Practice shows that in spite of larger and more sustainable municipal entities, there has been no professional requalification in terms of knowledge about sexual assault and violence against children. Even large municipalities need to seek the necessary advisory and therapeutic expertise outside the municipality⁶⁶.

Expertise and professional environments within this area have been concentrated in the two largest cities (Århus and Copenhagen). It puts especially children in remote municipalities in an inferior position compared with children near the largest cities. The Municipal Reform did not provide more resources for this group of vulnerable children. Several municipalities have had to announce that for economic reasons they choose to crop the preventive work in relation to vulnerable families.

There remains a need for the development of "children houses" or "children's centres" with for example regional location (5 locations in the country) to ensure uniform geographic offerings. These houses or centres must include facilities and staff with specific skills from the relevant sectors so both diagnostic evaluation, interviews, counselling and treatment can be done in the same place in consideration of the child and his/her family.

The Reporting Group recommends the following:

- The Danish Government should ensure that efforts to protect children against sexual abuse are of the highest, professional standard throughout the country and not dependent on where the child lives.

11.2 Combating sexual abuse of children

The Danish Government's Action Plan 2003 on combating the sexual abuse of children and the subsequent initiatives have previously been criticised for lacking holistic thinking, clear objectives, allocation of necessary

66 See the report "Sexual assaults against children in a day care institution", 2008 at www.siso-boern.dk

resources, and a time for an evaluation. Moreover, the action plan was characterised by being prepared without involvement of NGOs and professionals working in the area.

Therefore a holistic-oriented inter-ministerial action plan is still lacking. The latest initiative is an inter-ministerial civil servant committee with focus on fighting child pornography on the Internet. There is in the committee report no linking of problems and solutions in general in relation to sexual assaults on children, but only a narrow IT-related focus.

The creation of and economic support to the Ministry of Social Welfare's knowledge centre SISO and Project Janus⁶⁷ are positive steps, but the probability of these projects reaching out to all municipalities is limited by the absence of a precise action plan, and that it is up to individual municipalities to set priorities. Work to combat sexual assaults on children therefore lacks adequate decentralised geographical anchoring, and thus help to the vulnerable individual child will be completely different depending on the municipality the child lives in.

The Reporting Group recommends the following:

- The Danish Government should without delay prepare an updated action plan for sexual assault against children and involve the relevant NGOs and specialists in its preparation.

11.3 Combating child pornography on the Internet

The area IT-related sexual assault against children has received good police focus, and the structural reform within the police provides long-term opportunity for the necessary skills and specialisation locally. At the beginning of 2009 there are generally huge resource problems within the police which has meant that concrete cases of for example grooming⁶⁸ have not yet been raised.

The Reporting Group recommends the following:

- The Danish Government should ensure that the police have resources to prosecute the criminals who commit IT-related sexual assaults against children, for example. in relation to grooming.

11.4 Pedagogical professional bachelor programmes

The general subjects of the programmes on vulnerable children are inadequate in relation to the problems of sexual abuse of children. There is a great need for retraining of employed people⁶⁹, and in particular staff of residential institutions for children⁷⁰ and of institutions for children with disabilities⁷¹. Children may also exert behaviour of a sexually offending nature, and it should be noted that 25% of assaults committed by children take place during school hours⁷².

The Reporting Group recommends the following:

- The Danish Government should ensure that the specific training needs in relation to sexual assaults on children are catered for both in professional education programmes and within retraining.

11.5 Child certificate⁷³

The introduction of compulsory child certificates is a good initiative. It is still a problem that it only covers new appointees. Those who obtain child certificates should also be granted education in how to prevent and prepare against sexual assault in institutions with daily responsibility for children.

67 See Denmark's fourth report, p. 69.

68 The concept refers to the manipulation and working up of the children before a sexual assault occurs.

69 See the report "Sexual assaults against children in a day care institution", 2008 at www.siso-boern.dk

70 See the report "Sexual assaults against children placed outside the home or in relief care" 2008 at www.siso-boern.dk

71 See the report "Sexual assaults against children with disabilities" 2007 at www.siso-boern.dk

72 See status report 5, at www.projekt-janus.dk

73 "Child certificate" is a special extract of the criminal record only covering convictions for sex crimes against children. At the same time information about former convictions are not statute-barred after 5 or 10 years which is normally the case with criminal records.

A survey among sports associations on the island of Funen revealed that every fifth sports association did not request the mandatory child certificates which serve the purpose to avoid employment of pedophiles in the associations⁷⁴.

The Reporting Group recommends the following:

- The Danish Government should ensure that requests for child certificates are supplemented by a general staff policy which may prevent assault on children.
- The Danish Government should constantly check that child certificates are obtained and impose sanctions on organisations that fail to comply with the legislation.

11.6 Protection online

The chat code⁷⁵ mentioned in the Government's report is a good initiative, but has in practice had great difficulty in being implemented because the Data Protection Agency did not intend to cooperate with other stakeholders to develop a workable solution.

Teaching safe use of the Internet and web ethics requires that teachers and educators can use and disseminate the skills themselves. There is still a large group of teachers who do not have these skills and therefore are ignorant or distance themselves from the online life of the children rather than including it as tools in teaching and dissemination of good web ethics and personal boundaries.

The report of the Danish Government lacks weighting of the NGOs' and other executing parties' role in the implementation of Safer Internet Plus as it is Save the Children Denmark, the Media Council for Children and Youth, Children's Welfare in Denmark, Cyberhouse and others who conduct the concrete projects. What is lacking is a form of interdepartmental coordinating council with the involvement of NGOs and the industry. This council could be part of a concerted and coordinated effort against sexual assault on children.

The Reporting Group recommends the following:

- The Danish Government should launch initiatives to effectively coordinate efforts against abuse on the Internet in relation to children and ensure in this context that administrative rules do not become an obstacle for the industry's initiatives to protect children online.
- The Danish Government should ensure that teachers in primary and lower secondary schools have IT skills which enable them to integrate children's knowledge and use of online media in the education.

11.7 The campaign "Stop Child Sex Tourism"

It is encouraging that the Danish Government has launched a campaign involving NGOs and the travel industry. However, there have been too few resources for the campaign to have impact, and the Government has shown too modest efforts to involve and commit the travel industry. The campaign lacks a further objective and follow-up, and there is lack of information about which resources have been allocated to National Police for collaboration with the police of other countries in concrete cases.

The Reporting Group recommends the following:

- The Danish Government should intensify the campaign Stop Child Sex Tourism and prepare specific objectives for the campaign.

11.8 Ban on sale of child pornography

As mentioned in the Danish Government's report, work is conducted on the topic child pornography without any link to a coherent holistic plan to combat assaults against children.

Under Danish law it is permissible to visit free websites with illegal child pornography as long as this does not involve downloading of image material. With Denmark's ratification of the European Convention on

⁷⁴ December 2008.

⁷⁵ Chat code contains a number of security rules which the chat provider is obliged to observe in the efforts to protect children against violations, including sexual violations.

protection of children against sexual exploitation and sexual abuse, this is expected, however, to be made a criminal offense.

It is still legal to perform commercial distribution of erotic posing pictures of children, i.e. images where children have been instructed to pose more or less undressed. The Reporting Group finds it evident that these websites appeal to persons with a sexual interest in children. Several researchers assess that potential offenders use erotic pictures of children as a way to confirm that their sexual fantasies about children are normal.

Erotic images of children can circulate on the Internet for years, and the Reporting Group considers the images to constitute a violation of children's privacy.

The Reporting Group recommends the following:

- The Danish Government should make commercial distribution of erotic posing pictures of children a criminal offense.

11.9 Trafficking in children

In 2007 the Danish Government published the "Action Plan to Combat Human Trafficking 2007-2010". The action plan includes a separate section on children, and the definition of trafficking is in line with the Council of Europe Convention against Human Trafficking, which Denmark signed in 2007. This is important progress compared to the latest reporting to the UN Committee on the Rights of the Child⁷⁶.

It appears from the Danish action plan to combat human trafficking that this comprises all humans trafficked to Denmark. The problem is, however, that children who are detained by police for e.g. theft/begging do not in practice have access to the offerings contained in the Action Plan such as an orderly and safe repatriation. This lack of access to the offerings could be an indication that the authorities do not to the same extent as in prostitution cases incorporate a possible human trafficking angle when it comes to children caught in crime/begging. This may be due to the fact that past efforts against trafficking in children have largely focused on the prostitution element and thus removed the focus from trafficking in children also involving forms of exploitation other than prostitution.

There is also a degree of ambiguity in the division of responsibilities between the various actors in the case of potentially trafficked children from EU countries residing legally in Denmark. Although these children are formally covered by the plan, in practice the Danish Immigration Service as responsible authority can only provide assistance to individuals residing illegally in Denmark. In this way a group of potentially trafficked children are in a grey area in relation to which authority is responsible for providing the targeted offers in the action plan. This means that there is a risk that this group of children is not identified as possible victims of trafficking although they are in contact with Danish authorities and therefore are liable to be returned to those who have contributed to trafficking the child in the first place.

The Reporting Group has received information which suggests that foreign minors who may be victims of human trafficking, are imprisoned because of criminal activities committed in consequence of their status as trafficked or assumed trafficked.

The Reporting Group is aware of examples of minor EU citizens who are imprisoned in particular due to property crime. Soon after imprisonment the person in question is expelled from Denmark prior to the appointment of a personal representative and before a diagnostic evaluation of the child's possible status as being trafficked has been performed.

The Reporting Group recommends the following:

- The Danish Government should ensure a quick and clear distribution of responsibilities in relation to the trafficked or suspected trafficked children from EU countries so that social services and rights are ensured quickly and effectively.

⁷⁶ The latest reporting is the supplementary NGO report: "Implementation of optional protocol of 25 May 2000 to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", prepared by Save the Children Denmark and acceded by UNICEF Denmark, March 2006. See pp.13-19.

- The Government should ensure that minors who are suspected victims of trafficking will not be imprisoned as a result of conditions which are a consequence of human trafficking. In this context, the Danish Government should secure the establishment of concerted residence offers specifically targeted at trafficked children or suspected of having been trafficked.
- The Danish Government should ensure that all children who have been trafficked or allegedly trafficked have a personal representative appointed and secure that a report on the child's potential status as a victim of trafficking and an action plan for the child's possible return are prepared.

12. FOLLOW-UP AND DISSEMINATION OF THE 4th NATIONAL REPORT

(CRC art. 42; CO's 2005 9 59-60; DK's 4th report II.C)

In Concluding Observations in 2005 (9 59-60), the Committee recommends that the Government takes appropriate measures to ensure full implementation of the Committee's recommendations. In this context, the Government should ensure that all material in relation to the national reports and the Committee's concluding observations are disseminated to all relevant stakeholders from public administration, professionals, children and further out to the general public.

An example of the Government involvement of NGOs in the first phase in the development of the Danish Government's 4th report was mentioned in the introductory chapter. The Minister for Social Welfare has also in the spring of 2008 initiated a meeting with the Coalition on the Convention of the Rights of the Child in Denmark as well as regular bilateral meetings between authorities and NGOs working on children's rights.

In this chapter the Reporting Group points at a wide range of initiatives that the Government can take so awareness of the Convention is disseminated in Denmark and the follow-up on the concluding remarks in the years between the Government's periodic reporting is strengthened.

The Reporting Group finds that the Danish Government has not to a sufficient extent disseminated knowledge of the previous reports to Committee, the Optional Protocols and the Committee's concluding observations. Both children and relevant professionals and decision makers who make decisions with impact on children should know the Committee's recommendations and the Government's deliberations on the implementation of these. The information should also be distributed to the general public.

The Reporting Group recommends the following:

- The Danish Government should prepare a plan for informing the public, including children in Denmark, on the Convention and the Committee's concluding observations on the fourth reporting.
- The Danish Government should fast and consistently implement the recommendations in this report and include professionals, NGOs and target groups in the process. The Government should account for implementation of an action plan with annual progress reports and designate a single ministry to coordinate the implementation of the Convention on the Rights of the Child in Denmark.

13. THE ORGANISATIONS BEHIND THE REPORTING GROUP

- **The Rights of All Children (Alle Børns Rettigheder)**

An independent organisation of volunteers. The purpose of the organisation is to seek backing among NGOs, humanitarian organizations and other interest groups, in order to raise a popular debate on how we treat asylum children, who seek refuge here in Denmark together with their parents. Furthermore, the purpose of the organisation is to raise funds for debates, congresses and awareness raising in order to improve the legal status and living conditions of asylum children in and outside Denmark.

Alle Børns Rettigheder, Per Schultz Jørgensen, Fensmarks Allé 27, DK-3520 Farum, Denmark

- **Amnesty International**

Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In pursuit of this vision, Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of these rights.

Amnesty International forms a global community of human rights defenders with the principles of international solidarity, effective action for the individual victim, global coverage, the universality and indivisibility of human rights, impartiality and independence, and democracy and mutual respect.

A special thematic group, the Working Group for Children, has been engaged in the work for children's human rights since 1979. The group was in 1991 one of the initiators in the establishment of the Coalition on the Convention on the Rights of the Child in Denmark.

Amnesty international, Gammeltorv 8, 5. sal, DK-1457 Copenhagen K, Denmark

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

The Joint Council for Child Issues is an umbrella organisation of 14 national organisations, who work for exposed and placed children in Denmark. Together, the member 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 threatened and disadvantaged children, youth and families.
- To further popular, voluntary work with a social purpose and to formulate political views relating to children on a national and on an international level
- To take legislative initiatives concerning exposed children and youth and to follow and comment on new and existing legislation
- To improve possibilities for support and to further the prevention of expulsion of children and youth
- To raise funds to support the work with exposed children and youth

The Joint Council for Child Issues is working actively to ensure that the UN Convention on the Rights of the Child becomes integrated in Danish law.

Børnesagens Fællesråd, Emdrupvej 115a 5. etage, DK-2400 Copenhagen NV, Denmark

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

Children's Welfare in Denmark is a private, humanitarian organization working for all children in Denmark. 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, Denmark

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

Disabled Peoples Organisation Denmark (DPOD) was founded in 1934 (as "De Samvirkende Invalideorganisationer" – DSI) and has 32 national member organisations representing more than 320,000 people 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.

Disabled Peoples Organisation Denmark, Danske Handicaporganisationer, Kløverprisvej 10 B, DK-2650 Hvidovre, Denmark

- **DUI - LEG og VIRKE**

DUI - LEG og VIRKE is an independent organisation of children, youth and families based on the core values of the labour movement. DUI - LEG og VIRKE fights to improve the rights and conditions of children in Denmark and other countries through international solidarity work. The core of DUI - LEG og VIRKE is the 80 local departments situated all over the country arranging activities for children and youth.

DUI - LEG og VIRKE, Mågevej 22, DK-2650 Hvidovre, Denmark

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

Save the Children Denmark is working towards:

- A world that respects children
- A world that listens to children and learns
- A world where all children have hope and possibilities

Save the Children Denmark is part of Save the Children. Save the Children is the world's largest independent child rights organization. Save the Children is fighting for the rights of children. Save the Children provides immediate and long-term help to exposed children in Denmark and the rest of the world.

Save the Children, Denmark, Rosenørns allé 12, DK-1634 Copenhagen V, Denmark

- **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:

- To make small smiles bigger
- 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 V, Denmark

- **The Danish Red Cross Youth (Ungdommens Røde Kors)**

The Danish Red Cross Youth helps vulnerable children and young people in Denmark and other parts of the world. We are the largest humanitarian youth organisation in Denmark counting more than 3,000 volunteers who organize camps, role-plays, chat lines, mentor projects, homework cafés and much more for thousands of exposed children and young people. We continuously develop new targeted activities in order to meet the changing needs.

As part of the Red Cross movement, we help where the need is greatest based on the 7 global Red Cross principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

Ungdommens Røde Kors (The Danish Red Cross Youth), H. C. Ørstedesvej 47, 4., DK-1879 Frederiksberg C, Denmark

- **The Danish National Committee for UNICEF (UNICEF Danmark)**

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 ever present when an emergency occurs by means of its network of national offices. UNICEF does not receive money from the UN. The work of UNICEF is solely financed by voluntary donations.

The purpose of UNICEF Danmark 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 Danmark, Pakhus 48, Sundkaj 9, 1., DK-2100 Copenhagen Ø, Denmark

SECTION 2: Greenland

INTRODUCTION

In 2005, the UN Committee on the Rights of the Child submitted their response to the Danish government's third report on specific recommendations for Greenland. The Committee recommended that the next report contained a specific section on Greenland, which was to include data on the country's allocation of resources in the child and youth area and on the implementation of the UN Convention on the Rights of the Child, Article 4. The Committee recommended that emphasis be placed on the work with malnutrition and neglect in Greenland, and strong recommendation was made to the government to strengthen their efforts. Equal concern was expressed for the adolescent suicide rate in Greenland. The response generally recommended Greenland to start collecting statistics and other data on child and youth to enable an assessment of the practical implementation of the UN Convention on the Rights of the Child.

The following comments will show that Greenland has a very long way to go in 2008; and with respect to some areas, even further than in 2005.

Comments to the section concerning Greenland in the Danish government's 4th report to the UN Committee on the Rights of the Child was written by an editorial group comprised of Meeqqat Inuunerissut/Bedre Børneliv (MI/BB) and the local Save the Children Denmark chapter in Nuuk (RBD). Both are located in Greenland. The Child and Youth Organization NANU, Tasiorta and Save the Children have all commented on the report and support its findings and recommendations.

Additionally, the following organizations have had opportunity to comment on the report:

- Children of Greenland
- IMAK (Teachers' union)
- PIP (The Pedagogue Union)
- NANOQ – PPK (The Health Cartel)

IMAK supports the findings and recommendations in the report.

Unfortunately, PIP has not been able to comment on the report due to the brief respite.

The Children of Greenland support the conclusions and recommendations presented in the report.

The comments follow the sections of the government report and conclude with calls for recommendations and suggestions for supplementary questions if relevant.

The considerable changes to the work environment legislation in Greenland

The introduction in the official report refers to statistics that do not include youths under age 15 and adolescents over 15 years of age who have made less than DKK 40,000 annually. MI/BB and RBD question the relevance of these statistics.

XII. GENERAL PRECAUTIONARY MEASURES FOR COMPLETION

Overall, the national report for Greenland bears the mark of insufficient follow-up on projects and initiatives – there are no references to evaluations and efficiency studies. This could raise fears that the relevant and necessary initiatives to ensure compliance with the Convention are not being launched - also in light of the frequent references to initiatives desired in future. There should have been clearer continuity in relation to the last national report as to which objectives have been set, which initiatives have been launched, how these are actually working out, what the effect has been, and outstanding items. These comments also held for the 3rd periodic report to The UN Committee on the Rights of the Child, so it remains difficult to ascertain whether compliance with the UN Convention on the Rights of the Child is being upheld.

It remains MI/BB and RBD's opinion that everyday life for a majority of children and adolescents is very different from the one described.

XII.B.1 Precautionary measures for completion of the terms of the Convention (Article 4)

The year 2000 was the official Year of the Child in Greenland, and the latest report pointed out that an official national children and youth policy has yet to be prepared. However, seven of the original 18 municipalities¹ have formulated a Child and Youth Policy (MIPI 2007a). MI/BB and RBD find this number very low. NANU points out that the existing policies are not secured automatic anchorage in the new major municipalities. The focus must therefore be on the practical implementation and subsequent evaluation of the area.

In 2006, the Home Rule government established MIPI (Documentation Centre on Children and Youth) as a center to gather and communicate knowledge about children and adolescents in Greenland. Since then, a proposal has been put forth that MIPI's mission statement is amended to include the words "create knowledge" and implement a number of legislative changes clarifying MIPI's independent profile. Despite recommendations from a task group which it set up, the Home Rule government has chosen to reject this. Furthermore, the Home Rule government has tried to cut up to 25 percent of the MIPI budget.

MI/BB and RBD find it worrisome that the Home Rule government thus impedes and hampers knowledge created in Greenland for children in Greenland. MIPI's independence of changing the political influence of the Home Rule government should – to the extent possible – be secured by implementing the recommended legislative changes.

In 2006, a reform in the field of public assistance was passed, the effective date being 2 April 2007. In May 2008, a supplementary wording of the Act was drafted, emphasizing that economic consideration of "possible children's needs" must be taken into account (Home Rule government Decree no. 5, 29 May 2008, Article 13, sub-clause 6). In the previous wording of the Act, this was exclusively when provisional assistance is given (Home Rule government Decree no. 15, 20 November 2006). Moreover, the needs of children are only mentioned perfunctorily "In connection with public assistance to single parents or families with children, counseling must be offered as promptly as possible in connection with the municipal council's guidance and supervisory duty" (Home Rule government Decree no. 15, sub-clause 10, 20 November 2006).

Public assistance generally constitutes a maximum of 65 percent of SIK salaries, corresponding to maximum: DKK 8,641 per month, which covers expenditure and fixed expenses. In actuality, an additional DKK 758 per month is allotted per provider per child (Home Rule government Decree no. 15, Article 13, sub-clause 3, 20 November 2006). 3). With the generally high price levels on groceries – which were particularly influenced in 2008 by the increase in food prices as well as fixed expenses in Greenland, it is deemed by no means adequate. Since January 2003, Greenland food prices have increased with 26.9 index points from index 120.4 to 147.3 (Statistics Greenland 2008.2). This is an increase of over 20 percent. In the same period, child benefits have not increased. Families with children in which the parents receive public assistance thus live under extremely difficult conditions.

Greenland has no poverty line; however, it is estimated that 4 percent of those asked in the MIPI poverty survey live in implicit poverty, 9 percent in relative poverty, and 39 percent live in need-assessed benefit poverty, making them dependent on benefits from the government (MIPI 2007b). The survey is based on 8,082 households. A survey reported on Danish Radio in January 2009, drafted by Research Project Chief Birger Poppel, concludes that 35 percent of the population of Greenland lives below the European poverty line and that 15 percent are living under the American and Canadian poverty lines. Independent surveys thus show that as compared to other western countries, a large majority of the children in Greenland are living in poverty, where putting food on the table every day is not a matter of course.

The Home Rule government has launched a major research project entitled Study of the Welfare of Families, due for release at the end of February 2009. With reference to the report's findings, the Home Rule government has rejected proposals from the Landsting members during the spring gathering of 2008 concerning, among other things, the fight against child poverty (item 59, 91 and 124 at the Landsting spring assembly in 2008). At a conference in June 2008 in Sisimut, MI/BB explicitly asked how to respond to the findings from the survey

¹ A municipal reform was implemented as of 1 January 2009, meaning that Greenland now consists of four major municipalities instead of the previous 18.

Study of the Welfare of Families. The unambiguous response was: The Department for Families and Health will not respond to this, as child welfare is a municipal issue². Compiled with the rejection of proposals from the Landsting members and that they have already not responded to the statistical material available from, among others, MIPI, the organizations find it very worrisome that the Home Rule government has formulated neither a child and youth policy nor a national strategy and action plan on the child care area.

The National Research Centre for Welfare has recently published its first findings from the study, which state that every 7th child has parents that are so limited in resources that they are deemed unable to fulfil their parental responsibilities. Furthermore, 1/3 of children in Greenland have difficulty with either family, school or friends (KNR Evening Radio News 23 January 2009).

MI/BB and RBD find it shameful that the numbers for neglect of care are so high. Since 2006, there has been statistical information available arriving at similar conclusions. It is therefore risky that the Home Rule government has not yet acted on available data in the field but prioritised resources for several studies. The Home Rule government should act immediately and draft a national action plan.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *The Home Rule government will respond to and make use of the existing material in the child and youth area about child poverty and hunger.*
2. *Greenland will strengthen the collection of data aimed at providing a continuous, real picture of the conditions for children in Greenland.*
3. *A study of how many families with children receiving government assistance and an action plan to alleviate this problem will be set in motion.*
4. *An official poverty line is determined for Greenland in order to initiate reforms to alleviate the intense increase in inequality in Greenland society.*
5. *Cohort studies are being completed, where the same representative segment of children is to be followed over several years to ensure a more comprehensive picture of child development and the standard of living among adolescents.*

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *Which initiatives have been launched in the child and youth area based on the collected data from the last reporting until today?*
2. *Which initiatives are being taken in Greenland to prevent children from starving?*

XII.C. Spreading of knowledge of the Convention (Article 41 and 42)

The Home Rule government refers to a study, completed at 24-hour care centers in the child and youth area, about the knowledge and application of the UN Convention on the Rights of the Child. The study has yet to be published.

At the Landsting autumn assembly, the Siumut Landsting Group presented a proposal that the UN Convention on the Rights of the Child was made a mandatory part of the curriculum in municipal primary and lower secondary schools (item 13). The Home Rule government has moved to reject this proposal on the basis of Home Rule government Decree no. 16, 24 June 2003, § 19 item. 3, item 1., stating that “students know their rights and duties in school and in the local community”, and that the older students learning scope must be expanded to include “international governmental independent interest groups concerning human rights, the environment, and etc.”

RDB and MI/BB do not find the excerpt from the executive order above ensures that the child already at an early stage in municipal primary and lower secondary schools is introduced to the Convention on the Rights of the Child. The Home Rule government can do significantly more to ensure this happens.

² Oral response given by Department Head Martha Lund Olsen.

The report group recommends that the Committee asks the Home Rule government the following question:

1. *How is it ensured that the Home Rule government Executive Order no. 16, 24 June 2003, § 19 item. 3, item 1. is complied with and that the children of Greenland are introduced to the UN Convention on the Rights of the Child while still children?*

XII.C1 Training professionals in the content of the Convention

MI/BB and RBD encourage the Home Rule government to hold classes solely aimed at disseminating the knowledge of the UN Convention on the Rights of the Child.

XII.D Drafting of the reports for the Committee on the Rights of the Child

In this paragraph, the official report states that Greenland NGOs should all have been notified of the opportunities to contribute to the national report. MI/BB have been notified of this opportunity. Conversely, RBD have not been notified of this opportunity. RBD and MI/BB have collaborated in writing the present supplemental NGO report to the Danish government report to the Committee on the Rights of the Child.

XII.E Comments from the Committee on the Rights of the Child

XII.E. In Re.: The Committee's concluding remarks (sections 16-17 concerning data collection)

The official report states that the stated objective of the Home Rule government is that more statistics on social conditions should be made available in the future on the Department for Families and Health website and the Statistical Yearbook in connection with Statistics Greenland.

MI/BB and RBD are puzzled as to why MIPI is not even mentioned in this section and refer to the comments in XII.B.1. For a large part, the numbers MIPI are working with are considerably more recent than the numbers from Statistics Greenland.

XII.E. In Re.: The Committee's concluding remarks (sections 40-41 concerning health and services in the Health Sector)

See section XIV.C.6.

XII.E. In Re.: The Committee's concluding remarks (sections 42-43 concerning Mental Health Services)

MI/BB and RBD are puzzled by the references in the official report, as sections XII.D.1 and XII.D.2 do not exist.

XIII. DEFINITION OF A CHILD

XIII.A. Sentencing of imprisonment and detention

Secured units for children and adolescents have repeatedly been mentioned in the public debate, but nothing has yet occurred in the area, and no actual action plan has been prepared to ensure that children who have committed crimes against other persons cannot be placed together with adult criminals. The Landsting Decree no. 6 of 5 December 2008 on the amendment of the Landsting Decree on assistance to children and adolescents attempts to alleviate the problem by allowing 24-hour care centers to lock the children in if the staff deems themselves incapable of handling this without this provision.

The organizations find it most worrisome that the Home Rule government attempts to solve the problems by simply allowing the 24-hour care centers – that for a large part have massive problems attracting qualified staff – the opportunity to lock unruly children up. This situation is inappropriate for the staff as well as the children. *Secured units for children should be part of long-term planning in the 24-hour care center field, where there is a steady increase in the need for more facilities.*

XIV. GENERAL PRINCIPLES

In its latest evaluation, the UN Committee on the Rights of the Child pointed out that the report was insufficient with regards to the statistical material concerning the future of the conditions for the children of Greenland. They called for data on the conditions for Greenlandic children in order to enable the assessment of whether or not the Convention is fully implemented (items 15 and 16 Concluding Observations on the 3rd periodical report, 30 September 2005). Since then, however, much material has been completed by the MIPI; The Police Commissioner's Office, Greenland; Health Behavior in School-aged Children (The HBSC Survey) in Greenland; The Well-being of Adolescents in Greenland by Tine Curtis et al., and etcetera.

MI/BB and RDB assess that there is presently sufficient statistical material to analyse the conditions for children and adolescents in Greenland in order to gain an indicator as to whether compliance with the UN Convention on the Rights of the Child is being upheld. The statistical material can only relate to the real numbers. For example, there are no studies of the need for placement outside the home, but much of this information can easily be obtained from the municipalities, which provide child welfare services. It is recommended that this is executed post haste. General documentation is an important condition for the execution of well-founded efforts in the area.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *Analysis is prepared regarding the conditions for the children of Greenland on the basis of existing material, thus making it assessable as to whether the Convention is actually being implemented in Greenlandic society.*

XIV.B The best interest of the child must come first

Some of the wording in the official report puzzles the organizations. "The best interest of the child is an important cornerstone in Greenlandic legislation concerning children and adolescents, but at the same time the starting point originates from Greenlandic reality." Reference is made to the principle of proportionality. It is unclear what "Greenlandic realities" means, but we fear that it might actually mean that the children of Greenland have fewer rights than other children, especially when it comes to the children in the settlements.

Children in the settlements:

- The official report mentions (page 18) that the settlements are less likely than the towns to have adequate sewage.
- The official report mentions (page 121) that the teaching of the children in the settlements is often left to unqualified teachers.
- The children in the settlements face a greater likelihood of childhood poverty (MIPI 2007c).
- There is a clear proportional connection between the size of the settlement and the range of extra-curricular activities (MIPI 2007d).
- There is a general lack of drop-in centers in Greenland. This is particularly true for the marginalized children in the settlements, whose opportunities to get out of the house are limited by the isolation of the small communities and close-knit relationships between all of the settlement inhabitants.

MI/BB and RDB fear that the Greenlandic authorities refer to the settlement children's special living conditions as an excuse for not instigating special measures for this group of children. Thus, MI/BB and RDB recommend the drafting of a plan for how to address the negative market structures currently separating the settlement and town children in relation to health, education and future prospects.

It is evident from the official report that, from the administrator's point of view, necessary steps to protect children and adolescents are being taken and that precautionary measures for assistance are being initiated. It is

not evident how this is actually done, however, let alone what affect the effort has. We are aware that many children are not receiving the required assistance as children as a result of massive social issues in the home are on waiting lists to be forcibly removed from the home.

Allocating the financial means for the establishment of placement facilities for marginalized children and adolescents should be a priority. The wellbeing of the child should always be in focus and should first and foremost be the consideration with regards to precautionary measures for assistance, regardless of the realities.

The right to corporal punishment remains applicable and gives parents the right to strike their children; so in this area as well, the wellbeing of the child comes second.

RBD and MI/BB find it disgraceful that the right to corporal punishment has yet to be abolished and recommend that this happens immediately.

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *How does the Home Rule government ensure that the more than 20 percent of the Greenlandic children living in settlements and small towns do not suffer from these 'Greenlandic realities'?*
2. *How should one interpret the principle of proportionality in this context?*
3. *Which proportions decide whether the wellbeing of the child or the Greenlandic realities comes first?*
4. *How does the Home Rule government ensure that the wellbeing of the child always comes first in cases involving family law?*
5. *Which arguments are the bases for the fact that the right to corporal punishment has yet to be abolished in Greenland?*

XIV.C.3. Death due to illness, i.e. HIV/AIDS, malaria, tuberculosis, polio, hepatitis and infectious deceases.

RBD and MI/BB are of the opinion that the innovative efforts regarding the prevention of tuberculosis are positive, as the information campaign clearly addresses a young target group. RBD and MI/BB welcome similar efforts in the future.

XIV.C.6. Suicide

The official report includes reference to the number of suicides; however, the chart fails to make clear which age group is referenced. On average, there is one suicide per week in Greenland, primarily among young males between 15-24 years of age. The latest figures concerning suicide show that Greenland has an annual suicide rate per 100,000 inhabitants of 102 (Annual Report from the National Health Inspector 2007).

The number of suicides among children and adolescents from 1998-2006

Year	0-14 years	15-24 years
1998	1	16
1999	2	18
2000	1	15
2001	1	23
2002	4	22
2003	2	19
2004	3	20
2005	2	20
2006	1	21
Total	17	174

A 2005 study showed that 52 percent of girls in the 15-19 age group had experienced suicidal thoughts and 33 percent had attempted suicide. The corresponding numbers for boys was 20 and 11 percent, respectively. 78 percent of all respondents knew someone who had committed suicide (Curtis et al. 2006).

In 2004, PAARISA, The Department of Public Health, prepared a national strategy for the prevention of suicide, but the numbers are not yet declining. Suicide has been known to be a problem for many years; nevertheless, the Home Rule government continues to complete new studies in lieu of following up and acting on the existing material. Courses have been held, and a hotline has been established which is open 6 hours/week, but merely initiating this is not enough. Local follow-up in the municipalities is also required in order to maintain momentum and for development to occur. Likewise, the official report refers to the fact that the Home Rule government cooperates internationally with other institutions without mentioning which institutions and where this work is taking place.

The organisations fail to understand why a comprehensive evaluation of the efforts to prevent suicide is not being prepared in order to gain professional knowledge of what works and what does not.

A goal-oriented action plan for the prevention of suicide among children and adolescents should be a priority.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *The existing action plan for the prevention of suicide is evaluated and coordinated with initiatives in all other areas: prevention of sexual abuse, violence, alcohol addiction, poverty, hunger, etcetera.*

XIV.D. Respect for the opinion of the child

It is common practice that Social Services appoints an individual to attend the questioning of children who have been subjected to sexual abuse. At present, you cannot be certain that it is the same individual that safeguards the child's interest in such a process. The child is examined by persons such as doctors, police, psychologists and social workers in the respective administrations and authorities. This creates a sense of insecurity in the child, who is subjected to an array of impressions from various administrative bodies.

Children's houses should be established which collectively safeguard the child's interest and examinations in cases of sexual abuse – in accordance with the children's houses in Iceland.

It has not been politically possible to find a majority for the establishment of a Child Council – Ombudsman for children in line with other Nordic countries. The opinions and views of the children are therefore not particularly visible in Greenland. This was brought up most recently in Sermitsiaq 3:2009.

A Child Council should be established for the purpose of safeguarding the interests of children in a concrete manner and ensuring that their rights are being upheld and that they are being heard.

XIV.D.5. Social clubs for children and adolescents

The list of social clubs in the official report is insufficient and disorderly. Moreover, the amount of public funding these clubs receive is not evident. Among other things, the list is missing several political and youth organizations, including the Child and Youth Organization NANU, which was established in 2008. Just like MI/BB, NANU's main objective is to ensure compliance with the UN Convention on the Rights of the Child. Tasiorta was also founded in 2008 and works with the prevention of sexual abuse.

The establishment of a local chapter of Save the Children Denmark in Nuuk in 2008 together with MI/BB, NANU children and Tasiorta in 2008, as well as the comparatively large number of other organizations working to improve the conditions for children and adolescents are viewed as demonstrating the widespread interest among Greenlanders to improve the conditions for children and adolescents in Greenland.

X.V. CONSTITUTIONAL LIBERTY RIGHTS

XV.E. The child's right to privacy and family

The child's right to privacy and family is about much more than the text in Article 72 of the Constitution, which states that the domicile is inviolable. Studies of child poverty in Greenland state that many children in the settlements in particular have no access to privacy. Three generations often reside under the same roof in small, draughty and outdated houses. Living and sleeping quarters are often in the same room, for which reason neither

children nor parents have access to privacy. Poverty also has a negative impact on family life; the parents have no energy for their children. The studies also report about children working after school to contribute to the family finances, which come at the cost of family life (MIPI 2007c).

RDB and MI/BB encourage the Home Rule government to view the child's right to privacy and family from more than Article 72 of the Constitution and are initiating a study of the condition of the council housing mass and the actual living conditions for children and adolescents, particularly in the outer districts.

XV.G. The child's right to protection against torture or other degrading treatment

The statistics concerning the school sector's shortage of qualified teachers indicate a substantial lack of competence in this sector with regard to assessing a child's health and development. Additionally, it cannot readily be assumed that the non-qualified teachers who are paid by the hour have knowledge of the special information duty. The same issue applies in the day-care area, which is influenced by very short-term temp solutions in many towns. At present, they are missing 300 childcare professionals in Greenland; this work is often performed by young girls lacking any formal training.

While the responsibility to safeguard the child's right to protection against demeaning treatment is placed with the municipalities, the Home Rule government should also be concerned with the supervision of whether or not this responsibility is being practiced.

XV.G.4 Special follow-up and care

The official report refers to the legislative dictates, but a statistical stance has not been considered as to how many children are receiving special care. MI/BB and RBD are puzzled as to why the municipalities have not been heard, as they are responsible for child care. Furthermore, statistical material has not been collected from this source, nor have they been included in the preparation of the report.

The reporting group recommends that the Committee asks the Home Rule government the following question:

1. *What is the Home Rule government doing to supervise and follow-up on the municipal areas of responsibility with regard to ensuring that the children of Greenland are being protected against degrading treatment?*

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *It is recommended that the municipalities be heard and included in the preparation of the coming report.*

XV.G.5. Programs against institutional violence

The Home Rule government has prepared a companion to Landsting Decree no. 1. of 15 April 2003 on assistance to children and adolescents. However, it does not direct the staff as to how to address situations with the use of force and how the staff is entitled to act. The companion is therefore inadequate (The Companion to Assistance to Children and Adolescents for Family and Health).

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *Clear guidelines should be formulated for the use of force in 24-hour care centers.*

XVI. THE RIGHT TO FAMILY AND ALTERNATIVE CARE

XVI.A Family support

All childcare is a municipal concern, which results in unequal service being offered on the basis of settlement. A unification of municipalities has taken effect as of 1 January 2009. This will hopefully mean a better counterbalancing of the differences between municipalities, but a need remains for the Home Rule government

to follow up on municipal services with respect to ensuring compliance with national standards as stated in legislation, decrees and executive orders.

XVI.A.1. Programs aimed at parental responsibility and child-rearing

None of the three psychologist positions mentioned in the official report are currently occupied. Furthermore, MI/BB and RBD assess that the prescribed number fails to cover the need for psychological assistance. A considerable share of the population of Greenland grew up with unresolved traumas (the negative psychological inheritance) as a cause of sexual assault, suicide in the family, neglect, and alcohol addiction in the family. This results in difficulty in functioning as adults, and neglect in childhood is easily transferred to one's own children. We see a hump of social issues as a direct result of insufficient treatment of the negative social and negative psychological inheritance (source: Anne Troelsen: "Seksuelle overgreb på børn i Grønland – et offerperspektiv på det grønlandske retssystem". - *"Sexual assault on the children of Greenland – a victim's perspective of the Greenlandic legal system"*).

The Home Rule government should therefore require all municipalities to initiate a crisis alert system, which should be followed up with training and supervision.

The official report mentions that subsidies are granted to social pilot projects and initiatives that include social workers within the social field, which are both positive initiatives. However, the application procedure is laborious and complicated by the fact that grants are given per calendar year, while the application deadline is 1 March (and the processing time is 3-4 months). This causes great financial uncertainty for the applicant and can result in a lack of applications. Some ongoing projects must therefore stop due to insufficient funding.

The application procedure to support social projects should be changed, making the applicant aware of any grant before the beginning of the granting year.

It is inadequate that there only exists family centers i 5 of the 18 towns of Greenland.

The cooperation between municipalities, the health care sector and Home Rule government concerning early efforts is a positive initiative. Alas, the necessary resources have not been allocated for this task. This is the case in Nuuk and Ittoqqortoormiit, for instance, where the task has proven to be considerably widescale.

It is recommended that family centers are established and that early efforts are taken in all towns with partial Home Rule government funding.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *Focus should be directed on the further training and supervision of the personnel working with marginalized children and adolescents, particularly in light of the heavy workload resulting from the shortage of trained personnel in the child and adolescent sector.*

XVI. A.2. Family and child services

There is a six-month waiting period for a place in a day-care facility in some cases. This means that the market for non-registered childcare arrangements is great. This is problematic, because no control is kept with child safety and development. Furthermore, children with special needs and challenges will not receive the necessary professional support and follow-up; including contact to the social authorities.

Roughly 300 childcare professionals are currently needed nationally in relation to the rating. There is no professionally trained personnel in some institutions and many settlements.

RBD, Tasiorta and MI/BB recommend that an ambitious and realistic action plan is immediately prepared for the training, supervision and recruiting of professional personnel to preschools, municipal primary and lower secondary schools, youth facilities and bodies of public administration.

XVI. B.1. Separation of children and parents

The Department for Families and Health has created a central waiting list for municipalities that request 24-hour care placement for children in need of placement outside the home. Because of the shortage of placement

facilities, some children often wait more than six months to be placed. It is particularly worrisome that children facing forcible removal from the home are also put on a waiting list.

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *How many children are on the central waiting list for placement outside the home?*
2. *How many of these children are awaiting forcible removal?*
3. *What is the average waiting period?*
4. *Which measures have been initiated in order to reduce the waiting period?*

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *The Home Rule government is recommended to launch initiatives that remove the need for a central waiting list for children facing forcible removal. The initiatives should be partially preventive in order to reduce the number of children in need of forcible removal and partially treatment-wise in the form of more 24-hour care centers.*

When parents are imprisoned in a town other than their hometown, there are few financial subsidies providing the child with the opportunity to visit their parents in the institution. The child therefore risks separation from one or both parents for up to several months at a time without any contact.

RBD and MI/BB recommend that the child is not encumbered any further by their parents' actions and is given opportunity to visit their parents in the institution at least once.

XVI.B.3 Institutions for the placement of children without parental care

The official report states that many positions in the 24-hour care centers have been filled by un-qualified personnel. This is worrisome, because the children and adolescents who have suffered neglect are in particular need of treatment, which demands qualified personnel. Generally speaking, it is difficult to recruit qualified personnel to 24-hour care centers because of the poor salary and working conditions and due to the lack of opportunity for supervision and further training. See also section XIV.A.2.

With reference to section XVI.B.1., there is a distinct need for treatment opportunities for children placed outside the home.

The area should be a priority both in relation to the further training of professionals, the professional quality development of non-qualified personnel, and an improvement of salary terms; and not least the creation of more treatment offers.

The content in the official report regarding the independent 24-hour care centers does not include Mælkebøtten, the Child and Youth Center in Nuuk that accommodates nine children and adolescents.

XVI.E Parental responsibility and welfare benefits for parents

In the public debate on child neglect, the Home Rule government frequently emphasizes the responsibility of the parent to care for their child as opposed to the government's ultimate responsibility to ensure children's basic rights. This contributes to the distortion of information about children's rights in the public debate.

XVI.F. Exploitation and neglect of care

28.4 percent of girls and 9.3 percent of boys aged 15-17 years have been subjected to sexual assault and 53 percent of all girls have been subjected to a punishable sexual act (Curtis et. al. 2006). If you compare the total number of reported vice-related crimes in Greenland, the Faroe Islands and Denmark, in relation to the population, the level in 2003 was 14-18 times higher in Greenland (MIPI 2005). See also section XVI.J.2. – data on the ongoing treatment of children that have been subjected to sexual assault.

Tasiorta, MI/BB and RBD recommend the mapping of sexual assaults in order to assess whether the abused party will grow to abuse others as well as the number of cases of children and adolescents violating other children.

The Ørgaard et al. study from 2004 shows that 137 grossly neglected children and adolescents in Nuuk (13 percent of the children and adolescents present in the police dispatch reports) with a high social and emotional load-rate. Compared to the number of children and adolescents in Nuuk aged 0-17, this corresponds to 3.5 percent being subjected to gross neglect. We are talking about children who are subjected to – among other things – sexual assault and neglect, and are deemed as requiring treatment as a direct cause of this violation. The same study determines that 317 children (30 percent of the children and adolescents in the police reports) are suffering from neglect and are therefore at increased risk of later being included in the group of grossly neglected. Compared with the total number aged 0-17 in Nuuk, this corresponds to 8 percent of all of the children in Nuuk being subjected to gross neglect. We are talking about children who, by a socially, holistic and goal-oriented approach aimed at the children's families and network, will be able to attain an improved development in order to avoid them ending up in the group of grossly neglected.

MI/BB and RBD recommend that so-called children's houses are constructed in keeping with the Icelandic model, where children who experience sexual abuse are examined, questioned and treated by one single unit.

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *What plans has the Home Rule government set in motion to reduce the number of sexually related assaults against the children of Greenland?*
2. *How is it ensured politically that a homogenous case and treatment process is put in place for all of the children of Greenland who have been subjected to sexual assault?*
3. *Which initiatives have been launched to ensure that all children who have been subjected to sexual assault receive treatment?*
4. *Does information exist as to whether the children of Greenland are aware of their rights and whom to contact in the event of sexual assault?*

XVI.H.1 Placements

The number of children placed outside the home is mentioned in the official report, but there is no mention of how many children and adolescents are currently on a waiting list for placement outside the home. The actual need for placement of children is therefore not evident. See also section XVI.B.1.

The Home Rule government should make public the actual need for the placement of children and ensure the existence of sufficient placement facilities.

XVI.H.2 Home transfers

Of the official report, the percentage of home transfers of children placed in 24-hour care centers is given; however, the reason for home transfer is not given. It is also claimed that there are no numbers from the municipal and independent institutions on home transfers, but the Department for Families and Health has made no enquiries in this matter. We have knowledge of Mælkebøtten, the Child and Youth Center in Nuuk, which prepares annual statements with statistics on children placed outside the home, repeat placements and precautionary measures upon placement, where it is evident who is home-transferred, who is placed in family care or placed in a 24-hour care center. This information is submitted annually to the Department for Families and Health.

The Department for Families and Health should adjust their statistical information in order for it to appear valid.

XVI.I Maintenance

The amount has not been changed since 1994. With reference to the development in the price index for foods, section XII.B.1, we find this objectionable. In his official New Year's Public Address on 1 January 2008, the Greenland President said that maintenance for children should be raised. This has yet to occur. It is unknown whether it is the practice in all municipalities that a sum of DKK 758 is paid per child/provider, as this amount is not clear from any circular letters.

It is recommended that the Home Rule government make it clear to all municipalities that they must pay a minimum of DKK 758 per child per provider and that the Home Rule government will implement the promised increase in maintenance.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *The minimum maintenance rate per month per child per provider is increased to an up-to-date level and regulated annually in accordance with the price index.*

XVI.J.1 Number of reported cases concerning exploitation and child neglect

The official report refers exclusively to the reported placement of children and adolescents. With reference to sections XVI.B.1. and XVI.H.1., the actual need for placement and the number of children and adolescents currently on waiting lists for placement is not accounted for.

The official report has also taken into account that non-reported placements are not recorded. Temporary placements are administered by the municipalities when the providers are unable to safeguard the child's needs for a brief period of time. This often applies in families with alcohol abuse on and around payday. This pattern repeats for many children every payday. Some of these children experience a double let-down, when, due to a lack of placement opportunities, they are betrayed by the responsible authorities as well as by their providers.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *Statements regarding the number of temporary placements divided between the country's municipalities will be initiated immediately.*

XVI.J.1 Number of legal sequels surrounding the exploitation and neglect of children

The official report makes evident that the "Police in Greenland submit their contribution directly to the Justice Department of Denmark". With reference to section XVI.F and a study of the legal practice concerning the sexual assault of children in Greenland from 1991-1996 that shows that only 6 percent of the children are offered psychological counseling (Troelsen, 1997), the Greenlandic authorities should consider the legal aftermath for children who have been subjected to sexual assault.

Once again, it is recommended that treatment centers for children are opened for children who have been subjected to sexual assault, preferably modeled after the Icelandic standard, where children who experience sexual abuse are examined, questioned and treated by one single unit.

XVI.J.3 The number of children who have received social care due to having been subjected to exploitation and neglect

It is objectionable that no data is available regarding children who have received special care due to having been subjected to exploitation and neglect.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *The Home Rule government will procure statistical material concerning the need for and receipt of special care due to exploitation and neglect.*

XVII. BASIC HEALTH AND WELLBEING

XVII.A. Children and adolescents with disabilities

The handicap area was one of the first areas that the Home Rule government took back from Denmark. Nevertheless, persons with physical disabilities are still referred to Denmark. Thus, in 2008, 105 disabled Greenlandic citizens lived in Denmark and the number is increasing (dr.dk). It is problematic that children must be removed from their families because they are living with a disability.

In general, it may be observed that disabled individuals in Greenland have very difficult living conditions. Very few municipal primary and lower secondary schools and public institutions are equipped to accommodate disabled individuals, and disabled persons are largely house-bound. The handicap area – as all other sectors in the child and adolescent field - also suffers from a lack of trained personnel.

XVII.A.2. Institutions for children with disabilities

It is troubling that individual disabled youths, in line with young criminal offenders, must live in adult institutions.

XVII.B Health and health services

XVII.B.1. Infant mortality

The official report mentions the stable infant mortality rate; however, the infant mortality rate in Greenland remains significantly higher than in all other developed countries.

RBD and MI/BB recommend that statistics in future will show the infant mortality rate dating back at least 10 years. Focus areas and initiatives should be made visible and evaluated.

XVII.B.4. Households without access to hygienic sanitary conditions and drinking water

See section XVI.B.

XVII.B.7. Pre- and post-natal care

Excluding Nuuk, there are 10 midwife positions for more than 70 settlements. Many of the pregnant women in the outlying areas are therefore without pre- or post-natal care.

XVII.B.9. Personnel in the maternity wards

The national hospital handles all of the births in Nuuk, many settlements without health personnel and all of the births in the country demanding special vigilance. For many years, the national hospital has struggled to attract qualified personnel, resulting in exorbitant expenses for the employment of temporary staff. In the autumn of 2008, at least 25 nurses were needed at the national hospital; the situation was so grave that some actually proposed closing down the hospital.

RBD and MI/BB stress that the situation from the autumn is not unique but a wellknown problem in all of Greenland and demand the responsible administration of the area.

XVII.B.12. Teenage health

According to a quantitative survey, only 62 percent of 15-17 year olds feel that their health is good or excellent (Curtis et al., 2006). It is therefore necessary to supplement the statistical material with qualitative surveys of how adolescents perceive their health and wellbeing.

The NANU, MI/BB and RBD call for material on teenage health, considering the hunger and poverty issues raised several places in the current report. Such information would also help shed light on potential focus areas.

XVII.B 13 Early pregnancy, STDs, mental illness, and drug and alcohol addiction among teenagers

The official report shows a drop in teen pregnancy among those under age 18. In that context, information about the termination of pregnancies in the same age group would be relevant in order to assess whether the number of pregnancies in the under-18 group is actually declining or whether more teens are simply opting to terminate their pregnancies.

The number of terminated pregnancies in Greenland is high; approximately four times higher than in Denmark. A study shows that about as many abortions are performed for all relevant age groups, meaning that many under-18s are having abortions (Bjerregård 2001). The same study shows that many young women who opt to terminate their pregnancies are repeat visitors, also among those under age 18.

Age, years	Abortion		Births	
	n	Previous pregnancies	n	Previous pregnancies
15-19	11	1,0	31	0,7
20-24	26	2,8	51	2,0
25-29	16	2,9	50	2,8
30-34	9	4,8	15	2,6
35+	4	5,0	9	3,6
Total	66	3,0	156	2,1
Unreported age or past pregnancies	13		0	

Source: Bjerregaard 2001

The number of abortions in 2006 is at the same level as at the end of the 1980s (Annual Statement from the National Health Inspector 2006).

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *Is the number of pregnancies among girls under 18 actually declining, or are more of them simply choosing to terminate their pregnancies?*
2. *Is it the aim of the Home Rule government to reduce the number of pregnancies among girls under 18 in general or the number of pregnancies brought to term?*

XVII.B.14. Number of programs and services aimed at improving teenage health

In the proposal for the National Budget 2009, the Home Rule government attempted to make cuts to PAARISA and the National Public Health Programme totalling DKK 3.5 million.

The National Public Health Programme has recently initiated many innovative and relevant precautionary initiatives among children and adolescents in Greenland. MI/BB and RBD therefore find it very inappropriate to attempt to push budget cuts through in this specific area.

XVIII EDUCATION, RECREATIONAL AND CULTURAL ACTIVITIES

XVIII.A The child's right to education

Some Greenland settlements have no schools, such as Kapisillit by Nuuk and Moriusaq by Qaanaaq. The children must either be homeschooled, often by unqualified parents, or leave their families and go to the next town, often at the tender age of 10 or 11. Many other settlement children must relocate alone to the town when starting grade 8 or 9. A small number of students are homeschooled on the sheep farms in Southern Greenland.

All of the settlement schools have libraries, but many of them merely consist of a single cupboard with old books. Contrary to the Home Rule government writings on the matter, the school libraries often double as both the school and public library. Separate public libraries only exist in the towns of Nuuk, Qaqortoq, Maniitsoq, Sisimiut and Aasiaat. Not all libraries have Internet services. The settlements that are not connected to Attat, the Greenland school data net, do not have Internet service, and some of the connected settlement schools do not

have public access to the Internet. Some settlements therefore have no Internet access for adult citizens or school children.

XVIII.A.1 Illiteracy

The Home Rule government states in the report that approximately 2-5 percent of the population has difficulty reading. Reading surveys were performed among fourth and fifth grade pupils in the Greenlandic municipal primary and lower secondary schools in 2004 and 2005. The 2005 reading survey concludes that:

“Reading proficiency has declined significantly for fourth graders from 2004 to 2005. The reading proficiency for fifth graders is the same in 2004 and 2005 but with a negative tendency. For both the fourth and the fifth grade, the transition 2004 -> 2005 reveals a “shift” in the direction of more students in the weak categories D, E and F. The size of the F group (the weakest readers) for the fourth grade is around 21 percent, whilst the number for the fifth grade is increasing from 8 percent in 2004 to 11 percent in 2008. The size of group F is thus at 1994 level for the fifth grade level and at a somewhat lower level for the fourth grade” (Allerup 2005).

With such a notable group of poor readers in both the fourth and fifth grades, there are thus many students struggling to keep up with age-appropriate lessons. This is reflected later in life, where they are not capable of completing a qualifying education.

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *Greenland is recommended to gather data material providing a real picture of the population’s reading proficiency so as to make it possible to determine whether or not there are children (apart from those afflicted with dyslexia and similar ailments) with reading difficulties that are so severe that they are incapable of completing qualifying training.*

XVIII.A. Retention in municipal primary and lower secondary schools, upper secondary education and vocational training

MI/BB and RBD find it disturbing that the official report shows dropout percentages of up to 40 percent without accounting for initiatives to reduce these high dropout percentages.

XVIII.A.4. Teachers

The Home Rule government statistics from the official report show a real need for qualified teachers of 40 percent in the city schools and 81 percent in the settlements. From 2000 to the present, the number of qualified school teachers in the Greenlandic municipal schools has dropped from 863 to 858 (§ 36 Question EM 2008). The Home Rule government is attempting to mask this in official statements by relating the number of qualified teachers to the number of employed teachers, which has also declined, instead of to the total number of teaching positions.

In the 2007-2008 academic year, 11 municipalities had a teacher coverage below 70 percent, and six municipalities had a coverage of less than 60 percent (KANUKOKA). In recent years, there has also been debate about the teachers' emotional and physical working environment, frequent relocation and absences (IMAK). The IMAK teachers union has repeatedly called for initiatives to map the emotional and physical working environment, and the charting of the number of the country's municipalities that even have a staff policy and a study of the wellbeing initiatives for employees in the Greenlandic municipalities; but to no avail.

RBD and MI/BB stress that the problem concerning the teacher shortage is not at all new. Over the years, this has meant that many children in Greenland are not acquiring the necessary skills to complete an education, i.e. XVIII.A.3. in the official report. We recommend that a long-term action plan is prepared to ensure qualified teachers now and in the future.

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *What is the Home Rule government doing to increase teacher coverage in Greenland?*
2. *What is the Home Rule government doing to strengthen the emotional and physical working environment for teachers in Greenland?*

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *A study is initiated into the physical and emotional working environment of teachers, childcare professionals, psychologists, social workers and other professionals working with children and adolescents in Greenland.*

XIX. SPECIAL PROTECTION MEASURES

XIX.B. Child labor

See introduction.

XIX.C. Drug and alcohol abuse

In the official report, adolescents under 18 years of age are described as having limited access to drugs and alcohol. The organizations are of the opinion that the access to hashish and lighter gas in the big towns in particular is widespread. The media often carries reports about waves of sniffing among children as young as 10 and prevention counselors have repeatedly brought attention to this issue. Furthermore, many children in Greenland experience drug and alcohol abuse in the home, rendering them particularly prone to developing addictions themselves.

RBD and MI/BB call for continued prevention and treatment initiatives specifically aimed at adolescents.

XIX.D. Sexual exploitation, assault and trafficking

When the official report refers to studies revealing that more than 50 percent of girls under age 15 have been subjected to punishable sexual acts and that 28 percent of these girls have been subjected to sexual assault, MI/BB og RBD find it deeply alarming that no account is given of initiatives and that no initiatives have apparently been initiated to bring down these exorbitant numbers.

The same study shows that 73 percent of sexually abused children have experienced alcohol abuse in their immediate family and that 27 percent began drinking alcohol before they turned 13 (Curtis et al. 2006). However, the Home Rule government and the municipalities are addressing the issue of alcohol treatment and other initiatives in the area capable of preventing sexual assault in a non-goal-oriented fashion.

PPR in the municipality of Sermersooq are aware of prostitution among children under age 18. These children are often sexually exploited and offered gifts, money or alcohol/hashish to keep the relationship secret. Other children offer sexual services voluntarily in exchange for money. The area is marked by taboos and it is very difficult to get information about it. PPR Sermersooq's knowledge has primarily come from other children and adolescents than the implicated parties and therefore does not constitute firsthand testimonials. It is not possible to say anything regarding the extent of the sexual exploitation/prostitution, but it can be determined that the testimonials about the issue are provided on an ongoing basis.

MI/BB and RBD urge the immediate collection of data in the area in order to initiate treatment and preventive measures.

Organizations are again encouraged to establish children's houses similar to those in Iceland in order to ensure qualified and equal treatment.

However, RDB and MI/BB find that the taboos regarding the discussion of issues such as suicide, alcohol abuse and sexual assault are less than was the case just five years ago. This is largely due to information campaigns carried out by the Public Health Program together with other initiatives.

The reporting group recommends that the Committee asks the Home Rule government the following questions:

1. *What is the Home Rule government doing to reduce the number of children under age 15 who have been subjected to punishable sexual acts?*
2. *What is the Home Rule government doing to prevent the number of sexual offenders?*
3. *What is the Home Rule government doing to ensure the equal and qualified treatment of children who are being or have been subjected to sexual abuse?*

4. *Does material exist on children and adolescents who are themselves offenders?*

The Committee is encouraged to make the following recommendation to the Home Rule government:

1. *A study is initiated regarding child prostitution in Greenland.*
2. *A study of the children and adolescents who are themselves offenders and the reasons for this.*
3. *Concrete action plans are prepared for the reduction of the number of sexually abused children.*
4. *Focus is placed on the treatment of the offender and the immediate family of the offender and the abused child, as sexual assault has a severe affect on the surroundings. It is particularly important that focus is directed at children and adolescents that offend against other children and adolescents.*

CONCLUDING REMARKS

Greenland is experiencing massive social issues that demand acute political action. It is necessary for the Home Rule government to prioritize the area and implement appropriate national initiatives that are based on professional qualifications and experience, and have the nature of both short-term and long-term solutions.

The Committee should make the following recommendations to the Home Rule government:

1. *That focus is directed at the increasing economic and social inequalities in Greenland in the work in the area of children and adolescents.*
2. *That together with professionals, a long-term national strategy and action plan for the field of children and adolescents is prepared that is evaluated and amended in accordance with the actual needs so that it is ensured that the allocated means are governed in an up-to-date manner with the greatest possible yield.*
3. *That an interdisciplinary, independent and broad Children's Council is established with a chairman that functions as an ombudsman for children in line with the other Nordic countries.*
4. *That national efforts are initiated immediately in order to ensure that no child goes hungry, e.g. by implementing mandatory free school lunches in all the schools in the country.*

Reference list for the purpose of preparing the comments for Section 2 in Denmark's 4th Report to the UN Committee on the Rights of the Child

MIPI 2007a

Banerjee, Nina & Kahlig, Wolfgang (2007)

Børn og unge i Grønland – en antologi

Published by MIPI – Videnscenter om Børn og Unge, Ilisimatusarfik and Milik Publishing

Available on

<http://mipi.nanoq.gl/Emner/e%20Udgivelser/Antologi.aspx>

MIPI 2007b

Wulff, Steen & Nielsen, Sissel Lea (2007)

Børns levestandard i Grønland - part 3: "FNs Børnekonvention og barnets ret til en tilstrækkelig levestandard"

MIPI – Videnscenter om Børn og Unge, Nuuk, 2007

Available on <http://mipi.nanoq.gl/Emner/e%20Udgivelser/Boerns%20Levestandard%20i%20Groenland.aspx>

MIPI 2007c

Schnohr, Christina; Nielsen, Sissel Lea & Wulff, Steen (2007)

Børns levestandard i Grønland – part 2: "En statistisk analyse af indkomstdata for husstande med børn"

MIPI – Videnscenter om Børn og Unge, Nuuk, 2007

Available on <http://mipi.nanoq.gl/Emner/e%20Udgivelser/Boerns%20Levestandard%20i%20Groenland.aspx>

MIPI 2007d

Tema 2007-2008, Børn og unge med god trivsel

MIPI – Videnscenter om Børn og Unge, Nuuk, 2008

Available on

<http://mipi.nanoq.gl/Emner/e%20Udgivelser/Statistik%20om%20børn%20og%20unge%20i%20Groenland.aspx>

MIPI et al. 2007

Pedersen, Cecilie Petrine et al.

Notat om Selvmordstanker og selvmordsforsøg blandt unge i Grønland

MIPI – Videnscenter om Børn og Unge, PAARISA – direktoratet for Sundhed/Grønlands Hjemmestyre og Statens Institut for Folkesundhed, Nuuk 2007.

Available on

<http://mipi.nanoq.gl/Emner/e%20Udgivelser/Notat%20om%20selvmordstanker%20og%20selvmordsforsoeg%20blandt%20unge%20i%20Groenland.aspx>

Kirsten Ørgard og Jette Jensen, Grønlands Arbejdsgiverforening 2004.

Børn og unge i politiets døgnrapporter. Hvem og hvorfor?

Available on www.mb.gl

Curtis et.al.

Curtis, T.; Larsen, H.B.; Helweg-Larsen, K; Pedersen, C.P.; Olesen, I.; Sørensen, K.; Jørgensen, M.E.; Bjerregaard, P.

Unge trivsel i Grønland 2004. Nuuk:

Inussuk. Arktisk Forskningsjournal 2006;1.

HBSC, 2007

Niclasen, Birgit; Løngard, Katja; Laursen, Laila Kærgaard; Schnohr, Christina (2007)

"Sundhed på toppen - Resultater fra Health Behaviour in School-aged Children (HBSC) undersøgelsen i Grønland i 2006",

Inussuk, Arktisk forskningsjournal 1, 2007

Available on http://www.peqqik.gl/Publikationer/Rapporter_og_redegoerelser/Sundhed_paa_toppen.aspx

Bjerregaard, Peter (Red.), 2001

"Abort i Grønland",

Inussuk, Arktisk Forskningsjournal 2, 2001

Available on http://www.peqqik.gl/Publikationer/Rapporter_og_redegoerelser/Abort_i_Groenland_2001.aspx

Årsberetning fra embedslægen 2007, 2006, 2005

Available

<http://dk.nanoq.gl/Emner/Landsstyre/Embedslaegelinstitutionen/Udgivelser/Aarsberetning/Aarsberetning%202006.aspx>

Statistics Greenland 2008

Prices

Statistics Greenland 2008:2, Nuuk

Available on www.stat.gl

Peter Allerup 2005

Resumé af Den Grønlandske Læseundersøgelse 2005

Peter Allerup Inerisaavik, maj 2005/v 1605

Available on <http://www.inerisaavik.gl/index.php?id=222>

www.Kanukoka.gl

www.knr.gl

www.sermitsiaq.gl

Agenda items, preprint and response notes from the Landsting Assemblies, 2006-2008 www.nanoq.gl

THE ORGANISATIONS BEHIND THE REPORT ON GREENLAND:

Meeqqat Innunerissut / Bedre Børneliv is a non-political organisation. Our overall aim is to ensure better living conditions for children in Greenland. Among our focus areas are:

- To foster respect for the social and health care workers working with children and families
- To even out social differences in Greenland
- To ensure, that sexual abuse, hunger, violence, crime and poverty is not daily life for children in Greenland.

MIBB focuses on prevention and developing initiatives instead of treatment initiatives.

Save the Children Denmark

Save the Children Denmark is working towards:

- A world that respects children
- A world that listens to children and learns
- A world where all children have hope and possibilities

Save the Children Denmark is part of Save the Children. Save the Children is the world's largest independent child rights organization. Save the Children is fighting for the rights of children. Save the Children provides immediate and long-term help to exposed children in Denmark and the rest of the world.