
Document Title:
The Law and the Child

Region:
Western Europe, Europe

Country:
Denmark

Issued by:
Danish Centre for Human Rights

Date of publication of NGO Report:
03/94

Date of presentation to presessional working group:
04/94

CRC Session
(at which related national state party report was submitted):
08th Session : Jan 95

Language:
English

Document Text

Link to related state party report at UNHCHR English
Link to related state party report at UNHCHR French
Link to related state party report at UNHCHR Spanish

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Date:4 3 94 Your ref.: Our ref.: J.no. 420/8

Please find enclosed a report on children's rights in Denmark: "Lov og Ret om börn", prepared by a working group under the auspices of The Danish Centre for Human Rights, and published 5th January 1994.

The report contains an analysis of Danish legislation concerning children, in selected fields, compared

with the provisions in the Convention on the Rights of the Child.

The report is written in Danish, but the Centre has translated the summary into English. The summary is also attached with this letter.

We hope you will disseminate report and surnmary to all relevant bodies in order to have it included in the Committee's discussions in relation to the Danish Government's official report.

If you need further inforrnation and/or extra copies of the report you are welcome to contact the Centre.

A similar letter with the report and summary has been sent to the NGO Group for the Convention of the Rights of the Child.

Yours sincerely,

Hanette Faÿe Jacorbsen
Information Officer

The Danish Centre for Human Rights is a selfgoverning and independent institution founded by the Danish Parliament. The Centre was established by a parliamentary decision of May 5th, 1987. The Centre engages in research, education, infor nation and documentation on human rights.

Summary

The following is a brief summary of conclusions and recommendations as they appear in the report "The Law and the Child" (Lov og ret om bon) written by an ad hoc working group set up by the Danish Centre of Human Rights. The numbers of each heading correspond to the numbers of the chapters in the report itself.

1. Introduction

The report has been drawn up by a working group set up in 1991 by The Danish Centre of Human Rights. The purpose of drawing up this report was to determine whether Denmark observes the provisions of the UN Convention on the Rights of the Child. Furthermore, the report includes a number of recommendations for amendments and changes in Danish law and practice in order to enhance the protection of the child's human rights in Denmark.

The working group's choice of subjects for the report is not exhaustive. On account of time and funds available, seven different subjects have been chosen for consideration, namely The child in the law of persons, The right of the child to two parents, The right of the child to know his or her genetic parents, Placement of the child outside his or her home, Violence and other abuses of the child, The right of the child in relation to the school and The special problerns of the bilingual child. Each of these subjects is dealt with in separate chapters in the report (Chapters 3 to 9).

2. Obligations laid down by treaties

Before the actual consideration of the seven subjects, two international treaties of importance for the protection of the child's human rights are considered, namely the Convention on the Rights of the Child and the European Convention on Human Rights. These two Conventions have been chosen because the former deals with children's rights in particular and because the latter has been incorporated into Danish law and includes a relatively efficient complaints procedure.

On assessing which of the Conventions provides the best protection for children, the working group finds that for two reasons, the Convention on the Rights of the Child gives the best protection in terms of contents; firstly, it covers a number of rights which are not part of the European Convention on Human Rights and secondly, the protection of the rights, which are also covered by the European

Convention on Human Rights, is more extensive in the Convention on the Rights of the Child.

However, the working group also finds that the European Convention on Human Rights provides a much better enforcement of the protected rights by virtue of the possibility of filing complaints with the European Commission of Human Rights and the European Court of Human Rights and having them upheld. The enforcement procedure under the Convention of the Rights of the Child (below called the Convention) is very weak in comparison.

3. The child in the law of persons

The Danish rules concerning the child in the law of persons, particularly those under the Danish Act on Legal Capacity, are based on the fundamental notion that there will be no legal conflicts between the child and his or her parents or between cohabiting parents as regards the personal and financial affairs of the child. Consequently, it is entirely up to the parents to make decisions regarding the affairs of the child.

The working group agrees that this notion is right in most cases but not in all. Particularly when it concerns the relationship between an older child and his or her parents, it may, in some cases, be legally inadvisable to maintain the parents as decision makers. In other cases, it might seem as an unnecessary intervention and not quite in accordance with the needs of reality to maintain the parents as the legal representatives of the child.

In the report, a number of Danish rules concerning employment of children, children's financial dispositions, children's right to maintenance and children's personal affairs in general are examined. The working group has established that the principle of section 7, subsection 1 of the Act on Legal Capacity stipulating that the custodial parent shall make "decisions on (the child's) personal affairs based on the interests and the needs of the child" does not contravene the Convention. Only articles 12 and 13 of the Convention on the right to be heard in administrative proceedings and on freedom of expression might influence the application of the Danish legislation on legal capacity.

The Act on Legal Capacity is based on the very concrete notion that persons under the age of 18 do not have the right of self-determination. Decisions regarding the conditions of minors are to be made either by the custodial parent or by the guardian. The provisions of sections 7 and 1 of the Act on Legal Capacity have been specified and amplified in numerous special rules and in some non-statutory principles concerning young people's independent decisions, but the main contents of the Act have been observed.

The working group is of the opinion that some rules of the rights of minors must be partially changed. In this connection, it must be considered whether the age of majority of 18 shall be maintained as well as whether it is possible in a manageable way to underline and amplify in the Act particularly older children and young people's rights to influence their own personal affairs. Finally, the working group wants to point out the conspicuous need for carrying out a scrutiny of the structure and the contents of the large number of special rules regarding the legal position of minors and that, as far as possible, these are sought to be harmonized both mutually and with the provisions of the Act on Legal Capacity.

4. The child's right to two parents

The working group fundamentally finds that rules concerning questions of custody in case of termination of cohabitation shall be drawn up with the following in mind; the close contact between the child and both his or her parents shall be maintained as far as possible, also after the parents have terminated their cohabitation, the rules shall be laid down so that they, as far as possible, prevent any potential conflicts regarding questions of custody and access, and the rules shall, as far as possible, reduce already existing conflicts.

Apart from the child maintaining contact with both his or her parents, the aim must be to avoid that the child is caught up in a conflict between two adults.

The working group has doubts as to whether section 8 of the Act on Legal Capacity, pursuant to which a married father is automatically given joint custody while the mother is given sole custody if the

parents are not married, can be considered in compliance with the principle of article 18 of the Convention stipulating that the State Parties shall ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. As regards unmarried parents, the current provisions do not basically recognise any common parental responsibility. The mother's parental responsibility is recognised whereas the father only has a basic right to access. The rules of access do not include any responsibility for or right to influence the upbringing and development of the child.

Furthermore, the working group is of the opinion that it is doubtful whether the Danish rules comply with article 2 of the Convention pursuant to which the State Parties shall ensure the rights set forth in the Convention (in this connection article 18) to each child without discrirnination of any kind and irrespective of the child's birth (i.e. Iegitimate or illegitimate) or his or her parents' status. The Danish practice when granting access differentiates between fathers according to whether they have been married to the mother or not. This gives rise to doubt as to whether the procedure is in compliance with article 9, paragraph 3 of the Convention which protects the rights of the child to maintain personal relations and direct contact with both parents on a regular basis if the child is separated from one or both parents. In all circumstances, it must be factually assessed in each case whether access will conflict with the child's best interest. Practice would probably change if the differentiation between married and unmarried fathers in relation to joint custody from the birth of the child was abolished.

The working group therefore proposes a change in the current rules so that children born in or out of marriage have equal rights from birth to two parents who both have full responsibility for the child. This will both harmonize the rules and the Convention and bring the rules into line with the farnily patterns of today.
On assessing the so-called section 27(a)-counselling under the Act on Legal Capacity, the working group suggests that the rule is changed so that neither parent can refuse to take part in such counselling. Professional counselling available at all stages can play an important role in both preventing and solving conflicts. Counselling - or alternative conflict solving -should thus be a quite natural part of the decision on the question of custody and access. The working group does not find it appropriate to sanction such refusal with a fine or the like. On the other hand, a parent's refusal to take part in counselling should be included in the documents of the case as an element which might go against his or her suitability to be awarded custody.

The working group is of the opinion that the child's right to two parents is not necessarily guaranteed by adopting the possibility of compulsory joint custody when the parents have separated and not been able to agree to joint custody. On the contrary, it is the working group's opinion that it would be in the best interest of the child to give the non-custodial parent the right to receive information about the situation of the child unless it is presumed to be against the best interest of the child. Thus to a wider extent, the recognition of the principle in article 18 of the Convention stating that both parents have common responsibility for the upbringing and development of the child is adhered to and thus, it is possible to prevent some potential conflicts concerning custody and perhaps influence the commitment and wish of the parent who has the right to access to maintain contact with the child.

Where the custodial parent wants to move abroad with the child, the working group suggests that the other parent is guaranteed a right of objection (not a right of veto). The working group finds that the consideration for the mobility of the custodial parent will have to give way for the best interest of the child and the child's right to contact with both his or her parents.

Finally, the working group finds that it would best comply with article 9, paragraph 3 of the Convention, which guarantees the child's right to privacy and family, if parents and children entitled to access are ensured the right to communicate with each other either on the phone or through letters also outside the period of access even though the custodial parent resists.

The working group finds that the current sanctions in case of systematic harassment of a parent with right of access are completely inadequate. If the child's meaningful contact with the parent with access shall be maintained, the enforcement must be effected at once and sanctions must be initiated irnmediately and efficiently if at all. The enforcement could perhaps be followed by an order to attend parental counselling. In conclusion, the working group is of the opinion that it should be obligatory to include inforrnation about harassment in cases concerning reversal of custody in pursuance of section 17 of the Act on Legal Capacity.

The working group suggests that a thorough examination is carried out to determine whether there is a national request for initiating a programme of supervised access, or just for finding suitable premises for ordinary access in cases where the conflicts between the parents are too big or where the practical difficulties for the parent with access right are too insuperable to carry through the access. If this examination reveals that a programme of supervised access is needed, in addition to the already existing programmes on offer, the working group finds important to establish a continuous, national programme of supervised access.

Contact with other members of the family rnight, according to the working group, be essential to the child in the period after the termination of the parents' cohabitation. Efforts should therefore be made so that the Danish legislation appropriately ensures the child's contact with his or her sisters and brothers and other close members of the family. In those circumstances, the child has a right to protection from arbitrary interference with his or **her** privacy, family and correspondence under article 16 of the Convention. Article 8 of the Convention is also relevant in this connection as it ensures the child's right to presere his or
her identity including name and family relations without unlawful interference. The working group is of the opinion that the child's identity is not only formed by his or her parents but also by contact with other members of the family unless this contact conflicts with the interest of the child.

5. The right of the child to know his or her genetic parents

The working group believes that there is a need for a more consistent protection of the rights of the AID (artificial insemination by donor) child to receive information about his or her own origins than is the case in the existing legislation. The present system in Denmark which guarantees the donor full anonymity without any actual review in each case (cf. the Ministry of Health, Executive Order no. 650 of 22 lune 1992 on the freezing and donation of human eggs (Sundhedsministeriets bekendtg0relse nr. 650 af 22. juni 1992 om nedfrysning og donation af menneskelige 2g)) appears to be almost incompatible with both the practice of the European Court of Human Rights with regard to article 8 of the European Convention on Human Rights concerning private and family life (Judgment of 7 July 1989, Gaskin) as well as with article 7 of the Convention on the Rights of the Child which protects the child's right to know and be cared for by his or her parents, and with article 8 which protects the child's right to preserve his or her identity, including nationality, name and family relations. Moreover, there appears to be inconsistencies in the rules of the anonymity of egg donors, the actual anonymity of semen donors and Danish rules concerning the rights of the parties to a case and access to inspection of documents (e.g. the Danish Act on Publicity (offentlighedsloven) and chapter 4 of the Danish Act on Administration (*forvaltningsloven*).

The working group believes that the fundamental view must be that the AID child shall be entitled to receive information about his or her genetic parents - if the child wants to. This is in line with the de facto right of the adopted child. In other words, the AID child shall be ensured the right to be told that he or she was conceived by artificial insemination by an unfamiliar donor as well as be informed about the name of the donor.

However, this right does not implicate that the AID child is automatically informed about his or her origins. Information will only be provided on the AID child's own request. Such an arrangement will not make it absolutely necessary for the social parents to tell their AID child about his or her origins. However, such an arrangement will, to a much higher extent than the current one, call for openness about this matter and ensure that if a person wants to receive information about himself or herself this shall not be denied this person.

The right to receive information about the identity of the donor shall not involve other obligations on the donor neither legally nor socially. The AID child shall have no right to inherit the donor, to adopt the name of the donor let alone claim contact with the donor. As regards these matters, the AID child's rights are dependent of the legal parental responsibility which lies with the couple by whom the child has been raised and who have been his or her legal, social and psychological parents.
Furthermore, the working group reckons that the possibility of lifting the anonymity shall only apply to the AID child. Consequently, the donor shall have no right to claim information about the child or the children to whom the donor has donated his or her genetic material. The donor has voluntarily agreed

to provide his or her genes with the prerequisite that others assume parental responsibility. Therefore, the donor shall not later have the possibility of receiving information about the children who are the result of this donation with the risk of interfering in the life of this child contrary to the wish of the individual child.

6. Placement of the child outside his or her home

On examining Act of Parliament no. 214 concerning changes in the rules of the Danish Social Assistance Act (bistandsloven) regarding measures involving children and young people, the working group has established that this Act is quite detailed and must be considered as a clear strengthening of the legal protection of both the child and the parents compared to previously. However, it is also a rather complex set of rules and therefore, there might be reason to fear that the Act is an improvement only on paper which will either not be noticed at all or which will have just moderate effect in practice.

The working group is of the opinion that it has been desirable to develop a better legal protection in this field particularly with regard to the legal position of the child. The new legislation concerning the placement of the child outside his or her home embodies a precision of the general guarantees of legal protection in the Danish Act on Administration (forvaltningsloven) and is much more intricate. Thus, the actual implementation of the rules requires an even more active effort with regard to the drawing up and the ongoing adjustments of the internal guidelines in this area within the individual local authorities. It is even more important that it is persistently ensured that the staff are educated and trained so that they acquire a profound knowledge as to the contents of the rules.

Furthermore, it is necessary to ensure that in each and every case people with special administrative insight take part in the attendance to the case. This is necessary not only to make sure that the rules are observed, but also to give the authorities a counterweight to the legal assistance provided for the parents by law.

In this connection, the working group would like to stress that pedagogica Vpsychological, social, medical and other treatment resources are more important than the legal administrative ones, but at the same time it is acknowledged that the effect of these resources can hardly be guaranteed through legislation alone.

As regards the choice of placement, it is important to the working group that the wishes of the child are taken seriously. This is in line with section 124(a) of the Social Assistance Act but also with article 9, paragraph 2 and article 12 of the Convention which guarantee the child a right to be heard. When the child wants to live with other relatives than the parents, the child's wish must be taken seriously too.

It must be acknowledged that most parents will inevitably have a problematic relationship to the foster parents no matter whether these are relatives or strangers. But from the child's point of view, it may be an advantage to be placed with relatives instead of with strangers. The placement is less stressing on the child when he or she is placed in familiar surroundings where he or she would like to live.

Finally, the working group wants to stress that if there is a need for placing a child in care, the most suitable place of residence is with the other parent and if both the child and the other parent prefer this solution, the child should be placed with this parent and no attention should be paid to whether the case of custody is pending or not (cf. article 20, paragraph 3 of the Convention). This is the best solution with a view to the child's health and development. A request from the authorities of non-interference in the custody dispute cannot legitimise that the child shall accept to be placed with neither of his or her parents.

Regarding the particular problems which occurs in connection with the placement of a minority child outside his or her home, the working group wants to state that firstly, the social authorities should be very conscious of problems in terms of language and/or culture which might hamper the communication between the parents and the child in question and thus obstruct the possibility of involving the concerned parties in the decision making process. This can for instance be remedied through an increased use of interpretation assistance, special counselling, special education of the staff with a view for instance to inter-cultural understanding etc. to ensure that the parties concerned

are fully aware of the background for the placement and have had the possibility of questioning it before such a radical measure is effected.

Finally, it is of decisive importance that the child is placed somewhere and under such conditions that he or she will not, in the long run, be deprived of the possibility of returning to his or her own group.

7. Violence and other abuses of the child

The working group has discussed how to establish recommended limits in the right to chastise. Such limits can be established but the working group agrees that the most unambiguous signal would be to recommend abolition of the right to chastise completely. This is strictly in accordance with the wording in the Convention saying that the child shall be protected from all forms of violence. As long as the lines concerning legal chastisement are blurred, there will be doubt as to the parents' right to use violence - a doubt which not only the parents will feel but which might also hamper the intervention of the authorities.

Usually, the social authorities inform the police about violence against children. The working group believes that an effort should be made to make the practice for furnishing information to the police more consistent. At any rate, information should always be given when the matter is of a somewhat serious nature. To place information with the police can never be considered a breach of professional secrecy. Moreover, the working group finds it extremely important to stress that it is necessary to clarify completely the division of roles and duties between the involved authorities. On the one hand, it is important that the police does not take on a responsibility for treatment and on the other hand, social and health workers must clearly understand the importance of not confusing treatment with investigation. The police is in charge of the investigation, when it concerns criminal offences against children. The legal protection of the child will be compromised if doctors and social and health workers take any steps of investigation such as questioning the child. This must be avoided out of concern for, for instance the child's credibility as a witness, cf. below on the child as a witness.

As regards sexual abuse of the child, the most important aspects of the debate should, according to the working group, be to clarify the definition of the term incest, which is often mistakenly used in Danish about all kinds of sexual abuse, to define how abuse can be established and finally, to clarify how to react in cases of abuse both vis-a-vis the child and the violating party. Generally, the working group thinks that it is important not to see sexual abuse as an isolated problem, incest is frequently just one sign among other signs or symptoms of a more comprehensive concept, termed 'gross negligence of care responsibilities'.

When considering the aspects of legal protection in cases concerning sexual abuse, the working group finds it necessary to point at the fundamental principle in Danish criminal law which says that every person is innocent undo the Prosecution has proved the defendant guilty beyond reasonable doubt. The burden of proof lies with the Prosecution. The defendant is not obliged to prove his or her innocence. Rules like this exist in all civilised countries and they are intended to guarantee the individual from being subjected to violations from the Government.

It is a prerequisite that the legal protection of the defendant and thus the acclaimed violating party is of prime concern - also when he or she is charged with incest. It is necessary in a country with the rule of law not to compromise fundamental guarantees of legal protection.

The harm which a victim of incest has suffered is not undone by violating the rights of another, i.e. the violating party. The effort in relation to the victim is an independent process which will have an impact no matter whether the violating party is held liable in terms of criminal law under the existing principles of legal protection.

Regarding circumcision of women, it must initially be stressed that there is no doubt about the fact that the performance of this operation is a criminal act in pursuance of section 245 of the Danish Penal Code, as it is an act of sexual molestation. The operation can thus not be performed legally in Denmark. This also appears distinctly from the Minister of Justice's reply to question S 102 in the Danish Parliament, Folketinget, in November 1992. Consequently, there is no need for further legislation in Denmark regarding this matter.

In article 42 of the Convention, the States Parties undertake to make the principles and provisions of the Convention widely known by appropnate and active means to adults and children alike. To comply with article 24, paragraph 3 of the Convention, Denmark should according to the working group ensure that doctors and other health workers particularly within the fields of paediatrics, obstetrics and gynaecology as well as staff working with refugee groups, are informed about this particular problem. Moreover, both doctors, health workers and the concerned population groups should be informed that the operation is criminal.

Furthermore, the working group is of the opinion that the risk of being subjected to circumcision should be a valid ground for seeking status and being accepted as a refugee in Denmark.
Refugee groups, particularly from Africa, who are granted asylum in Denmark and in the European Union should be informed that the operation is illegal.

Additionally, Denmark would presumably also comply with its obligations under the Convention by supporting local initiatives aiming at breaking with the tradition of female circumcision.
The working group is of the opinion that Denmark should also encourage WHO, UNICEF, UNESCO and UNDP both to support research into and collection of data regarding female circumcision and to promote local initiatives aiming at breaking with the tradition.

The last part of Chapter 7 deals with the question of the child as a witness. The working group finds that it is important to take into consideration the best interest of the child when the child is questioned as a witness. The questioning of the child should be as short and careful as possible. The child's statement shall be made under such circumstances and with such firm guarantees of administration of justice that it, on the one hand, carries weight as a testimony but on the other hand, ensures the defendant a fair trial.

In the discussion of problems concerning the child as a witness, the working group concludes that it is necessary to stress that under such circumstances, children will not be less reliable as witnesses than adults. It is surely an advance that the present arrangements allow for as few examinations of the child as possible. However, the working group believes that actually the child is examined far too often about the same fact by different people. There are examples of how a battered child or a very young incest victim first has to tell his or her teacher, or perhaps the school psychologist, and who is then questioned, perhaps even several times, by a social worker. If the police then comes into the picture, the child will have to make yet another statement about the matter. With this approach, it can hardly be avoided that the child suffers psychical harm and that his or her credibility as a witness is compromised.

8. The rights of the child in relation to the school
On the basis of an examination of the rights of the child in relation to the Danish educational system, the working group concludes that Denmark basically lives up to the recommendations of the UN Convention on the Rights of the Child, however, minor adjustments are needed in certain areas. Thus the working group is of the opinion that the child of parents seeking asylum should be ensured more teaching than he or she gets under the current system both as regards the number and the contents of the classes offered. Many cases of asylum drag on for several years and under such circumstances, both the education itself and the level of education offered to the child will definitely be inferior to what are offered to other children and young people in Denmark. The child of parents seeking asylum must be offered a much wider choice of education both in terms of hours and classes, at both primary and secondary levels, as well as in terms of basic vocational training. As for this group of children and young people, it should furthermore be discussed whether their education should be more internationally oriented as a lar,,e part of the pupils are not allowed to stay permanently in Denmark.

The Convention says that the school shall develop respect for human rights and that the contents of the Convention shall be made known to children and adults (article 42). The working group believes that this requires that subjects such as human rights and the rights of the child are made obligatory in Danish state schools. It is hardly adequate that the subject of human rights is just mentioned in the teaching manual for the subject of history as is presently the case. Human rights and the rights of the child must be part of the curriculum so that pupils are made aware of the scope of their own and other people's rights and obligations.
Concerning school boards, the working group suggests that the right to vote is changed so that the

custodial parent/parents is/are given one vote for each child attending the school. This would give equal rights to the single parent and married couples or cohabitating couples who, under the current arrangement, have two votes for each child. (cf. article 2 paragraph 1 in the Convention on protection against discrimination). Moreover, the working group thinks that it would, to a higher extent, be in compliance with articles 12 and 13 of the Convention on the child's right to influence his or her own affairs if the school boards were obliged to give the pupil representative on the board a right to vote.

The child's influence on his or her own affairs should also be included, as a general rule, in for instance the Act on Legal Capacity (cf. section 3 on the child in the law of persons), so that this influence is guaranteed both in e.g. disciplinary matters and when passing personal information from one authority to another.

It is a common feature of the new Act on Danish State Schools (folkeskoleloven) that the pupil is given much influence on his or her own education - a feature which the working group appreciates. However, a consequence of this development could be to allow the pupil himself or herself also to decide on the question of individual teaching if he or she is deemed adequately mature to make such a decision. As is the case in other legislation, the age limit could be set at IS years.

The working group reckons that it is necessary to carry out a study of some pupils' (particularly immigrant children) recurring, long-lasting absence from school due to visits in their home countries. This study could reveal whether a coordinated initiative is needed to ensure that such absence does not have negative consequences for the child's education.

The working group also proposes that a set of specific guidelines regarding the passing on of personal information about the individual pupil from the school to social authorities such as the Committees for Children and Young People under the local authorities and institutions for children and young people is drawn up so that a practice which is manageable for the authorities is coordinated with a practice showing full respect for the private life of the pupil and his or her family (cf. article 16 in the Convention)

Finally, the working group suggests that the resources necessary are made available so that the free choice of school will also be a possibility in practice for children with physical or psychical disabilities (cf. article 2 of the Convention).

9. The special problems of the bilingual child

The working group does not have the necessary professional qualifications assess in detail on what level, and of what scope etc. mother tongue teaching should be offered. But it is perfectly clear that the States Parties to the Convention including Denmark in pursuance of article 29 paragraph 1 (c) have agreed that the education of the child shall be directed to the development of respect for the child's own cultural identity and language. This provision entails that the objective, in relation to society, of the general education of the bilingual child and particularly the mother tongue teaching must not (just) be to change the child's language to the language of the majority. If anything, the objective must be to enhance the respect for multi-cultures, and in this connection, mother tongue teaching is one (of several) suitable means.

Together with the more general protection of minorities in article 30, this leads to the conclusion that the abolition of mother tongue teaching might bring Denmark close to a violation of the principles of the Convention.

The working group moreover supports the recommendations of the European Parliament that the rights of the immigrant child should be extended to include for instance mother tongue teaching under Community law of the European Union.

let should, however, be added that when offering mother tongue teaching both when incorporated in the ordinary timetable and when not, attention shall be paid to the fact that the child shall have time for rest and leisure. The right to rest and leisure is thus recognized in article 31 of the Convention.
As regards the particular problems of the refugee child in the school, the working group has no concrete recommendations, but wants to point to the fact that this child's rather special and often serious problems call for special assistance and that the problems cannot always be solved in the ordinary classroom. As for the refugee child, the Convention only says that he or she shall be treated

in accordance with existing humanitarian rules, but article 29, paragraph 1 (a) and article 3 say that the education of the child shall be directed to develop the child's personality, talents and mental and physical abilities to their fullest potential and that in all public cations concerning children the best interests of the child shall be a primary consideration.

The working group finally advocates that the tendency towards a rise in crime arnong young immigrants is taken seriously. It is a sign of an already marginalized group being caught up in a situation which might partly lead to a (further) stigmatization of the entire group and which might partly contribute to an increase in the race related crime and violence.

Apart from activities aimed at preventing crime, the working group finds that in connection with crime committed by young people - this applies to both young immigrants and young Danes - a study of possible alternative conflict solving programmes should be carried out with the purpose of solving the conflicts which occur in connection with youth crime. Moreover, more unconventional forms of sanctions could be considered for instance 'social contracts' between the criminal and his or her victim.

Home