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## **EUROPEAN SOCIAL CHARTER**

30th report on the implementation of the  
European Social Charter

submitted by

## **THE GOVERNMENT OF DENMARK**

for the period 01/01/2003 – 31/12/2009  
on Articles 8 and 17

for the period 01/01/2005 – 31/12/2008  
on Article 16

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Report registered at the Secretariat on 10th March 2011

**CYCLE XIX-4 (2011)**

**30<sup>th</sup> Danish Report**  
**on the application of the**  
**European Social Charter**

**Concerning Articles 8 and 17**  
**for the period 01.01.2003 - 31.12.2009**  
**&**  
**Article 16 for the period 01.01.2005 – 31.12.2009**

**March 2010**

In accordance with article 23 of the Charter, copies of this report have been communicated to:

The Confederation of Danish Employers (DA)  
The Danish Confederation of Trade Unions (LO)  
Confederation of Professionals in Denmark (FTF)  
The Danish Confederation of Professional Associations (AC)

## **Article 8 - The right of employed women to protection**

### **Question 1**

Denmark refers to the description of rules contained in the 24th Danish report. Since the last report, the *Act on Entitlement to Leave and Benefits in the Event of Childbirth* has been amended only technically, the amendment consisting of taking out the rules on maternity leave and putting them in one individual act. The basic principles for maternity leave, however, remain unchanged. The maximum rate of daily cash benefit is in 2010: DKK 3,760 per week.

As a new step, Denmark has introduced *the Act on a Maternity Equalization Scheme*. The purpose is to strengthen women's position on the labour market by leveling out employer payroll costs during absence due to maternity or parental leave. All private employers are obliged to pay a contribution to the maternity settlement scheme and will receive reimbursement from the scheme when they pay wages to an employee on maternity or parental leave. The act came into force on 1 October 2006.

### **Question 2**

The Maternity Equalization Scheme has been implemented by establishing the guarantee institution *www.Barsel.dk*. *www.Barsel.dk* covers all the companies on the private labour market, unless the company has already entered into an agreement with another approved maternity scheme for all employees. A company is entitled to compensation if the employee receives full or partial salary. The compensation equals the difference between the maternity benefits and salary up to DKK 159.50 an hour.

The maternity and parental leave conditions have also been improved through the collective agreements. Through collective bargaining, the Danish social partners have contributed to the creation of a proper framework for the family's working life. Among the family welfare elements are:

- Time off as special family welfare days.
- Time off to care for sick children.
- Flextime.
- Pay during maternity/paternity leave.

On workplace level, companies are given the task to help families to reconcile private and working life. Family-friendliness and parental leave schemes have become important competitive parameters in companies' competition for labour.

### **Question 3**

Denmark refers to the evaluation of the use of maternity benefit in Denmark made by the SFI (National Centre for Social Research) in 2007. As appeared, 99 % of the interviewed mothers took all the 14 weeks postnatal leave warranted by the act.

Due to the very small number of mothers not taking the 14 weeks leave postnatal valid statistical analysis of that group is not possible. One of the persons in the group has, however, participated in an in depth interview. She stated that after childbirth she took 5 weeks maternity leave + 2 weeks holiday, upon which she resumed work at her own hairdressing saloon. Her husband, a police officer, then took parental leave to look after the child.

The evaluation made by SFI in 2007 also showed that 73 % of the employed mothers on leave were paid full wages during their leave.

**Article 16 - The right of the family to social, legal and economic protection**

## **Day-care services**

### **Question 1**

All children from 26 weeks and up to the age of 5 must be offered day-care irrespective of their parents' attachment to the educational system or the labour market.

By virtue of nationwide guaranteed day-care availability, parents are guaranteed a place in a day-care facility for their child from the age of 26 weeks. Irrespective of whether the day-care facility is public or private, the local council is obliged to approve and supervise the facility.

Low-income parents are granted aided place subsidy in part or in full to reduce parent payment for day-care. Irrespective of income, parents with more than one child in day-care are guaranteed a sibling discount, so that they pay the full price for the most expensive place and up to 50% for the cheapest place.

Day-care facilities must support children's learning, development and welfare. The overall objectives of day-care facilities are:

- Children in day-care must be offered a physical, mental and aesthetic child environment, supporting their welfare, development and learning.
- In cooperation with the parents, day-care facilities must care for children and support the individual child's comprehensive development and self-respect as well as contribute towards giving children a good and safe upbringing.
- Day-care facilities must promote children's learning and development of competencies through experiences, play and educationally planned activities, offering them the opportunity of immersion, exploration and experience.
- Day-care facilities must afford children a sense of co-determination, co-responsibility and understanding of democracy.
- In cooperation with the parents, day-care facilities must ensure a sound transition to school by developing and supporting fundamental competencies and the desire to learn. In cooperation with the schools, day-care facilities must ensure coherent transition to school and after-school facilities.

All day-care facilities must prepare an educational curriculum laying down local targets for children's learning with respect to six centrally determined areas. The idea is to create increased awareness of children's learning in day-care facilities, thus supporting children in their development and offering children with special needs increased attention.

Until 1 July 2010, local authorities were under an obligation to offer language assessment of all children. With effect from 1 July 2010, however, the rules were changed, so that all children in day-care facilities who may experience potential language difficulties must undergo language assessment. Children not attending day-care facilities must undergo language assessment. As a new initiative, parents must accept language assessment of their child and any subsequent initiatives, should this be required according to the language assessment. Language assessment and stimulation are designed to ensure that all children receive adequate support in their linguistic development, allowing all children to achieve good and age-appropriate linguistic competencies.

### **Types of day-care and other care facilities**

The types of day-care facilities are identical to those described under Article 16 in the 25th Danish report.

Since the last report, the share of local authority day-care facilities and after-school facilities has increased by 2.0 percentage points to 72% of all day-care facilities and after-school facilities in Denmark.

Furthermore, it should be noted that local authorities may decide to offer parents with children between the age of 26 weeks and school age financial support for a year if they care for their own child at home rather than use a day-care facility.

In addition, local authorities must offer parents with children between the age of 26 weeks and school age financial support if they prefer a private childminding scheme to a day-care facility.

The purpose of such offers is to give parents an opportunity to choose the scheme that suits them best.

### **Legal initiatives during the period 1 January 2005 – 31 December 2009**

#### *Free choice of day-care and club facilities, schools and after-school facilities across local authority borders*

In 2005, parents were granted the right to choose a day-care, after-school or club facility outside their local authority area. Parents also have the right to keep a child in a day-care facility if one or both parents move out of the local authority area. This offers the child or young person security and continuity in the event that their parents are divorced and one parent moves outside the local authority area.

#### *Private providers of day-care facilities – the day care facility follows the child*

In 2005, parents' free choice of private day-care facilities and other childminding schemes was improved. Since 2005, qualified private providers have been able to establish and operate day-care facilities as private institutions. The concept of parental free choice was thus strengthened.

#### *Guaranteed day-care availability for all children from the age of 6 months to school age*

Guaranteed day-care availability was introduced in 2006. By introducing guaranteed day-care availability, the government guarantees that all families with young children are offered day-care when the child is six months old regardless of local authority. This offers the families security and an opportunity to take advantage of flexible maternity/paternity leave. Prior to the legislative amendment, not all local authorities offered guaranteed day-care availability.

#### *Higher quality day-care facilities*

In 2006, the government allocated DKK 2 billion over four years to fully aided places in food schemes, a combination of day-care and subsidies for private childminding, language assessment and stimulation, local authority projects such as improved management and initiatives targeted at socially disadvantaged children, playground safety, child environment assessments and an investigation into what methods are the most efficient with respect to socially disadvantaged children in day-care.

#### *Reduction of parent payment for a place in a day-care facility and private childminding*

In 2006/2007, the government reduced the amount payable by parents to no more than 25% of the cost of a place in a day-care facility. This means increased financial manoeuvrability on the part of families with young children. Under the act, the private childminding subsidy has been raised from 70% to 75% of the cost if the child is below the age of three. Prior to the legislative amendment, parents could pay up to 33% of the cost of a place in a day-care facility, and a maximum of 70% of the parents' documented expenses for the private childminding was covered.

#### *Experiments with module schemes – less time in a day-care facility at a reduced price*

In 2007, local authorities could apply for subsidies for flexible solution pilot projects. The idea was to develop various module schemes methods, allowing children to use day-care facilities for a period of time shorter than a full-time place at reduced cost. Since the pilot project, local authorities have been able to offer family flex schemes, but without government subsidies.

#### *Language assessment of three-year olds*

Children in day-care facilities with linguistic problems and all children not in day-care are offered a language assessment at the age of three. Where appropriate, the children are subsequently offered supporting initiatives. The idea is to make sure that children receive the required linguistic support. The language

assessment was first introduced in 2007 but has been amended in 2010 (so that an assessment is no longer required of children in day-care with no linguistic problems).

#### *Abolition of isolated closing days in day-care facilities*

The agreement on local government finances 2009 stipulates that with effect from 1 January 2009 isolated closing days in day-care facilities are not allowed. Closing days are allowed when attendance is low, but in that case the local authority is obliged to offer alternative facilities. The idea is to ensure that day-care facilities are a real option for families with young children.

### **Question 2**

The measures taken to implement the legal framework for day care are described above under each initiative.

### **Question 3**

More than 96% of all children between the ages of three and five attend a day-care facility (public or private).

<b>Number of children between the age of 0-5 in daycare and institution</b>					
	<b>Daycare</b>	<b>Day nursery</b>	<b>Kindergarten</b>	<b>Institutions</b>	<b>Total</b>
<i>Number</i>					
0-2 year olds	61,525	11,917	2,564	51,459	<b>127,465</b>
3-5 year olds	635	71	79,882	98,289	<b>178,877</b>
Total	62,160	11,988	82,446	149,748	<b>306,342</b>
<i>Distribution</i>					
0-2 year olds	48%	9%	2%	40%	<b>100%</b>
3-5 year olds	0%	0%	45%	55%	<b>100%</b>
Source: Statistics Denmark					

Development in day care personnel. The data shows that the average number of personnel in day care has increased.

<b>No. of nursery assistants working full time</b>									
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
	<i>Because of data break between 2003/2004 and 2005/2007, the figures cannot be compared</i>								
Daycare .....	3.5	3.4	3.4	3.3	3.3	-	3.5	3.4	3.3
Day nursery .....	3.3	3.3	3.3	3.3	3.3	-	2.7	3.1	2.9
Kindergarten .....	7.1	7.0	7.2	6.4	6.5	-	6.0	5.8	5.7
Institution .....	5.9	5.8	6.0	5.6	5.5	-	5.7	5.3	5.1
After-school centre..	9.2	9.3	9.7	9.6	9.4	-	11.1	10.6	10.7

Source: Statistics Denmark

## **Housing area**

### **Question 1**

Social housing is regulated through *The Danish Act on Social Housing* etc.

Social housing in Denmark is open to the entire population irrespective of income or access to economic resources, but has a special task in providing decent housing for vulnerable groups with low income. As a main rule, social housing is let to tenants through waiting lists and every individual is entitled to put his or her name on the waiting list. In addition to this, the local authorities are obliged to provide special housing for elderly people and people with disabilities and to shelter homeless people.

In order to ensure social housing for vulnerable groups, the local authorities have an unconditioned right to dispose of 25 percent of all vacant dwellings in social housing. Thus, the local authority can place any person



or family, who needs a place to live, in vacant social housing dwellings in the municipality. The waiting lists are administered by the non-profit housing organisations that are under inspection by the local authorities.

The local authorities also plan and organise the building of social housing and other housing in the municipality according to the local needs and structures. In carrying out this function the local authorities can make use of the provisions in *the Danish Act on Social Housing* etc.

A governance reform was introduced from January 1, 2010. The objective of the governance reform is to make the local authorities' supervision of the housing organisations more proactive in order to provide housing for vulnerable groups.

### **Question 2**

In order to secure the efficiency of the governance reform a documentation system monitoring the performance of the individual housing organisation has been introduced. This documentation makes the baseline for annual dialogue meetings between the local authorities and the housing organisations.

### **Question 3**

The total number of social housing units in Denmark is approx 560,000, which is 20 percent of the total number of dwellings. 492,782 of them are family dwellings.

From January 1, 2005 until December 31, 2009 approx 5,000 social housing family dwellings has been constructed or are under construction.

The rent in the social housing family dwellings is kept relatively low due to the public subsidy.

In addition, low income families receive housing benefit which equals 40 percent of the rent costs. In 2008 51,385 households with children had 42 percent of the rent covered by housing benefits.

## **Forced evictions**

### **Question 1**

All tenants in non-profit as well as private housing are protected against eviction, which is regulated in the Rent Act. I. e. tenants basically have security of tenure as long as they comply with the terms of the lease.

In addition to the above the lease can be terminated if the tenant fails to pay the required rent, and the people who suffer from forced eviction are in general people who do not pay their rents. Most rental dwellings are subject to rent regulation.

### **Question 2**

The Danish government has both in 2007 and 2009 introduced a range of initiatives regarding the problem of forced eviction. The initiatives aim to prevent evictions of families with children who are in arrears with the rent. When a family cannot pay the rent both the non-profit housing organisations and the municipalities are obliged immediately to assess what can prevent the eviction of the family.

An analysis on forced evictions in Denmark was carried out by the Danish National Centre for Social Research in 2008<sup>1</sup>. The report concludes that the main reasons for tenant evictions are low income, low disposable income, large debts, a relatively large proportion of income spent on rent, and poor financial management. Tenants with an ethnic background other than Danish have a slightly larger risk of being evicted, than tenants with a Danish background. Other groups with an increased risk of being evicted are

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<sup>1</sup> "*Hvorfor lejere bliver sat ud af deres boliger og konsekvenserne af en udsættelse*" by Christensen, Gunvor and Nielsen, Torben Heien, Danish National Centre for Social Research, April 2008.

recipients of cash assistance from their municipality, single men, single mothers, young people and tenants with a short education.

I.e. there are no specific groups, such as ethnic minorities who are particularly affected by forced evictions. According hereto there are no measures taken to prevent discrimination.

### **Question 3**

According to the records of the Danish Court Administration the total number of forced evictions in Denmark, as a result of payment default, increased from 2,614 evictions in 2004 to 3,912 in 2009.

*Recorded number of forced evictions in Denmark during the period 2004 to 2008.*

<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
2,614	2,841	2,849	3,377	3,762	3,912

Source: Danish Court Administration.

As a consequence of double registrations, the records of the Danish Court Administration slightly overestimate the number of households being evicted. The Danish Ministry of Social Affairs estimates that the actual number of households being evicted is approximately 10-15 percent lower than the figures above.

### **Family law**

#### **Question 1**

Danish family law contains rules mainly on marriage, legal separation, divorce, the legal effects of marriage (diversion of property), paternity, parental responsibility, adoption and child and spousal maintenance.

These rules secure equality of rights and responsibilities between parents regarding parental authority and between spouses regarding marriage, divorce, maintenance and the legal effects of marriage.

According to these rules all decisions regarding children shall be based on the child's best interests and the child's views must always be taken into consideration.

Most family law cases are dealt with by administrative authorities, mainly the regional state administration. In most situations decisions made by the regional state administration may be appealed to the Department of Family Affairs which also administrates the rules. The Department is part of the Ministry of Justice.

The authorities may offer the involved persons family mediation to assist them in solving disputes on parental responsibility, legal separation or divorce.

#### **Reforms**

Since 1 January 2005 the following reforms in the area of family law have been implemented:

##### *Parental Responsibility*

On 1 October 2007 *the Act on Parental Responsibility* entered into force. The act mainly applies to custody, the residence of the child and access to the child. The purpose of the act is to ensure that parents take a common responsibility for their child, mainly by cooperating about essential decisions regarding the child. Therefore, as a general rule parents have joint custody even though they are not living together.

If the parents are married to each other at the time the child is born, they have joint custody, unless they were legally separated. The parents also have joint custody even though they are divorced, provided they were still married to each other less than 10 month before the birth of the child.

If the parents are not married to each other at the time the child is born, and they have not been married to each other, they have to establish joint custody by registering an agreement to this effect when acknowledging paternity or with the regional state administration. Furthermore, when paternity is established, the parents have joint custody if they are registered in the Danish national register with a common address or if they have been registered with a common address less than 10 months before the birth of the child. In other situations the mother has sole custody.

Joint custody may only be terminated for compelling reasons.

All applications for a change in custody must be submitted to the regional state administration. In most cases the regional state administration will offer the parents child welfare counseling or family mediation to assist them in solving their dispute. If the parents still disagree, one of them may ask the regional state administration to submit the case to the courts. The regional state administration may only make provisional decisions on custody.

All decisions made pursuant to the act shall be based on the child's best interests. The child's views must always be taken into consideration by giving the child the opportunity to make its views and opinions known, regardless of the child's age. Information about the child's perspective may for example be gained through personal interviews or statements from child welfare consultants. The obligation to take the child's views into consideration does not apply if this is deemed to be damaging to the child or considered unnecessary given the circumstances of the case.

An evaluation on the application and the effect of the act will be carried out in 2011.

A pilot project on offering counsel to couples with children was carried out for the period 2005-2009. The aim of the project was to offer a preventive effort for parents with children under the age of 18, who either wanted to preserve their relationship or to terminate it as leniently as possible for the children. After positive evaluation a new project was established in 2010. This project ends in 2013, where it will be evaluated.

Finally, the cross-disciplinary pilot project described in the 25th Danish Report (please refer to question A under Article 16) has been implemented by all regional state administrations.

#### *Legal separation or divorce*

Pursuant to an amendment to *the Act on the Formation and Dissolution of Marriage* in 2007 all applications for legal separation or divorce must be submitted to the regional state administration. In most cases the regional state administration will offer the spouses family mediation to assist them in solving their dispute. During family mediation all aspects of the dissolution of the marriage may be discussed, including parental responsibility, maintenance and the division of property.

If the spouses agree, the regional state administration may issue a decree on legal separation or divorce. If they disagree, one of them may ask the regional state administration to submit the case to the courts.

Finally, a project on offering counsel to spouses with children was established in 2010. The project is mentioned above.

#### *The Legal Effects of Marriage*

By 1 January 2007 the rules in *the Act on the Legal Effects of Marriage* on the division of pension rights upon divorce, legal separation or the death of a spouse were amended. Pursuant to this amendment, after the death of a spouse, pension rights of the other spouse are not divided. After divorce or legal separation as a general rule the spouses keep their own pension rights, provided that they are fair. The value of pension rights exceeding what is fair is divided between the spouses. When pension rights are not divided a spouse is entitled to compensation from the other spouse, if the former spouse during the marriage out of consideration for the family or the other spouse did not have a paid job or only worked part-time and therefore had less

pension savings than otherwise expected. A spouse may also be entitled to compensation, if he or she is badly situated regarding pension rights.

The amendment has not changed the basic principles of the legal effects of marriage described in the 23rd Danish Report.

### *Adoption*

By 1 October 2009 the rules on adoption of children without the consent of their biological parents were amended, expanding the application of the rules. According to the new rules adoption of a child under the age of one year without the consent of its biological parents is a possibility if the parents will permanently not be in a position to take care of the child and will not be able to play a positive role for the child. For a child who has been placed outside its family home for at least three years, adoption without consent is possible, if the parents will permanently not be in a position to take care of the child.

As a general rule, adoption may only be granted if it is to the benefit of the adoptive child. This rule also applies to adoption without consent.

The amendment is to be seen in connection with the initiatives by the Ministry of Social Affairs for disadvantaged children, please refer to section *Higher quality day-care facilities* under Article 17 and section *Support for socially disadvantaged children and young people* under Article 17.

### **Question 2**

The Department of Family Affairs has carried out the implementation of the above mentioned reforms by, inter alia, issuing the necessary orders and guidelines. In certain legal areas the Department has also offered educational courses to caseworkers from the authorities dealing with the new rules.

### **Question 3**

A report on the effects of *the Act on Parental Responsibility* regarding applications for decisions on custody and the residence of the child concluded by the regional state administration in the period February to April 2010 shows that out of 2,173 applications the parents reached an agreement in 660 cases. 702 cases were submitted to the courts by the regional state administration and 495 cases were concluded after child welfare counseling, family mediation etc, without the parents having reached an agreement. Finally, 405 cases were concluded because the applicant did not participate in family mediation etc., or withdrew the application etc.

## **Domestic violence against women**

### **Question 1**

Violence against women is an infringement pursuant to *the Danish Criminal Code*. In addition, the Government regards violence against women as a reflection of a lack of equality and respect between women and men.

### **Question 2**

In 2002, *the Governments first action plan to combat violence against women, 2002-2004* was launched. This action plan contributed to breaking down the taboo about domestic violence against women, but there has been a constant and continued need for maintaining focus on the problem.

Therefore, on 20 April 2005 the Minister for Gender Equality presented a new four-year *action plan to Combat Men's Domestic Violence against Women and Children, 2005-2008*. The activities of the action plan for 2005-2008 focused on prevention and anchoring of the action within the four main goals, those were to:

- Support the victims of domestic violence.
- Target activities towards the perpetrator – (treatment).
- Strengthen cross disciplinary collaboration.
- Promote research, knowledge and information.

A total of DKK 60 million was earmarked for this action plan.

Subsequently, another DKK 48 million were allocated for a project under the heading *Support and treatment aimed at women and children victims of domestic violence*, as well as a total of DKK 15 million for the years 2007-2010 to strengthen treatment of men, who are committing domestic violence.

The money was allocated to three different treatment facilities in Denmark.

The 2005-2008 action plan involved five ministries: the Ministry of Health and Prevention; the Ministry of Refugee, Immigration and Integration Affairs; the Ministry of Justice; the Ministry of Social Welfare and the Minister for Gender Equality.

As chairman of the inter-ministerial working group to combat violence against women, the Department of Gender Equality held the steering role regarding the implementation of the action plan. The inter-ministerial working group monitored the implementation and published an annual situation report on the implementation, thereby informing e.g. the Parliament about the progress of implementation.

Similar to the independent evaluation that was drawn up of the Government's first action plan to combat violence against women 2002-2004, an evaluation of the action plan 2005-2008 was carried out.

The evaluation showed that victims of domestic violence had become more aware of their rights to seek help and about the possibilities of finding support. Of course many factors may have caused this development, but the action plan seems to have played a significant role.

Regarding the perpetrators the focus on treatment was increased among professionals and the perpetrators themselves. More men became involved in treatment than ever before.

The evaluation showed that the cross disciplinary collaboration was insufficient. Professionals in general had too little knowledge about domestic violence. And the cooperation among various authorities did not improve sufficiently as a result of the action plan.

In June 2010, the Danish Government launched its third action plan to combat violence in close relations. This new plan – called *the Government's National Strategy to Combat Violence in Intimate Relations* - runs from 2010 to 2012. It will focus on:

- Early and preventive interventions.
- Short and long term support to victims of violence in intimate relations.
- Knowledge, anchoring and cross disciplinary collaboration.

A minimum of DKK 35 million is allocated to the implementation of the new strategy.

In continuation hereof the Danish National Police in August 2007 issued a *national strategy to combat domestic violence and jealousy motivated homicides*. The central elements of the strategy are 1)

establishment of specialised units in all police districts, 2) cooperation between authorities, and 3) efficient use of the expulsion and restriction order legislation.

Furthermore, in January 2007 the Danish National Police issued a *national strategy to combat honour killing and other culturally or religiously motivated crime*. In connection with this strategy the Danish National Police initiated a monitoring system, involving – among other things – that the police districts continuously and systematically report to the National Police any information of relevance in combating honour related crimes. The National Police analyses the reported information in order to react proactively and goal oriented towards suspicions of honour related crime.

### **Question 3**

Figures in the area are found in the 2005 health and sickness study as reported in *Men's violence against women* from 2007, the Danish National Institute of Social Research and the Minister for Gender Equality. According to the report, 70,000 women are exposed to physical violence every year (2005), 28,000 of whom are victims of partner violence. In 2000, 65,000 women were exposed to physical violence, 40,000 of whom were victims of partner violence. Between 2000 and 2005, the number of women exposed to physical violence increased slightly (65,000 to 70,000), and the number of women exposed to partner violence declined (40,000 to 28,000).

It is estimated that approximately 22,000 children aged 0-15 are victims of domestic violence on an annual basis. Approximately 2,000 women and a similar number of children moved into shelters every year. The number was the same for the entire period in question.

Denmark has approx. 45 shelters for battered women and their children.

In addition there are a number of hotlines for individuals who have been exposed to violence in close relations:

- Hotline for battered women.
- Hotline for individuals experiencing violence in intimate relations.
- Hotline for young people of non-Danish backgrounds.
- Hotline for young people of “all” backgrounds.
- Youth counselling – directed at individuals of non-Danish backgrounds.
- Parent counselling – directed at individuals of non-Danish backgrounds.

In addition, there are four treatment programmes for violent male partners.

Finally, there are nine shelters for men, four of which offer residential facilities that also house children.

**Article 17 - The right of mothers and children to social and economic protection**

## Question 1

### *Establishment of parentage and adoption*

In accordance to the right of a child to know his or her origins, it should be noted that a person adopted according to Danish law has access to information about his or her biological parents registered by the Danish authorities.

### *Support for socially disadvantaged children and young people*

The rules on support of socially disadvantaged children and young people, including placing the child or young person into care as well as approval and supervision of placement facilities, are laid down in *the Danish Act on Social Services* and related executive orders. It is further noted that during the reference period, the most important amendments to the act were introduced by *the Foster Care Reform*, which came into effect on 1 January 2006.

The overall objective of lending support to children and young people with special needs is to provide them with the optimum conditions during childhood and adolescence, so that their possibilities for personal expression, development and health are the same as those of their peers, despite their individual difficulties.

In Denmark, attention to children and young people with special needs is the responsibility of the local authority. When the attention of a local authority is drawn to a child or young person in need of special support, the local authority may offer support in a number of ways on the basis of a fundamental principle of proportionality, meaning that more restrictive measures must never be applied if less restrictive measures are sufficient to solve the problem. Under the 2006 *Foster Care Reform*, local authorities are obliged to offer the child or young person an interview before reaching a decision on the introduction or discontinuation of measures, decisions on contact while in care, choice of placement facility, etc.

A local authority may, if necessary, decide to place a child or young person outside the home either by voluntary or forced placement.

For a decision on voluntary placement to be made, the local authority must find that placement is required to solve the child's problems, and the consent of the custodial parent and the young person, having attained the age of 15, must be obtained.

A decision on forced placement is only allowed if the local authority finds that there is an immediate risk to the child's or young person's health or development while staying at home as a result of:

- Inadequate care for or treatment of the child or young person.
- Violence or other serious instances of abuse.
- Substance misuse, criminal behaviour or other severe social difficulties in the child or young person.
- Other behavioural and adaptation problems in the child or young person.

A decision by a local authority to place a child or young person in care without consent may be appealed against to *the National Social Appeals Board* by the custodial parent or other person having custody or the young person having attained the age of 15. Moreover, the parents and the young person having attained the age of 15 are entitled to free legal counsel in connection with a decision on forced placement.

When a local authority decides to place a child or young person in care, it must also decide where to place the child or young person. The local authority has several options:

- Foster families for children and young people approved as generally suitable by the local authority in which the child or young person is placed.
- Network foster families approved to care for the child or young person in question by the local authority responsible for the decision.



- Own rooms, student resident halls and similar residential homes, where the young person is in charge of his/her own home, and which have been approved as generally suitable by the local authority in which the young person is placed.
- Residential homes for children and young people, i.e. private residential homes, approved as generally suitable by the local authority in which the child or young person is placed.
- 24-hour institutions for children and young people.

The local authority decides on the choice of placement facility, on the basis of which facility best fulfils the purpose of the placement. Pursuant to the 2006 *Foster Care Reform*, the custodial parent or other person having custody and the young person, having attained the age of 12, may complain against the decision to *the Social Complaints Board* (before 2006, the custodial parent or other person having custody and the young person, having attained the age of 15, held this right).

Irrespective of the placement facility chosen, the local authority is under an obligation to supervise the child. Supervision must take place as often as the local authority finds this to be necessary in each individual case. In connection with the *Foster Care Reform*, the rules were amended, and the local authority must now interview the child or young person at the placement facility at least once a year.

Moreover, the local authority must regularly supervise placement facilities and may withdraw its approval if the basis of such approval no longer exists.

It should further be noted that a bill on the *Children's Reform* was adopted on 4 June 2010, coming into effect on 1 January 2011. The reform includes several amendments aimed at strengthening early action, children's rights and the quality of initiatives.

#### *The Act on Social Services*

The protection of children and young persons at risk is stated in *the Act on Social Services*. The overall objective is, at an early stage and on a continuing basis, to secure the best possible conditions for the upbringing of such children and young persons, thereby providing them with the same opportunities for self-expression, personal development, maturity and health as their contemporaries, despite their individual problems.

#### **Question 2**

A precondition for early intervention when a child is at risk is to ensure that the local authorities identify warning signals and act accordingly. *The consolidation Act on Social Services* clearly states that all civil servants, such as schoolteachers, child and youth educators and nurses, must notify the relevant authorities as soon as they become aware of factors that may pose a risk to the child.

As late as in October 2009, all political parties in the Danish Parliament but one agreed on *the Child's Reform* with a new set of legislative changes and initiatives.

The key initiatives are:

- Changes of the regulations regarding professionals possibilities to exchange personal information regarding children at risk. The aim by loosening the regulation of privacy is to ensure that the problems of children at risk are sought to being solved while the children are young.
- Clarification of the legal obligation of professionals to inform the municipalities about children at risk.
- Better education and supervision to foster care families.
- Rights to appeal a municipal decision at the age of 12.
- More rights to the Board of Appeal to verify municipal decisions.
- Simplification of the relevant law to reduce bureaucracy.
- Reinforcement of the rules regarding municipalities supervision of care facilities.

- Development of strategic research programme to produce more knowledge of the effects of social interventions
- Development of an internet-based *knowledge-database* to make municipalities and professionals aware of existing research-based knowledge.

### **Implementation of the reform**

The implementation of other reforms on the area of children at risk has shown that there is a huge step from the making of the law and to the professionals use of the law as intended.

Therefore the implementation of *the Children's Reform* has aimed at all key stakeholders regarding children at risk.

Five initiatives have been launched:

1. After-work meetings targeting local politicians and directors of municipalities.
2. Regional networks for the managers of the children's departments in municipalities.
3. A special unit (Task Force) consisting of employees from the Board of Appeal, The National Board of Social Services and VISO offering individual training and advice for municipalities.
4. Courses for caseworkers.
5. Handbook on the act of Children's Reform.

### **Other initiatives towards the prevention of negative social inheritance**

#### *Equal opportunities*

In 2008, funds were allocated to the *Equal Opportunities initiative* to strengthen the personal resources of children and young people who are disadvantaged or at risk of being disadvantaged as well as their parents, thus enabling them to create a meaningful life for themselves with complete personal responsibility.

Under the initiative, funds were allocated to outreach services for young, single and vulnerable mothers. The aim of the initiative is for young, single and vulnerable mothers to complete training or education and be integrated in the labour market. Funds were also allocated to the creation of family clinics to support pregnant drug abusers and to network and conversational groups etc. The total budget is EUR 85 million

#### *Diffusion of the experience with "Fritidspas" (pass to recreational activities)*

The aim of this initiative is to make sure, that children and young people, who otherwise do not participate in recreational activities, get the same opportunity to participate as other children. This is done through advisers, who find and contact the relevant families and offer their support and perhaps financial support, so that the children get a change to participate in recreational activities. The budget is more than EUR 11 million.

#### *Christmas aid*

Financial support to private organisations, which hand out food or presents to vulnerable families as well as arrange Christmas parties etc. for socially disadvantaged families.

#### *Summer holiday aid*

Financial support to private organisations, who arrange activities in the summer holiday for socially disadvantaged families. In 2009 EUR 1.3 million were reserved for these kind of projects.

#### *Sport fund for socially disadvantaged children*

Financial support for sports associations to launch activities to support the participation of socially disadvantaged children in sport activities.

### Question 3

There are no statistics concerning the support for socially disadvantaged children and young people and the number of children in placement facilities.

### Prohibition of violence against children

#### Question 1 and 2

In Denmark violence is criminalised in *the Criminal Code*. The provisions apply to violence against children as well as violence against adults. The provisions apply irrespectively of the offenders association to the victim.

The right to inflict corporal punishment to a child is thus abolished in Denmark. The right for a teacher to hit a child was abolished in 1967 and the right for parents to hit their children was definitively abolished in 1997.

The provisions on violence in the Danish Criminal Code have the following wording:

“**244.** A person who commits an act of violence against or otherwise attacks the person of another shall be liable to a fine or imprisonment for any term not exceeding three years.

**245.** A person who commits an assault of a particularly heinous, brutal or dangerous character or an act of cruelty shall be liable to imprisonment for any term not exceeding six years. If the assault has caused substantial injury to the victim’s body or health, this shall be considered a particularly aggravating circumstance.

(2) A person who causes injury to the body or health of another in circumstances other than those covered by subsection (1) above shall be liable to imprisonment for any term not exceeding six years.

**245A.** A person who commits an assault, with or without consent, excising or in another way removing female genitals, partly or completely, shall be liable to imprisonment for any term not exceeding six years.

**246.** If an assault that is covered by section 245 or section 245A of this Act has been of such gravity or caused such serious injury or the death of the victim that the circumstances of the assault are highly aggravating, the penalty may be increased to imprisonment for any term not exceeding ten years.”

### Question 3

In the years 2005-2009 there has been the below mentioned number of reported violence against 0-14 year old victims. It is not possible to give information on the number of convictions for violence against 0-14 year old victims.

	2005	2006	2007	2008	2009
0-4 year old	9	7	13	14	31
5-9 year old	5	9	16	10	10
10-14 year old	52	43	58	48	49

### Criminal responsibility adapted to young offenders

#### Question 1

No child under the age of 14 that has committed an offence can be punished. According to *the Administration of Justice Act* no child under the age of 14 can be arrested or be put in to custody<sup>2</sup>.

<sup>2</sup> In June 2010 (outside the reference period) Denmark adopted an amendment to the Criminal Code (Act No. 711 of 25 June 2010) changing the age of criminal responsibility from 15 to 14 years.

Young offenders between the ages of 14 and 17 years can, in principle, be sentenced to the same sanctions as adults. However, when determining a penalty the court shall in accordance with section 82 (1) of *the Criminal Code*, in general, consider it a mitigation circumstance that the offender had not reached the age of 18 when the offence was committed. Furthermore, according to section 33, paragraph 3, of *the Criminal Code*, the penalty can not exceed 16 years, and in exceptional cases 20 years, when the offender had not reached the age of 18 when the offence was committed.

### Question 2

Moreover, Denmark has special sanctions for offenders under the age of 18 years. Please refer to the 24<sup>th</sup> Danish Report, page 62-63 concerning a special juvenile sanction in the form of a structured, controlled socio-educational treatment programme of two years for young offenders aged 14-17 years. This sanction is used in cases of more severe crimes. In cases with less severe crimes the young offenders aged 14-17 can be given a youth contract according to which children commit themselves, with the consent of their parents, to participate in certain specified and listed activities etc. in exchange for a withdrawal of charge. The offence will, furthermore, be recorded in the young person's criminal record for a shorter period of time than normal. The target group for youth contracts is offenders who have not entered a more permanent pattern of crime but who, according to legal practice, are facing a conditional withdrawal of charge or possibly a first conditional sentence. A youth contract is concluded with the police and the social authorities.

Regarding pre-trial detention, including solitary confinement, and regarding serving of sentences please refer to the 24th Danish report, page 57-62 as well as the answers requested by the ECSR regarding the 24th Danish Report (see below).

Regarding solitary confinement it can be added that *the Administration of Justice Act* was changed in 2006 (*Act No. 1561 of 20 December 2006*) with the purpose of decreasing the number of solitary confinements as well as limiting the duration of solitary confinements. According to this act solitary confinement for young offenders under the age of 18 may only be initiated or continued if there – beyond the ordinary conditions – are exceptional circumstances that make it necessary. The Act, moreover, established a new limit of 4 weeks for the duration of solitary confinement for young offenders under the age of 18. The limit of 4 weeks may only be exceeded if the charge concerns intentionally violation of chapter 12 on offences against the independence and safety of the state or chapter 13 on offences against the constitution and the supreme authorities of the state.

### Question 3

Total number of pre-trial detentions for 15-17 year old in the period 2003-2009

	2003	2004	2005	2006	2007	2008	2009
15-year old	86	75	106	108	104	118	88
16-year old	120	149	158	172	169	187	187
17-year old	174	189	210	190	209	245	218

It is not possible to give exhaustive information on the length of pre-trial detentions. For young offenders that are sentenced to the special juvenile sanction in the form of a structured, controlled socio-educational treatment programme of two years or a non-conditional prison sentence for more than 30 days and less than 1½ year the average length (in days) of the pre-trial detention – if any – have been as follows:

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
15-year old	68	74	61	48
16-year old	71	60	93	99
17-year old	57	61	125	123

**Answers and supplementary information as requested by the  
ECSR on the basis of previous reporting on the articles covered  
by the 30th Danish Report**

## **Article 8**

Question of the ECSR: *“(T)he Committee asks whether periods of unemployment where the individual is in receipt of unemployment benefit is considered as a period of employment for the purposes of calculating time worked necessary for entitlement to maternity benefits.”*

Answer: Periods of unemployment, where the individual is in receipt of unemployment benefits, are considered as periods of employment for the purpose of calculate the time worked necessary for entitlement of maternity benefits. The necessary time of working period is 13 weeks.

In Denmark, any person who was entitled to unemployment benefit when the parental leave began is in consequence entitled to maternity/paternity benefit for the entire duration of the leave. This is so irrespective of how long time before childbirth the mother/father has been a recipient of unemployment benefit.

## **Article 16**

### **Protection of Roma families**

Question of the ECSR: *“The Committee takes note of the information provided in the Danish report. As regards the social, economic and legal protection of Roma families, the Committee refers to the principles of interpretation of Article 16 laid down in the general introduction. The Committee requests that detailed and up-to-date information be provided in the next report.”*

Answer: As regards the social, economic and legal protection of residents, Danish legislation applies to all families regardless of national origin or ethnicity. This implies that the Roma population in Denmark enjoys the same fundamental rights and social, economic and legal protection as other Danish citizens or other residents with foreign backgrounds. Furthermore, Denmark would like to add that there is no registration of ethnicity in official Danish population statistics, thus it is not possible to provide detailed information on the specific socio-economic status of Roma people.

### **Housing for families**

Question of the ECSR: *“The report indicates that 7,634 non-profit dwellings were constructed during the reference period. In addition, it would like the next report to contain detailed information on the way in which Roma families’ right to housing is protected in the light of the principles of interpretation of Article 16 set out in the general introduction.”*

Answer: Please see the general description of the legal framework concerning the social housing (above). As a principal rule, social housing is let to tenants through waiting lists and every individual is entitled to put his or her name on the waiting list. No special measures are taken to secure Roma families right to housing, since they benefit from the same rights as everybody else as far as social housing concerns.

### **Childcare facilities**

Question of the ECSR: *“The Committee asks for updated information to be provided in the next report.”*

Answer: Please see the general description of the child care area (above).

### **Family counselling services**

Question of the ECSR: *“The Committee asks for updated information to be provided in the next report.”*

Answer: With respect to new legislation in the area, attention should be focused on the provision on family counselling services in section 109 of *the Danish Act on Social Services 2008*. The act was amended in 2010, the most significant amendment being that the family counselling requirement is no longer to be met by the local authority in which the shelter is located, but the local authority in which the woman used to live.

With respect to the provision in section 109 on family counselling, it may be added that the most recent annual statistics (2009) from *the National Organisation of Shelters for Battered Women and their Children* estimates that of the roughly 800 women with children in shelters in 2009, approx. 250, or close to 31%, received family counselling.

Furthermore, focus should be directed at the provision of psychological help to children above the age of six staying at a shelter with their mother (section 109(5) of *the Danish Act on Social Services*, 2008). According to the most recent annual statistics (2009) from *the National Organisation of Shelters for Battered Women and their Children* slightly more than half (53%) of the children staying at shelters in 2009 were offered psychological help.

Please also see the descriptions of reforms on *parental responsibility* and *legal separation and divorce* in the section of *Family law* under Article 16.

### **Participation of associations representing families**

Question of the ECSR: “*The Committee requests that the next report specifies whether the point of view of the families is taken into account for the elaboration of family policies. It also asks whether all civil organisations representing families are consulted.*”

Answer: It is standard procedure that relevant organisations are consulted before new legislation is proposed to the Parliament. As a minimum, relevant organisations – e.g. unions, associations, and NGO's representing families or the interests of families – receive proposals for new legislation for their comments. Any comments they may have are submitted to the Parliament along with the proposal for new legislation.

Parental influence in day-care facilities is guaranteed by law. Parents with children in a local authority/independent day-care facility or local authority childminding must be allowed to form a parent board with a majority of elected parents. Day-care facility staff must be represented on the parent board. As for private institutions, the local council is obliged, when approving individual private institutions, to ensure that parents are granted influence similar to that in independent day-care facilities. As for private childminding, the local council must ensure that parents have influence on day-to-day activities involving their children.

The day-care facility/childminding parent board lays down principles for activities in the day-care facility/childminding and for use of the day-care facility/childminding budget within the framework defined by the local authority. The parent board performs its work within the objectives and framework laid down by the local council. In independent day-care facilities, the parent board also performs its work within the objectives and philosophies laid down in the statutes.

### **Rights and obligations of spouses and Mediation services**

Question of the ECSR: “[*The Committee*] wishes that the next report provides updated information.”

Answer: Reference is made to the descriptions above on the reforms on *parental responsibility* and *legal separation and divorce* in the section on *Family law* under Article 16.

### **Domestic violence against women**

Question of the ECSR: “*The Committee invites the Government to provide an extensive description of the situation in accordance with the request contained in the general introduction. Meanwhile, it reserves its position.*”

Answer: Please, refer to the general description above in the section on *Domestic violence* under Article 16.



### **Family benefits of a sufficient amount**

Question of the ECSR: “[The Committee] would like the next report to provide further details on existing tax rebates.”

Answer: Entitlement to housing aid is conditional upon permanent residence in Denmark. For stays abroad of up to 6 months, there is a presumption for the continued permanent residence of Denmark. Foreign nationals have the same access to housing aid as Danish nationals. Entitlement to housing aid presupposes an all-year residence in Denmark.

Under the child allowance provisions in force, the child and at least one of its parents must have been permanent residents of Denmark for one year – as for special child allowance they must have been permanent residents of Denmark for the last 3 years.

“Permanent residence” in the sense of *the Child Allowance Act*, means living in Denmark. The permanence is paramount, and so is the entry into the relevant population register.

It is practice to consider the permanent residence requirement to be fulfilled during temporary stays abroad of up to one year. Repeated stays abroad of not more than 3-4 months at a time are considered to be temporary, provided total stays abroad in any one year do not exceed 6 months.

The above provisions are deviated from by EU-Law, so that EU-nationals who take up residence in Denmark have the same access to ordinary and special child allowance as Danish nationals from the very moment they enter Denmark.

In addition it may be noted that in November 2010 (outside the reference period), a bill was introduced for a 2 years period of qualification for full child allowance, implying that full child allowance entitlement is gradually acquired through periods of employment or residence in Denmark of 6 months’ duration.

According to this, a national of the EU/EEA could e.g. – while keeping up his permanent residence in his home country – acquire entitlement to 25 % of the full child allowance after 6 months of employment or residence in Denmark. After 6 months of employment, entitlement is acquired to 50 % of the full child allowance. The bill was adopted by Danish Parliament 17 December 2010, so as to come into effect by 1 January 2012.

### **Article 17**

#### **Children in public care**

Question of the ECSR: “The Committee asks the next report to provide information on the size of units in child welfare institutions.”

Answer: The legislation does not specify a maximum number of children and/or young people in a placement facility. It is, however, a statutory requirement that the approval procedure must include a decision on the maximum number of children and/or young people in each placement facility. Thus, the number of children and/or young people in each placement facility depends on the local authority’s actual assessment of how many children and/or young people the facility is able to care for given the physical, financial, staff-related and educational framework. Furthermore, the local authority must ensure that the support initiative chosen for a particular child or young person is appropriate in terms of meeting the child’s or young person’s specific need for support.

#### **The role of guardian/care taker**

Question of the ECSR: “The Committee asks that the next report explain the role, legal and otherwise, of a guardian or other care taker in an institution with regard to the care of children.”

Answer: As regards children placed in public care in institutions, the parents normally keep custody of the child and as such have legal responsibility vis-à-vis the child. They have custody until the child is 18 years of age.

The local authority has, however, the duty of maintenance and support.

### **Protection of children from ill-treatment and abuse**

Question of the ECSR: “*The Committee wishes to be informed of the results achieved through the action plan.*”

Answer: Since *the Danish action plan to combat sexual abuse of children* was launched back in 2003, the Danish government has taken several regulatory and administrative initiatives to further strengthen the effort of the judicial as well as the police force in this area.

In order to maintain and consolidate a cross-disciplinary effort in this field the Danish Ministry of Justice has initiated the drawing up of a new national strategy to combat sexual abuse of children.

As an example of a measure to combat sexual abuse of children, the so-called *child-pornography-blocking-filter* can be mentioned. The filter was established in 2005 by the Danish National Police in co-operation with the majority of Danish internet suppliers and the Danish division of Save the Children. The filter addresses the fight against sexual abuse of children on the internet by blocking access to websites with allegedly illegal child pornographic material.

This cooperation is based on a specific agreement between the Danish National Police and each individual internet supplier, from which it follows – among other things – that the Danish National Police regularly pass on information to the respective internet supplier about websites which, according to the Danish National Police, may contain child pornographic material criminalized pursuant to the Danish Criminal Code. At the same time the police encourages the internet supplier to block access to the website in question.

In so far as the respective internet supplier decides to block access to the website in question, the internet user who may try to access the website, can be met with an official page (made available by the Danish National Police) explaining that the person is trying to access a page that has been blocked, because it has been identified as containing allegedly illegal material.

Finally, it must be noted that it is emphasized in each agreement on cooperation that the decision whether or not to block access to the website in question is exclusively made by the internet supplier. Furthermore, it is pointed out that the final decision whether or not the matter in question is prohibited exclusively falls within the court to settle.

As another example is the national campaign against child sex tourism, which was launched in 2008. The campaign was the result of a co-operation between the Danish Ministry of Justice, the Ministry of Foreign Affairs of Denmark, the Danish Crime Prevention Council, the Danish division of Save the Children, the association of Danish tour operators and Scandinavian Airlines System (SAS). The campaign brought into focus the amendment of the Danish Criminal Code, according to which it is possible to prosecute Danish citizens for sexual abuse of children that has taken place abroad, even though the count of indictment is not criminalized in the country concerned. In connection with the campaign a twenty-four-hour hotline was established, with the purpose that any Dane abroad may report a suspicious relation between a Danish adult and a minor, which has taken place in a foreign country.

Furthermore, the National Police back in 2006 increased the police effort in order to prevent, investigate and prosecute offences committed in connection with “grooming” on the internet. From that time, the police districts were requested to continuously report relevant investigative information to the Danish National Police, department of national forensic investigation division (NITEC), who – on a national level – collects

and analyses the reported information with the purpose of assisting the respective police districts in cases of sexual abuse of children on the internet.

Moreover in 2009 the National Police increased the use of proactive investigation regarding cases of sexual abuse of children on the internet, including coordinated international actions.

Finally, it can be mentioned that the National Police – by request of the Ministry of Justice – has drawn up a report (launched in August 2010) describing the extent, development and the police experience in combating “grooming”.

In addition, the Ministry of Social Affairs has instituted a number of initiatives to support and provide treatment for children and women in violent families. The projects are in operation from 2008-2011.

1) The project deals with support and treatment of children and women afflicted by violence in crisis centres with a view to prepare them for leaving the centre. The measures are initiated both before and after leaving the centre. The project implies employment and educational measures, practical measures concerning the daily life of the child, health matters. The local authorities are to involve networks, such as the family, to the extent possible.

2) Treatment of children of violent families – a development project.

The main goal of the project is to develop treatment methods vis-à-vis children and to develop methods to detect violence against children and improve information practice.

3) An association *Children and young person in violent families* has been set up. The goal is to counteract violence committed by family members against children and women.

4) Dialogue against violence, a project the aim of which is to turn violent men and women into non-violent family members. This is sought achieved through treatment measures.

5) Hot-Line Telephone for children.

### **Young offenders**

Question of the ECSR: “*The Committee asks how many minors between the age of 15 to 18 are married.*”

Answer: Persons living in Denmark are registered in the Danish national register, including information on their civil status. According to the information in the register, 5 persons under the age of 18 were married by July 2010. One of these persons was 16 years old and the four others were 17 years old. The register does not contain information on whether or not the marriages were performed in Denmark.

Question of the ECSR: “*The Committee notes that in exceptional circumstances, young persons aged 15 to 17 years may be placed in day rooms with older inmates. Permission to allow 15-17-year-olds to spend time with older inmates without prison staff being present is only allowed in the interest of the young person and prior permission must be sought. The Committee asks the next report to provide information on the circumstances in which permission has been granted.*”

Answer: As a rule pre-trial detainees are placed in social institutions outside the prison system. They can, however, be placed in the prison system, if the charge against the juvenile concerns particularly gross or dangerous crime or the social institutions cannot manage the juvenile because of violent behavior. In cases of lack of room in the social institutions the juveniles can – while waiting for room in a social institution – be placed in the prison system.

Detainees under the age of 18 from the Copenhagen area, who are placed in the prison system, will be detained in a special unit at the Copenhagen Prisons, where they are protected from older inmates.

In the rest of the country young detainees, who are placed in the prison system, are placed in local prisons. As a rule the young offenders only spend time with other offenders under the age of 18. If that is not possible the local prison will try to move the offender to another local prison, where there are other offenders under the age of 18. If there is currently no possibility of social intercourse with young offenders, the staff has to consider if it is in the interest of the young offenders to have social intercourse with older inmates in order to avoid social isolation. The staff has to be particularly aware, that the young offender is not exposed to negative influence from the older inmates and that the social intercourse will benefit the young offender.

The Department of Prison and Probation service does not have an overview of the few situations in which permission to social intercourse with older inmates has been granted. An example from one of the larger local prisons shows that there in situations with only one detainee under 18 has been given permission to social intercourse with an older inmate in order to avoid isolation. In these cases the local prison has evaluated all the other detainees to find the best suitable older inmate and permission has been granted on basis of the evaluation and a talk with both the older and the younger detainee. Another example from the local prison is a situation where they had 2 detainees under 18 who did not want to be together. In this case permission was granted according to the procedure described above.

Young offenders who have to serve a prison sentence are as a rule placed in social institutions outside the Prison and Probation Service or in half-way houses run by the Prison and Probation Service, unless considerations of law enforcement prevent their placement outside the prisons system. Young offenders who serve their sentence in the prison system are as a rule placed in a special unit at the Jyderup state prison that was established in September 2009. Those who serve their sentence in a closed prison will be placed in a special unit in Ringe state prison.

In exceptional cases offenders who have turned 18 has been given permission to stay in the special units for a shorter period of time on basis of a specific evaluation. This has been the case in situations where the offender for a longer period of time has stayed at the special unit and the prison has considered that permission to stay for a shorter period of time after he turned 18 will be in both his and the other offenders' interest.

Question of the ECSR: *“The Committee asks the next report to provide up-dated figures on young offenders detained in isolation.”*

Answer:

2002: 3 young offenders (age 16, 17 and 17): 35 days, 15 days and 45 days respectively.

2003: 5 young offenders (age 16 (one person) and 17 (four persons)): 27 days (3 persons), 13 days and 28 days respectively.

2004: 5 young offenders (age 16 (one person) and 17 (four persons)): 8 days, 4 days, 14 days, 20 days, and 50 days respectively.

2005: 4 young offenders (age 16 (two persons) and 17 (two persons)): 47 days, 55 days, 12 days and 14 days respectively.

2006: 6 young offenders (age 16 (four persons) and 17 (two persons)): 4 days, 6 days (four persons) and 14 days respectively.

2007: 5 young offenders (age 15 (two persons), 16 (one person) and 17 (two persons)): 2 days and 14 days (four persons) respectively.

2008: 4 young offenders (age 15 (one person), age 16 (two persons) and 17 (one person)): 10 days (three persons) and 6 days respectively.

Question of the ECSR: “*The Committee asks detailed information on the conditions of the isolation, the possibility of visits and contact with staff.*”

Answer: In order to minimize the negative effect of solitary detention the Prison and Probation Service has laid down general rules according to which the staff must be especially attentive to the offender and consider if he or she for example needs to see a doctor, a psychiatrist or psychologist and if there is need of increased visits.

The local prison has to provide the offender with a free television, the offender has a right to at least a weekly 1 hour-visit and after a period of more than 14 days of solitary detention, the offender must be offered sessions with for example a minister or the like from his religious community, doctor or psychologist on a regular basis and the offender must be offered special activities or education.

Question of the ECSR: “*The Committee asks information on how many times the period of 4 weeks for pre-trial detention may be extended.*”

Answer: Article 768 a (2) of the Danish Administration of Justice Act states that unless the court finds that very special circumstances are involved, detention on remand must not, in cases in which the detainee is less than 18 years old, be extended for a continuous period that exceeds:

- 1) four months when the accused is charged with an offence that does not carry a sentence under the law of imprisonment for six years or
- 2) eight months when the accused is charged with an offence that may carry a sentence under the law of imprisonment for six years or more.

The time limits set out in subsections (1) and (2) shall comprise the period until the main hearing is commenced before a court of first instance.

*Updated figures on the number of convictions in the period 2003-2009 for the 15-17-year-old*

	2003	2004	2005	2006	2007	2008	2009
Prison sentences and youth sanctions	351	402	444	402	339	370	379
Conditional sentences	1097	1265	1332	1374	1233	1132	1210
Conditional sentences with community service	126	168	156	159	155	137	167
<b>Total</b>	<b>1574</b>	<b>1835</b>	<b>1932</b>	<b>1935</b>	<b>1727</b>	<b>1639</b>	<b>1756</b>

*Updated figures on how many terms of imprisonment that were served from 2004-2009*

	2006	2007	2008	2009
Terms of imprisonment for offenders under the age of 18	53	33	48	34

It should be noted that for 2004 and 2005 it is not possible to determine the number of terms of imprisonment in the age group of 15-17 years old.

**30<sup>th</sup> Danish Report**  
**on the application of the**  
**European Social Charter**

*Links to legislation*

**Act on Entitlement to Leave and Benefits in the Event of Childbirth**

<https://www.retsinformation.dk/Forms/R0710.aspx?id=127421>

**Act on a Maternity Equalization Scheme**

<https://www.retsinformation.dk/forms/r0710.aspx?id=31712>

**Act on Social Housing**

[http://english.sm.dk/MinistryOfSocialWelfare/legislation/social\\_affairs/social\\_housing/Documents/Consolidation%20Act%20on%20Social%20Housing.pdf](http://english.sm.dk/MinistryOfSocialWelfare/legislation/social_affairs/social_housing/Documents/Consolidation%20Act%20on%20Social%20Housing.pdf)

**Act on Parental Responsibility**

[http://www.familiestyrelsen.dk/fileadmin/user\\_upload/Engelsksprogede\\_filer/Danish\\_Act\\_on\\_Parental\\_Responsibility.pdf](http://www.familiestyrelsen.dk/fileadmin/user_upload/Engelsksprogede_filer/Danish_Act_on_Parental_Responsibility.pdf)

**Act on the Formation and Dissolution of Marriage**

[http://host.uniroma3.it/progetti/cedir/cedir/Lex-doc/Dk\\_marrig.pdf](http://host.uniroma3.it/progetti/cedir/cedir/Lex-doc/Dk_marrig.pdf)

**Act on the Legal Effects of Marriage**

<https://www.retsinformation.dk/Forms/R0710.aspx?id=31944>

**Act on Parental Responsibility**

[http://www.familiestyrelsen.dk/fileadmin/user\\_upload/Engelsksprogede\\_filer/Danish\\_Act\\_on\\_Parental\\_Responsibility.pdf](http://www.familiestyrelsen.dk/fileadmin/user_upload/Engelsksprogede_filer/Danish_Act_on_Parental_Responsibility.pdf)

**Danish Criminal Code**

<https://www.retsinformation.dk/Forms/R0710.aspx?id=126465>

**Act on Social Services**

[http://english.sm.dk/MinistryOfSocialWelfare/legislation/social\\_affairs/social\\_service\\_act/Documents/Consolidation%20Act%20on%20Social%20Services.pdf](http://english.sm.dk/MinistryOfSocialWelfare/legislation/social_affairs/social_service_act/Documents/Consolidation%20Act%20on%20Social%20Services.pdf)

**Administration of Justice Act**

<https://www.retsinformation.dk/forms/r0710.aspx?id=133272>

**Children's Reform**

<http://www.sm.dk/Temaer/sociale-omraader/Boern-unge-og-familie/barnets-reform/Documents/BarnetsReform-Vedtaget.pdf>