

**Country session:** Denmark

**Date of session:** 15 September (76<sup>th</sup> Session)

## Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Summary Records, [here](#) and [here](#)

## Reporting

### Reporting methodology

Regular reporting procedure

Simplified reporting procedure

**Concluding Observations with urgent measures**

### State report:

Common core document	
<a href="#">Initial submission</a>	29 June 1995

CRC		OPAC		OPSC	
No. of report	5 <sup>th</sup>	No. of report	-	No. of report	-
Due date	1 February 2016	Due date	-	Due date	-
Submission	1 March 2016	Submission	-	Submission	-

Written replies to LOIs	
Submission	7 June 2017
Due date	16 June 2017

**Additional Comments:** The Committee welcomed the progress achieved by the State in numerous areas, particularly the ratification of the Optional Protocol to the CRC on a communications procedure. The Committee invited the State to submit an updated core document.

### Public reports from children's rights defenders:

#### Alternative reports / Additional Information

#### NGOs

- Barnabati;
- Children and Youth Panel;
- LGBT Denmark – The Danish National Organization for Gay Men, Lesbians, Bisexuals and Transgender Persons;
- DIGNITY - Danish institute against torture, Disabled Peoples Organisation Denmark, Joint Council for Child Issues, Children's Welfare in Denmark, Association for Greenlandic Children, Save the Children Denmark, Save the Children Youth Denmark, Danish National Committee for UNICEF;

	<ul style="list-style-type: none"> <li>▪ Global Detention Project;</li> <li>▪ Intact Denmark;</li> <li>▪ Refugees Welcome;</li> <li>▪ Stop IGM;</li> <li>▪ MIO – Independent Children’s Rights Institution.</li> </ul>
<b>NHRIs</b>	<ul style="list-style-type: none"> <li>▪ Danish Institute for Human Rights;</li> <li>▪ Danish National Council for Children;</li> <li>▪ The Parliamentary Ombudsman.</li> </ul>

## State delegation

Large high level and multisectoral delegation led by Mr. Carsten Staur, Permanent Representative of Denmark to the UN in Geneva. Mr. Staur was supported by representatives of the Ministry for Children and Social Affairs, Ministry of Justice, National Agency for Education and Quality, Ministry of Education, Danish Immigration Service, Ministry of Immigration and Integration of Denmark, Greenlandic Ministry of Social Affairs, Family, Gender Equality and Justice, Faroese Foreign Service, Faroese Ministry of Social Affairs, the Permanent Mission of Denmark to the UN in Geneva.

## Committee’s Task Force members

Name & Last Name	Country
Mr. Hatem KOTRANE	Tunisia
Mr. Bernard GASTAUD	Monaco
Mr. Cephas LUMINA	Zambia
Ms. Mikiko OTANI	Japan

## Dialogue description

### i. Character of the dialogue

The atmosphere during the session was cooperative and constructive. The quality of the dialogue was well coordinated and the State delegation provided detailed and honest answers to the Committee members’ questions.

### ii. General assessment made by the Committee

The Committee welcomed with appreciation the comprehensive report submitted by Denmark and expressed its confidence in Denmark’s willingness and commitment to realize the rights of children. However, the Committee remained concerned about the lack of incorporation of the Convention and its Optional Protocols into domestic law as well as about the low awareness and understanding of the Convention, including and especially children’s knowledge thereof. The Committee stressed the need for sufficient measures to strengthen the rights of children with disabilities, and while noting that the standard of living in mainland Denmark was significantly high, the Committee also emphasized the need for increased endeavours to reduce child poverty in Greenland and in the Faroe Islands.

### iii. Main issues discussed:

- **Legislation, policies and strategies:** The Committee raised its concerns about the fact that the Convention was not incorporated into domestic law and reiterated its previous recommendations to enact a rights-based Child

Act encompassing all rights under the Convention, as well as to implement a harmonized and comprehensive national plan of action for the realization of children’s rights. Committee members also asked whether there were any mechanisms in place for defining policies on children’s rights and for follow-up procedures of UN treaty body recommendations. The delegation replied that the country had a robust system encompassing a solid foundation for the protection of children’s rights. Therefore, a specific plan of action for the implementation of the Convention was not needed. Rather, action plans were used as effective tools in areas and concerning matters which so required.

- **Use of force against children in alternative care facilities, psychiatric wards, and asylum centres:** The Committee expressed its deep concerns about the use of force against children in these various institutions and inquired what measures the State was taking to address and monitor the issue. In its reply, the delegation highlighted the adoption of a new act on the enhancement of the rights and the integrity of children in alternative care as well as the enactment of a new code relating to migrants and refugees, which established that the use of force on migrant and refugee children could not be more extensive than on other children. On this note, the delegation explained that while physical force and coercive means were used only in exceptional circumstances – such as when a child is a danger to her/himself or others – and solely as a measure of last resort, humiliating and degrading treatment was absolutely prohibited. It further held that instances of use of force must be registered, and the child be given the opportunity to state his/her version of the incidence in question.
- **Trafficking of children:** The Committee inquired what is being done to ensure that a children’s rights based approach was promoted and implemented when dealing with child victims of trafficking. Committee members also asked about measures taken to prevent that children, and in particular unaccompanied children, fall victim for trafficking. The delegation replied that education and training of officials on the exploitation of particularly vulnerable persons was ongoing and that guidelines on the treatment of victims of trafficking, including minors, had been developed. The delegation also explained that victims were offered specialized support within criminal procedures.
- **Children deprived of a family environment:** The Committee voiced its concerns about the high number of children who were placed in alternative care institutions. Committee members put emphasis on children with disabilities and inquired information about efforts made to strengthen family-based care and the foster care system in order to reduce the institutionalization of children. The delegation replied that it was preferable – and hence a priority for the Government – to place children in foster care, including children with greater needs, such as children with disabilities. To enhance the foster care system, all foster families underwent a mandatory course prior to the placing of a child, and once a child had been placed in a home, supervision of the care was conducted. When necessary, training was provided for and undertaken by the foster families.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following 6 areas:

- **Sexual abuse and exploitation:** The Committee urged the State to combat sexual exploitation and abuse. With regards to the situation in Greenland, where sexual exploitation and abuse of children was particularly high, the Committee recommended the State to speed up court proceedings and to expand the use of video questioning of child victims. The State should continue the development of programmes and policies for the prevention, recovery and social reintegration of child victims and ensure that professionals working with or for children are specialized on identifying cases of sexual abuse against children. The State should also ensure that children, at all levels of school and in media, have access to information on reporting of instances of sexual abuse.

- **Children deprived of a family environment:** The Committee recommended the State to further facilitate family-based care and enhance the foster care system with a view to reduce the institutionalization of children, with specific attention to children with disabilities. The State should ensure that institutionalized children are not frequently moved from one institution to another, increase the capacities of municipalities and ensure that sufficient resources are allocated to child protection services and alternative care centres in every municipality. In addition, the State should strengthen regulations on the use of restraint and train staff in alternative care facilities. It should also establish anonymous and accessible complaints mechanisms for children in institutions, and increase regular, independent and unannounced monitoring visits of all alternative care institutions and homes.
- **Children with disabilities:** The Committee urged the State to adopt a human rights-based approach to disability and to set up a comprehensive strategy for the inclusion of children with disabilities. Furthermore, the Committee recommended the State to ensure that children with disabilities were not forcibly hospitalized or institutionalized, without exception. Rather, the State should provide those children with assistance in a community care environment. Furthermore, the State should not make any additional cuts to the budget which might impede the rights of children with disabilities, it should increase comprehensive measures to develop inclusive education, and facilitate access to public facilities. As has been recommended by the CRPD Committee, the State should also recognize the right of all deaf children to learn and communicate in Danish Sign Language. Lastly, the State should speedily develop and adopt guidelines for the prevention and detection of violence and sexual abuse against children with and without disabilities.
- **Standard of living:** The Committee recommended the State to reintroduce the 2013 poverty line, to refrain from further restricting social benefits, and to allocate adequate social benefits to reduce child poverty. In addition, the State should develop specific poverty reduction measures for children in Greenland by attempting to reduce the high level of unemployment among family breadwinners, and undertake specific reduction measures for children on the Faroe Island by paying particular attention on single parent families. The State should also conduct targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty.
- **Asylum-seeking and refugee children:** The Committee urged the State to refrain from placing asylum seeking children and their families who await deportation in detention and to establish monitoring mechanisms on the situations of vulnerable individuals and groups in receiving countries after their deportation, and act upon reports of torture and ill-treatment. The State should further train law enforcement personnel, social workers and immigration personnel on identification of victims or girls at risk of FGM with a view to ensure that they are not subjected to *refoulement* and likewise put into place complaint mechanisms for girls who fear they will become victim of FGM. The best interest of the child should be a primary consideration in all decisions in immigration cases, and hearings of children should be introduced. Furthermore, sufficient measures should be taken to ensure the principle of family unity for children in need of international protection, the capacities and number of personnel specialized in children with mental health issues should be increased, full access to health care should be provided, and equal access to social protection should be ensured to children whose asylum claim have been denied.
- **Unaccompanied children:** The Committee recommended the State to ensure that no children are placed in detention and to attempt to place children in child-friendly accommodation instead of asylum centres. Moreover, the State should establish sufficient safeguards, including adequate surveillance personnel that are aware of the number and names of unaccompanied children in the asylum centres to ensure that those children do not disappear from these centres. Endeavours to search for children who have so far disappeared should be intensified and offenders involved adequately prosecuted and punished. The State should also ensure that children's asylum claims are speedily assessed.



## Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- Target 1.3, on implementing nationally appropriate social protection systems and measures for all;
- Target 4.1, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education.

## Next State report

CRC	
No. of report	6 <sup>th</sup> – 7 <sup>th</sup>
Due date	17 August 2023

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.