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EUROPEAN SOCIAL CHARTER

34th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF DENMARK

(Article 8, 16, 17

for the period

01/01/2010 – 31/12/2013)

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CYCLE 2015

34th Danish Report
on the application of the
European Social Charter

Concerning Articles 8, 16 and 17
for the period 1 January 2010 – 31 December 2013

January 2015

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 of maternity

Reference is made to the 24th and the 30th reports

As stated in the 30th Danish report, a *Maternity Equalization Scheme* (for employed persons) was introduced in October 2006.

In 2013, the Danish Government followed up on this legislation by introducing a similar scheme for self-employed persons - ***the Act on Maternity Equalization Scheme for Self-employed Persons***¹.

The purpose of the new scheme is – similarly to the existing scheme - to strengthen the position of women in the labour market by providing additional compensation to self-employed persons on maternity, paternity or parental leave.

All self-employed persons are obliged to pay a contribution to the scheme and will receive top-up compensation from the scheme when they take maternity, paternity or parental leave with benefits payable by the state. The compensation equals the difference between the maternity benefits and salary currently up to DKK 164,97 an hour.

Similarly to the Maternity Equalization Scheme, the new scheme for self-employed persons is implemented by establishing the guarantee institution.

The act entered into force on 1 January 2014.

Questions made by the ECSR relating to Article 8, paragraph 1

- 1) *The Committee asks what legal safeguards exist to avoid any undue pressure from employers to shorten their maternity leave.*

The Danish Government would like emphasize that discrimination on the labour market based on gender has been prohibited since 1978 and in all walks of life since 2000.

With regards to the specific legal safeguards, the Danish Government notes the following:

The Act on Entitlement to Leave and Benefits in the Event of Childbirth (Maternity Leave Act²)

According to Article 7 (1) of the Maternity Leave Act, a mother shall have a right and a duty to absence for the first two weeks after childbirth. Subsequently, she shall be entitled to absence for another 12 weeks. This is in accordance with Article 8, para 1, of the EU Directive 92/85 EEC.

According to Article 7 (3) a father shall be entitled to absence for two consecutive weeks after childbirth or from the reception of the child in the home or subject to agreement with his employer within the first 14 weeks after childbirth.

According to Article 9, after the 14th week following childbirth or the reception of the child, either parent shall be entitled to parental leave for 32 weeks. The father shall, however, be entitled to begin the parental leave within the first 14 weeks after childbirth.

The Act on Equal Treatment of Men and Women as regards Access to Employment etc. (the Act on Equal Treatment on the Labour Market)

¹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=152314>

² <https://www.retsinformation.dk/forms/r0710.aspx?id=152510>

Article 1 (2) of the Act on Equal Treatment on the Labour Market, direct discrimination shall be understood as taking place where one person is treated less favourably than another is, has been or would be treated in a comparable situation on ground of sex. Direct discrimination on ground of sex shall also be understood as taking place in connection with any form of discrimination in connection with pregnancy and during women's 14 weeks of absence after childbirth.

Article 8 (a) of the Act on Equal Treatment on the Labour Market also stipulates that parents who have exercised the right to absence under sections 6 to 14 of the Maternity Leave Act shall be entitled to return to their job or an equivalent post, on terms and conditions which are no less favourable to them and to benefit from any improvement in working conditions to which they would be entitled during their absence.

Substantial changes to terms and condition upon the return of work may amount to a dismissal within the scope of Article 9 and 16 (4) – see below.

Article 9 stipulates that an employer may not dismiss an employee for having put forward a claim to use the right to absence or for having been absent under sections 6 to 14 of the Act on Maternity Leave or for any other reason related to pregnancy, maternity or adoption.

Article 16 (4) provides a reverse burden of proof, if a dismissal takes place in connection with pregnancy, or absence laid down in sections 6 to 11, 13 and 14 of the Act on Maternity Leave, it shall be incumbent on the employer to prove that dismissal was not based on these grounds.

An employer who exerts undue pressure on an employee exercising his or her rights to maternity, paternity or parental leave with the aim of shortening the leave, i.e. with threats of dismissal or less favourable terms and conditions on return to work, is acting contrary to the Act on Equal Treatment on the Labour Market. An employer who is found guilty of dismissing an employee on grounds of pregnancy and/or maternity, paternity or parental leave must pay a compensation of on average 9 months' pay.

In general, employers recognize that dismissal of expectant parents and parents on leave is prohibited and not compatible with responsible company conduct.

The establishment of the Equal Treatment Board in 2000 as an alternative to the civil justice system has greatly improved the enforcement of the non-discrimination legislation as it is cheap and easy to launch a complaint of gender discrimination."

- 2) *The Committee asks whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women, and whether collective agreements offer additional protection.*

In addition to the aforementioned protection against dismissal and the general acceptance of the right to maternity leave, Danish collective agreements in general provide pay during the maternity leave period of 14 weeks. Thus, the social partners fully acknowledge women's right to maternity leave.

Also, the above-mentioned Act on the Maternity Equalization Scheme from 2006 was a consequence of existing equalization schemes in several collective agreements in the private sector.

Thus, the social partners in the private sector were the first to recognise the need for burden-sharing among private employers by levelling out employer payroll costs related to absence due to maternity, paternity or parental leave.

- 3) *In addition, the Committee asks for information on the general legal framework relating to maternity (for instance, whether there is a parental leave system whereby either parents can take paid leave at the end of the maternity leave).*

Maternity, paternity and parental leave is a protected right, but not an obligation, except for the first two weeks after the birth.

Under the Maternity Leave Act, mothers are entitled to 4 weeks leave before the expected date of birth and 14 weeks after the birth, of which two weeks are compulsory.

Fathers are entitled to two weeks paternity leave within the first 14 weeks after the birth.

In addition to this - and in accordance with EU Directive 2010/18/EU on parental leave – each parent is entitled to 32 weeks parental leave, a total of 64 weeks of parental leave.

During the leave periods, parents are entitled to benefits payable by the state for a total of 52 weeks:

- 4 weeks before the due date
- 2 weeks paternity leave
- 14 weeks maternity leave and
- 32 weeks of parental leave

Benefits are conditional upon the parents meeting the employment requirements set out in the Maternity Leave Act and are set at the same level as sick pay.

The right to full or partial pay from the employer during leave depends on provisions of collective agreements or individual contracts.

Article 16. The Right of the family to social, legal and economic protection.

Day-care services

All children between the age of 26 weeks and school age (about 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.

For children under school age, parents' share of payment for a place in a day-care facility must not exceed 25 per cent of the gross operating costs in respect of the individual day-care facility, or of the average gross operating costs in respect of similar day-care facilities in the municipality. This means that the subsidy granted by the local council's must account for at least 75 per cent of the gross costs of operating the individual day-care facility, or of the average gross costs of operating similar day-care facilities in the municipality.

Low-income parents are granted partial or full subsidy to reduce 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.

In addition to this parents may receive special subsidies towards payment for a day care facility providing treatment or special socio-pedagogical measures. "Treatment subsidies" is granted in respect of a child with considerable and permanently reduced physical or mental capacity in day-care facilities for treatment reasons, while subsidies to parents of children with special social-pedagogical needs is given when a place in a day care facility is deemed necessary for social or pedagogical reasons and where the issue of payment reduces the child's possibility of being admitted to or remaining in a day care facility.

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

Children in day-care facilities 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 experience, play and activities planned with an educational goal and which offer 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 secure 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 secure 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.

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 child-minding 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 2010 – 31 December 2013

Debureaucratization

In 2010 the government decided to debureaucratize the legislation on day care facilities. In this connection the rules on a written statement to be made by each day care facility on the environment for children, was abolished.

Instead, it must appear from the pedagogical curriculum how the goal to ensure a good and stimulating environment for children is integrated into the pedagogical work of the day-care facility. The children's environment must be considered in the child's perspective and children's experience of the environment must be taken into consideration.

In addition to this the rules regarding the pedagogical curriculum were changed so the pedagogical leader of the day-care facility only needs to evaluate the pedagogical curriculum every other year instead of every year.

Language assessment

In 2011, the rules regarding language assessment and stimulation were changed in respect of bilingual children.

According to the new rules the municipality must give language stimulation for 30 hours a week to bilingual children, who are not attending a day-care facility and show sign of need for language stimulation during the language assessment, if one of the parents is unemployed.

If the parents of a child who is in need of language stimulation do not accept language assessment measures or stimulation in respect of a child, the local authority must discontinue the payment of the child benefits to the parents.

Outsourced day-care centres

In 2011 it was made possible to establish outsourced day-care centres. This type of day-care are in agreement with the local council operated by private suppliers. Outsourced day-care centres are comprised by the same requirements as the local authority day-care centres.

eGovernment Strategy

In 2011 a new eGovernment strategy was introduced to make the local governments work in a more efficient way and to ensure that citizens experience cooperation by the public sector.

In the day-care area the new eGovernment strategy had the result that it is now obligatory for parents to use digital communication. The local authority has made application for all kinds of places in a day care facility digitally available.

Parents must use the digital application available unless they are unable to do so under special circumstances.

Flexible lunch

Since August 2011 the local councils are obliged to offer a healthy lunch every day to all children in day-care facilities. The local authority must grant the parents subsidies and other discounts to reduce the payment for the healthy lunch.

The act on day care facilities allows the board of parents of a day-care facility to opt out of the healthy lunch scheme if a majority of the parents chooses it.

Higher quality in day-care facilities

In 2012, the government allocated 500 million DKK per year for better quality and child-staff ratio in day-care facilities in Denmark.

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

	Day care	Institutions	Total
Total			
0-2 year olds	46,284	73,694	119,978
3-5 year olds	474	176,887	177,361

Source: Statistics Denmark

More than 96% of all children between the ages of three and five attend a daycare facility. The percentages of children attending daycare facilities at the age of 1-5 year olds have remained stable since 2009.

The percentage of children attending day care facilities					
Percent	2009	2010	2011	2012	2013
0 year olds	15.3	17.8	19.1	18.7	19.0
1-2 year olds	90.0	91.3	91.0	90.9	91.1
3-5 year olds	96.6	97.4	97.4	97.6	96.9

Source: Statistics Denmark

Housing Area

Social housing is regulated through The Danish Act on Social Housing³ 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 descent 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. As a general rule, the waiting list is administered by seniority. 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 allocate a vacant social housing dwelling in the municipality to a person or family, who needs a place

³ <https://www.retsinformation.dk/Forms/R0710.aspx?id=151792>

to live. The waiting lists are administered by the non-profit housing organizations that are under inspection by the local authorities.

The total number of social housing units in Denmark is approx. 600,000, which amounts to 22 percent of the total number of dwellings. 495,000 of them are family dwellings.

Low income families receive housing benefit which in average covers 40 percent of the rent costs. In 2013 83,000 households with children had in average 42 percent of the rent covered by housing benefits.

The local authorities plan and organize 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.

The municipalities make commitments to supporting the construction of new social housing, and thus decide the number of new social housing divisions to be constructed.

Since 2008, the acquisition price for social housing has been financed as follows:

- Tenants' lease premiums
- Municipal *basic capital*
- Mortgage loans (subsidized by the State)

Further subsidies are granted to ensure that resident payments in social dwellings for students and other young people can be kept low.

A ceiling has been imposed on acquisition costs. The cost ceiling took effect on 1 January 2004 with the purpose of avoiding too expensive housing, by establishing an upper limit for the acquisition cost. The aim is to maintain rents at a reasonable level.

Basic capital loans that cover 10 percent of the acquisition costs are provided by the municipality. The loans are interest-free as well as amortization-free in up to 50 years.

Reducing the Basic Capital

As part of the agreement on local finances for 2013 the Government and the Association of Municipalities agreed to support the municipalities to pursue an active housing policy by reducing the local basic capital from 14 to 10 percent of the acquisition costs from July 2012 until the end of 2016.

The size of the loan is of major significance to the scale of operations and is used as an overall management tool.

On this basis it is expected, that the municipalities will grant subsidies to the construction of approx.5.500 public housings annually until 2016.

Start Homes

In addition to the traditional social housing for young people it has been made possible to support a special type of housing called Start Homes. Start Homes is housing for young people in the age between 18-24 years old, who have a special need for a dwelling with associated adult support

(social caretaker). Start Homes will be run by housing associations/private institutions and NGO's under the Social Housing Act.

The purpose of the Start Homes is to provide young people with varying degrees of problems a good start to an adult life in their own homes. The professionals employed in the Start Homes are supposed to ensure that the social vulnerable young people are able to maintain a home of their own, getting an education and keeping their job.

A public fund allocates 143.5 million kr. in the years 2012-2015 for the establishment of Start Homes.

The total number of social housing units in Denmark is approx. 600,000, which amounts to 22 percent of the total number of dwellings. 495,000 of them are family dwellings.

From 1 January 2010 until 31 December 2013 approx. 9,000 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 described above.

In addition, low income families receive housing benefits which covers in average 40 percent of the rent costs. In 2013 83,000 households with children had on average 42 percent of the rent covered by housing benefits.

In 2012 and 2013 220 Start Homes in 18 housing organizations in 16 municipalities were established.

Roma families

As a principal rule, social housing dwellings are let to tenants through waiting lists and all individuals, including inhabitants with a Roma background, are entitled to put his or her name on the waiting list. As a general rule, the waiting list is administered by seniority, i.e. everybody has equal rights getting access to an inexpensive vacant dwelling.

Statistical data on Roma in Denmark are not available, since the ethnic origin of persons is not registered in Denmark.

The National Danish Civil Registration System (CRS) only contains basic, fundamental personal data i.e. name, address, marital status, nationality etc. about every person, who is legally residing in Denmark. The data content of the CRS does not include ethnicity. There are no future plans to include data concerning ethnicity in the CRS, since the registration of ethnicity is not considered in accordance with the purpose of the CRS.

I.e. it is not registered how many Roma families who live in a social housing dwelling in Denmark or how many who are signed on a waiting list or have asked the municipality for help.

The Council of Europe estimates that the number of persons with Roma background lies between 1,500 and 10,000 persons in Denmark. One source (The NGO Danish Refugee Council) estimates that 2,000 Roma are living in Denmark.

The proportion of Roma in Denmark is less than 0.1 percent of the total population according to the Commission's Communication on Roma Inclusion.

No special measures are taken to secure right to housing for Roma families, since they benefit from the same rights as everybody else according to the Social Housing Act. There are vacant social housing dwellings in Denmark, and individuals with Roma background can, as any other individual, sign up and immediately move into one of these vacant dwellings.

Forced Evictions

According to the Consolidation Act on Rent⁴ all tenants in dwellings in non-profit housing organizations as well as private rental dwellings, are protected against eviction. This means, that tenants basically have security of tenure as long as they comply with the terms of the lease.

The lease may be terminated if the tenant fails to pay the required rent, and persons who are subject to forced eviction are in general persons who do not pay their rents.

In 2007 and 2009 the Danish government introduced a range of initiatives regarding the problem of forced eviction in dwellings in non-profit housing organizations and private rental dwellings. To prevent forced eviction of tenants the landlord and the municipalities are obliged to assess how eviction of tenants may be prevented in case of default of punctual payment of rent.

An analysis on forced evictions in Denmark was carried out by the Danish National Centre for Social Research in 2008⁵. The report concludes that the main reasons for eviction of tenants 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 recipients of financial aid from the municipality, single men, single mothers, young people and tenants with a short training/education.

According to the analysis no specific groups, e.g. ethnic minorities, are particularly affected by forced eviction and therefore no specific measures have been taken to prevent discrimination.

With the legislative changes in 2009 the municipalities were involved in cases of previous overdue payment and were given a number of instruments to prevent evictions.

During the period 1 January 2010 to 31 December 2013, the Danish government has taken a number of measures to prevent eviction of tenants. A very detailed information campaign aimed at tenants and municipalities was conducted by The Danish Ministry of Social Affairs in 2010. As a consequence hereof a comprehensive guide about the different possibilities of helping tenants avoid eviction was prepared for the municipalities.

As of 1 January 2012 the government increased the financial aid for certain groups as a way to improve the possibilities of paying the rent.

⁴ <https://www.retsinformation.dk/forms/r0710.aspx?id=132875>

⁵ "Hvorfor lejere bliver sat ud af deres boliger og konsekvenserne af en udsættelse" by Christensen, Gunvor and Nielsen, Torben Heien, The Danish National Centre for Social Research, April 2008.

In 2011 and 2012 the government provided financial support for hiring counsellors in some areas of social housing. The counsellors visit tenants whose payment of rent is overdue and advise them on how to ensure payment of rent in the future as well as the possibilities of financial aid and other social services. This kind of advice seems to be an effective way to reduce the number of evictions.

As of 1 January 2013 the date for due payment of rent according to the Consolidation Act on Rent was moved forward, so that rent has to be paid very shortly after the tenant's disposal of his income.

At the same time the government improved the opportunities for the municipalities to provide financial aid for rent payment, if it can prevent eviction. Financial aid may be provided temporarily.

According to the records of the Danish Court Administration the total number of forced evictions, as a result of payment default, increased from 2,614 evictions in 2004 to 4,405 in 2011. Subsequently the number of evictions dropped to 3,507 in 2013.

Recorded number of forced evictions in Denmark during the period 2004 to 2013.									
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2,614	2,841	2,849	3,377	3,762	3,912	4,382	4,405	3,790	3,507
Source: Danish Court Administration.									

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

Family law - Legislative Changes

Since 1 January 2010 the following changes have been made to the Danish family law:

Parental Responsibility

An evaluation on the application and the effect of the 2007 *Act on Parental Responsibility* was carried out in 2011 and subsequently some changes to the Act were made in 2012 aiming at promoting even further the best interest of the child.

Legal separation and divorce

Pursuant to an amendment in 2013 to *the Act on the Formation and Dissolution of Marriage*⁶ it is now possible to be divorced without prior legal separation if the spouses agree.

Paternity and co-maternity

Previously the Children Act regulated paternity and maternity but by December 2013 the Act was amended with rules on co-maternity. According to the new rules co-maternity can be established when the mother has been treated with assisted reproduction and has a female spouse or partner who has agreed to the treatment.

The Legal Effects of Marriage

A committee set up by the government is expected to submit a report on modernization of the rules on the legal effects of marriage before the end of 2014.

Adoption

The Ministry of Children, Equality, Integration and Social Affairs is working on a holistic analysis of the rules of international adoption of children and is expected to propose an amendment to the Adoption Act in 2015.

Denmark established a temporary Post Adoption Service project for the periods 2007-2010 and 2012-2013. With the 2014 Post Adoption Service a permanent service to adoptive parents was established for the first 5 years after having received the adoptive child. The family may receive up to 20 hours of counseling after receiving a child and up to 3 hours of counseling in connection with the arrival of the child. Furthermore, the Danish National Social Appeals Board offers free courses on adoption issues and on conditions for staff in day-care facilities, kindergartens, and schools and staff in the municipalities, such as social workers, psychologist etc.

Parental responsibility

A project offering advice to couples with children was carried out during the period 2010-2013, based on a positive evaluation of a pilot project in 2005-2009. The project has now been prolonged to 2015. The aim of the project is to offer preventive measures for parents with children under the age of 18, who either want to maintain their relationship or to terminate it as leniently as possible out of consideration for the children.

After the evaluation in 2011 of the Act on Parental Responsibility a cross-disciplinary and cross-authority cooperation was established between The State Administration and the social services departments in the municipalities in order to improve the help to families with severe social problems where the parents disagree on access or parental responsibility.

Violence

In 2005 the Government launched its second action plan against domestic violence. This plan widened the scope of the issue, which is indicated by the title: *National action plan to stop men's domestic violence against women and children*.

⁶ <https://www.retsinformation.dk/Forms/R0710.aspx?id=164346>

Like the first plan, this plan still had focus on support to victims; it continued the efforts to stop domestic violence by offering treatment to perpetrators; it advocated for a strong multi-disciplinary effort and it emphasized the need for more knowledge among all stakeholders.

The external evaluation concluded that victims had become more aware of their rights and of possibilities for support and that - to a certain extent - this could be caused by the action plan.

But the evaluation also pointed out that professionals and front line staff at local level did not know nearly enough about domestic violence - and how it influences all members of a family, but especially the children.

Finally the evaluation found that the sum of knowledge and information about violence against women and domestic violence had increased, and that professionals and authorities to some extent had benefitted from it.

The third action plan again – 2010-2013 - expanded the scope of focus. The plan is called *National Strategy to prevent violence in families and intimate relations*, acknowledging that partner violence takes place also when family relations have changed. The target groups for the strategy are women, children, male perpetrators and front line staff working in a variety of job functions within the municipalities, and the activities has been centered on early intervention, treatment of perpetrators, dissemination of information and efforts to change attitudes.

The external evaluation concluded that the action plan had contributed to a holistic and coordinated approach in relation to the many different activities, which characterizes the area.

The existing support- and treatment services were strengthened, and new methods to reach and support battered women were developed.

The strategy, together with the previous action plans, has added new knowledge and highlighted new challenges in regard to battered men and dating violence among young people.

Finally, the strategy and the previous action plans, has played a significant role in enlightening the Danish population about domestic violence. In general a vast majority of Danes consider domestic violence unacceptable and they have the intention to intervene, if they are suspicious that somebody is a victim of violence.

During 2013 the fourth *Action plan against violence in the family and in intimate relations 2014-17* was prepared in close cooperation between relevant ministries and civil society organizations.

The main responsibility for services in the field lies with the local authorities. But as part of a general strong focus on prevention of violence in the family and in intimate relations, plus support to victims and perpetrators, different projects have been financed by the state.

One project among others offering free treatment to abusive men was established in 2012 with the purpose of reducing the number of men who expose their partners to violence. This project has been financed for a period of 4 years.

Furthermore, a project offering four free sessions with a psychologist to women who take residence in a shelter for battered women was established in 2012. The purpose of these sessions is to help women process the violent treatment they have been victims of and to help them protect

themselves from violent partners in the future. It is estimated that a third of all women at shelters for battered women have received psychological counseling during the project. The project is financed until the end of 2015 and is currently being evaluated.

Finally, a so-called intervention center offering victims of violence in intimate relations and their perpetrators advice and treatment was established in 2012. This project is financed for a period of two years.

Data on violence

National Institute of Public Health (NIPH) in Denmark has presented estimates of the number of women and men exposed to violence in intimate relations both among adults and adolescents. The estimates are based on data from health interview surveys, studies on dating violence and data from registers.

National Institute of Public Health has published the results of its work in reports and web-databases.

Reports on violence in intimate relations

The latest report on violence in intimate relations among adults was published in 2012⁷.

Female and male victims of domestic violence (16-74 year of age)

Year	Women with Danish citizenship	Men with Danish citizenship
2000	42,000 (2.4 %)	-----
2005	33,000 (1.8 %)	8,000 (0.4 %)
2010	29,000 (1.5 %)	10,000 (0.5 %)

It is estimated that approximately 28,000 children age 0-15 witness domestic violence on a yearly basis.

2000 children every year follow their mother to a shelter for battered women. 55 % of the children are aged 0-6 years.

Roma – Supplementary information as requested by the ECSR on the basis of articles covered by the previous report.

Protection of Roma families

Question:

“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

⁷ English summary of the report: (<http://www.si-folkesundhed.dk/Udgivelser/B%C3%B8ger%20og%20rapporter/2012/Vold%20i%20n%C3%A6re%20relationer.aspx>)

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, it should be noted 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. It should be emphasized that Denmark has a National Roma Inclusion Strategy which is described below.

Housing for Roma families

Question:

“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).

In Denmark, all citizens regardless of income or special needs have access to good quality housing in the non-profit social housing sector. People with a Roma background who reside legally in Denmark can themselves be on a waiting list for social housing on the same terms as all other residents of Denmark or – if the person in need of housing has any special social needs – to be allocated a social dwelling pursuant to the rules on social housing allocation.

To prevent the social and ethnic segregation of residents in publicly subsidized housing, social housing is available to anyone who has put his or her name on the waiting list. As a general rule, the waiting list is administered by seniority; however, the local councils of the Danish municipalities have the right to nominate tenants for at least 25 per cent of a housing association’s available dwellings for the purpose of solving social problems, and they are thus able to secure access to available dwellings for people with special needs.

Denmark’s National Roma Inclusion Strategy

The Danish Action Plan for Roma Inclusion has the following three components:

- Fully realizing the integration tools available for the benefit of Roma inclusion
- Continuing and strengthening the efforts towards combating poverty and social exclusion in general
- Disseminating knowledge on best practices and agreed principles for Roma inclusion to the municipal level

The Roma population in Denmark is estimated to constitute less than 0.1 per cent of the total population, and therefore the Danish Government considers it relevant to pursue Roma inclusion

through the set of integrated policy measures that characterize the Danish welfare society. Goals for active inclusion, education level, employment rate and health in Denmark apply to Roma families as well as to other groups with a minority ethnic background in Denmark.

New legislation for newcomers in Denmark, including Roma families

In May 2013 the Parliament adopted an amendment to the Integration Act comprising two elements. The overall goal of the amendment was to enhance the integration efforts towards newcomers. From 1 July 2013 the municipalities are obliged to – as soon as possible and within 3 months of the arrival of the migrants in the municipality - offer an integration plan for newly arrived refugees and (family) re-unified persons.

The object of the integration plan is to ensure a better interdisciplinary coordination of all integration efforts concerning the migrant and his family. This includes employment measures, language training, health care and initiatives to support active citizenship. An integration plan covering the resources and needs of all family members in one plan creates a stronger basis for an effective and successful integration of newcomers. Especially the most vulnerable groups among migrants will benefit from a stronger interdisciplinary coordination also taking health problems into account.

Starting allowance

As from 1 January 2012 the lower cash allowance rates for newly arrived refugees and immigrants and the so-called starting allowance for persons who have resided in Denmark for less than seven out of the preceding eight years was abolished. Instead newcomers are entitled to social assistance from day 1 in Denmark, if conditions otherwise have been complied with.

Relevant legislation and initiatives

Reform of the supervision of placement facilities

On 1 January 2014 the Danish government launched a major reform of the supervision of placement facilities. The responsibility to approve and to supervise all types of placement for children (except foster families, who are approved only for a specific child) are now the responsibility of 5 supervision units that cover each region in Denmark. The aim of the reform is to improve standards and the quality of care and treatment.

Initiative to support the prevention and handling of abuse

In 2013 the Danish Government allocated DKK 268 million to an initiative strengthening the protection of children and young people from abuse.

- The initiative includes a number of ongoing initiatives in the municipalities to strengthen the knowledge and handling of cases relating to abuse.
- The initiative also includes strengthening the knowledge of both children and professionals on the rights of children to be protected from abuse, and how it is possible to find help if a child is being abused. Campaigns and education activities are ongoing at the moment.

In accordance with the Act on Social Services⁸ anybody who becomes aware of a child being exposed to maltreatment or lives under conditions that threatens the child's health and development are obliged to notify the responsible municipality.

Professionals working with children are subject to a strict duty to inform and notify the social authorities when they learn or have reason to believe that a child has been exposed to violence or other types of abuse. This applies to all professionals with relations to a child working for the public sector, e.g. in the health sector, schools, etc.

The new legislation underlines the importance of timely and correct action from the social authorities when they receive notifications about a child who is presumed to have been exposed to abuse. Thus, the social authorities are obliged to evaluate every notification within *24 hours* to decide if immediate action is needed. Also, if the social authorities receive a notification about violence or abuse against a child, the authorities have to conduct an *interview with the child* during the process of investigating the notification.

Early support for vulnerable children

The Danish Government has allocated DKK 280 million in the period 2014-2017 to initiatives that ensure early support for vulnerable children, which also includes children with disabilities. As part of the implementation a law was passed in the Danish Parliament that highlights the importance of early, preventive support. The legislation took effect October 2014. Other initiatives include:

- Efforts to strengthen the parental capability of especially vulnerable parents.
- Support for strategic cooperation between municipalities and NGOs on for example, counseling, network groups and therapy for vulnerable children and young persons.
- Initiatives to strengthen the early support for vulnerable children in day care.
- Efforts to promote the use of participation in leisure activities such as sports, musical training and scout associations in municipalities' early preventive support for vulnerable children.

Statistics

The statistics relating to 2013 are not available yet. Therefore it is not possible to report for the full period January 1, 2010 – December 31, 2013, but only for year 2010, 2011 and 2012.

Children placed outside the home			
<i>By the end of the year:</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Total number:	12,681	12,379	12,025

Source: Anbringelsesstatistikken 2012, Anbragte børn og unge fordelt på anbringelsessted, ultimo året 2008-2012, Ankestyrelsen 2013.

Percentage of children placed in foster care and residential care			
<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Foster family care	51 %	55 %	57 %
Residential care	40 %	36 %	37 %

⁸ <http://sm.dk/en/files/consolidation-act-on-social-services.pdf>

Note: The remaining percentages are placed either in “own dwelling”, student housing, boarding school or special arrangements (depending on the age and concrete situation of the child).

Source: Anbringelsesstatistikken 2012, tabel 3.2: Anbragte børn og unge fordelt på anbringelsessted, ultimo 2008-2012, Ankestyrelsen 2013.

Prohibition of violence against children

The age of criminal responsibility is now raised from 14 to 15 years (by amendment to the Criminal Code, Act No. 158 of 28 February 2012⁹). The rules of imprisonment, pre-trial detention etc. therefore no longer applies to minors under the age of 15 years.

Moreover a sentence can either be a lifetime sentence or a sentence for a fixed period of time of not more than 16 years (Section 33(1) of the Criminal Code).

In cases where the punishment prescribed for the offence may be increased, the term of imprisonment may, however, be up to 20 years (Section 33(2)).

Until 2010 the penalty in respect of minors could not exceed imprisonment for 8 years (Section 33(3)).

In 2010 Section 33(3) was changed (Act No. 711 of 25 June 2010). The paragraph now states that if an offender had not reached the age of 18 years when the offence was committed, the offender cannot be sentenced a lifetime sentence.

When determining a penalty, the court shall in accordance with Section 82(1) of the Criminal Code, in general, consider it a mitigating circumstance if the offender had not reached the age of 18 years when the offence was committed.

Case law thus shows that the former maximum penalty of 8 years for minors was only relevant in cases of particularly gross crime, as for example cases of homicide.

According to the explanatory memorandum to the 2010-act, the purpose of the act was to make sure – in these particularly severe cases – that the court has sufficient room for manoeuvre when passing a sentence.

As stated in the explanatory memorandum due consideration was given to the UN Convention on the Rights of the Child’s specific provision on imprisonment for juvenile offenders. As it appears the new Danish legislation is in conformity with Article 37(a) of the UN Convention¹⁰ and the recommendation made by the Committee on the Right of the Child in this respect¹¹.

The maximum period of which a young suspect could be held in pre-trial custody (pre-trial detention) is as follows:

⁹ <https://www.retsinformation.dk/Forms/R0710.aspx?id=164192>

¹⁰ Article 37(a) of the UN Convention on the Rights of the Child states that “... Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”

¹¹ According to point 77 of General Comment No. 10, Children’s rights in juvenile justice, of 25 April 2007 the Committee strongly recommends the States parties to abolish all forms of life imprisonment for offences committed by persons under the age of 18.

“The Administration of Justice Act¹² does not lay down any maximum period for the deprivation of liberty in pre-trial custody. However, the deprivation of liberty must not be disproportional to the hereby-caused intrusion in the affairs of the accused, the significance of the case, and the sanction, which can be expected if the accused is found guilty. Moreover, Section 767 of the Administration of Justice Act reads that a time limit shall be laid down in the court order as for the length of the detention. The time limit can be extended but at the most by four weeks at a time.”

Subsequently the Danish Parliament has adopted an amendment to the Administration of Justice Act (Act No. 493 of 17 June 2008). The key purpose of this amendment – in regard of pre-trial detention – is to restrict long pre-trial detentions.

Thus section 768 a (2) prescribes that unless the court finds that very special circumstances are involved, pre-trial detention must not, in cases in which the detainee is less than 18 years old, be extended for a continuous period that exceeds:

- 1) 4 months when the accused is charged with an offence that does not carry a sentence under the law of imprisonment for 6 years or
- 2) 8 months when the accused is charged with an offence that may carry a sentence under the law of imprisonment for 6 years or more.

According to the explanatory memorandum to the 2008-act, there must – among other considerations – be added considerable importance to the nature of the offence committed. Therefore, pre-trial detention exceeding the abovementioned duration is particularly relevant in cases of very serious crime where the expected sanction, if found guilty, will be several years of imprisonment.

Denmark has thus continued the efforts to restrict the duration of pre-trial detentions, including pre-trial detentions of minors.

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 their duration.

Before the 2006-act solitary confinement of minors could in no case take place for more than 8 weeks if the detainee was below the age of 18 years.

With the 2006-act a limit of only 4 weeks (instead of 8 weeks) for the duration of solitary confinement for minors was established.

Regarding solitary confinement, including the ordinary conditions for using it, Denmark would like to point out the following:

“Section 770 b, paragraph 2, emphasizes the special strain that the measure may impose due to the personal situation of the detainee. This provision ensures, for example, that placement of young persons below the age of 18 years in solitary confinement will only be applied in rare and exceptional circumstances. Solitary confinement of persons below the age of 18 will thus exclusively be ordered in rare and exceptional cases, when particularly serious reasons make

¹² <https://www.retsinformation.dk/forms/r0710.aspx?id=164280>

solitary pre-trial detention necessary in the specific case. In any renewal of solitary confinement for more than very brief periods, the principle of proportionality will carry increasing weight against any continued solitary confinement of persons below the age of 18 years.”

This is still the situation in Denmark. In addition to Section 770 b, paragraph 2, the 2006-act now explicitly emphasizes in a new Section 770 b (2) that placement of a minor in solitary confinement can only be initiated or continued if there are exceptional circumstances that makes it necessary.

The new 4 week limit may only be exceeded if the charge concerns intentionally violation of chapter 12 or 13 of the Criminal Code (terrorism etc.). The principle of proportionality has the consequence that solitary confinement exceeding 4 weeks can only be used in exceptional cases where the detainee is suspected of an extremely severe offence and the risk of the detainee obstructing the investigation is very substantial.

According to the explanatory memorandum to the 2006-act, the age of the detainee are of great significance when considering solitary confinement. Therefore solitary confinement for a detainee of the age of 15 or 16 years – as a paramount principal rule – cannot take place.

The 2006-act also states that the police needs an approval from the Danish Director of Public Prosecutions in order to ask the court for a continuation of a solitary confinement beyond 4 weeks for a minor (Section 770 d (3)).

Update of statistics

It should be noted that the previously reported statistics from the years 2005 to 2009 on violence against 0-14-year-old victims by mistake did not include victims of violence in accordance with section 244 of the Danish Criminal Code (“simple violence”).

	2005	2006	2007	2008	2009	2010	2011	2012	2013
0-4 year old	57	48	47	53	81	84	125	124	142
5-9 year old	75	128	106	110	93	132	227	233	256
10-14 year old	766	834	912	815	725	654	585	486	423

Pre-trial detention of young offenders

The total number of pre-trial detentions for the 15-17-year olds has in the period 2010-2013 been as follows:

	2010	2011	2012
15 year old	89	77	63
16 year old	163	163	147
17 year old	247	209	207

The number of pre-trial detentions of the 15-17-year-olds in 2013 is not yet available.

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 program 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 – has been as follows:

	2010	2011	2012	2013
15 year old	71	78	70	62
16 year old	76	73	87	64
17 year old	82	75	68	74

Young offenders detained in isolation:

The number of 15-17-year-olds detained in isolation in the period 2009-2012 was as follows:

- 2009: No young offenders were detained in isolation
- 2010: 1 young offender (aged 17): 17 days
- 2011: No young offenders we detained in isolation
- 2012: No young offenders were detained in isolation.

The number of young offenders detained in isolation in 2013 is not yet available.

Convictions in respect of young offenders:

The total number of convictions of 15-17 year-olds in the period 2010-2013 was as follows:

	2010	2011	2012	2013
Prison sentences and youth sanctions	369	347	301	288
Conditional sentences without community service	1365	1186	974	745
Conditional sentences with community service	138	100	53	66

Terms of imprisonment served by young offenders:

The total number of terms of imprisonment served by 15-17-year-old offenders in the period 2010-2013 was as follows:

	2010	2011	2012	2013
Terms of imprisonment served	36	37	38	30