

From: Save the Children Denmark

For: The UN Committee on the Rights of the Child

2000-09-29

**REPORT BY SAVE THE CHILDREN DENMARK –  
CONCERNING THE SECOND PERIODIC REPORT ON THE  
UNITED NATIONS CONVENTION OF THE RIGHTS OF THE  
CHILD SUBMITTED BY THE DANISH GOVERNMENT**

## TABLE OF CONTENTS:

1. GENERAL COMMENTS .....	3
2. GENERAL MEASURES OF IMPLEMENTATION.....	4
<i>Article 4</i> .....	4
<i>Article 42 and 44.6</i> .....	7
3. GENERAL PRINCIPLES .....	8
<i>Article 2</i> .....	8
4. SPECIAL PROTECTION MEASURES .....	11
<i>Separated children in Denmark: Articles 7, 8, 9, 10, 18, 20, 22 and 29</i> .....	11
<i>Sexual exploitation and abuse: Articles 3, 19, 34 and 39</i> .....	13
<i>Children in conflict with the Law: Article 37 and 40</i> .....	16
5. CONCLUSION .....	17

## **1. General Comments**

1. Save the Children Denmark (Red Barnet), a member of the Save the Children Alliance, is a popular movement for the rights of the child that was established in 1945 with the aim of helping the most vulnerable groups of children through out the world.
2. Save the Children Denmark has received and studied the second periodic report from the Danish Government to the UN Committee on the Rights of the Child concerning the implementation of the Convention on the Rights of the Child in Denmark. As with the initial report from the Danish Government, Save the Children Denmark finds that the second periodic report once again describes the legislation but appears to ignore the harsh reality that many children in Denmark face everyday.
1. In January 1998 organisations from the “Co-operation Group on the Convention on the Rights of the Child in Denmark” pointed out issues which each organisation saw as central for the implementation of the CRC in Denmark, inviting to a constructive and open dialogue during the writing process. In April 1998 the NGOs within the Co-operation Group wrote a joint statement to the Ministry of Justice, as an input to the report. The National Council for Children’s Rights and the Danish Centre for Human Rights decided each to do their own statements. However, studying the final version of the Danish report from the Ministry of Justice it is difficult to trace these important inputs!
2. Due to different circumstances it has not been possible to write a joint NGO report to the Committee, instead Save the Children Denmark has submitted this report, focussing on the issues where Save the Children believe we have the experience and expertise to do so. As well as dissemination of information about, and lobbying for children and their rights, Save the Children Denmark has for a considerable period of time focused upon the particularly difficult circumstances separated children and sexually exploited children face. Therefore, Save the Children has chosen to focus on articles 4, 42 and 44.6 about the incorporation of and information about the CRC in Denmark, article 2 about discrimination, articles 7, 8, 9, 10 and 22 in relation to separated children in Denmark and on articles 19, 34 and 39 in relation to sexual exploitation and abuse. Save the Children has tried very hard to lobby the Government in relation to separation of children from adult co-inmates and the possibility to use solitary confinement of children. The implementation of article 37 is also debated here.
3. Since the National Council for Children’s Rights in their report for the Committee has elaborated especially on the problems with implementation of article 3 and 12 in Denmark, Save the Children Denmark has chosen to leave out these very important issues in our report.
4. Since the Danish Centre for human Rights and the Board for Ethnic Equality have submitted a report for the Committee on the general circumstances of children

from ethnic minorities, Save the Children has focussed more specifically on discrimination and on separated children in Denmark.

## **2. General Measures of implementation**

5. The CRC article 4 obliges the State to incorporate the CRC into Danish legislation, article 42 obliges the State to make the principles and provisions in the CRS widely known and article 44.6 obliges the State to make their periodic reports widely available to the public.

### **Article 4**

6. As for implementation of the civil and political rights the State has “to undertake all appropriate legislative, administrative, and other measures”. However, after the Danish ratification of the CRC no general law reforms and no review comparing Danish legislation to the articles of the CRC were initiated. The Danish legislation was and still is regarded as compatible with the CRC, which is only true from a general perspective.
7. However, in Danish legislation there seems to be more focus on the interest of the family than on the *best interest* of the child, this could explain why it is not difficult to find concrete instances of laws in direct opposition to the main principles of the CRC. The Ministry of Justice has repeatedly used the sacredness of the family (as stated in the European Human Rights Convention article 8) to explain why a law reform did not prioritise the best interest of the child. As a response to this Red Barnet has allied with the National Council for Children’s Rights to prove from an international law point of view that the EHRC art 8 does not hinder the priority of the best interest of the child.
8. Save the Children Denmark recommends that:
  - *The Government undertakes a general review comparing Danish legislation to the articles of the CRC, changes the legislation where this is needed and introduces bills where that is needed.*
  - *The Government takes the initiative in developing indicators for implementation of the CRC in Denmark.*
9. As for implementation of the economic, social and cultural rights the State has to undertake measures “to the maximum extent of their available resources”. It is a much debated question whether this is reflected in Danish policy towards children in need, Denmark being a comparatively rich country.
10. This is due to the fact that most children in Denmark manage to negotiate the ever-increasing demands they are met with. They are on the road most of the time and have a very stressful day; not unlike their parents, due to the demands of the Danish labour market. Along with school they appear to cope with an active

leisure and cultural life, paid work, friends, computer games and the Internet. They are stimulated, bombarded and confronted with adult problems. Most children appear to cope with this lifestyle and go on to develop the free thinking independence and acquire new and various qualifications. These are seen as relevant and necessary for their participation in society and the labour market.

11. However, there remains an estimated group of between 10 and 15 % of all children in Denmark who are in danger of being marginalised and left in danger of being socially excluded. The school attendance and academic performance for this group of children is or has been professionally and socially poor. Social inheritance based on this inequality continues to offer these children an adult life with isolation and loneliness – in worst cases social exclusion.
12. Within this group there is believed to be three categories of children:
  - 4 % who are the *problem children*, children and adolescents who have experienced massive forms of abuse or neglect early in their lives from either their close family or other care providers. Neglect resulting in permanent personality disturbances and permanent marginalisation.
  - 5 % who are the *threatened children*, children and adolescents who have experienced one kind or a series of abusive acts by omission or commission. However, because of therapeutic intervention or other support mechanisms, circumstances have dictated that their condition has not resulted in permanent emotional or psychological damage. They have difficulties in their lives attached to poor social and cultural integration. If they receive the right support they might come out of this strengthened – though they might also develop more profound disturbances.
  - The last group of between 6 and 8 % are children with *special needs*, as a result of psycho-social problems of some kind. These children experience temporary crises within the family (illness to one or both parents, dissolution of their family, a parent in prison, unemployment etc.) or they become part of a social vacuum after moving house, changing school and classmates or due to bereavement. Most of these children develop sufficient resistance to recover because the problems are of a temporary nature.
13. A group of children facing specific problems is children with a parent in prison. In these situations the child has the right to maintain personal relations and direct contact with both parents on a regular basis, article 9.3 of the CRC), and the responsible local authorities should co-operate to focus on the needs of the specific child.
14. Children who experience discrimination, abuse or neglect have a higher risk of developing emotional or psychological problems, though there is no automatic link between childhood and later adult life. Nevertheless, the facts about children's situation speak for themselves:

- Denmark has relatively high numbers of suicides among young people.
  - There is an increasing violence between youngsters.
  - There's an increasing use of mind-altering substances among young people.
  - 25 % of children between the ages of 11 and 15 are bullied often during the school year.
15. One of the chief dimensions in Danish social policy, formulated as part of the social reforms during the 1970'ies, is prevention. The key words are "the proper effort at the right time". There are four main areas of jurisdiction: health-, social-, school- and the cultural jurisdiction.
16. However, the preventive efforts have not had enough impact in reality. This is due mainly to the way children are viewed in Denmark and to the economical resources available for needed interventions. It is a serious problem that seeing children as individuals with their own rights and powers is still not widespread. This applies to all levels of society and governmental administration.
17. Save the children welcomes the Danish governments initiatives in supporting families and respecting the rights of parents, enabling the child to develop within the family unit in accordance with Article 5. But it would appear that when problems arise within the family the interests of the parents, the Local Authorities economic circumstance and ideology outweigh the best interest of the child. Too often children are left in dangerous situations as it is not deemed necessary to protect the child until there is serious problem, by which time it is much too late. Further more these children are often exposed to unacceptable and futile family solutions based upon the parent's or society's needs and not the rights and best interests of the child. This is the case in some custody disputes where children are forced into unsafe contact arrangements with abusive parents, mostly fathers and step fathers, because the law is very inflexible in that both parents must have contact. Social workers undertaking the assessments in custody disputes appear to have very little knowledge about how abusers operate and can continue to abuse children during contact arrangements. The irony is that the later an intervention the more expensive it becomes, as it is much more difficult to help and support a "problem child" than a "child with special needs"
18. Save the Children Denmark recommends that:
- *More resources should be allocated towards children with special needs, so that financial circumstances are not an issue when an effort is needed.*
  - *Efforts should be conducted at all levels of society and from all parties involved to change the way children are viewed.*

- *The best interest of the child should be the primary consideration in all matters affecting the child directly and taken into consideration in matters affecting the child indirectly.*
- *When children experience abuse or neglect an assessment of risk should take place with the protection of the child being of paramount importance. An appropriate response should be to remove the child or the alleged abuser immediately if there is an unacceptable risk. Social workers and police officers require better training on the principles of working together to protect the child*
- *The social and political changes that influence on children and their situation should be carefully investigated.*
- *The existing data on children should be extended and improved.*
- *Action is needed against the increasing use of drugs among young people.*

#### Article 42 and 44.6

19. According to article 42 of the CRC the State is obliged to inform about the CRC and to make their report widely available to the public. However, there's been no systematic or continuous dissemination of the CRC or of the Danish initial report for the Committee – which implies that neither children nor their parents or the professionals working with and for children receive information about the CRC and the spirit in the CRC. The same applies for the large groups of migrants and refugees in Denmark – as you can only get hold of the CRC in Danish and English in Denmark.
20. Save the Children recommends that:
  - *The knowledge of CRC becomes an integrated part of the school curriculum for all school children.*
  - *The knowledge of the CRC becomes a prescribed text in the qualification for becoming a professional working with children.*
  - *The local authorities in Denmark should be qualified in the CRC and the obligations to implement the articles and the spirit into local administration should be stipulated.*
  - *Dissemination of information about the CRC in the principal languages of refugees and migrants in Denmark.*
  - *Systematic and continuous dissemination of the CRC to the public in Denmark.*

- *The periodic reports should be widely distributed and used as background for discussion of the Danish policy on children.*

### **3. General principles**

#### **Article 2**

21. Denmark has a population of about 5.1 million inhabitants, of which 1,145,915 are children (under 18 years of age). Of these 99,145 are children with an ethnic background other than Danish.
22. From a legal point of view all children living in Denmark should have the same rights and possibilities. Under the Danish Constitution, no person may – on account of his/her religious beliefs or ethnic origin be deprived of the full enjoyment of civil and political rights or evade performance of any ordinary civil duty. Likewise, no Danish citizen may be subjected to any form of deprivation of liberty on account of his/her political or religious beliefs or because of his/her ethnic origin.
23. Under the Danish Criminal Code (section 266b) it is a criminal offence to make derogatory statements or impart other information in public which represents the abuse of any ethnic group, so they feel threatened, insulted or degraded on account of their race etc. Further, it is an offence in commercial or non-profit activities to refuse to serve a person on the grounds of that person's race etc., according to the Act on Prohibition of Discrimination on Account of Race, etc. This also applies if, for these reasons, a person is refused access on the same conditions as others to a place, performance, exhibition, gathering or event open to the public.
24. However, protection against racial discrimination is somehow so vital to democratic principles that it becomes difficult for the state to prove clear violations. Nonetheless, the reality is different from the legislation. Fulfilment of the rights of ethnic minority children proves to be limited by the linguistic or the socio-cultural situation of these children. Institutional racism and discrimination is part of the structural fabric of society and is found within the job market, within the school system or as negative attitudes and stereotypes which are expressed as part of the dominant populations cultural mores and norms in a bus, on the street, in a pub etc. A recently published report shows that one out of five people from a different, ethnic background, considers leaving Denmark because of this cultural, personal and institutionalised discrimination.
25. It has recently been reported that in more than one third of cases, employees reject applicants with a foreign sounding name, even though they are well qualified. It is a fact that the unemployment rates for people from an ethnic minority background are much higher than for those for ethnic Danes. The problem is that this kind of discrimination is almost impossible to document. As a result doctors, dentists, engineers etc. choose to find a job in the unskilled sector or move to another country which is less discriminatory.

*The headscarf issue:*

26. Another typical case of institutional racism situation is the "headscarf issue". The situations of course vary, but the following example is very typical: In November 1998 Islam Amin, a girl of 14 years of age, was sent home from her apprenticeship at Magasin (a big department store) in Odense, because she was wearing a headscarf and refused to take it off. This statement is a direct quote from her employer: "We won't accept girls wearing a headscarf".
27. Subsequently, instead of supporting Islam Amin, The Children and Adolescents Administration of Odense Council has suggested to local employers that they should inform the Council of their policy regarding dress code for employers. So that in future girls wearing a headscarf wont be referred to those employers who will not allow apprentices to wear headscarf.
28. Islam Amin brought a legal action against Magasin, and proceedings were instituted June 15, 2000. The Act on Prohibition of Discrimination on Account of Race, etc. also covers apprenticeships and the school as well as the municipality is bound by this provision. The sentence was pronounced 10 August 2000 and Magasin was fined 10.000 DKK in redundancy payment to Islam Amin. However, two other huge department stores ("FDB" and "Dansk Supermarked") still have a policy not to employ girls and women wearing headscarf.

*Discrimination within the school system:*

29. Also, within the school system you find examples of discrimination both in the teaching materials, the teacher's attitude towards ethnic minorities and the lack of respect for religious customs. An example of discrimination in teaching materials is the experience of Posseh Sessay's 1997, when her English teacher set Posseh and her classmates a lesson from an English grammar textbook. They were asked to translate a text about two hunters, that "have experienced and shot down a new species: brown, walking on two legs, though they had four, raising their forelegs crying out: "No Sir"". Posseh protested against the text and against writing the translation, but was told she would get a 00 if she did not translate the text.
30. The school inspector has denied withdrawing the text. The publisher, he has promised to remove the text from following prints, but he has no idea how to remove it from the copies already sold? The Ministry of Education has denied being responsible for discriminatory teaching materials, as this is the responsibility of the Local Authority Education department. The case has been brought before the Parliamentary Ombudsman.
31. Another typical example of indirect discrimination is the shower issue. In 1997 a 10 years old boy was expelled from a private school in Frederikssund, as he had denied being naked in front of his schoolmates. According to the Muslim faith it is forbidden to be naked in front of strangers. Some schools (public and private) solve this issue by introducing a shower curtain or an arrangement with allowing

the pupil to come and go 5 minutes before the rest of the class enters the changing room. However, in this case the Ministry of Education and as well as the police denies doing anything, though parents of the boys school mates themselves suggested that the boy could come 5 minutes before.

32. The same issue has given rise to a huge conflict in Albertslund Local Authority, just outside Copenhagen. A conflict that has been ongoing for 5 years and with no sign of a positive result for Muslim children (and grown ups) that would like to swim in the public swimming baths. The Mayor and the chairman of the Children's Committee have publicly stated that the Danish bathing culture has developed during the past 30-40 years and that this implies that the human body should not be suspect or forbidden! We believe that this does not take into account the cultural and religious rights of ethnic minorities in Denmark.
33. The international conventions, to which Denmark has become party to, imply an efficient enforcement. Nevertheless, the national authorities are conspicuous by their absence in introducing an efficient legal protection against indirect as well as direct discrimination. Much too often the responsibility is delegated out to the local authorities, who delegate it out further. It is the state that becomes party to the conventions that is responsible for the enforcement and implementation of the articles as well as the spirit in these conventions.
34. Save the Children Denmark recommends that:
  - *The CRC and the UN Race Discrimination Convention is incorporated into Danish legislation.*
  - *A special provision against race discrimination should be passed in the Danish Constitution.*
  - *The definition of direct and indirect discrimination according to the UN Race Discrimination Convention should be implemented into Danish legislation*
  - *An Ombudsman institution for non-discrimination should be established with the authority to examine complaints, advancing assessments and solutions.*
  - *The existence of discrimination at all levels of the Danish society, the fact that Denmark is a multicultural society and that the different cultures virtually are equal are rendered visible.*
  - *An increasing awareness raising is initiated about what discrimination leads to for both the victims and the society.*
  - *An automatic screening of school textbooks and other kinds of school material are conducted to avoid discriminatory expressions and practices.*

#### **4. Special Protection Measures**

##### **Separated children in Denmark: Articles 7, 8, 9, 10, 18, 20, 22 and 29**

35. Speaking of separated children in Denmark the Danish practise has not developed in a positive direction during the last 5 years. Though children applying for a residence permit in Denmark now receive specially planned instruction during their stay at the Danish Red Cross Centres, the Two Government parties has recently suggested that bilingual children whose parents are Danish-bred should not receive mother-tongue teaching. It is noteworthy that there's no information about the articles 20 and 22 in the second periodic report from the Danish State.
36. Separated children are very vulnerable as they are alone and arrive to the country alone. In some instances their parents have been killed, tortured or raped, in others they have (also) themselves experienced armed conflicts, been exposed to torture, rape and imprisonment or they have been used as child soldiers. Despite these facts separated children in Denmark lack fundamental rights which are granted them according to the CRC.
37. According to article 18.2 of the CRC States shall assist legal guardians to carry out child-rearing responsibilities. According to article 20.1 in the CRC children deprived of their families are entitled to special protection and assistance. However, in Denmark no guardian or adviser is appointed, neither when they are first identified, during the proceedings or after the child has been granted asylum in Denmark. In all other cases, if a child loses her parents, a guardian has to be appointed according to the Danish Law on Parental Responsibility and Contact Arrangements.
38. Another issue is the fact that separated children in Denmark only have a legal representative during appeals, not at all other stages of the asylum process. It ought to be a minimum guarantee that legal representation is available free of charge to the child and, in addition to possessing expertise on the asylum process, they should be skilled in representing children and be aware of child-specific forms of persecution.
39. As for practitioners working with children, only teachers working in the reception classes are given training in dealing with children from an ethnic minority (psycho-social awareness for instance) – though it ought to be compulsory for all persons dealing with children from ethnic minorities. Training is specifically relevant and needed speaking of the police, the staff at the Immigration Board dealing with applications from children, interpreters, carers and teachers' etc.
40. Article 10.2 of the CRC states that children whose parents reside in different countries have the right to maintain regular relations with their parents. Article 9.3 states that children who are separated from their parents have the right to maintain contact with their parents. And article 10.1 states that applications for family

reunification shall be dealt with by states in a “positive, humane and expeditious manner.”

41. It is common knowledge that it is crucial for the well being of separated children to know whether their parents are alive and where they live. However, in Denmark there’s no tracing for the child’s parents and family, only when the child is refused residence permit and is to be send back. Family tracing should be undertaken as soon as possible, however, only when it will not endanger members of a child’s family. This should be done with the intention of family reunification either in the country of origin or if that is not possible in Denmark.
42. Reading paragraphs 63 to 66 in the Danish second periodic report concerning article 10 about family reunification it is striking that they leave out the most interesting information:
  - Children with a humanitarian residence permit (automatically granted children below the age of 14 years) do not have a legal claim to family reunification.
  - Children with refugee status are admitted family reunification if their parents are older than 60 years and if the child can maintain their family. Separated children in Denmark meet neither of these requirements. An application for family reunification is automatically refused, without undergoing an individual procedure, if the two requirements are not met.
  - In cases where parents of separated children in Denmark apply for family reunification with the child in Denmark from their country of origin or from another country within the EU, there’s a risk the residence permit will be withdrawn and the child send back to their parents. Without respect for the view of the child or the best interests of the child.
43. Save the Children Denmark recommends:
  - *A guardian or adviser is appointed for unaccompanied minors from the moment they are identified.*
  - *A legal representative should be assigned the child during the proceedings.*
  - *The Aliens Act should be changed to allow tracing for a child’s parents and family as soon as possible, in co-operation with the ICRC Central Tracing Agency. This should not influence on the asylum application from the child.*
  - *Efforts should be directed towards family reunification either in the country of origin or in Denmark, if no other possibilities exist.*
  - *Training in cultural awareness, anti-discriminatory practice and in children’s rights should be compulsory for teachers and other practitioners dealing professionally with separated children.*

- *Training of the immigration personnel, border police staff and interpreters in conducting child-friendly interviews should be compulsory.*
- *The Government should as soon as possible sign and ratify the Hague Convention on Jurisdiction, Applicable Law, Recognition, enforcement and Co-operation in Respect of Parental Responsibilities and Measures for the Protection of Children from 1996.*

### Sexual exploitation and abuse: Articles 3, 19, 34 and 39

44. The Danish government has taken steps to protect children from abuse in all its forms but there remains issues outstanding that need to be addressed in relation to child protection and the rights of the child. The following issues are given as a means of clarifying the main areas where urgent attention needs to be given to child protection by the Danish government, within the context of the rights of the child

#### *Children and the legal system:*

45. In Denmark children's evidence in cases of child abuse is heard in court by the means of video interviews undertaken by the police. Red Barnet welcomes this form of representation of the child's evidence, as it does not require the child's appearance in court. But there are some negative aspects of the Danish legal system involving children. Many cases of child abuse never come before the court because of a lack of evidence and in cases of sexual abuse the evidence of children is viewed as 'unsafe' by many judges and defence lawyers.
46. There is no nationally recognised training for police officers undertaking this very skilled and demanding work and the concept of working together with other agencies, such as social services, is only given lip service. Children are interviewed at police stations where they have to wait in public waiting areas before being called for interview. They have often stated that they were frightened by this experience as many have been threatened with the police by their abuser. Only police officers undertake the actual video interviews with the child.
47. In March 2000 the Danish High Court passed legislation which enables an alleged abuser the right to be present when a child is being video interviewed by the police. The alleged perpetrator will be able to sit in the monitor room and be able to ask questions via his/her appointed legal representative. Children's rights organisations, lawyers and other concerned professionals in Denmark have criticised this decision as being a backward step as well being a breach of Article's 3, 12, 19, and 34 of the UN Convention on the rights of the child the child.
48. Research has shown that children find it very stressful and difficult to talk about their abuse under the strict conditions imposed during video interviews. If the alleged abuser is present the process becomes even more abusive and will lead to the child being silenced, putting them and other children at risk of further abuse.

49. Save the Children Denmark recommends that:

- *The legislation/ruling allowing alleged perpetrators to be present at video interviews should be repealed as soon as possible by the Danish government.*
- *All police officer, lawyers and social workers involved in video interviewing children receive specific training on the rights of the child.*
- *Inter agency co-operation should be improved with social workers and/ or psychologists being more involved in child abuse investigations and video interviews.*
- *Video interviews involving children should not take place at police stations but at a child friendly venue.*

*Administrative Measures:*

50. One of the glaring failures of the Danish government is to enact legislation and administrative measures to protect children from sexual exploitation by abusers who seek employment within the education system, voluntary sector and statutory child care sector.
51. Research undertaken with sexual abusers has shown that many extra familial abusers will seek contact with children through employment in schools, nursery's, children's homes etc or by engaging them in sports activities.
52. There are no national vetting procedures in Denmark for people wishing to work with children and young people in the voluntary or statutory sectors. It is only due to media attention given to high profile cases of abuse in Day Care Institutions and schools that procedures have started to be put in place to assess the suitability of staff to work with children. The decision for implementing these procedures is taken at an autonomous local government level, so there is no national strategy for implementing policy on protecting children from institutional sexual exploitation.
53. A concrete case: A man accused of sexually abusing a number of boys at a Copenhagen after school club in 1991 was cleared by a police investigation because of a lack of evidence. He continued to work with children both in the statutory and voluntary sectors for the next 9 years and was even allowed to set up his own Martial Arts Club for boys. Earlier this year he was found guilty of sexually assaulting boys at his Martial Arts club and at various childcare institutions. He was also diagnosed as being HIV positive and it became known that at least two of his victims were also HIV positive. When he was arrested he was undertaking a professional training course in childcare. The local authority knew of the initial police investigation but never passed on the information to other childcare agencies even though staff were concerned about this person's continued employment with children.

54. Save the children Denmark recommends that:

- *The Danish Government implements specific guidelines to all local authorities and voluntary organisations on vetting procedures for staff seeking employment with children*
- *Mandatory police checks for all persons applying to work with children in statutory and voluntary sectors*
- *Better training for lawyers and judges on all aspects of child abuse and children's rights*
- *A central register of people convicted of offences against children is implemented that only local authorities have access to.*

*Social and Educational Measures:*

55. The knowledge and awareness about child abuse amongst professionals working with children, is critical in protecting them from abuse and exploitation. Societal and professional denial of child abuse appears to be high in Denmark. There is a lack of awareness amongst professionals working with children about the aetiology and dynamics of child abuse, especially child sexual abuse. Teachers, peadagogs, and social workers are given very little training on issues relating to abuse and sexual exploitation, and many are unaware of the mandatory reporting laws if they suspect child abuse is taking place. Given the context of how sexual abusers operate this is a very dangerous state of affairs, which requires immediate government action. There is almost a total lack of knowledge on how abusers target and silence their victims amongst the very people who are there to protect children.

56. Treatment and assessment facilities for children and adolescents who have sexual abused other children are non existent within the statutory welfare system in Denmark. This is unacceptable given that international research suggests that a high proportions of perpetrators are themselves under 18 years of age. It is vital that they are seen as children in need and are offered professional help in understanding and changing their behaviour.

57. Save the Children Denmark recommends that the Danish Government:

- *Implements guidelines on child abuse training to the educational bodies responsible for training professionals working directly with children so that it becomes part of the curriculum.*
- *Implements interagency training for police officers, social workers, psychologists and other professionals involved in working with children.*
- *Improve funding resources for research purposes.*

- Gives information to the general public about child abuse. Prevention is the responsibility of all adults.
- Better co-ordination between researchers, policymakers and professionals working with children.
- Giving children appropriate information about sexual abuse.
- Better assessment and treatment facilities for children adolescents who have sexually abused other children.

58. Save the children is aware that the government will shortly outline the findings and proposals of the Inter-ministerial Committee on child abuse and will hopefully implement a national strategy to deal with this immense social problem.

#### Children in conflict with the Law: Article 37 and 40

59. Following article 37.b arrest, detention or imprisonment of a child must only be used as a measure of last resort and for the shortest appropriate period of time. When a child is deprived of liberty the child shall be separated from adults unless it is considered in the child's best interest, article 37.c. However, as explained in the Danish second periodic report paragraph 246 and 247, the special juvenile units in Blegdamsvejen Prison and Soebysøgaard State Prison have been abolished. Accordingly, children from 15 to 17 years of age will be remanded in "surrogate custody" *to the extend possible* (my italics). Or in local prisons near to the place of residence, *to the extend possible* (my italics). Paragraph 248 states that the child is "placed, following a specific assessment, in the unit best able to meet the consideration of protecting the young offender against unfortunate influence from co-inmates."

60. This practise is a crucial problem. Children do not belong in the same institutions as adult offenders, actually they don't belong in prisons at all, why remanding children in surrogate custody should be the principal rule. However, it only happens *to the extend possible* (my italics) and in cases where the child is not imprisoned. This means that whenever a child is sentenced to detention he or she is imprisoned in a local prison. In 1998 119 children between the ages 15-17 were imprisoned all during the year. In some of these cases the child is held in isolation, to separate him or her for the adult co-inmates. This issue touches upon another serious problem in Denmark:

61. It is still possible to use solitary confinement for children between 15 and 17 years of age. Save the Children Denmark tried very hard to lobby the Rules Committee while debating the legislation on solitary confinement in May 2000, however, children can still be confined in isolation of up till 14 days to be prolonged with another 14 days up till eight weeks in all. Though the Minister of Justice has stated that solitary confinement of juveniles is only to be used in exceptional cases, it is very alarming that the possibility was retained. It seems once again

financial circumstances and the lack of a child perspective outweighs the best interest of the child, even though it is proven to be psychologically very damaging to be confined in isolation.

62. A reservation towards article 40 para 2 (b) (v) was made upon the Danish ratification, as there is no access to a re-examination of the question of guilt at a higher court in all criminal cases. A reform of the jury system is at issue in the Parliament, however, a reform of the jury system awaits a reform of the circuit structure in Denmark, which won't be ready till the end of year 2000.
63. Save the Children Denmark recommends that:
  - *Children should never be detained in local prisons.*
  - *Children should always be separated from adults when imprisoned.*
  - *Children should never be confined in isolation.*
  - *Denmark's reservation to article 40.2 (b)(v) should be withdrawn and the Standing Committee on Procedural Law should press on with the proposal to introduce a proper two-instance scheme, including both the question of guilt and the severity of the sentence.*

## **5. Conclusion**

64. Denmark ratified the CRC in 1991 and since then many positive measures have been taken - however, some quite serious issues remain to be addressed. As described in this report the most serious problems concern sexually abused children, separated children in Denmark and socially and economically marginalised children; some of the most vulnerable groups in the Danish society.
65. By elaborating this report Save the Children hopes to contribute to a higher degree of implementation of the CRC into Danish legislation and a profound understanding of the spirit floating through the CRC. Each individual child in Denmark should be viewed as an individual with own rights and responsibilities and be granted the respect that comes with this. The responsibility for such an improvement lies first and foremost with The Danish Government – however, Save the Children Denmark is at disposal whenever wanted or needed.