



**NÆVNET FOR ETNISK LIGESTILLING**  
The Board for Ethnic Equality

## **Supplementary papers to United Nations Committee on the Rights of the Child (to the second Danish periodic report):**

- 1. Use of children as interpreters**
- 2. Placement of children outside home**

**Submitted by:**  
**The Board for Ethnic Equality and the Danish Centre for Human Rights**  
**March 2001**

## **1. The Use of children as interpreters**

The Danish Centre for Human Rights (the Centre) and the Danish Board for Ethnic Equality (the Board) have, in their alternative report to the second Danish periodic Report to the UN Committee on the Rights of the Child, made remarks concerning:

1. Interpreter<sup>1</sup> assistance for children (Article 12)
2. The use of children as interpreters (Article 36)

In connection with the remarks, the Centre and the Board had the following recommendations:

Re. ad.1: The Centre and the Board recommended that interpreter training should be reinforced in such a way that interpreters also get trained to interpret for children.

Re. ad 2: The Centre and the Board recommended that an executive orders or circulates should be prepared on the subject so the use of children as interpreters gets prohibited.

Moreover, with regard to both remarks, the Centre and the Board recommended that there should be made provisions in the Danish Administration of Justice Act to ensure that public authorities use only trained and professional interpreters. The Centre and the Boards alternative report was not only sent to the UN Committee on the Rights of the Child, but also to the relevant Danish authorities<sup>2</sup>.

Due to the implementation of the Integration Act in 1999, the responsibility for integration of newcomers to Denmark, has been given to the local authorities, the municipalities. The newly arrived refugees get spread throughout the country's 275 municipalities. Most of the municipalities have little or no prior experience in working with people, who do not speak Danish. Many of the small or middle-sized municipalities have either a very limited or no access to qualified interpreters.

Until March 1999, the municipalities, who did not have interpreters in their local area or who had difficulty commissioning an interpreter, had the possibility to use The Danish Immigration Services interpreter services. But in March 1999 the Danish Immigration Services closed their interpreter services leaving it up to the municipalities to find out how to solve their communication problems with the newcomers. The Board believes that one of the consequences has been the municipalities

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<sup>1</sup> It is important to note that when mentioning interpreter it is pertaining to interpreting in migrant and refugee languages and therefore does not pertain to languages such as English, German, French, Spanish, Russian and the Italian language.

<sup>2</sup> This was done in the hope that concerned authorities would take the recommendations seriously and thereby bring about the necessary changes in order to facilitate a better and qualified interpreter corps as well as inhibit and forbid the use of children as interpreters. This unfortunately does not seem to have been the case. On the contrary, the situation has actually deteriorated. This evaluation of the situation is based on recent concrete accounts brought to the Boards attention and cases from the media. It seems as though the use of children as interpreters is quite common practice among public authorities, especially in the provinces.

(and also physicians in the local area) have been forced, in a greater degree than before, to use the newly arrived refugee's children as interpreters.

There are, however, private interpreter bureau's, who offer interpreter services. But the interpreters employed by these bureau's often have no formal training or education and often do not have the basic skills and qualifications to interpret. Due to bad experiences, some public authorities have denied using interpreters from the private bureau's.

### Consolidated acts or circulars for commissioning authorised interpreters

The provisions made by law or circular for facilitating the use of authorised interpreters by public authorities are not comprehensive. Firstly, it is solely up to the individual public authority to appreciate whether there is a need for interpreter or not. Secondly, no requirement is made to the interpreter's professional skills, education, training or authorisation. And thirdly, using children as interpreters is not forbidden.

The Danish Administration of Justice Act, Section 149 states that the judicial language is Danish and that, as far as it is possible, the public authority has to provide a person who does not speak Danish with an interpreter during interrogations/examinations

The courts and the police are the two authorities, who use interpreters most regularly according to The Danish Administration of Justice Act. But the interpreters used in court are not trained to interpret simultaneously, which is a necessary form of interpreting in court proceedings. The subsequent result is that the person in question does not understand everything that is being said and therefore it constitutes a danger of compromising his/her legal rights. The Danish police have a list over the interpreters that they use. Most of the interpreters on the list have either very little training or none at all. For example, a recent documentary programme about a police station in Copenhagen, broadcasted by the Danish public broadcasting company, Danmarks Radio, showed several sequences where the police was interviewing suspects using interpreters. In one particular episode, the interpreter was not interpreting everything said and was even asked to give her opinion on whether the suspect was lying or not<sup>3</sup>.

According to the Danish Administration of Justice Act, Section 7, Subsection 1, Obligations to Guidance, it is stated that administrative authorities in general shall ensure that they are capable of understanding and be understood by foreigners, who approach the authority. Despite the provisions made by this act to ensure the authority's understanding of foreigners, no concrete reference is made to the use of authorised interpreters, allowing, thereby the authority to either not use interpreters or to use interpreters who are not authorised. The lack of reference in the Act to the use of authorised interpreters inevitably allows the use children as interpreters.

In the guidelines to the Guarantee of Rights and Administration Act in Social affairs, bullet point 21 and 43, reference is made to the Danish Administration of Justice Act, Section 7. It states furthermore that the authority ought to provide the necessary assistance i.e. use interpreters and translate decisions and the necessary written documents, when a citizen either does not comprehend the Danish language or has a communication disability. Even though the guidelines to the Guarantee of Rights and Ad-

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3. "Historier fra en politistation" (Stories from a police station) episode 8:14 on DR 1, 13 December 2000

ministration Act in Social affairs concretely mentions the use of interpreters as an example of “assistance”, it does not require that the interpreter is authorised and there for there still will be a possibility to use children as interpreters. Furthermore the provisions stated in the guidelines are quite vague, which leaves it up to the public authority to access which necessary documents have to be translated. A recent case in the Board of appeal on social affairs, showed that the authority translated only the Boards *decision* and not the *reason* for why the plaintiff’s children have to be replaced outside home<sup>4</sup>.

There is a general acknowledgement among social workers, schoolteachers, child trainers etc. that there is a need for interpreters when working with ethnic minorities. There is also a rising awareness of the fact that children should not be used for this purpose. In the bigger cities, due to accessibility, the public authorities use interpreters more regularly than in smaller cities. But even in the cities where it is easier to find interpreters, there are far too many examples of authorities that have used a child to interpret for its parents.

There are concrete examples i.e. where a child was used to interpret for his parents who where getting a separation and who could not agree on which parent should have the custody of the child, who was interpreting! There are many cases of children, who interpret for their parents when there are meetings with the school or social welfare offices. There is even an example of a child who has interpreted for its parent, who was being treated for torture traumas.

In the Consolidated Act on the use of interpreter in relation to medical help (BEK NR. 834 of 11/11/1999), it is stated that the public medical security covers the interpreters fees <.... > When commissioned in relation to medical help in accordance to the Law on Public Medical security’s Section 6, Subsections 1-4, when a medical practitioner deems it to be necessary to use an interpreter for treatment, and when a medical practitioner has ensured himself that the interpreter can command the Danish language. Furthermore, the warrant states that the public medical security will not cover any fees if the interpreter has a close relation to the patient.

This consolidated Act, replaced an earlier act which clearly stated that children should not be used, unless it was impossible to commission an adult interpreter. Even though the earlier act made it possible to use children as interpreters, it however underlined that in the first instance children should not be used and that the commissioning of children should be only an exception to the rule. In the new Act, the sentence concerned is removed, which enables the medical practitioners, now to, make use of children as interpreters. Furthermore the Act leaves it up to the medical practitioner to ensure that the interpreter can command the Danish language and therefore no requirements are made to the interpreter’s command of mother tongue/ second language and thereby no requirement is made to the interpreter’s authorisation.

### Interpreter Training Programmes in Denmark

In Denmark, the official translator and interpreter training programme takes usually takes usually 6 years and it is on a university level. The programme is offered in English, French, Spanish, Italian

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<sup>4</sup> Journalist Morten Asmussen brought the case to the Board For Ethnic Equality’s attention in January 2001. The Board is not a commission for handling complaints and cannot make decisions on the basis of individual complaints.

and Russian, languages. Once finished, interpreters in these languages are given authorisation to interpret. The programme is free of charge.

The education of interpreters in “migrant” and “refugee” languages is not, on the other hand, a part of the general interpreter education. One can study i.e. Turkish or Arabic at the university, but not study to become authorised interpreters.

Since the beginning of 1970’s there have been several attempts to establish an official and permanent education for interpreters, who interpret for migrants and refugees. In 1988 the Ministry of Justice granted to finance, for a period of three years, an interpreter-training education, because of the large numbers of refugees Denmark had received from Iran and Iraq. Moreover, there was a need for Polish, Turkish, Urdu and Serbo-Croatian speaking interpreters. But the education was closed down at the end of 1990, because the grant awarding authorities meant that the interpreters educated (109 interpreters, spread out over 6 languages), were enough to satisfy the needs for interpreting in the country.

It was first in 1996 that a more permanent education programme was established under the Open University Act. The Open University Act facilitates the possibility to take a higher education in ones spare time and therefore enables one to work full time while taking an education. Any programme under the Open University Act is subject to payment of a certain user’s fee per semester.

The new interpreter-training programme consists of two modules: Basic training (two semesters) and specialised training (two semesters). Even though one can call him/herself “Certified Community Interpreter”, the programme still does not grant any authorisation.

In the beginning, every semester was 14 weeks long with 7 lessons a week in other words 392 lessons. But in 1998, due to bad economy, the interpreter-training programme was cut down to 8 weeks with 6 lessons per semester or in other words, the students received only 192 lessons. There were also made drastic changes in the final exams, which meant that the students did not have to have an exam in i.e. ethics in interpreting or general knowledge of the Danish community (political system, democracy, social and sanitary systems, etc).

As of June 2000, 56 persons have completed the programme with success. No new classes have been established since spring 2000.

## Conclusion

Incomprehensive and ineffective consolidated acts or circulars for commissioning authorised interpreters, poor education possibilities to become interpreters and no possibility to become an authorised interpreter are major reasons for the use of children as interpreters.

The public authorities express that they have no choice but to use children. They have had bad experiences with interpreters, who have not interpreted correctly, have misused their assignment by either interfering, gossiping, not keeping professional secrecy or because the interpreters simply could not interpret and had no knowledge of interpreter techniques or ethics. Difficulty in commissioning inter-

preters in emergency situations, the public authority not wanting to cover the interpreter's fees and last, but not the least, direct or indirect discrimination are other reasons for not using interpreters.

It is therefore a need for better legislation on this area and better training and authorised interpreters in order to prevent and prohibit the use of children as interpreters.

## **2.Placement of children outside home**

In Denmark 8,4 % of children under 19 years of age are children of ethnic minorities. Like majority children most of these children have a good childhood by their parents. But some of these children also need protection by the state in the form of placement outside home. Here it shows that Denmark though a multiethnic society is still not a multicultural society.

The UN Convention on the Rights of the Child article 20, section 3 on taking proper regard to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background is not implemented in the Danish Social Service Act. The obligation to follow article 20, section 3 when placing children outside their homes is only mentioned in the recommendations of The ministry of Social Affairs (Vejledning af 5 marts 1998 om Servicelovens regler om særlig støtte til børn og unge). In our report we recommended the integration of the full wording of article 20, section 3 into the Service Act, and we also recommended that more active work be done to recruit foster families and institutions with staff also of other ethnic background than Danish.

In Denmark the counties have the obligation of providing 24-hours-institutions for children and youngsters whom the municipalities have decided to place outside their homes. A report titled 'Placement of children. Current practice – future challenges' (Anbringelse af børn og unge. Aktuel praksis - fremtidige udfordringer<sup>2</sup>) shows, that 6 counties find that they do not have any service for children of ethnic minorities placed outside their homes. 2 counties find, that what they have to offer children from ethnic minorities is quite inadequate, and the last 6 counties in Denmark give the answer, that what they have to offer does not quite meet the needs they experience these children have. The answers from the municipalities and the child care institutions also shows that there is a need for qualifying the knowledge and the social work practice within the area of services towards children of ethnic minorities placed out of home in 24-hours-institution, just as there is a need for expanding the capacity for taking these children into the institutions.

In another report<sup>3</sup> written for the Cross-Ministerial Child Committee (Det tvær-ministerielle Børneudvalg) the conclusion is along the same lines. None of the 12 counties, that have reported to this investigation, tells about developing practice toward the children of ethnic minorities placed outside their homes. Many of the counties write on the need to develop the knowledge base and the

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<sup>2</sup> Udarbejdet af Udviklings- og Formidlingscentret for Socialt Arbejde med Unge og Udviklings- og Formidlingscentret for Fyn og Sønderjylland. Socialministeriet 2000

<sup>3</sup> *Høringsrapport vedrørende indsatser mod etniske minoritetsbørn og –unge* Udarbejdet af Udviklings- og Formidlingscentret for Socialt Arbejde med Unge og Udviklings- og Formidlingscentret for Fyn og Sønderjylland. Maj 2000

practice of social work in the 24-hour-institutions towards the ethnic minority children and their families.

*The Ministry of Social Affairs have had a committee working on the placement of children. This committee writes in their final report (Rapport om anbringelsessteder for børn og unge, maj 2000) that the counties and municipalities agree among other things, that something has to be done both on the capacity and the quality of the child protection services towards children of ethnic minorities.*

The Ministry of Social Affairs committee on placement of children finished their work in may 2000. Nothing has yet been initiated or done to better the quality and capacity of services for children of ethnic minorities placed outside their home.

*There has recently been a change if the child protection articles of the Service Act. But article 20, section 3; 29 and 30 of the U N Convention on the Rights of the Child has still not been implemented in the wording of the law.*

According to the Danish Service Act placement of children outside home is meant as a help to the child and must be followed by intensive help to the biological family. Focus is by intensive help to make it possible for the family to be reunited under better social and emotional circumstances for the child(ren).

A new study<sup>4</sup> of the placement of 44 children of ethnic minorities outside home shows that these children are placed in foster homes and small institutions under circumstances that denies these children the rights they have according to the Convention on the Rights of the Child article 20, 29 and 30.

32 of the children in the study were placed outside home on a fulltime basis. 8 of these children had Danish as their mother tongue. 12 of the children had an other mother tongue than Danish. For the last 12 children their mother tongues were not known to the social workers placing them outside home. All of these 32 children were placed in Danish speaking foster homes or small institutions. These foster homes and institutions were located in areas with a much lower percentage of ethnic minority population than is average in Denmark. This meant that the children with a non-Danish mother tongue did not have the opportunity to speak their mother tongue under the placement outside home. So the children had no opportunity to develop their communicative competence on their mother tongue along with their competences in Danish.

The limited possibilities of the child for developing his / her mother tongue can have serious consequences for the child's possibilities of communicating with the biological parents, siblings, the wider family and the ethnic community of the child's biological family. Hereby the child placed outside home risks being denied the right to relate to his / her biological family and the right to have a family at all.

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<sup>4</sup> *Anbringelse af etniske minoritetsbørn. Familieplejen i Frederiksborg Amt, december 2000*

The consequence can also be, that there are no possibilities for the child of returning to the family again. When the child can't speak the family's language, it can always be argued, that it will be abusive to the child to return him / her to the family after placement.

The 44 children in the study are placed outside home by 18 different municipalities from 5 different counties in Denmark. The study here is not a statistically representative study of placements of children of ethnic minorities outside home. But the debate in the daily media on the study has shown, that it draws a picture of the average practice in social work when placing these children outside home.

The study therefore raises the question: Are formal placements in Denmark of children of ethnic minorities outside home under the child protection law (Serviceloven) in reality a forced adoption – given the very limited real possibilities of returning the child to the family later on?

This study and the two reports mentioned before shows that, besides the integration of the full wording of Article 20, section 3; Article 29 and 30 into the Service Act, it is still highly recommendable that more active work is done to recruit foster families and institution workers with an ethnic background other than Danish. Also there is need for the staff at the institutions and foster homes to get better qualified for the job with children of ethnic minorities. There is also a need for the staff at the municipalities and counties' social service centres to be qualified to think the rights of ethnic minority-children into their daily work.