



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Fifth periodic reports of States parties due in 2016

**Denmark**<sup>\*,\*\*</sup>

[Date received: 1 March 2016]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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## **1. Denmark**

### **Introduction**

1. Denmark ratified the UN Convention on the Rights of the Child on 19 July 1991. According to article 44 of the Convention the states parties have to submit a report to the UN Committee on the Rights of the Child every fifth year, reporting on the measures they have taken to implement the rights recognised in the Convention and the progress made in respect of the enjoyment of these rights. This is Denmark's fifth periodic report according to article 44 of the Convention. It updates previous reports and describes policy measures taken to implement the recommendations in the Concluding Observations of the Committee on the Rights of the Child (doc. CRC/C/DNK/CO/4). The recommendations are addressed in the appropriate sections of the report.

2. To ensure a coherent description of the special legislative, administrative and practical conditions in Greenland and the Faroe Islands, this report contains separate reviews of these areas in sections 2 and 3.

### **I. General measures of implementation**

#### **I.A. Measures to implement the provisions of the Convention**

3. Denmark assigns the highest priority to the protection of children's rights and a number of initiatives have been taken to further strengthen, promote and protect the rights of children since Denmark's last periodic report. This includes legislative amendments to strengthen the advocacy function of the National Council for Children which as an independent institution funded by the state provides advice to the Government and Parliament on children's issues. The tasks of the council include drawing attention to areas in which children's rights are not sufficiently protected in legislation and administrative practice. An additional DKK 2 million annually has been earmarked to strengthen the work of the National Council for Children.

#### **Development cooperation**

4. Denmark is one of few countries in the world to deliver on the UN target for donor countries' spending on development assistance and is a fully committed partner in the global fight for the eradication of poverty and the promotion of human rights, democracy, rule of law and sustainable growth.

5. With Denmark's strategy for development cooperation 'The Right to a Better Life' from 2012, Denmark decided to apply a human rights-based approach to development cooperation where human rights as core values are used in Denmark's bilateral and multilateral partnerships and as a base for political dialogues. Instead of beforehand determining which groups in society should be prioritized Denmark applies a more strategic approach. In each specific programme and project, Denmark identifies the conditions and power relations which cause poverty and prevent the realisation of human rights. Thus, country policy papers are developed and human rights assessments made which help identify where Denmark can make a difference for the most marginalized groups of persons in the concerned country. This may in some cases include children.

6. The Ministry of Foreign Affairs supports Save the Children Denmark's long-term development activities to promote children's rights and livelihoods with DKK 56 million in

2015. In addition as of October 2015 Save the Children Denmark has been granted DKK 54 million to carry out humanitarian assistance, including DKK 18 million for activities in Syria and Iraq. Many other Danish private organisations receiving grants from the Ministry of Foreign Affairs have children as a target group.

**Concluding observation, para. 9**

7. Under Danish law it is a general principle that the possibility to bring an appeal is restricted in minor, less serious cases. The Appeals Permission Board may, however, grant the right to appeal if the case is of general public importance or if other particular reasons justify it. Therefore, Denmark cannot withdraw its reservation.

**Concluding observation, para. 11**

8. In 2014 a committee of experts in the human rights field delivered its report on several human rights aspects, which was subsequently submitted to public consultation. After the consultation, the Government decided not to incorporate a number of UN Human Rights Conventions into Danish law since such incorporation, according to the Government, might entail a risk of a shift in the legislative powers conferred upon Parliament to the courts. It was the opinion of the Government that it is important to maintain the elected representatives' responsibility for compliance with our international obligations. As regards Protocol No. 12 to the European Convention on Human Rights, the Government decided not to accede to the Protocol as such accession might also entail a risk of a shift in the powers conferred upon the legislature to decide what could serve as a legitimate basis for differential treatment to the courts and, as a last resort, the European Court of Human Rights.

**Concluding observation, para. 13**

9. Prior to Denmark's accession a thorough assessment of national legislation was carried out to ensure that national legislation was in accordance with the provisions and principles of the Convention and the Optional Protocols and the Government continuously fulfils its responsibility to assess national legislation in light of international obligations including the Convention.

10. With regard to the Committee's recommendation on a Child Act, the Government can inform that there are currently no such plans. Children's rights and the implementation of the Convention are as a result of the principle of sector accountability mainstreamed, thereby making every public body responsible for implementation of and compliance with the Convention within the body's area of competence.

**Concluding observation, para. 15**

11. As described in para. 10 the principle of sector accountability applies and the implementation of children's rights is hence relevant to and the responsibility of the body normally performing the task. It is thereby ensured that children's rights are implemented in a comprehensive, coherent and consistent matter throughout the public sector and in all aspects of society which children come into contact with rather than being the focus of e.g. only the social sector. A standing structure as recommended by the Committee would therefore be alien to Danish conditions and the prevailing administrative structure.

12. With regard to the question of disparity issues please refer to para. 15-16.

**Concluding observation, para. 17**

13. Denmark does not have a harmonised plan of action specifically on implementation of the Convention. As described in para. 10 and 11 the principle of sector accountability

ensures that all public authorities in every sector are responsible for ensuring proper implementation in the sector which they are responsible for. The implementation of the Convention is hence not the responsibility of one public authority or subject of just one action plan. Rather the implementation of the Convention and children's rights are cross-sectorial concerns which form parts of the objective of a number of initiatives and actions plans launched since Denmark's last periodic report. This includes, but is not limited to:

- The National Strategy against Honour-related Conflicts.
- Establishment of the 'National Cyber Crime Centre.
- Amendments of the Act on Parental Responsibility.
- A significant strengthening of the effort for children who are victims of abuse.
- A supervision reform which aims at improving and aligning standards and quality of care and treatment in placement facilities and foster homes.
- The 2014 school reform.

**Concluding observation, para. 20**

14. A special Office for Children as part of the Parliamentary Ombudsman institution was established in 2012 in order to protect and enhance children's rights. The main tasks of the office are: a) To handle complaints concerning children in cases where authorities have made an administrative decision, b) To visit institutions for children and monitor the authorities' work with children and c) To contribute to monitoring of the implementation of children's rights.

**Concluding observation, para. 22**

15. The municipalities are financed through taxes as well as grants from the Government. The annual block grant is adjusted to compensate for changes in the responsibilities of the municipalities and to ensure that the municipalities' financial resources correspond to their responsibilities. As part of the municipal reform a financing reform was implemented with the object of i.a. achieving a higher level of equalisation between the municipalities.

16. In the area of social services the state shall reimburse part of the municipalities' expenses to assistance and support under the Act on Social Service if these exceed a defined threshold.

**Concluding observation, para. 24**

17. The Government agrees with the Committee on the importance of developing statistics to be used i.a. in relation to policies and programmes on poverty, violence and abuse. Data collection within e.g. the area of social services and the health sector including on matters affecting children has been and is continuously strengthened.

**Concluding observation, para. 69**

18. Denmark ratified the Optional Protocol on a Communications Procedure in 2014.

19. Denmark has ratified all ILO core conventions on workers' rights. These apply as well to foreign nationals legally residing in Denmark. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Denmark finds that the insufficient distinction between the economic and social rights of regular and irregular migrant workers is not in line with national and EU policies — especially when it comes to preventing irregular migration.

## **I.B. Dissemination of knowledge of the Convention**

20. To strengthen knowledge of the Convention a number of campaign and information activities targeting school children were initiated in 2013 and are still ongoing. These include strengthening children's knowledge of the rights of children to be protected from abuse and guidance on where to find help in case of abuse.

21. The civil society organisations focusing on children's rights in Denmark have created a forum for discussion and coordination regarding children's rights and the implementation of the Convention. Inter-ministerial meetings with the group are held on a regular basis with the purpose of enhancing cooperation between civil society and public authorities.

### **Concluding observation, para. 26**

22. The Public School Act of 2014 makes it mandatory for schools to include teaching on children's rights. Human rights and international organisation are part of the history and social studies curriculums.

23. In 2014 the Ministry of Children, Education and Gender Equality and the Ministry of Foreign Affairs established a team of international advisors to provide guidance to schools on topics such as children's rights, global citizenship and sustainable development. This includes guidance on student councils as a way of ensuring that the views of children are heard and at the same time enabling pupils to become active and critical citizens. The Ministry of Children, Education and Gender Equality has in collaboration with the Danish Institute for Human Rights developed teaching modules and relevant materials on human rights including on the Convention.

### **Concluding observation, para. 28**

24. In the area of social services DKK 30 million has been allocated annually to further education of municipal social workers. Focus is particularly on ensuring that the views of the child are taken into account in decision-making.

25. With regard to law enforcement officers, police ethics with a general focus on human rights issues and a thematic focus on obligations in relation to children is included in the curriculum of the compulsory bachelor in policing as well as in advanced training programmes. Selected staff receives special training on video-interviewing child victims. For further information please refer to Denmark's fourth periodic report, para. 36.

26. With regard to judges the subject of human rights is incorporated in training courses and seminars when relevant. A Nordic three day seminar focusing solely on the rights of children was attended by eight Danish judges in 2015. A specific seminar offered on custody cases also includes the issue of children's rights.

27. With regard to teachers the issue of human rights is addressed in a number of mandatory subjects in the bachelor of education programme including in the subject 'general education' which deals with the concepts and practical application of human rights, children's rights, citizenship and democracy. With regard to teaching in schools on the subject of children's rights please refer to para. 20-21.

### **Concluding observation, para. 30**

28. Since 2013 businesses have been legally obliged to explicitly account for human rights including children's rights in their financial statements. A national action plan on the implementation of the UN Guiding Principles on Business and Human Rights was published in 2014.

29. Legislation has furthermore been passed to reinforce the Danish National Contact Point to the OECD. The institution may examine complaints lodged against private Danish companies, private organisations and public authorities concerning non-compliance with the OECD Guidelines on Multinational Enterprises including the provisions on children's rights. The institution is furthermore engaged in awareness-raising in close cooperation with relevant stakeholders.

30. I.C. State parties shall make their reports widely available to the public in their countries.

**Concluding observation, para. 71**

31. Denmark's fourth periodic report and the Concluding Observations of the Committee are publicly available on the website of the Ministry of Social Affairs and the Interior.

## **II. Definition of the child**

32. Please refer to Denmark's third periodic report, para. 70.

33. With regard to marriage please refer to para 65.

## **III. General principles**

### **III.A. Non-discrimination**

**Concluding observation, para. 32**

34. Children who are lawfully staying in Denmark are entitled to services e.g. social services on an equitable basis. To ensure de facto equal access certain accommodations are made in specific areas. An example is the additional subsidy to reduce and in some cases de facto eliminate the charge of day-care which may be granted if the parents' income does not exceed a certain threshold.

**Concluding observation, para. 33**

35. Denmark is continuously striving to prevent all forms of discrimination and racism and steps have been taken to strengthen this effort. The National Integration Barometer was launched in 2012 to measure the success of integration on 9 different parameters including on discrimination and equal treatment. In 2010 an 'Action Plan on Ethnic Equal Treatment and Respect for the Individual' was adopted. The initiatives of the action plan aimed at engaging a multifaceted effort in combating racial discrimination and included the teaching material 'Diversity and Prejudices' which focuses i.a. on tolerance, inclusion, prejudices, citizenship, hate speech and discrimination. DKK 5 million has been allocated annually for the period 2012 to 2015 to fund projects on preventing and combating discrimination and strengthening active citizenship of newcomers.

### **III.B. The child's best interest**

36. The child's best interest is a paramount consideration to which considerable weight is attributed throughout the various sectors.



### **Social services**

37. The Act on Social Services stipulates that paramount consideration shall be attributed to the best interest of the child in cases within the area of social services. Support must hence be adapted to the specific situation and needs of the child and must be based on the child's own resources. Support shall be provided at an early stage and be designed to ensure continuity in childhood and a safe environment offering close and stable relations to adults e.g. by supporting the child's family relations and network.

### **Parental responsibility**

38. The Act on Parental Responsibility was amended in 2012 to further strengthen the best interest of the child in particular during conflicts between the parents. It furthermore ensures that interviews of children in family law cases are always conducted by a child welfare consultant. A pilot project on reducing the strain placed on children involved in cases regarding parental responsibility was launched in 2015. It aims at strengthening the ability of parents to cooperate after a divorce or break up through therapeutic intervention.

### **Adoption**

39. A political agreement entered into in October 2014 on reforming the international adoption system in Denmark is aimed at ensuring ethical international adoptions and enhancing the supervision of such adoptions. In addition the reform ensures better preparation of future adoptive parents to support a sound upbringing of the child in its new family as well as an expansion of the current post-adoption services to adoptive parents.

40. The rules on adoption were changed in 2009 and 2015 making it possible to adopt a child without the consent of its parents if the parents are permanently unable to take care of the child. Adoption without consent of a child placed in a foster family is possible if the child's attachment to the foster family makes it harmful for the child to break the relation. In all situations adoption may only be granted if it is in the best interest of the child.

### **Immigration**

41. Children below the age of 15 may be granted family reunification in accordance with the general rules in the Aliens Act. In 2012, it was specified in the Aliens Act that the best interest of the child may speak in favour of granting, in exceptional cases, a child above the age of 15 a residence permit on the basis of family reunification.

42. The Government has taken initiative to establish guidelines on the handling of cases regarding children of rejected asylum seekers who are placed in care due to a care order. The aim is to ensure that specific attention is paid to these cases and that children placed in care due to a care order will not be expelled.

### **Concluding observation, para. 35**

43. Please refer to para. 36 and 40-41.

## **III.C. Respect for the views of the child**

44. Please refer to Denmark's fourth periodic report, para. 92-102.

### **Concluding observation para. 37**

#### *Social services*

45. When a child is in need of special support, the view of the child shall always be taken into account, and proper importance must be attributed to the views of the child in accordance with the age and maturity of the child. The child protection examination, which must be performed prior to special support being put in place, must include a consultation with the child, unless the maturity of the child or the nature of the case strongly suggest otherwise. For further information please refer to Denmark's fourth periodic report, para. 92-94.

#### *Policy development*

46. The municipalities are required to draw up a cohesive child policy designed to secure cohesion between the general and preventive work and measures for children in need of special support. An effort has furthermore been made to increase focus on including the views of children in the development of policies and legislation i.a. through participation of children in expert groups and panels in cooperation with the National Council for Children. This approach has been used in regard to issues such as placement in care and the use of forcible measures against children placed in care.

#### *Education*

47. Please refer to Denmark's fourth periodic report para 107-112.

48. To ensure that the views of children attending private schools are heard in cases regarding expulsion the Ministry of Children, Education and Gender Equality has developed two publications which include guidelines for principals.

49. Decisions on referral to special education may only be made in consultation with the child and the parents.

#### *Health care*

50. Parental consent must be obtained for medical treatment of children under the age of 15. Children including children with disabilities shall, however, be involved to the highest possible degree in decisions regarding their treatment and their views shall be taken into consideration. In treatment of adolescents above the age of 15 an informed consent from the adolescent must be obtained.

#### *Family law*

51. Consideration of the best interests of the child is a fundamental principle in family-law cases concerning children. Therefore, the child should be heard to the greatest possible extent and due respect must be paid to the views of the child e.g. through information obtained from the parents, interviews with the child conducted by child welfare consultants and/or examinations carried out by child experts. The State Administration carries out approximately 2400 interviews with children annually.

#### *Training of professionals and staff*

52. Please refer to para. 24-27.

### **III.D. The child's right to life, survival and development**

53. The Government is making an extensive effort to promote mental health and well-being among children including establishing cross-sectorial collaboration with the aim of combating stigma in regard to mental health and mental illness in primary care settings and schools.

## **IV. Civil rights and freedoms**

### **IV.A. Birth registration and nationality**

54. Birth registration is performed by the midwife who informs the ministerial register, which for historical reasons is administered by the Established Church. Since Denmark's last periodic report the processes for civil registration have been digitalised and the applicant is hence not required to have contact with the Established Church.

55. For information on nationality please refer to Denmark's fourth periodic report, para. 115-118. A number of amendments of the Nationality Act have been made i.a. ensuring equal access to Danish citizenship for children born in and out of marriage and equal access to pass on Danish citizenship to a child through adoption.

### **IV.B. Preservation of identity**

56. Please refer to Denmark's fourth periodic report, para. 119-122. From September 2015 the Nationality Act allows for dual nationality.

57. With regard to paternity cases please refer to Denmark's third periodic report, para. 108-113.

### **IV.C. Freedom of expression**

58. Please refer to Denmark's initial report, para. 79-85.

### **IV.D. Freedom of thought, conscience and religion**

59. Please refer to Denmark's initial report, para. 93-98.

### **IV.E. Freedom of association and of peaceful assembly**

60. Please refer to Denmark's fourth periodic report, para. 125.

### **IV.F. Protection of privacy**

61. In June 2013 a committee of experts was set up to review legislation on the use of forcible measures against children and young persons placed in care. It was tasked with describing challenges related to the use of such measures and presenting proposals for a new regulatory framework with the aim of ensuring children's rights and integrity. The Committee submitted its report to the Government in 2015.

#### **IV.G. Access to information**

62. The Danish Broadcasting Cooperation (DR) operates two channels specifically providing public service content for children. 25 percent of funds provided to DR and TV2's film production is earmarked films for children and young people.

### **V. Violence against children**

#### **V.A. Abuse and neglect**

63. Pursuant to the Act on Social Services one is obliged to notify social services if becoming aware of a child exposed to maltreatment or living in conditions that threaten the child's health and development. Professionals working with children are subject to a strict duty to notify. Since Denmark's last periodic report amendments have been made to underline the importance of timely and correct action from social services when receiving information about possible child abuse. Thus, social services are obliged to assess within 24 hours whether immediate action is needed. If the notification concerns violence or abuse social services must conduct an interview with the child to ensure that the views of the child are taken into account.

64. In 2013 the Government allocated DKK 268 million to strengthen the protection of children and young people from abuse through legislative amendments as well as implementation activities and knowledge building.

65. Five special Children's Houses covering all municipalities have been established. The Children's Houses ensure that child victims of abuse receive coordinated and professional help from social services, police, therapeutic services and health services in a child friendly environment. During the first year of operation approximately 1000 children have received support.

#### **V.B. Harmful practices**

##### **Early and forced marriages**

66. Any person who coerces another into marriage or into participating in a religious marriage ceremony with no legal effect is liable for imprisonment. The authorities are obliged to ensure that neither of the parties enters into marriage involuntarily or as a result of coercion. In order to i.a. prevent forced marriages family reunification may only be granted when both individuals have attained 24 years of age.

67. The National Strategy Against Honour-related Conflicts' was launched in 2012 with the main aim to prevent honour-related conflicts including forced marriages. The efforts include support and cooperation among municipalities, education of professionals, a hotline for parents, support for young people and information campaigns. The 'Strategy against Parallel Legal Concepts' launched in 2012 aims at preventing women and minors from being forced into entering a religious marriage or from being kept in one against their own free will. The main initiatives are legislative changes, an education program for religious communities, capacity building among professionals and assistance to citizens.

##### **Female genital mutilation**

68. Any person who assaults a person by cutting or otherwise removing external female genitals in full or in part, whether with or without consent, is liable for imprisonment.

### **V.C. Sexual exploitation and sexual abuse**

69. The National Police has two ongoing projects: one entailing investigation of the potential trafficking of minor victims into Denmark, the other aimed at enhancing information exchange between authorities in potential cases of trafficking in human beings including children.

70. The effort to combat child pornography on the internet remains a high-priority area for the police. The National Cyber Crime Centre' (NC3) was established in May 2014 and has a section of approximately 20 investigators dedicated to combat possession and distribution of child abuse material. The NC3 assists i.a. in the investigation of cases regarding distribution of child abuse material on the internet.

71. The NC3 has laid down national guidelines concerning the handling of cybercrime related cases and is responsible for a national database of pictures and videos of sexual abuse of children enabling automated searches of computers etc. In addition, the NC3 have entered into cooperative agreements with the majority of the Danish internet service providers as well as the NGO Save the Children Denmark in an effort to block access to websites that host child abuse material. Since the beginning of this cooperation, 50 000 websites have been blocked. NC3 participates in international cooperation and networks to combat cybercrime and online sexual abuse of children.

72. The obligation to obtain criminal records concerning sexual offences against children prior to engaging new staff was in 2012 broadened to apply to all persons who on a regular basis will be in contact with children younger than 15 thereby including volunteers.

### **V.D. Torture or other cruel, inhuman or degrading treatment or punishment**

73. Children who have been subjected to torture or other cruel, inhuman or degrading treatment or punishment may receive treatment at one of the regional rehabilitation centers for torture victims or at one of the two private centers. The treatment is provided free of charge.

74. With regard to the use of coercion in the psychiatric system a legislative amendment was passed in 2015 clarifying i.a. the legal position of minor psychiatric patients and expanding the application of the law on the use of coercion in psychiatry to patients aged 15 to 17 who have not consented to treatment. Interventions performed on children under the age of 15 now have to be reported despite parental consent.

75. Please refer to para. 60 for information on the review of legislation on the use of forcible measures against children placed in care.

#### **Concluding observation, para. 39.**

76. Corporal punishment may be punishable as violence under the Criminal Code.

77. For information on awareness-raising and public education please refer to para. 20.

#### **Concluding observation, para. 40.**

78. Denmark has made substantial investments in a national initiative for preventing and addressing violence and sexual abuse against children. As part of the initiative the Ministry of Social Affairs and the Interior in collaboration with the NGO Save the Children Denmark have made a number of campaign and education activities for children on the right to be protected from violence and abuse. For further information on the initiative as a whole, please refer to para. 62-64.

79. With regard to a legal ban on all forms of violence please refer to para. 75.

80. With regard to data collection, please refer to annex 1, section E.1.a.

### **V.E. Physical and psychological recovery and social reintegration of child victims**

81. Please refer to para. 64.

82. In the area of health care funds have been allocated to a highly specialised hospital effort to ensure expertise.

### **V.F. Helplines for children**

83. Please refer to para. 148.

## **VI. Family environment and alternative care**

### **VI.A. Family environment**

84. For the period 2014-2017 DKK 280 million has been allocated to initiatives which ensure early support for vulnerable children including children with disabilities. The Preventive Measures Package consists of the following initiatives:

- Strengthening parental competences through preventive, family-oriented efforts.
- Strategic partnerships between municipalities and organisations on preventive efforts aimed at disadvantaged children and young people.
- Strengthening early efforts aimed at disadvantaged children in day-care.
- Extending the municipalities' use of leisure activities as a preventive measure for disadvantaged children and young people.

#### **Concluding observation, para. 42**

85. The municipalities shall offer temporary accommodation facilities to women who have been exposed to violence, threats of violence or similar crisis in their family relation. The woman may be accompanied by her children and the children shall receive care and support during their stay. Support and counselling on housing, finances, labour market, education etc. shall be offered to the woman during the period of relocation from the shelter and into the family's own home. The municipality is furthermore obliged to offer psychological treatment to the children.

86. With respect to the concluding observation stated in para. 42(b) please refer to para. 62-64 and to annex 1, section E.1.a.

### **VI.B. Parents' common responsibilities, assistance to parents and childcare services**

87. All children in Denmark are entitled to be admitted to a day-care facility from the age of 26 weeks to school age. For information on subsidies to ensure equal access please refer to annex 1, section F.1.b.

88. Day-care facilities must contribute to ensure the children's well-being, development and learning. The pedagogical work must be organised to take into account the child's views considering the child's age and maturity.

89. The municipalities are obliged to offer language assessment of all three-year-olds who are not enrolled in day-care and three-year-olds in day-care if there are indications that the child may need language stimulation. Bilingual children, who based on the language assessment are in need of further support, shall receive free language stimulation 15 or 30 hours a week. If parents do not comply with their obligations to let their child undergo language assessment or stimulation, and their non-compliance is not due to excusable circumstances, the local authority shall make a decision to suspend child benefits.

### **VI.C. Separation from parents**

90. With regard to early support for vulnerable children please refer to para. 83.

### **VI.D. Family reunification**

91. Since Denmark's last periodic report it has been specified in the Aliens Act that the best interest of the child may speak in favour of granting, in exceptional cases a child above the age of 15 a residence permit on the basis of family reunification. It has furthermore been specified that the integration potential of a child shall never be included in the assessment of whether to grant a residence permit, if the child is below the age of 8.

92. The rules on family reunified children's recovery of residence permits, which have lapsed due to a stay abroad, e.g. a re-education journey, have been amended to i.a. emphasise that the best interest of the child is at the centre of the recovery assessment. Measures have also been taken to ensure that parents sending their children on re-education journeys are informed of the possible consequences in regard to the child's residence permit, i.e. that a residence permit will in general lapse if a minor foreign citizen has stayed outside of Denmark for more than 3 consecutive months on a re-education journey or other stay abroad, which has a negative impact on schooling and integration. The basic consideration is that such a stay, even if it is of shorter duration, may have serious negative repercussions for the child concerned.

93. In 2015, an amendment to the Aliens Act introduced a new temporary subsidiary protection status for refugees who are entitled to asylum due to a general situation in the home country, in accordance with the case *Sufi and Elmi v. the U.K.* Residence permit will be granted for an initial period of one year and may be extended by two years if the alien still is in need of protection. Due to the temporary nature of the protection, it is as a starting point not possible to obtain family reunification unless the person is granted an extension of the residence permit after one year. Exceptions may, however, be made under certain circumstances, including where Denmark's international obligations so require. The immigration authorities will perform an individual assessment in each case ensuring observance of Denmark's international obligations. The new rules do not apply to foreigners, who are granted a residence permit pursuant to the Convention Relating to the Status of Refugees.

### **VI.E. Recovery of maintenance for the child**

94. A parent who does not fulfil the obligation to provide for the child may be ordered to pay child maintenance. In 2010 the EU Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters

relating to maintenance obligations entered into force for Denmark, except for its rules on cooperation between central authorities.

## **VI.F. Children deprived of a family environment**

### **Concluding observation para. 44 (a)**

95. The Government are continuously focusing on the implementation of the Child Reform Act in order to i.a. address risk factors for children being placed into care. For information on the Preventive Measures Package which contains initiatives to ensure early support for vulnerable children, please refer to para. 83. Recent initiatives include furthermore education for municipal social workers and a task force to improve the municipalities' case handling.

### **Concluding observation, para. 44 (b)**

96. The Government attaches great importance to continually improve the quality of care and treatment in placement facilities and foster homes. In 2014 a supervision reform entered into force with the aim of improving and aligning standards and quality of care and treatment in placement facilities and foster homes. One of the measures taken is the establishment of 5 regional bodies responsible for approving and supervising all placement facilities and a new model for quality. All facilities encompassed by the law have to obtain approval within two years. A whistle-blower function has been established to ensure that staff, residents and relatives can anonymously provide information on matters of concern and a task force has been established to support the municipalities in establishing good decision making processes.

### **Concluding observation, para. 44 (c)**

97. With regard to the effort being made to ensure respect for the views of the child please refer to para. 44.

98. The Government recognizes that some municipalities still struggle to ensure adequate individual action plans for vulnerable children. In 2012 funds were therefore allocated to a project aimed at improving the child protection examination and individual action plans.

### **Concluding observation, para. 44 (d)**

99. The Child Reform Act introduced legislation which ensures that municipalities are obliged to consider placement in a foster family. The Government has furthermore introduced new regulation to improve supervision and training of foster families and a number of projects aimed at developing foster care have been initiated in collaboration with the municipalities. As a result of the Child Reform Act the number of children placed in foster homes has increased from 49 % of the total number of children taken into care in 2009 to 58 % in 2013.

100. Families which take into care a child from its network or extended family have since 1 October 2015 been guaranteed additional support from the municipality. The aim is to enhance the possibility of the child being placed in a family which is familiar to the child.



## **VI.G. Periodic review of placement**

101. The municipalities are responsible for conducting supervision visits at the placement facility at least twice annually in order to secure that the child thrives and receives the right support.

## **VI.H. Adoption**

102. Please refer to para. 38-39.

## **VI.I. Illicit transfer**

103. The Child Abduction Unit was established in 2014 to coordinate the effort of all authorities involved in international child abduction cases and to support the left behind parent in order to secure the fastest and safest return of the child.

## **VI.J. Children with incarcerated parents**

104. All Danish prisons and detentions have appointed at least one person responsible for children whose parents are incarcerated. It is the task of the appointed person to improve the conditions for children visiting their parents in prison institutions and to strengthen the relationship between the imprisoned parents and their children. This includes ensuring that each institution has at least one family friendly visit room and that the imprisoned parent has the opportunity to record “bedtime stories” for their children. In 2015 permanent funds have been allocated to cover transportation costs for children to visit their parents in prisons. In 2015 conversation groups for inmates with children have been established in 15 of the largest institutions of the Danish Prison and Probation Service. The purpose of the conversation groups is to strengthen the prisoners’ parenthood in order to improve the conditions for the children during the incarceration as well as post-release.

### **Children living in prisons**

105. Pursuant to section 54 of the Danish Sentence Enforcement Act inmates are entitled to have their child under the age of 1 living with them in the institution if the inmate is able to mind the child. For children aged 1 to 3 the parent is entitled to have the child live with them in the institution if the parent is able to mind the child and the institution as well as social services consider the conditions in the institution to be compatible with the best interests of the child. The parent and the child reside with other prisoners, but in specially selected units. The child may generally attend day-care outside the prison.

106. In order to avoid children living in prison alternative ways to serve a sentence are tried e.g. in two halfway houses where prisoners may serve the entire sentence together with their children and receive help and counselling.

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

### **VII.A. Children with disabilities**

107. Denmark attaches great importance to ensure that the life of children with disabilities is as normal as possible and to help the parents in this endeavour. Due to the principle of sector accountability all public authorities are responsible for making their

facilities and services accessible to children with disabilities. This principle is a tool for ensuring a life as close to normal as possible in all areas including in regard to education, healthcare and cultural facilities.

108. DKK 18 million has been allocated to support projects run by NGOs on strengthening inclusion of children with disabilities in the school system and in leisure activities.

109. The municipality shall cover any necessary extra costs of maintenance in the child's home in respect of children with substantial and impaired physical or mental function or serious, chronic or long-term illness. The reimbursement is conditioned on the extra costs being incurred as a result of the child's impaired function.

**Concluding observation, para. 46 (a)**

110. As described in Denmark's fourth periodic report the municipalities are obliged to pay compensation for loss of earnings to parents taking care of a child under the age of 18 in their home if the child's physical or mental function is substantially and permanently impaired or if the child is suffering from serious, chronic or long-term illness. The compensation is fixed on the basis of the parent's gross income the previous year, although the compensation may not exceed DKK 27 500 a month. Prior to 2012 the maximum was DKK 19 613 a month.

**Concluding observation, para. 46 (b)**

111. Please refer to the information provided in para. 44.

**Concluding observation, para. 46 (c)**

112. The principle of sector accountability as a key element of Danish disability policy implies that the public authority responsible for a service etc. is responsible for making it accessible to persons with disabilities.

**Concluding observation, para. 46 (d)**

113. Strengthening teachers' knowledge on inclusion of children with disabilities is an important part of the school reform of 2014 and DKK 1 billion has been allocated for the period 2013 to 2020 to support targeted training. Furthermore, a national corps of learning consultants and a public school resource centre have been established to support inclusion of children with disabilities and ensure dissemination of existing knowledge as well as to develop knowledge on areas such as ADHD and autism.

114. Since 2012 special needs education including relevant international law has been a mandatory part of the curriculum of the bachelor of education program.

**Concluding observation, para. 46 (e)**

115. The Government has entered into an agreement with Local Government Denmark on a range of initiatives concerning greater inclusion in the public school system. The aim is that 96 percent of pupils in the public school system will attend ordinary classes in 2015. In the school year of 2013/14 the number was 94.8 percent.

## **VII.B. Survival and development**

116. Since Denmark's last periodic report the Health and Medicine Authority has published a revised guideline on preventive healthcare services for children and adolescents,

a guideline on maternal care and a handbook on health work in schools. The latter is built around the Convention.

### **VII.C. Health and health services**

#### **Concluding observation, para. 48**

117. Denmark considers the International Code of Marketing of Breast-milk Substitutes to be an important and valuable guideline. Denmark has fully implemented EU-directive 2006/141/EC on infant formula and follow-on formula.

118. Denmark does not have accredited baby-friendly hospitals as such. Midwives, nurses and health visitors are, however, all trained to promote and encourage breastfeeding. After discharge a midwife or health visitor will visit the family to provide guidance on i.a. breastfeeding.

### **VII.D. Prevalent health challenges, physical and mental health and well-being of children and communicable and non-communicable diseases**

#### **Concluding observation, para. 50**

119. For the period 2013 to 2017 DKK 24 million have been allocated to six cross-sector projects on combatting overweight amongst children under the age of 18.

120. The Health and Medicines Authority has published guidelines on early identification of overweight and early intervention among children and adolescents and monitoring of the growth of children aged 0-5 as well as nine health prevention packages including one on nutrition, one on physical activity and one on overweight. The packages comprise an evidence-based tool to assist the municipalities in setting priorities, planning and organising health promotion and disease prevention initiatives.

121. Since 2005 the Health and Medicines Authority has conducted a nationwide campaign on physical activity for children and adolescents. In 2015 the target groups were parents of 10-15-year old children and staff in after-school clubs. The campaign included commercials, advertisements, material for after-school clubs and a website.

122. For the period 2010 to 2013 DKK 46 million was allocated to multidisciplinary health promotion initiatives aimed at children in vulnerable families affected by overweight or other health risks. For the period 2012 to 2015 DKK 28 million has been allocated to initiatives on early identification and intervention.

123. Data collection was in 2011 strengthened through a legislative amendment obliging municipal health services to monitor and report information on children's height and body weight during the first year of their life and during school years, the duration of breast feeding and the baby's exposure to smoke.

124. All children in day-care centres shall receive a healthy lunch meal in order to help establish good eating habits, prevent obesity and contribute to the general welfare and development of the children. The parent's board or the parents in day-care facilities can decide to opt-out on a healthy lunch meal. Day-care facilities are obliged to include body and motion in the pedagogical curriculum with the objective of contributing to strengthen the child's development of motor skills, perseverance and movement.

125. With regard to elementary school, materials on health as well as dietary guidelines have been developed for all grade levels. In schools and pre-schools there are no vending machines and the industry has implemented a self-regulation code to limit the marketing of

unhealthy products to children and adolescents. Furthermore, since 2014 physical exercise has been a mandatory part of the school day.

**Concluding observation, para. 52**

126. Since September 2015 all patients referred to hospital have the right to diagnostic assessment or to receive a plan for further clinical examinations within one month. Moreover, patients have the right to undergo treatment at private hospitals or clinics, if a given treatment cannot be initiated by the local region within 60 days; within 30 days for patients suffering from a severe illness. The waiting period in child and adolescent psychiatry has fallen from 71 days in 2008 to 30 days in 2014.

127. With regard to the treatment of children diagnosed with ADHD and ADD an action plan emphasising prevention and effect was published in 2013. In 2014 national clinical guidelines for the treatment of children and adolescents with ADHD were published with the intention of ensuring a multidisciplinary approach and high quality treatment throughout the country.

128. With regard to data on the national substance abuse hotline (Giftlinien) please refer to annex 1, section G.3.

**VII.E. Reproductive health rights of adolescents and measure to promote a healthy lifestyle**

129. All women over the age of 18 have the right to elective abortion until the end of week 12 of the pregnancy after which permission must be obtained from the abortion council unless the pregnancy poses an impeding danger to the life of the pregnant woman. The abortion is provided free of charge. If the woman is under the age of 18, parental consent must be obtained. The doctor must inform the woman of the process, consequences and possible complications and the woman is offered a supportive conversation before and after the abortion.

130. Since Denmark's last periodic report the following initiatives have been taken.

131. Development of a guiding tool for municipalities concerning their obligation to address sexual health and prevention of sexual health problems.

132. HPV immunization scheme targeting girls.

133. Annual national campaigns on sexual health targeting school children and young people.

134. Hotlines on sexual health.

135. Development of a model to strengthen sexual health education in primary and secondary schools.

**VII.F. Measures to protect children from substance abuse**

136. In 2011 the minimum age for buying alcohol (> 16.5 %) was raised to 18 years. An alcohol prevention package was issued to the municipalities containing specific recommendations.

137. Since 2011 family outpatient centres in all regions have aimed at strengthening prevention and treatment of alcohol and drug related birth defects through an early, coordinated and holistic approach. In 2015 decision was made to permanently fund

treatment of children and young people under the age of 25 affected by alcohol abuse in their family.

138. The latest annual national report on the drug situation in Denmark (2014) shows that the level of experimental drug use which has been high but stable since 2000 is now dropping slightly with the exception of cannabis. In 2013 a drug prevention package was issued to support the municipalities. Focus has furthermore been on initiatives for primary and lower secondary schools as well as post-secondary education programs. The Health and Medicines Authority recommends that each institution formulates a drugs and alcohol policy to serve as a framework for preventive measures.

## **VII.G. Social security and childcare services and facilities**

139. Please refer to annex 1, section G.4.

## **VII.H. Standard of living**

### **Concluding observation, para. 54**

140. On 1 January 2012 the 450 hour rule was abolished.

141. An ‘activity-green card’ has been established in a number of municipalities. The initiative offers vulnerable children and young people with an opportunity to participate in e.g. sport, music education, scouting etc. The beneficiaries are i.a. children of parents who do not have the economic, social or personal resources to support their children in attending leisure activities.

142. For information on child allowance please refer to annex 1, section G.4.

## **VIII. Education, leisure and cultural activities**

### **VIII.A. The right to education**

143. With regard to information on day-care please refer to para. 86-88.

#### **Primary and secondary school**

144. In 2014 a school reform was instituted in the Danish public schools with the purpose to provide better opportunities for academic development, reduce the influence of family background on educational achievements and strengthen the trust and well-being in public schools. The results of the reform are longer schools day with opportunities to provide support for homework, increased physical exercise as well as increased interaction with the surrounding society.

145. Equal opportunities for all children irrespective of their background continue to be a key goal within education and the school reform of 2014 lists it as one of three key priorities. In 2015 the project ‘Strengthened skills for disadvantaged children-at-risk in primary schools’ was launched. DKK 35.6 million is allocated over a period of 4 years to strengthen disadvantaged children’s skills in reading and math. A project focusing on children receiving education at an institution is currently being implemented. The aims are to ensure compliance with educational standards, ensure that education is prioritised and enhance cooperation between institutions, public schools and local authorities.

146. With regard to bilingual children the Ministry of Children, Education and Gender Equality has recently completed the development of national tests in Danish as a second language. The purpose of the test is to analyse competences and potential of bilingual children with the aim of aiding teachers in their support of the child's language development. A task force has since 2008 worked in collaboration with schools and municipalities and since 2012 also with day-care and other care facilities to improve the ability to meet the needs of bilingual students. In 2012 an additional DKK 42 million was allocated to a development program in 14 schools on strengthening the proficiency of bilingual children.

**Concluding observation, para. 56**

147. With regard to information on education environment please refer to Denmark's fourth periodic report para. 54-56. It may be added that an Executive Order has been issued, which outlines the disciplinary actions that schools may take in regard to students who bully.

148. With regard to mother tongue education the Ministry for Children, Education and Gender Equality is currently assessing whether such education has an impact on the well-being and learning of students.

**VIII.B. Cultural rights of children belonging to indigenous and minority groups**

149. Please refer to Denmark's initial report, para. 357-359.

150. The German minority in Denmark has several day-care centres, primary schools and colleges. A subsidy corresponding to 100 percent of the average cost per pupil in the Danish public schools is granted. The municipalities in Southern Jutland have planned and initiated many initiatives to promote the German language in schools and day-care e.g. mutual activities for children from both sides of the border. The municipalities provide economic support to day-care centres and after-school activities.

**VIII.C. Education on human rights and civic education**

151. Please refer to para. 20-21.

**VIII.D. Rest, play, leisure, recreation and cultural and artistic activities**

152. In 2014 a new national policy on children's culture was launched. The strategy is based on the idea that children should continuously be exposed to art and culture from an early age and it contains 30 initiatives. A Children's Cultural Network composed of representatives of ministries, municipalities and the Danish Art Foundation has been established with the aim of coordinating efforts, advising as well as providing input on ministerial strategies and policies.

153. The public cultural institutions allocate considerable resources to cultural activities for children and young people and the Agency for Culture alone administers DKK 300 million annually to initiatives in this area.

## **IX. Special protection measures**

### **Concluding observation, para. 64**

154. The Government helps fund the toll free telephone line 'Børnetelefonen' which is operated by the NGO 'Children's Welfare' and offers advice to children and young persons. Additional resources were allocated in 2012 to ensure accessibility for children.

### **IX.A. Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration**

155. Since Denmark's fourth periodic report a number of legislative changes have been adopted including an amendment of the Aliens Act making consent from the child required prior to initiating a search for parents or other family network members of a child which is unable to reside at a reception facility in the country of residence. An unaccompanied asylum-seeking child whose asylum application has been refused shall be assigned counsel unless the child itself has retained counsel or exceptional reasons make it inappropriate.

156. With regard to health services all residents in Denmark including refugees who have received a residence permit are entitled to public health care including hospital treatment, treatment by a general or specialist practitioner and rehabilitation post-hospitalisation. Furthermore newly arrived children who have received a residence permit are entitled to a medical screening with the purpose of detecting severe health problems at an early stage.

#### **Concluding observation, para 58 (a)**

157. The Immigration Service has not and is currently not planning to initiate a systematic survey as such on the disappearance of unaccompanied asylum-seeking children/unaccompanied minors with a residence permit according to the Aliens Act, section 9c(3). For information on the procedure in cases of disappearance please refer to Denmark's fourth periodic report, para. 436-440.

158. The Immigration Service maintains a close dialogue with the operators of asylum centres including the Red Cross and other relevant players such as the police and local authorities on the handling of unaccompanied minors and specific challenges including disappearances.

#### **Concluding observation, para. 58 (b)**

159. As soon as possible after an unaccompanied asylum-seeking child's arrival in Denmark a personal representative is appointed to assist and provide guidance during the asylum proceedings. The Refugee Appeals Board will take into account the special situation of unaccompanied asylum-seeking children and to the extent possible these cases are prioritized vis-a-vis other cases. For further information please refer to Denmark's fourth periodic report, para. 431.

#### **Concluding observation, para. 58 (c)**

160. An amendment to the Aliens Act in 2010 codified the practice in regard to the age-determination process. Accordingly, the police and the Immigration Service may require an unaccompanied alien claiming to be under the age of 18 to submit to a medical examination to determine the alien's age. The medical examination is only omitted if it is obvious that the alien is a minor or an adult. If an unaccompanied alien claiming to be under the age of

18 refuses to participate he or she may after an individual assessment be assumed to be an adult.

**Concluding observation para. 58 (d)**

161. Expenses for necessary healthcare and social services for children of asylum-seekers and unaccompanied asylum seeking children are covered by the Immigration Service and they are generally entitled to the same standard as children who are residents of Denmark.

162. Pursuant to the Aliens Act, a residence permit may be issued to an alien who is in such a position that essential considerations of a humanitarian nature render it conclusively appropriate to grant a permit this may include children who suffer from very serious treatment-requiring physical or psychological illnesses and where treatment is not available in the child's home country.

163. Apart from this, the Aliens Act does not provide a legal status for children solely on the ground that the child suffers from trauma or is diagnosed with psychological or psychiatric problems. A residence permit may, however, be issued to an unaccompanied asylum-seeking child if there are particular reasons to assume that the child should not undergo asylum proceedings or if the application for asylum was refused. In both cases, there has to be reason to assume that the child will be without any family network or in fact will be placed in an emergency situation upon a return to his or her country of origin or former country of residence.

**Concluding observation, para. 58 (e)**

164. Children who seek asylum are subject to compulsory school attendance in Denmark. In general, the children are taught at the asylum-center. However, under certain conditions and with approval from the municipal school authorities or the institution the child can attend tuition at a public school. Asylum-seekers who have become enrolled in an upper secondary education may accept an unpaid or paid internship as part of his education.

**IX.B. Children belonging to a minority or an indigenous group**

165. Every child regardless of ethnicity has equal right to i.a. education and social services. Whether specific measures have to be put in place is hence based on an individual assessment of the needs and best interest of the child rather than on the child's ethnicity. Please refer to para. 33-34 for further information on non-discrimination and to para. 143-144 for information on the German minority.

**IX.C. Children in street situations**

166. The number of street children has since Denmark's last periodic report dropped from 204 children under the age of 18 in 2011 to 96 in 2015. The municipalities are pursuant to the Act on Social Service obliged to offer children support aimed at the specific needs of the child. For further information please refer to annex 1, section I.2.c.

**IX.D. Children in situations of exploitation**

**IX.D.1. Economic exploitation**

167. Children under the age of 13 are not allowed to work in Denmark and children under the age of 18 may not be subjected to physical, biological, chemical or emotional hazards. For further information please refer to Denmark's fourth periodic report, para. 444-457.



**IX.D.2. Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances**

168. Use of a child for the production or trafficking of narcotics may be punishable under the Criminal Code.

**IX.D.3. Sexual exploitation and sexual abuse**

169. Please refer to para. 62-64.

*Concluding observation, para. 60 (a)*

170. The follow-up to the mentioned action plan was the strategy “Action behind words” which was launched in 2011. The strategy was developed in close cooperation with a number of authorities and organisations including Save the Children Denmark.

*Concluding observation, para. 60 (b)*

171. The provision of holistic and long-term psychosocial support to child victims of sexual abuse has been substantially strengthened since Denmark’s last periodic report. Of particular importance is the establishment of the five Children’s Houses described in para. 64.

*Concluding observation, para. 60 (e)*

172. Please refer to para. 198-199.

**IX.D.4. Sale, trafficking and abduction**

173. A new Action Plan to Combat Human Trafficking was launched in 2015 with an appropriation of DKK 88.4 million for the period 2015-2018.

*Concluding observation, para. 62 (a)*

174. According to the binding guidelines issued by the Director of Public Prosecution indictment shall generally be waived if the suspect has been a victim of human trafficking, provided that the alleged offence is related to the trafficking and cannot be characterized as a serious crime. This includes indictment for forgery or use of false documents or similar violations of the Aliens Act. Indictment for committing theft or dealing of narcotics may be waived if the person was trafficked with the purpose of exploiting the person to commit these acts. If the indictment is not waived due to the seriousness of the offence the penalty may be reduced due to the person being a victim of human trafficking.

*Concluding observation, para. 62 (b) and (c)*

175. The crime of human trafficking is sanctioned with imprisonment for a term not exceeding ten years. In determining the sentence consideration must be given to the seriousness of the offence and information on the offender. It shall be considered an aggravating circumstance that the victim is under the age of 15 and has been trafficked in order to work in prostitution or that the life of the victim has been endangered deliberately or by gross negligence.

*Concluding observation, para. 62 (d)*

176. The Danish Centre against Human Trafficking (CMM) conducts training for i.a. outreach workers, social workers, the police, immigration officials, health providers and child and youth institutions. Staff in the penal system including staff working at institutions for young prisoners has also been presented to the field.

177. The National Police implemented in 2014 a new updated national plan of education for police staff that performs border control. The education includes training in profiling victims of trafficking. In addition the Director of Public Prosecutions has issued a comprehensive set of guidelines to police officers and prosecutors on the handling of cases of trafficking. The guidelines describe victim identification and the law enforcement approach to victims of trafficking, who are considered to be a very vulnerable group.

*Concluding observation, para. 62 (e)*

178. CMM cooperates with relevant organisations to promote and strengthen public awareness and knowledge on human trafficking. This includes awareness raising through the organisation's website and through meetings with stakeholders.

*Concluding observation, para. 62 (f)*

179. The Danish efforts to combat human trafficking have continually been evaluated by external consultants and efforts as well as subsequent action plans have drawn on lessons learned. The current action plan will be evaluated externally as well in order to ensure progress, coordination and a holistic approach.

180. CMM is responsible for developing and maintaining a national referral system inspired by the experiences of other EU countries and taking into account the recommendations of the EU Expert Group on Human Trafficking. The system ensures dialogue and cooperation between the parties involved in combating human trafficking. The aims are to coordinate and ensure that the whole country is aware of applicable procedures and laws and that these are implemented properly.

*Concluding observation, para. 62 (g)*

181. Since Denmark's fourth periodic report the Alien's Act has been amended to grant victims of trafficking including children the right to a reflection period of at least 30 days prior to departure from Denmark. During the reflection period extended medical and psychological assistance, economic support and relevant social arrangements are offered. The recovery period may upon request be extended if particular reasons make it appropriate or if the foreign national is cooperating concerning a prepared return. The maximum reflection period for victims of human trafficking was in 2013 extended from a total of 100 days to 120 days.

#### **IX.D.5. Other forms of exploitation (art. 36)**

182. Please refer to Denmark's initial report, para. 355.

#### **IX.E. Children in conflict with the law, child victims and witnesses of crimes and juvenile justice**

*Concluding observation, para. 66 (a)*

183. The Government Platform of 2015 outlines that the Government will develop and implement a reform of the efforts made to combat juvenile crime and i.a. create a greater scope for tailoring sanctions to the specific case.

##### **IX.E.1. Administration of juvenile justice, specialized and separate courts and minimum age of criminal responsibility**

184. The minimum age of criminal responsibility in Denmark is 15 years. Denmark has no specialised juvenile courts.

**IX.E.2. Children deprived of their liberty**

185. Please refer Denmark's initial report, para. 311-312 and 326.

*Concluding observation, para. 66 (b)*

186. Sections 762, 763, 768a, 770(a)-(c) of the Administration of Justice Act define the conditions for the use of remand in custody and solitary confinement as well as the duration thereof. The court must continuously review the basis for remand in custody and solitary confinement. Denmark considers these rules to clearly define the conditions for remand in custody.

187. In exceptional circumstances the nature of the crime and the risk of tampering with the investigation may necessitate remand of a person under the age of 18 in solitary confinement. Therefore, remand in solitary confinement of persons under the age of 18 is not prohibited. The conditions for and the duration thereof are, however, stricter in regard to this age group. In order to reduce the particular strain and risk of disruption of the psychological health associated with solitary confinement the prison staff must pay special attention to the needs of the person i.a. through increased access to visits. Persons under the age of 18 who are remanded in solitary confinement for more than 14 days must be offered special access to individual education and work. If the solitary confinement last more than 4 weeks the person must be offered at least 3 hours of activities with person contact daily. From 2009 to 2014 only 1 person under the age of 18 was held in solitary confinement.

188. A number of initiatives have since 2012 been launched with the aim of limiting the use of pre-trial detention for 3 months or longer. This includes requiring approval by the State Prosecutor for lodging a request to the court for extension beyond a certain time limit, systematic access to monitor the number of persons held in custody and a new concept for investigation of cases in which the suspect is held in pre-trial detention.

*Concluding observation, para. 66 (d)*

189. Juveniles aged 15-17 years who are sentenced to imprisonment shall be placed outside of prison unless critical reasons demand otherwise. The young person will typically be placed in an institution which is not part of the Prison and Probation Service or in one of the Prison and Probation Service's pensions. In the exceptional case where such placement is not deemed suitable and the juvenile does not qualify for home detention with an electronic foot shackle the juvenile will serve the sentence in a special section for young people in a prison. This may be deviated from if deemed vital for the juvenile to keep in contact with family and/or attend an educational institution. The juveniles have the opportunity to work and spend time with other juvenile offenders separated from other inmates.

**IX.E.3. The sentencing of children**

190. Denmark has no capital and corporal punishment.

191. A youth contract may be offered to persons aged 14 to 17 if a criminal charge cannot be settled with a fine or an unconditional discharge and if the young person has not committed a serious crime or entered a more permanent pattern of crime. A youth contract requires parental consent and active participation from the child in specified and listed activities such as an educational course or enrolment in various forms of leisure activities. When entering into a youth contract the prosecution normally refrains from further proceedings.

*Concluding observation, para. 66 (c)*

192. Denmark has in light of the recommendation considered repealing the amendment which changed the upper limit of sentences issued to persons who were under 18 when the crime was committed. The limit was amended to imprisonment for 16 years and in exceptional circumstances 20 years. That the offender was younger than 18 at the time of the act is, however, to be considered as a mitigating circumstance. In light of this, Denmark has decided not to repeal the amendment.

**IX.E.4. Physical and psychological recovery and social reintegration**

193. The municipalities are obliged to offer measures to ensure social reintegration for young persons under the age of 18 who have served a detention sentence, a custodial sentence or a surrogate prison sentence. The offer shall last at least six months and shall to the widest possible extent be established prior to release.

**IX.E.5. Training activities**

194. Please refer to para. 25-26.

**IX.F. Children in armed conflicts**

195. Please refer to Denmark's fourth periodic report, para. 586-614.

196. The Ministry of Defence is in the final stages of drafting a military manual on International Humanitarian Law for the Armed Forces which will address the issue of protection of civilians, including children, in armed conflict.

197. With regard to health care for asylum-seeking children affected by armed conflict please refer to para. 150.

**X. Optional Protocol on the sale of children, child prostitution and child pornography****X.A. Developments**

198. Denmark has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The convention entered into force in Denmark on 1 July 2010.

199. In 2012 and 2013 the Criminal Code was amended so as to include the crime of human trafficking and to modernise the provisions on sex crimes. Furthermore changes were made in order to benefit a child victim i.a. when a sexual offence or trafficking of a human being is committed against a person under the age of 18 the limitation period is calculated from the date when the victim attains the age of 21 at the earliest.

**X.B. Measures to establish liability of legal persons for offences under the Optional Protocol**

200. Please refer to Denmark's initial report on the OPSC, para. 25-28.

**X.C. Prevention measures and promotion of awareness**

201. With regard to initiatives on early detection of children who are victims of sexual abuse please refer to para. 62-64 and to Denmark's fourth periodic report, para. 486-487.

202. The anonymous phone help line 'Bryd Cirklen' (Break the Circle) has been established in the framework of the Sexology Clinic in the Capital Region. The help line is aimed at adults who have sexual thoughts about children and it may serve as a first step towards therapeutic treatment.

**X.D. Access to seek compensation, social reintegration and physical and psychological recovery**

203. Please refer to para. 64 and to Denmark's initial report on the OPSC, para. 72-77.

**X.E. Protection of victims and witnesses during the criminal justice process**

204. Please refer to Denmark's initial report on the OPSC, para. 72-94 and Denmark's fourth periodic report, para 726-735.

205. The court decides how and by whom questioning of a child below the age of 15 shall be conducted e.g. the court may decide that the child is to be video interviewed or that the questioning is to take place in the judge's office without the presence of the accused. To provide a child friendly and supportive environment video interviews of children have since 2013 in general been conducted in one of the Children's Houses rather than at a police station. A social service representative must be present in order to support the child and facilitate that the hearing is conducted in a manner which to the greatest possible extent is best for the child.

**X.F. International cooperation**

206. In May 2014 the 'National Cyber Crime Centre' (NC3) was established. Cyber related crimes including cases concerning online sexual abuse of children may be reported directly to the NC3, which may carry out urgent investigative measures. The NC3 participates in international cooperation to combat cybercrime and online sexual abuse of children and the centre is cooperating closely with Europol, Interpol as well as bilaterally. For further information please refer to para. 71-73.

207. With regard to victim identification the NC3 participates in a global network with the purpose of identifying both victims of sexual abuse and the perpetrators. Information on child abuse material is shared immediately within the network enabling the relevant country to initiate a criminal investigation and rescue the victims as soon as possible. During the last couple of years the NC3 has identified more than 50 victims worldwide leading to the rescue of a majority of the victims and bringing a large number of perpetrators to justice.

208. The NC3 is furthermore part of Interpol's Expert Group on Crime against Children, which contributes to the identification of victims in specific series of pictures and the exchange of information on new investigative measures and new software.

## **XI. Optional Protocol on the involvement of children in armed conflict**

### **XI.A. Minimum age, legal and policy measures and direct participation in hostilities**

209. Please refer to Denmark's fourth periodic report, para. 586-614.

### **XI.B. Physical and psychological recovery including technical cooperation and financial assistance**

210. As part of the Danish humanitarian assistance, Denmark is supporting financially notably UNICEF as well as the NGO Safe the Children Denmark in their work with physical and psychological recovery of children in armed conflict, including reintegration of former child soldiers in countries affected by conflicts, notably in The Central African Republic, Somalia and South Sudan.

### **XI.C. Screening of child asylum seekers and migrants**

211. The Danish Red Cross conducts initial psychological screening of newly arrived asylum-seeking children. The purpose of the screening is to identify children and young asylum-seekers in need of special support. When identified, the child will be provided with the same assistance for its physical and psychological recovery as a resident child, please refer to para. 153.

### **XI.D. Indictment for war crimes**

212. The prosecution service is not aware of charges having been brought against persons under the age of 18 for war crimes.

## **2. Greenland**

### **Introduction**

1. In accordance with Article 44.1 of the Convention on the Rights of the Child (CRC), Greenland has prepared the present contribution to Denmark's fifth periodic report. It has been prepared at the Greenlandic Government Offices with participation of representatives from all relevant departments. Reference made to "the Government" and "the Parliament" in this section refers to the Greenlandic Government (Naalakkersuisut) respectively the Greenlandic Parliament (Inatsisartut).

2. The Greenlandic Minister of Social Affairs has the overall responsibility for coordinating the implementation of the Convention in Greenland. The Danish Minister of Defence has the overall responsibility for the implementation of the Optional Protocol on the Involvement of Children in Armed Conflict given that national defence solely is a Danish area of responsibility within the Realm.

## I. General measures of implementation

### I.A. Measures to implement the provisions of the Convention

#### Legislation (concluding observation, para. 13)

3. Comprehensive amendments to Parliament Act no. 1 of 15 April 2003 on Assistance to Children and Adolescent were concluded in 2014. However, general elections held on 28 November 2014 resulted in a new coalition government. The present Government of Greenland wishes to further implement the provisions of the Convention before introducing the act to the Parliament of Greenland. The Act on Assistance to Children and Adolescent mainly encompasses provisions on psychosocial assistance to children and adolescents in exposed situations. Thus, the proposed reform cannot take full account of all rights in the Convention.

#### Coordination (concluding observations, para. 15)

4. Due to the Danish-Greenlandic Self-Government arrangement the Danish Municipal Reform of 2007 has no influence on Greenlandic municipality structure. For a general description of the Greenland Self-Government arrangement, please refer to the report from Denmark/Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4). The Greenlandic municipalities were reduced from eighteen to four in continuation of the Municipal Reform of 2008. The overriding objective was to improve the quality and effectiveness of the municipal services. A comprehensive assessment of the municipal reform is in preparation.

#### National Action Plan (concluding observation, para. 17)

5. Due to the Self-Government arrangement policies and strategies to implement the Convention in Greenland is predominantly a Greenlandic affair. However, implementation is still a joint affair in fields of responsibility not yet undertaken by Greenland, e.g. the overall responsibility for administration of justice. The Government of Greenland strives to implement UN Conventions ratified by Greenland in all policy, legislation and administration. This objective is e.g. outlined in the job description for the Legal Status Officer in the Greenlandic Self-rule administration.

6. Independent monitoring (concluding observation, para. 20).

7. November 15 2011 the Parliament of Greenland passed Parliament Act no. 11 of 22 November 2011 on a Children's Spokesperson and a Children's Council very much based on the Paris Principles. Subsequently the independent national advocacy for children's rights, 'Meeqqat Pisinnaatitaaffiit Sullissivik (MIO), was founded in the spring 2012. The institution comprises of a Children's Spokesperson, a Children's Council and a secretariat. The Children's Spokesperson is the head of MIO and appointed by application in a 3 year limited tenure position. The main task of the Children's Spokesperson is to evaluate and safeguard that Greenlandic legislation and administrative practice meet the provisions of the Convention e.g. by collecting, creating and conveying knowledge about children's living conditions. The Children's Spokesperson counsel and guide on children's rights and the access to e.g. the Social Appeals Board or the Ombudsman. The Children's Spokesperson cannot settle individual complaints, but he/she can make statements and has extensive access to information on children's conditions in public and private institutions. It is imperative for the Children's Spokesperson to include the views of children in his/her work with children's rights.

8. On 4 March 2013 the Human Rights Council of Greenland was founded. The Council is an independent entity with the purpose to advance and protect human rights in Greenland, and to improve the general knowledge on human rights including the Convention on the Rights of the Child.

**Allocation of resources (concluding observation, para. 22)**

9. The Government recognises that the education level in Greenland is low seen in an international perspective. It is a severe challenge that only approx. half of a year group obtain a qualifying education. A significant part of pupils leaving the municipal primary and lower secondary school are not prepared to begin and complete upper secondary education. This is reflected in a large drop-out rate. In 2013 61 percent of adolescents aged 16-18 were outside the education system. The education challenge is i.a. related to lack of educated teachers, negative social heritage and linguistic issues, since upper secondary education generally requires sound Danish linguistic skills. In accordance with the Government's vision that all children shall have equal access to the education system regardless of social and cultural background, the Government is committed to ensure that the allocation of resources remains high and equitable.

**Data collection (concluding observation, para. 24)**

10. In order to organise and take appropriate measures to strengthen children's rights, it is necessary to have solid knowledge about children's living conditions at a local, regional and national level. Thus, the Government of Greenland has given higher priority to data collection in recent years in order to strengthen the understanding of children's challenges and living conditions. Statistical information on e.g. poverty, violence and abuse can be found in annex 1.

**I.B. Dissemination of knowledge of the Convention**

11. In 2010 the Government signed a five year cooperation agreement with UNICEF Denmark. In May 2015 the cooperation agreement was prolonged for five years. The main project is entitled NAKUUSA and includes a youth council that advises on children's challenges and conditions in society and points out areas of interest. In accordance with the new cooperation agreement NAKUUSA will cooperate closely with municipalities and schools across the country with a view to enhance the child's right to have a say. In conclusion, NAKUUSA contributes to raise awareness of the Convention through countrywide campaigns, events and education activities.

12. In 2014 the Greenlandic Advocacy for Children's Rights (MIO) and the Danish Institute for Human Rights published the educational books "It is my body" and "Make children's rights part of the curriculum". The book has been distributed to private and municipal primary and lower secondary schools in all of Greenland. Also, MIO have educated e.g. politicians on children's rights.

**I.C. State parties shall make their reports widely available to the public in their countries**

13. Denmark's Fifth Period Report to The Committee on the Rights of the Child will be published on the government's website and distributed to interested parties in Greenland including the municipalities, civil society organisations and domestic human rights bodies.



## **II. Definition of the child**

14. Please refer to paragraph X.B. of Denmark's Third Periodic Report (2003).

## **III. General principles**

### **III.A. Non-discrimination**

15. The Government strives to ensure that Greenlandic legislation does not discriminate on the grounds of colour, race, religion, gender, language, political opinion, disability or other status in accordance with the principle of equality.

16. It is a violation of the Greenlandic Criminal Code of 2010 publicly or with intent of wider dissemination to put forward statements that threaten, ridicule or degrade a group of people due to their race, skin colour, national or ethnic origin, religion or sexual orientation. There is no available information on whether the regulation on anti-discrimination has been used by the courts.

17. In 2013 the Parliament passed Act no. 3 of 29 November 2013 on Equality between Men and Women, which include additional provisions to combat sexual and gender based harassment.

### **III.B. The child's best interest and respect for the views of the child**

18. In 2015 the Parliament passed a decision on setting into force the Danish Act on Parental Responsibility. The Act strengthens the best interest of the child and the hearing of children in cases of custody and access. The Act also aims at ensuring equal rights for the mother and father in relation to custody and access as well as the child's right to both parents. Furthermore, it abolishes corporal punishment of children in Greenland. Please refer to para. 48 and to Denmark's fourth periodic report, para. IV.B.2.a. for further information on the Act. The Danish Parliament is expected to adopt the necessary legislation by 2016. Together with the Act the 1980 Hague Convention on International Child Abduction, the 1980 European Convention on Custody and the 1996 Hague Children Protection Convention will be set into force for Greenland.

19. Reports from the social inspectorate have shown that caseworkers in the municipal social services offices are in need of improved support and supervision. To improve the overall quality of the municipal case handling concerning children, the government has decided to establish a consultancy unit to assist the municipalities. The consultancy unit, which is expected to be in full operation in 2016, will include telephone counselling on legislation and best practice, peer-to-peer training, course activities and a travelling task force to assist municipal caseworkers in complicated cases. A significant part of the consultancy unit's area of responsibility will be to ensure that the municipal social services process child cases based on the child's best interest.

### **III.C. The child's right to life, survival and development Capital punishment and extrajudicial killings are not used in Greenland**

20. The National Centre for Guidance's student counselling program provide free guidance on personal, social or psychological issues to children and adolescents with a

view to help them be better prepared for studies and to reduce drop-out rates. The student counselling program supplements existing treatment options to students.

## **IV. Civil rights and freedoms**

### **IV.A. Birth registration and nationality**

21. Please refer to para. XV.A of Denmark's Fourth Periodic Report.

### **IV.B. Preservation of identity**

22. Please refer to para. 499 of Denmark's Third Periodic Report.

### **IV.C. Freedom of expression and the right to seek, receive and impart information**

23. Please refer to para. V(c) of Denmark's First Periodic Report.

### **IV.D. Freedom of thought, conscience and religion**

24. Please refer to para. V(e) of Denmark's First Periodic Report.

### **IV.E. Freedom of association and of peaceful assembly**

25. Please refer to para. (f) of Denmark's First Periodic Report.

### **IV.F. Protection of privacy and protection of image**

26. Please refer to para. X.D.1 of Denmark's Third Periodic Report.

### **IV.G. Access to information from a diversity of sources and protection from material harmful to a child's well-being**

27. Through fundraising all teachers and approx. 3000 school children in the municipalities of Kujalleq and Qeqqata, which correspond to approx. every third child in Greenland, have been given iPads. In addition, all day care centres in the two municipalities use iPads in their pedagogical work. The main objective is to ensure that children are given the opportunity to learn about IT and make creative use of the knowledge they obtain using modern technology in daily life.

## **V. Violence against children**

### **V.A. Abuse and neglect**

28. In 2015 the Parliament of Greenland requested the Danish government to set the Danish Act on Parental Responsibility in Greenland into force. Please refer to Denmark's

Fourth Report, para. 63-70. Thereby, corporal punishment of children in Greenland will be fully abolished. The Danish Parliament is expected to adopt the necessary legislation by 2016.

29. In 2013 the Parliament of Greenland passed the National strategy and action plan to combat violence 2014-2017, which includes 31 activities primarily targeted at combatting domestic violence. This includes i.a. legislative amendments, campaigns and psychosocial reinforcement. The activities focus on prevention within four main goals (1) support the victim (2) break the circle of violence (3) capacity building for professionals and (4) advance knowledge and information on violence. For 2014-2015 approx. DKK 15 mill. (including state funds and foundation grants) have been invested in anti-violence initiatives such as competence development for personnel in shelters, campaigns aimed at professionals and adolescents and development of a victim-offender conference-model.

30. In 2015 the shelter Illernit opened in Qeqertarsuaq. The shelter comprises a nationwide crisis- and treatment service for battered women and their children for stays up to one year. The shelter emphasises the child's welfare and development. Therefore, Illernit has prepared a full treatment plan for both mother and child, which also include support and guidance in continuation of the stay. While the child is in Illernit school attendance is arranged with the school in Qeqertarsuaq.

#### **V.B. Measures to prohibit and eliminate all forms of harmful practices**

31. No female genital mutilation cases have been reported to the chief constable in Greenland, and no early forced marriages have been reported to the chief constable or other Greenlandic authorities. Female genital mutilation is considered brutish violence, thus it is a violation of the Greenlandic Criminal Code. Early forced marriage is not part of Greenlandic culture and tradition.

#### **V.C. Sexual exploitation and sexual abuse**

32. Since the last periodic report the Government has ordered two comprehensive surveys that i.a. examine the extent of sexual abuse in Greenland: Youth Welfare in Greenland (National Institute of Public Health, 2011) and Youth in Greenland (The Danish National Centre for Social Research, 2015).

#### **V.D. The right not to be subjected to torture or other cruel, inhuman or degrading treatment**

33. No cases of torture have been reported to the chief constable in Greenland.

34. In 2013 the Parliament of Greenland passed Parliament Act no. 1 of 21 November 2013 on Use of Force. The act regulates the use of force in 24-hour care centres and expands the possibilities to use alternatives to prisons other non-custodial sentences to prevent adolescents from being placed in institutions for incarcerated adults. The act states that use of force may never replace care and social-pedagogical support and that use of force always must be limited to the absolute necessary. Physical punishment and physical restraint is prohibited. All cases of use of force must be reported to the Ministry of Social Affairs.

35. In continuation of Parliament Act no. 1 of 21 November 2013 on Use of Force all children and adolescents in 24-hour care centres were given a book, which — in a child-

friendly manner — tells them about the rules for use of force and their rights in relation to use of force in 24-hour care centres.

36. For further information please refer to para. X.D.8 of Denmark's Third Periodic Report and para. XV.G of Denmark's Fourth Periodic Report.

**V.E. Measures to promote the physical and psychological recovery and social reintegration of child victims**

37. Please refer to para. XI.A.1 and XI.H.3 and XVI.J in Denmark's Fourth Periodic Report.

**V.F. The availability of helplines for children  
The National Advocacy for Children's Rights has introduced a SMS help line for children and adolescents that supplement the existing telephone counselling help lines**

**VI. Family environment and alternative care**

**VI.A. Family environment and parental guidance  
With a view to empower parents and prevent placements due to neglect the Government has established a mobile task force, which consists of experienced psychologists who, free of charge, offer professional treatment to adults with late complications after sexual abuse during childhood**

38. In 2012 a development project on family group conferences in the municipal social services offices was initiated in Sermersooq Municipality (Nuuk). In 2013 family group conferences have been tried out in Nuuk, Tasiilaq and Paamiut with promising results. Thus, the Government has provided grants to test family group conferences in other municipal social services offices along the coast.

**VI.B. Parents' common responsibilities, assistance to parents and provision of childcare services  
Pursuant to the Act on Parental Responsibility all children have the right to keep contact with both parents and requires both parents to take care and have responsibility for the child, even though the parents may not live together. In relation to access it has been made clear that attempts must be made to maintain the child's access to both parents by entitling the child access to the parent with whom the child does not live. Both parents are responsible for ensuring that the child has access to both parents**

**VI.C. Separation from parents**

39. In 2011 a comprehensive analysis and evaluation of 24-hour care centres was prepared by the consultancy Deloitte to safeguard the ongoing qualification of placements in 24-hour care centres. 2012 a similar analysis on foster care placements was prepared

including recommendations on how to ensure the best possible conditions for placed children and adolescents.

**VI.D. Recovery of maintenance for the child**

**Normally, the standard child maintenance (monthly, 1.083 DKR in 2015) is paid in advance by public authorities to the maintenance debtor. Child maintenance not paid in advance is recovered by public authorities**

**VI.E. Children deprived of a family environment**

40. Please refer to paragraph XVI.B in Denmark's Fourth Periodic Report.

**VI.F. Periodic review of placement**

41. Please refer to paragraph X.E.9 of Denmark's Third Periodic Report.

**VI.G. Adoption In 2010 the 1993 Hague Adoption Convention entered into force for Greenland**

**VI.H. Illicit transfer and non-return**

42. See para. III.B. on the setting into force for Greenland of the 1980 Hague Convention on International Child Abduction and the 1996 Hague Child Protection Convention.

**VI.I. Children with incarcerated parents and children living in prison with their mothers**

43. No children live with incarcerated parents in institutions in Greenland.

**VII. Disability, basic health and welfare**

44. *Standard of living (concluding observation, para. 54)* Since Denmark's last periodic report two comprehensive reports on poverty have been prepared; one by the Ministry of Social Affairs that mainly focuses on qualitative indicators such as access to health, education and social security and one by the National Advocacy for Children's Rights that mainly focuses on economic inequality. In spring of 2015 parliament backed a motion that requires the Government to prepare a report on how to prevent economic inequality and poverty in society and how to lay out conceivable criteria for a national poverty line. The second reading will take place after this report has been forwarded to the Danish authorities.

45. Resources have been allocated on an unchanged level to the health care system and the national prevention programme, Inuuneritta 2013-2019 despite limited finances. The funding secures special health services for children in settlements and with special needs by midwife, health nurse, and for paediatric and child psychiatric care since 2012.

### **VII.A. Children with disabilities**

46. On 24 August 2009 the UN Convention on the Rights of Persons with Disabilities came into force in Greenland. In accordance with Article 33 of the Convention the Government has set up a focal point within the central administration for matters relating to the implementation of the Convention.

47. The National Information and Research Centre on Disability (IPIS) opened. IPIS's general responsibility is to gather knowledge and provide guidance to persons with disabilities and their relatives as well as to professionals working with persons with disabilities. From 2016 IPIS will be integrated in a new centre for persons with disabilities in Sisimiut that will provide enhanced rehabilitation facilities.

### **VII.B. Survival and development**

48. The government has intensified the work for reducing the number of suicides and has launched a new National Strategy for 2013-2019. In 2015 the ASIST program on suicide prevention is implemented in the municipal prevention organisations.

### **VII.C. Health and health services**

49. The national public health programme 'Inuuneritta II' was adopted by the Parliament in 2012 and comprises the Government's strategies and goals for the population's health 2013-2019. The main goal of the programme is for all citizens to have the best possible opportunities to live a good, healthy and long life. The target groups are children, adolescents and families. The Centre for Public Health (PAARISA) is in charge of cross-sectoral health promoting activities. Inuuneritta II focuses on alcohol, hash and smoking prevention, physical activity, healthy diet, suicide prevention and oral health.

50. In 2009 the Parliament of Greenland passed Parliament Act no. 14 of 7 December 2009 on Leave and Income Maintenance in case of Pregnancy, Maternity Leave and Adoption. As a result parental leave has been extended with 17 weeks. Today maternity leave is 17 weeks, paternity leave is 3 weeks and parental leave is 17 weeks that can be shared freely between the parents. The act stresses the joint responsibility of the parents.

51. Non-communicable diseases, health and well being.

52. A recent survey on overweight in children in Nuuk at school entry showed that the rate of obesity is stable. A pilot project among families with obese children that focuses on both physical activity and health eating is underway and will be evaluated in 2016.

53. The government's national plan on abuse 2015 secures free treatment for all citizens including children. The Teenage Power Program and the program BEM focuses on children of abusers.

### **VII.D. Standard of living**

54. In 2009 maintenance contribution for a child was raised from DKK 758 a month per child to DKK 1000 a month per child.

## **VIII. Education, leisure and cultural activities**

### **VIII.A. The right to education**

55. To reinforce education the Government has increased appropriations to implement an education sector program that include e.g. new educations and mapping of children's reading difficulties. As part of the program The National Guidance Centre was opened in 2014. The centre offers nationwide psychological and social counselling for students.

56. According to the Government's Education Strategy the overall aim of the education policy is to provide public preschool services for all children in order to teach social skills and create the best possible conditions for learning in the municipal primary and lower secondary school. The municipal school must prepare pupils academically and personally for further education.

### **VIII.B. Children belonging to minority or indigenous groups**

**(concluding observation, para. 68)**

57. Regarding the Inughuit of Uummannaq please refer to the declaration made by the Danish Government, acceded to by Greenland, in line with the Danish ratification of the ILO Convention no. 169 on Rights of Indigenous and Tribal Peoples. According to section 1 of this declaration, Denmark has only one indigenous people in the sense of the convention, namely the indigenous population in Greenland (the Inuit). Moreover, the Danish Supreme Court has consistent with said declaration ruled that the Thule Tribe does not constitute a tribal people or a distinct indigenous people within or co-existing with the Greenlandic people as a whole (Supreme Court decision of 28 November 2003 case no. 489/1999 and 490/1999 — the Thule Tribe (the Uummannaq settlement) vs. the prime minister of Denmark, cf. ILO Convention no. 169 on Rights of Indigenous and Tribal Peoples, art. section 1, paragraph (a) and (b). The Supreme Court decision does not mean that the Inughuit of Uummannaq are not capable of maintaining their culture and language. According to section 3, paragraph 2 in the Act no. 473 of 12 June 2009 on Greenland Self-Government the Greenlandic language consists of three main dialects. The language spoken in Avanersuaq in North-western Greenland, which include the Inughuit of Uummannaq, is one of the Inuit dialects.

### **VIII.C. Education on human rights**

58. NAKUUSA, MIO and others have prepared several teaching materials based on the Convention.

### **VIII.D. Rest, play, leisure, recreation and cultural and artistic activities (art. 31)**

59. Please refer to section G.3 in Denmark's Third Periodic Report.

## **IX. Special protection measures**

### **IX.A. Children in street situations**

60. The report Homelessness in Greenland (Danish Building Research Institute, University of Aalborg 2013) shows that approx. 600 persons without permanent address have been registered 2010-2013. The indicator covers a wide spectrum of homelessness e.g. persons living with family, friends or in rehousing programmes. According to the report the majority of homeless persons have children. Children of homeless persons are normally placed in foster care or care institutions.

### **IX.B. Children in situations of exploitation**

61. Please refer to paragraph H.2 in Denmark's Third Periodic Report.

#### **Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances**

62. Greenlandic courts have not processed cases with children involved in illicit production and/or trafficking of narcotic drugs and psychotropic substances.

#### **Sexual exploitation and sexual abuse**

63. In 2012 the Government of Greenland requested the Ministry of Justice in Denmark to withdraw the territorial reservation concerning Greenland with regard to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

64. In 2015 the scope of Parliament Act no. 8 of 19 Mai 2010 on Obligation to Obtain Child Protection Certificate has been extended to correspond with the Danish Act on Obtainment of Criminal Records Disclosures in the Employment of Staff concerning groups covered by the child protection certificate rules. Please refer to para. VI.F of Denmark's Fourth Periodic Report.

65. In 2011 the children's house (Saaffik) opened. Saaffik offers a coherent and interdisciplinary course on treatment of children (and their families), who have been victims of sexual abuse. From 2016 Saaffik will work on implementing its professional knowledge and methods in family centres along the coast.

66. No cases of organised child prostitution have been reported to the chief constable in Greenland. However, child prostitution appears in non-organised forms, where e.g. adolescents from care centres run away and prostitute themselves. Pursuant to § 80 in the Greenlandic Criminal Code it is illegal to grossly misuse superiority of age and experience to seduce and have intercourse or other sexual relations with a person under the age of 18. In accordance with § 81 it is illegal to enter into a sexual relation with a person under 18 years of age for payment.

#### **Sale, trafficking and abduction**

67. In 2015 The Parliament of Greenland decided that the territorial exclusion for Greenland concerning The Hague Convention on Civil Aspects of International Child Abduction (1980) and The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980) should be abolished. The necessary legislation is expected to be adopted by the Parliament of Denmark in 2016.



**Other forms of exploitation**

68. Please refer to section 2 on Greenland, paragraphs 766-771 in Denmark's Fourth Periodic Report.

**IX.C. Children in conflict with the law****Sentencing of children**

69. Pursuant to section 16 of the Criminal Code for Greenland the age of criminal responsibility is 15.

70. In February 2014 an institution for young offenders opened in Sisimiut. The institution consists of an open and a closed ward. The segment for the closed ward is adolescents aged 15-18, who have been detained by the police or sentenced to serve in an institution for young offenders. The segment for the open ward also consists of young people with a criminal record or a very challenging behaviour. The purpose of the institution is to separate juvenile offenders from adult offenders as well as to ensure that sufficient measures are taken to protect the rights of the child. At the institution education, training and leisure activities are offered to meet each child's individual needs.

**Children deprived of their liberty**

71. The Greenlandic police strive to minimize the use of imprisonment. The police cooperate with social services when they register a young person starting a criminal path. Arrest of a person under the age of 18 only takes place in serious crime cases e.g. homicide, assault or rape, and in cases of repeated crime. When a person under 18 years of age is arrested social services are responsible for finding a suitable placement for the child to avoid placement in an institution for incarcerated persons.

**Physical and psychological recovery and social reintegration**

72. The municipalities are obliged to offer measures to ensure social reintegration for socially disadvantaged persons under the age of 18 including adolescents who have been placed in institutions for incarcerated persons.

**Administration of juvenile justice**

73. Please refer to para. 648-650 of Denmark's Third Periodic Report regarding the administration of juvenile justice.

74. Please refer to para. 448 of Denmark's Third Periodic Report regarding the age of criminal responsibility.

**IX.D. Children in armed conflicts**

75. Please refer to section XI.B of Denmark's First Periodic Report.

**X. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

76. Please refer to para. X.X of Denmark's Fourth Periodic Report.

### **3. Faroe Islands**

#### **Introduction**

1. The UN Convention on the Rights of the Child has been in effect in the Faroe Islands since 1993. The Faroese Government submitted a detailed contribution to the Fourth Periodic Report. The primary objective of this contribution is to provide an overview of new legislative, administrative and policy measures taken in the intervening reporting period. Direct reference is made to the Concluding Observations of the Committee on the Rights of the Child.

2. Reference made to “the Government” and “the Parliament” refers to the Faroese Government respectively the Faroese Parliament.

#### **I. General measures of implementation**

##### **I.A. Measures to implement the provisions of the Convention**

###### **Legislation (concluding observation, para. 13)**

3. International conventions are normally not incorporated into law in the Faroe Islands. Instead, national legislation is adjusted according to the relevant convention to ensure compliance with international obligations. In cases where a Faroese law has provisions that contradict an international convention, that provision will be void.

4. Children’s rights in the Faroe Islands have been significantly strengthened since the Convention on the Rights of the Child came into force. Especially the last few years several policies have been implemented to improve the conditions for children. Please refer to the fourth periodic report, para. 995, 1005, 1007, 1013, 1026-1033, 1039-1043, 1046-1050, 1055-1056, 1059, 1065-1166 and 1173.

5. Following a task force review of the Child Welfare Act, several amendments were made to the Act in 2012 and in 2013 with the purpose of improving children’s welfare, for instance:

- The age limit in the Child Welfare Act was increased from the age of 21 to 23. Please refer to part. II.
- Municipal areas too small to administer child welfare were merged with other areas.
- Higher requirements were made to the professional skills of members in the Child Welfare Council and the Child Welfare Administration.
- Professionals’ duty to notify has been strengthened. Please refer to part V.B.
- Regular evaluations of child welfare services to assess whether they work according to plan and to identify potential areas of improvement.
- Clarification of requirements for contact persons for children taken into care.
- Clarification of regulation on evaluation on placements.
- Higher priority is assigned to placing children with family members.
- A framework was introduced for a Children’s House. Please refer to part V.B.
- Regulations have been introduced to ensure that the views of the child are heard in a child welfare case. Please refer to part III.A.

**Coordination and allocation of resources (concluding observations, para 14, 21)**

16. Child Welfare services have significantly improved in the Faroes since administrative responsibilities were transferred to the municipal level in 2006. For instance, both the number of people working in child welfare as well as the area's total budget has multiplied.

17. Statistical data is gathered on child welfare expenditure within each child welfare unit, including average expenditure per case. The data shows great variation in annual expenditures across the different municipal units. Experience indicates that this is largely due to the fluctuating number of particularly expensive cases, which can change significantly from one year to the other. Since the municipal units are relatively small, particularly expensive cases can have a significant influence on annual expenditure statistics.

18. The child welfare system in the Faroe Islands is a collaborative system in the sense that several municipalities collaborate on child welfare. Each municipality finances a fixed amount per resident to the child welfare unit of which it is part of. The Government finances and administers the residential care institutions, and the municipalities pay a rate when children are placed there. This ensures that limited financial resources are not a hindrance in placing children in care.

19. There is no connection between a municipality's financial situation and its expenditure on child welfare. The municipalities with the lowest revenues are not the municipalities with the lowest expenditures on child welfare.

20. There is close collaboration between the child welfare units. The national Child Welfare Agency, which is a cross-municipal institution, has among its objectives to:

- Strengthen and coordinate child welfare services in the Faroe Islands,
- Advise local child welfare units on questions and doubts concerning child welfare,
- Educate local child welfare units on their tasks according to the Child Welfare Act,
- Ensure the continued development of child welfare affairs, and
- Collect and administer statistical data.

21. The goal is to ensure that child welfare is administered in such a way that the citizens' access to and experience of child welfare services do not depend on where they live.

**National Action plan (concluding observation, para. 17)**

22. Despite its small population — dispersed across 18 islands — the Faroe Islands is an advanced nation with a highly developed governmental system and well-functioning, albeit small, administrative units. The distance between the people and politicians is small, which means that elected representatives are aware of citizens' needs and wishes.

23. There is close collaboration with neighbouring countries, and Faroese authorities are well informed on policy developments in these countries. For instance, the Faroe Islands takes part in Nordic cooperation on child welfare and is represented in the Nordic task force on the implementation of the UN Convention on the Rights of Persons with Disabilities. In addition to this, employees, citizens, interest groups and organisation in the Faroe Islands are up-to-date on their areas of concern and make requirements accordingly. Therefore, there is broad consensus on the nature of the tasks ahead. The main challenge is prioritising the workload with respect to the small population base and limited financial resources. Priority has not been given to developing overall policies and plans but rather to solving particularly pressing issues and cases requiring immediate action.

**Independent monitoring (concluding observations, para. 20)**

24. Since 2014, the Parliamentary Ombudsman has been tasked with monitoring the rights of children and young people in the Faroe Islands including public and private institutions. Furthermore, the right to make a complaint to the Ombudsman has been extended to Faroese children.

25. An important part of the Children's Ombudsman's activities is to provide children and young people with information, guidance and advice on their rights and where to seek help. In this connection, the Parliamentary Ombudsman has established a new section on its website where children can get information on the activities of the Children's Ombudsman, how to make an appeal, etc.

**Data collection (concluding observations, para. 24)**

26. The Faroe Islands places great emphasis on collecting statistical data that is comparable to the data in other Nordic countries and the EU. The Faroe Islands participates in Nordic collaboration on statistical research that focuses i.a. on families and children. Please refer to annex 3

**I.B. Dissemination and awareness raising**

27. Several campaigns have been initiated to increase awareness of the Convention on the Rights of the Child in the Faroe Islands.

28. In September 2015, the Parliamentary Ombudsman participated in a public mass meeting to increase awareness of the Ombudsman's activities in the children's rights area.

29. In the spring of 2016, the Children's Ombudsman, Barnabati (a children's welfare organisation) and Amnesty International Faroe Islands will launch a campaign to increase awareness of children's rights. The campaign includes school visits and information leaflets.

**II. Definition of the child****Please refer to para. XXIII of the Fourth Report**

30. Since the last periodic report legislative changes have been made. This includes the possibility to put in place special measures to ease the transition into adulthood for children placed into care until the child reaches the age of 23.

**III. General principles****III.A. Respect for the views of the child**

31. In 2014 an amendment to the Child Welfare Act was made to ensure that the child welfare administration is obliged to hear the views of the child in child welfare cases. In cases, where the age and maturity of the child or specific circumstances of the case makes it difficult to interview the child, the child welfare administration shall seek to ensure that the views of the child are represented in an alternative manner.

## IV. Civil rights and freedoms

*The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (concluding observations, para 38)*

32. Corporal punishment in the home and in alternative care settings is not lawful in the Faroe Islands.

33. The amendments to Danish law were adopted for the Faroe Islands in 2007. Pursuant to Article 2 of the Danish Act on Custody and Access, adopted by Royal Decree Law number 228 of 15 March 2007, corporal punishment or other degrading treatment of children is prohibited by law.

## V. Violence against children

### V.A. Sexual exploration and abuse

**The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Concluding observations, para. 60 c)**

34. In May 2013, Parliament passed a resolution on the Faroe Islands' accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Faroese authorities have notified Danish authorities about the adoption of the optional protocol and are now awaiting the withdrawal of the geographical reservation for the Faroe Islands.

### V.B. Recovery and reintegration

**Coordination of public measures (Concluding observations, para. 60 d)**

35. In the last years, emphasis has been on fighting sexual abuse and ending the widespread silence that exists around violence and sexual abuse.

36. The National Plan to Prevent Violence in Relationships and Close Relations, mentioned in pt. VI below, has a broad definition of violence, which includes sexual violence. In addition the a separate national plan on sexual abuse is currently considered by the Parliament and is expected to enter into force by 1 January 2016. The purpose of the National Plan is to identify the actions needed to prevent and deal with sexual abuse.

37. Among these initiatives are:

- (1) Treatment to those who suffer delayed effects caused by sexual abuse in childhood and to those who commit sexual abuse.
- (2) Public information including on the obligation to report sexual abuse.
- (3) Child protection policies in institutions/schools and information to parents/children on how to protect children and where to turn for support and guidance.

**Notification duty (concluding observations, para 60)**

38. In 2012 the duty of professional's to notify was strengthened thereby requiring professionals working with children to notify the authorities if they have reason to believe that a child is living under conditions that may harm his or her health or development.

39. In addition measures to raise awareness have been implemented across the Faroe Islands with the purpose of informing professionals about their duty to notify and provide them with the skills and tools necessary to perform this duty.

40. Child Welfare units across the country are furthermore working to strengthen cross-disciplinary cooperation to ensure that children receive the help they need from the professionals and authorities in their vicinity.

41. At the moment, SSP<sup>1</sup> is working on a pilot project focusing on timely access to support. The project centres on a cross-disciplinary working method, which involves all professional sectors that work with children between 0 and 10 years old. The project, which runs from January 2015 to June 2016, is being piloted in three municipalities.

#### **Children's House and amendments to the Administration of Justice Act**

42. The Children's House of the Faroe Islands opened in 2013. The purpose of the Children's House is to gather expertise and competencies to deal with sexual abuse and violence against children in one place.

43. The Children's House's activities include interviewing children and investigating whether they have been subject to sexual abuse or other violence. Moreover, the Children's House provides emergency counselling and advice to the children and their families.

44. In connection with the establishment of the Children's House, the Administration of Justice Act was amended on 1 July 2014. The amendment entails that the suspect or accused may no longer be present while the child is being video-interviewed. Only the defence counsel may be present. Moreover, the Faroese authorities have raised an inquiry with Danish authorities on raising the age limit for video interviews from 12 to 15. In November 2015 the Danish Government introduced an amendment to the Administration of Justice Act for the Faroe Islands that raises the age limit for video interviews from children aged 13 to children aged under 15 in criminal proceedings concerning certain violations of the Criminal Code. Furthermore other victims and witnesses under the age of 18 may be video interviewed under special circumstances.

### **V.C. Helplines for children**

45. The Faroese Government helps fund the counselling service "Tú & Eg" that helps and advises children and young people via email, chat and phone on a broad range of issues. The counselling service is operated by the national children's welfare organisation Barnabati. In the last five years, the counselling service has helped more than 3.000 children and young people in the Faroe Islands.

46. In 2014, the Government's support for Barnabati was increased by DKK 200 000, bringing the total support to DKK 350 000.

47. The Government also helps fund the support group "Berin", which organises support groups for school aged children that have lost someone they were close to. In 2014, the governmental support for Berin was increased from DKK 100 000 to DKK 300 000.

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<sup>1</sup> Crime preventive cooperation between schools, social services and the police.

## **VI. Family environment and alternative care**

*Domestic violence (concluding observations, para 42)*

48. A National Plan to Prevent Violence in Relationships and Close Relations was adopted in 2011. The plan contains 18 policy initiatives on areas such as awareness, education and treatment.

49. Several public events have been organised in the Faroes to inform the citizens on i.a. violence and how it affects children. Violence has also been discussed in a children's radio programme and in the morning radio programme of the national broadcaster.

50. One of the policies is to provide treatment for children that have experienced violence i.a. in the framework of the Children's House. Please refer to part. V.B.

51. If a child lives in a home affected by violence, the Children's Welfare Service has the authority to help the family. This may include psychological counselling and family treatment. Moreover, the National Plan to Prevent Violence in Relationships and Close Relations includes provisions on structured treatment opportunities for perpetrators of violence.

52. The crisis centre in the Faroes was involved in formulating the National Plan against Violence. The Plan includes increased funding for the crisis centre's provision of psychological treatment for people affected by violence. This treatment is not conditioned on the recipient staying in the crisis centre.

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

### **VII.A. Children with disabilities**

53. The Faroe Islands' main challenge with regard to children's rights is to ensure the rights of children with disabilities. Existing disability legislation is outdated and new legislation is underway. Due to the small work force, new legislation is developed piece by piece.

54. The development of new disability legislation is in accordance with the principles and provisions stipulated in the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities to the extent that this is possible when taking into consideration the small population of the Faroe Islands and the demographic challenges related to this.

55. There are concrete plans to adopt a Social Service Act that includes provisions on developing special education schemes for each individual child, to update the supportive systems for children with disabilities and to establish clear regulation on the inspection of services for children with disabilities.

56. Collaboration between authorities is fundamental in order to provide the right help and support for children with special needs and authorities are currently working to ensure that support to children with special needs is coordinated and holistic. An example is the collaboration framework "The Good Process" which was launched in 2015 as a joint initiative between the Ministry of Social Affairs; the Ministry of Health and Internal Affairs; the Ministry of Education, Research and Culture and the National Association of Municipalities. The purpose of the framework is to ensure higher quality and better coordination in the provision of services for children with autism and their families. The plan is to extend this type of collaboration framework to other policy areas in need of better coordination between authorities.

## **VII.B. Health and health services**

### **Mental health**

57. The number of children waiting to see a child psychiatrist has decreased steadily since 2012, when funding for child psychiatry was increased and changes were made to change procedures on hiring of external consultants to assist in diagnostics.

58. On 1 January 2013, 135 children were on the waiting list to see a child psychiatrist. Now the waiting lists are basically gone and a child that is referred to psychiatric diagnosis can see a child psychiatrist without delay.

59. Every year more than 70 children in the Faroe Islands are referred to psychiatric diagnosis or treatment with a child psychiatrist.

### **Dental care**

60. The Act on Dental Care for Children and Young People was amended in May 2014. The amendment raised the age limit for free preventive dental care and free dental treatments from 16 to 18.

### **Abortion counselling**

61. In December 2013, a new counselling service which focuses on abortion was established under the Ministry of Health and Internal Affairs. The health visitors' association, Gigni, administers the counselling service. The service is targeted at young pregnant women, which may receive free and anonymous counselling and advice from Gigni. In addition to counselling on abortion, the women may also receive advice on health, social and psychological matters relating to abortion. Funding for the counselling service has been increased from DKK 100 000 in 2013 to DKK 350 000 annually in 2014 and 2015.

## **VII.C. Measures to protect children from substance abuse**

62. A study conducted by the Child Welfare Agency between 2011 and 2013 shows i.a. that the number of children who have never smoked has increased. In 2011, 72.1% of the respondents had never smoked. In 2013, the proportion had risen to 78.9%. It was especially among young females that the number had increased, while there was no significant change among young males.

63. The plan is to conduct a follow-up study of the 13-15 age group and to do similar studies of young people in the age groups 10-12 and 16-18. The purpose of the research is to monitor changes in the smoking and drinking habits of children and young people, use the data as a basis for implementing measures targeted at specific age groups or problems, and monitoring whether the measures are effective at tackling the problems.

64. SSP also arranges parent-teacher meetings across the Faroe Islands in addition to speaking to the children about topics like drinking and the importance of doing leisure time activities.

65. The Council for Public Health also manages campaigns to stop smoking among children and young people, to inform children and young people about the dangers of drugs and to promote physical exercise.



## VII.D. Standard of living

### Child poverty (concluding observations, para. 54)

66. Since 2011, statistical data has been collected on household income and income distribution in the Faroe Islands. According to the latest data from 2013, 10.5% of Faroese children aged 0-17 are at risk of poverty. The level is approximately the same as in other Nordic countries. According to the NOSOSCO<sup>2,3</sup> report single parent families in the Faroe Islands are at a greater risk of poverty compared to other Nordic countries and to the average for all EU countries.

67. In the last few years, there has been significant focus on child poverty in the Faroe Islands, and emphasis has been on identifying additional funding for this socio-economic group. In 2013, the Public Assistance Act was amended to implement a shift from needs-based assistance to permanent assistance. In this connection, single parents were highlighted. The employment activation system was also amended in a way that prioritised assistance for single parents. Other types of financial assistance for single parents have also been increased, e.g. the child benefit rate for single parents and the study grant for single parent students.

68. The degree of compensation in the Faroese benefit system is higher than in most countries. A significant proportion of those at risk of poverty are, however, people that do not receive social benefits. These are primarily students, people that work reduced hours and people in unstable work.

69. The 2012 housing policy plan is part of the effort to improve conditions for families with children as lack of affordable housing is a significant contributing factor to poverty among families with children.

70. According to the government platform from 2015, the goal is that no one in the Faroe Islands are to live in poverty. Among its initiatives, the Government intends to reform the housing market and to reduce the cost of living in order to make it easier for people to make ends meet. There are also concrete plans to reduce taxes for low and middle-income households. Moreover, families with children that are at risk of poverty are to be given immediate financial relief. At the same time, the Government intends to provide child benefit to families with children under school age.

## VIII. Education, leisure and cultural activities

### VIII.A. Education, including vocational training and guidance

71. A relatively large proportion of pupils in the Faroe Islands are enrolled in normal schools compared to neighbouring countries. Less than 1% of Faroese pupils are enrolled in a school exclusively for people with special needs. This places additional demands on primary and lower secondary schools. In order to make the most of the educational and financial resources available, they need to coordinate the provision of special education in a way that fosters good collaboration and a clear division of labour between the Competence Units and Sernám.<sup>4</sup>

72. In 2013 a task force was appointed to make recommendations on how to improve special education in primary and lower secondary schools. The goal is for all pupils —

<sup>2</sup> <http://nowbase.org/>.

<sup>3</sup> <http://norden.diva-portal.org/smash/get/diva2:798076/FULLTEXT02.pdf>.

<sup>4</sup> Sernám provides psychological and educational services to individuals, institutions and schools.

including those with special needs — to be given a good environment to develop, learn and thrive in primary and lower secondary schools. Several measures have been implemented to reach this goal. For instance, the appropriation for special education lessons in primary and lower secondary schools has been increased. Moreover, Competence Units have been established in order to improve guidance and expertise on special education in primary and lower secondary schools. The Competence Units have been in effect for two years.

73. The task force has furthermore recommended that a revision is carried out of legislation on the subject in accordance with the UN Convention on the Rights of Persons with Disabilities.

74. The task force also recommends careful consideration of the particularities of the Faroese school culture, with special attention to the way Faroese society has emphasised inclusivity in the school system and how it should do so in the future.

75. The effort to prioritise and put into action the policy recommendations is underway. The central goals are to bring the special education structure up to date and to strengthen the provision of special education.

### **Upper secondary educational opportunities for young people with special needs**

76. The Ministry of Education, Research and Culture and the Ministry of Social Affairs have begun work to establish a coherent upper secondary educational offer for young people with special needs. Upper secondary education is here defined as post lower secondary educational offers for young people up to the age of 25.

77. In the academic year of 2013/2014, the upper secondary school in Tórshavn was able to launch a special educational programme tailored for young people with autism. Moreover, in 2015/2016, the upper secondary school in Kambsdalur, which is one of the two upper secondary schools outside of Tórshavn, also launched a special education programme.

78. The basic idea is that in order for young people with special needs to complete an upper secondary education, it is important that extracurricular activities, housing services and supportive services are shaped around the educational offer. This necessitates good coordination between the Ministry of Education, Research and Culture and the Ministry of Social Affairs, which manages housing and support services.

79. A task force was appointed to make concrete recommendations in the area and to prepare measures to extend special educational programmes to other target groups. The new Government wishes to continue the work to establish special education programmes and classes in upper secondary schools.

## **VIII.B. Aims of education**

80. Although the Convention on the Rights of the Child does not feed directly into the Faroese school curriculum, several schools teach their pupils about children's rights. The new curricula for primary, lower secondary and upper secondary schools specify a number of basic competences that a school ought to stimulate and develop in addition to academic competences. The basic competences are captured in four headings: 1) to respect, 2) to communicate, 3) to examine, and 4) to create.

81. In all subjects at primary, lower secondary and upper secondary schools, teaching should emphasise the different conditions that people live in and should make students appreciate the needs and perspectives of other people regardless of their age, ethnicity or life philosophy. Students should learn to understand and respect the obligations and rights

that a democracy is built on. The student also needs to respect, that other cultures and societies may be based on different values than his or her own.

82. The Faroese day care system is based on a holistic approach to development and an educational philosophy which emphasises play, care and learning. Work is underway to specify the aims and objectives of the Faroese day care system in a legally binding framework. This work will emphasise the important role that day care centres play in Faroese society, and it will assert their commitment to democratic principles and a democratic view of the child as specified in the UN Convention on the Rights of the Child. The basic idea is that children should be given the opportunity to affect their own life as a natural part of their upbringing.

### **VIII.C. Rest, play leisure and recreation**

83. Since 2013 the Faroe Islands has had a structured legislative framework on young people under the age of 18 in the work place which regulates i.a. the work which may be undertaken, working hours, rest periods, breaks and holidays.

84. The regulations are in accordance with international conventions. They take into account young people's right to protection against financial exploitation and their right to protection against work that may be dangerous, work that may interfere with their education, or work that may harm their physical, psychological, intellectual, moral or social development.

## **IX. Special protection measures**

### **Sexual exploration and sexual abuse**

85. Please refer to section V.B.

### **The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Concluding observations, para. 60 c)**

86. In May 2013, the Faroese Parliament passed a resolution on the Faroe Islands' accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Faroese authorities have notified Danish authorities about the adoption of the optional protocol and are now awaiting the withdrawal of the geographical reservation for the Faroe Islands.

### **Sale, trafficking and abduction (Concluding Observations, para. 69)**

87. In order for the Faroe Islands to be subject to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Faroe Islands has to be subject to the Convention against Transnational Organized Crime. Since part of the legislation relevant to this Convention is under Danish jurisdiction, the Faroese authorities have asked the Danish authorities to examine to which extent legislative amendments are necessary to meet the obligations under the Protocol. As of yet, Denmark has not finalised its examination of the legislative amendments that are needed in order for the Faroe Islands to meet the obligations under the optional protocol.