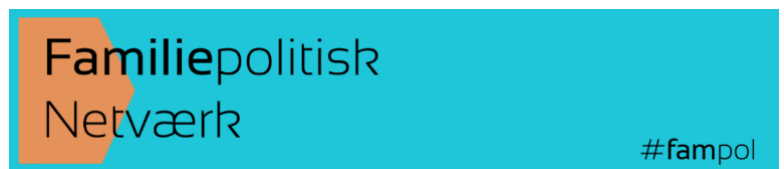


Joint Submission
Universal Periodic Review of Denmark
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This Joint Submission was prepared by

Better Child Life Denmark [Bedre Børneliv Danmark]

and is supported by

The Critical Pedagogical College [Den Kritiske Pædagogiske Højskole]

Family Policy Network [Familiepolitisk Netværk]

WhereIsTheAdult? [HvorErDerEnVoksen?]

FOLA – Parents’ National Organization [Forældrenes Landsorganisation]

Better Child Life Lyngby-Taarbæk [Better Child Life Lyngby-Taarbæk]

Information about submitting organizations:



Better Child Life Denmark [Bedre Børneliv Danmark] was formally established in August 2020 as an independent NGO. Better Child Life Denmark employs a rights-based approach and advocates that infants, toddlers and small children are rights holders in society and that the government is responsible for effectively securing the well-being, education and development of its youngest and most vulnerable citizens. Better Child Life Denmark informs about Children's Rights and the impact of public policy on small children. We promote children's rights by mobilization, and legislative activism.

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The Critical Pedagogical College [Den Kritiske Pædagogiske Højskole] is an independent NGO with focus on educators' professionalism and autonomy regarding working conditions and education are recognized and revalued. In the area of toddlers and preschool, DKPH advocates that pedagogical work with young children's participation and understanding of democracy is revalued in accordance with the Danish Daycare Act. That young children's right to a childhood providing meaning and quality in a child's perspective is revalued in accordance with the Convention on the Rights of the Child.

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Family Policy Network, founded in September 2014, is a cross-political and independent forum of parents, teachers, educators, pediatricians, researchers and political stakeholders with over 10,000 members, aiming to bring the well-being of children and families higher on the political agenda. Developed 16 well-documented recommendations for a more visionary family policy, inspiring child and family policy in several political parties. Collaborate with policy actors in DK to promote the cause, especially the child's perspective in relation to the intensive institutionalization of 0-6-year-olds.

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The grassroots movement #HvorErDerEnVoksen (#WhereIsTheAdult) emerged March 2019. We mobilize and advocate for 0-6-year-old children's rights to responsible day-care in Danish institutions utilizing broad-based civic activism and public-information campaigns via social media. Initiated by parents, the first demonstration April 6, 2019, had over 100.000 supporters in more than 57 towns across Denmark. Our demand is a legally-binding, research-supported minimum standard pragmatically ensuring 1 adult (pedagogical staff) caring for 3 children in nursery and 1 adult for 6 children in kindergarten.

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FOLA was created by parents in 1974 to be heard politically. FOLA represents 150.000 parents with children in day care, crèches, kindergartens and SFO and leisure clubs. We ensure that parents' perspectives on children's everyday lives are heard inside Christiansborg and by the National Association of Local Authorities (KL). We work to strengthen parental democracy and cooperation and educate parents for the local parent boards in the Daycare Act and the strengthened curriculum. FOLA is centrally located in partnerships under the Ministry and act as stakeholder in relation to daycare.

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Better Child Life Lyngby-Taarbæk (BCLL) was formally established in September 2019 as a local independent NGO. BCLL advocates the rights of the 0-5 year old children in Lyngby-Taarbæk municipality. The work is centered around ensuring the political agenda in the municipality reflects what is best for ensuring the wellbeing of the municipality's youngest citizens. Board members of BCLL are parents which represent the daycares in the municipality. We promote rights of the municipality's youngest by writing consultation responses, arranging demonstrations and speaking up at council meetings.

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1. Introduction

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Convention on the Rights of the Child (art. 3, para. 1)

1. The Nordic countries, especially Denmark, are among the countries in the world where most young children enroll in daycare facilities at the earliest of age and for the far most extensive periods of time. This intense institutionalizing of even incredibly young children ought to trigger a desire to ensure comprehensive awareness of the daycare area and great efforts in safeguarding the well-being of society’s youngest children.
2. However, in Denmark the question of whether measures to secure the general well-being and rights of 0-5-year-olds are appropriate and effective appear to have extraordinarily low priority and go largely unmonitored by organizations, the ombudsman, researchers, the state, and municipalities. Consequently, 0-5-year-olds have little say in Denmark and lack access to the ear of those in power and with the ability to help.
3. For the past years, narratives from parents, caregivers and statements from specialists in children’s psychology have surfaced – in addition to documentaries testing children’s stress levels¹ and hidden camera recordings – all of it telling tales of children in ordinary daycare facilities not thriving and subject to conditions clearly detrimental to their cognitive development. Children are left to themselves for many hours every day without enough care. Daycare facilities have now deteriorated to a point where many struggle to provide for the well-being of, education of, development of – and even the basic care and comfort of – Denmark’s infants, toddlers and young children who are daily overlooked.
4. Considering the Convention on the Rights of the Child this joint submission summarizes key issues related to children in Danish daycare facilities and provides recommendations.

2. Conditions of daycare facilities – implementing child rights in early childhood

Convention on the Rights of the Child articles 3, 4, 12 and 27

2.1 Resumé of issues

Danish legislation regulating daycare facilities

5. According to the Daycare Act [Dagtilbudsloven], daycare must promote children's well-being, learning, development, and education through safe and pedagogical learning environments where play is fundamental, and a child perspective is the guiding principle. According to the instruction preamble, a child must have the necessary nursing, physical care, and emotional contact when the child is in daycare, and daycare is more than just being looked after or a place to be. The child perspective is inserted explicitly in the law to clarify that childhood has value in itself, and that the pedagogical learning environments must always be based on a child perspective. It is also explicated that children in daycare have the right to participate and to understand and experience democracy. The articulation and essence of the Daycare Act signal awareness of children's rights and a genuine focus on the well-being of children. Yet, for the past decades Danish daycare facilities have been exposing children to relentless reductions in the number of adults surrounding them, cost efficient mega-institutions accommodating increasingly more children and an increase in uneducated caregivers, children in larger groups and decisions that children must transfer at an earlier age from nursery to kindergarten. This is the case even though research for years have been emphasizing that the quality of the interaction between adult and child is the most significant single factor for children's development in daycare.

Impact of adult-ratio on children

6. Young children show attachment by seeking comfort and reassurance when they are insecure, and they indicate wellbeing and feeling safe when a caregiver returns after a short absence. Insecure forms of attachment can have a great impact on the child's emotional and cognitive development. The insecure and evasive child chooses to downplay the child's needs of feeling secure. That way children appear to be independent and cooperative, which will make the caregiver become more accessible. Some children may become more apathetic or they may lapse into starting conflict and display behavioral difficulties. Their cognitive development becomes inhibited; they can face difficulty with self-regulation and behavior control, and difficulty in entering into relationships with other children. Children's linguistic abilities can also be affected. Consequently, in these surroundings children end up giving up their needs at the expense of their emotional and cognitive developmentⁱⁱ. An insufficient number of caregivers may also result in a dangerous impact on the overall child safety – especially very young children left alone. Creating a safe and pleasant daycare environment without for instance bullying or accidents naturally requires enough employees and pedagogical competence. Experts in children's psychology continuously emphasize that children enrolled in Danish daycare facilities are at high risk of cognitive impairments, depression, anxiety, and stress.^{iiiiiv}
7. Studies reveal that in larger groups with a low adult-ratio and untrained staff, caregivers fall into more passive positions of supervising many children simultaneously unable to provide for proper care and comfort. In a Danish survey conducted in 2020, 63 percent of caregivers working with nursery and kindergarten children responded that they daily or several times a week experience not

being able to provide sufficient care. 41 percent of caregivers experience situations daily or several times a week being unable to comfort a child in need of comfort^{vi}. Corresponding research shows that low adult-ratios increase stress symptoms and sickness among staff, and thereby naturally effect how caregivers interact and form attachments with the children.

Transparency and data on adult-ratio in Denmark

8. In Denmark, psychological research and organizations advocate an absolute minimum of 1 adult per 3 children aged 0-2 years and 1 adult per 6 children aged 3-5 years^{vii}. In Norway, this principle has been implemented into law, although well-established children's rights organizations have contested this and advocated a higher adult ratio.

Box 1: Recommended absolute minimum adult-ratio

- Nursery children aged 0-2 years: 1 adult per 3 children.
- Kindergarten children aged 3-5 years: 1 adult per 6 children.

9. Data on the adult-child ratio in Danish daycare facilities is in many cases unattainable and no standardized method for the calculation of adult-ratio has been adopted nationally.
10. One municipality in Denmark has adopted a standardized adult-child ratio calculation model^{viii}. The calculation model is developed by an interdisciplinary working group of parent representatives, representatives from the national union for pedagogical staff (BUPL), FOA (union) and municipality officials, *cf. box II below*:

Box II: Adult-ratio calculation model by official interdisciplinary working group data

The calculation model by Fredenborg Kommune is developed by an interdisciplinary working group of parents' representatives, representatives from the national union for pedagogical staff (BUPL), from FOA (trade union) and municipality officials.

- The model was subjected to interdisciplinary negotiation and was ultimately adopted by the municipality. The model must therefore to some extent be regarded as true and fair.
- The institution tested by the municipality revealed an average adult-ratio of 1 adult per **5 nursery children** and 1 adult per **10.3 kindergarten** children, *cf. Annex I* for details.

11. The only nationwide data on adult-ratio available in Denmark is provided by Statistics Denmark, which cannot – according to a press release issued by Statistics Denmark itself^x – be applied to reflect the actual adult-ratio, as the data purely serves to depict the average yearly costs associated with the daycare area. As Statistics Denmark's ratio provides for a somewhat satisfying impression of the adult-ratio there is, nonetheless, no incentive for government and municipalities to adopt an alternative calculation model and make it accessible to the public. An appropriate model will evidence the need for more caregivers.

Box III: Statistics Denmark's data compared to official interdisciplinary working group data

The data provided by Statistics Denmark purely serves to depict the average yearly costs associated with the day care area.

- Statistics Denmark's model revealed an average ratio of 1 adult per 3.1 nursery children and 1 adult per 6.4 kindergarten children on average in that same municipality in which the working group tested a specific institution.
- The result from the working group was 1 adult per 5 nursery children and 1 adult per 10.3 kindergarten children. Thus, the ratio by Statistic Denmark must be multiplied with a factor 1.6 in order to present the appropriate result.

12. *As Annex I* shows, indications are that the ratio in many Danish daycare facilities by far exceeds the recommended ratio and also exceeds what children can bear being exposed to.

2.2 Considering the UN Convention on the Rights of the Child

13. **Article 4 of the UN Convention on the Rights of the Child** states that all states shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention. The UN Children's Committee on the Rights of the Child has, in its General Comment No. 7 (2005) on implementing child rights in early childhood, emphasized that a comprehensive strategy for early childhood must take account of individual children's maturity and individuality, in particular recognizing the changing developmental priorities for babies, toddlers, preschool and early primary school groups, and the implications for program standards and quality criteria. States must ensure that the institutions responsible for early childhood conform to quality standards and that staff possess the appropriate psychosocial qualities and are suitable, sufficiently numerous and well trained. To ensure that young children's rights are fully realized during this crucial phase of their lives it requires an increase in human and financial resource allocations for early childhood services. The current adult-ratio in Danish daycares facilities represents a fundamental negligence in relation to these considerations expressed by the Committee.
14. The Committee has emphasized the government's direct responsibility to all children within its jurisdiction and where services are decentralized; this should not be to the disadvantage of young children. Today it is up to the individual municipality or daycare facility to determine the adult-ratio. This means children's enjoyment of rights vary dependent on in which municipality the child lives.
15. **Article 12 of the Convention** states that every child has the right to express their views and be heard. The Committee has, in its General Comment No. 12 on the child's right to be heard (2009), emphasized that the notion of the child as the right holder must be rooted in the child's daily life from the earliest stage of childhood. The Committee emphasizes that a complete implementation of Article 12 presupposes recognition of and respect for non-verbal forms of communication, including play, body language, facial expressions and drawing, through which young children like to show their understanding and their choices or preferences. Considering article 12 of the Convention, the Danish Daycare Act's rights provision in section 7 (4) on children's right to participate and to understand and experience democracy, is vital. However, to fulfil the intentions behind the provision, competence and an adequate number of caregivers are particularly important, as true fulfillment of children's participation undoubtedly requires enough adults for each child to be adequately seen and heard without it happening at the expense of other children.
16. The Committee underlines the importance of comprehensive and up to date quantitative and qualitative data on all aspects of early childhood for the formulation, monitoring and evaluation of progress achieved, and for assessment of the impact of policies. Data on the adult-ratio in Danish daycare facilities are in many cases unattainable and no standardized model for the calculation of adult-ratio has been adopted or accepted nationally making it problematic for children and their parents to be heard, to question, challenge or substantiate the conditions of the daycare facilities.
17. **Article 27 of the Convention** gives children the right to a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development. When experts in children's psychology continuously emphasize that they consider children enrolled in Danish daycare facilities

at high risk of cognitive impairments, depression, anxiety and stress it is clear that children's standard of living in terms of the child's mental development is at risk. Article 19 of the Convention states that all children have the right to protection from violence, which for instance includes bullying. Creating a safe and good daycare environment without bullying and other violations is always the responsibility of adults and naturally requires enough caregivers and pedagogical competence.

18. **Article 3 of the Convention** states that the best interests of the child shall always be a primary consideration, and Denmark has undertaken to establish national legal rules and administrative practices in accordance with the Convention. This strong position is justified by the special situation of the child: Dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked. Conditions in Danish daycare facilities demonstrate that the articulation and spirit of the Daycare Act cannot stand alone. To ensure the actual realization of children's rights it is critical that the Daycare Act is supplemented with detailed statutory standards subject to monitoring including statutory standards on the adult-ratio drafted in accordance with the principle of best interest of the child. This requires that economic considerations must never be the determining factor when determining the adult-ratio or when determining the calculation model on adult-ratio, *cf.* also this joint submission section 3 below on *Public budgeting for the realization of children's rights in early childhood.*

2.3 Recommendations

I. Recommendation: Detailed and statutory minimum adult-ratio

19. That the government of Denmark including at municipality levels urgently implements a detailed and statutory minimum adult-ratio in daycare institutions effectively ensuring the best interest of the child.
 - i. The calculation model of the adult-ratio must be true and fair and reflect the best interest of the child and thereby reflect actual time permanent qualified caregivers spend directly with children, *cf. the model published by Fredenborg Kommune in Annex I.*
 - ii. Circumvention of the adult-ratio at the expense of the children must be prevented.
 - Staff qualifications must be clearly defined in the law
 - Children must not be transferred prematurely from nursery to kindergarten.
 - iii. The minimum adult-ratio must effectively safeguard the equality of all children and against deteriorations in the ratio.
 - The adult-ratio must be unaffected by budget cuts.
 - The adult-ratio must be unaffected by an increasing number of children.
 - Pedagogical support hours for children with special needs must supplement the minimum adult-ratio so that all children have equal means of having their needs met.
 - iv. To be able to perform satisfactory pedagogical work all daycare institutions must be able to ensure a minimum of adult contact and the adult-ratio must

therefore be implemented at individual daycare institution level and not at municipality level.

- v. The statutory minimum adult-ratio must always be considered an absolute minimum and thus daycare institutions should be required to individually assess the need for a higher ratio by considering the best interest of the child case-by-case.
- vi. Legislative measures should clearly reference the Convention.

II. Recommendation: Transparency in the operation of daycare institutions

- 20. That the government of Denmark including at municipality levels ensures transparency in the operation of daycare institutions.
 - i. Information on the adult-ratio per individual daycare institution must be available to the public.
 - ii. If the best interest of the child – in any format – cannot be guaranteed while the child is in daycare parents have the right to be informed.
 - iii. An evaluation of the current monitoring of daycare institutions to ensure efficient, sufficient, and independent monitoring.
 - iv. An evaluation of the role of the Ombudsman’s Children’s Office as watchdog and complaint mechanism in relation to the daycare area must be carried out.
 - Young children must receive particular attention.
 - Access to the Ombudsman should be unrestricted.
 - It must be ensured that the daycare area is effectively covered by the Children’s Office.
 - The Ombudsman Act [Ombudsmandsloven] should be investigated to ensure consistency with the principle of best interest of the child.

3. Public budgeting for the realization of children's rights in early childhood

Convention on the Rights of the Child articles 3, 4 and 12

3.1 Resumé of issues

Framework governing the public budgeting in relation to the daycare area

21. Denmark encompasses 98 municipalities all forming a part of the public administration of the Danish state. Article 82 of the Danish Constitution of 5 June 1953 [Grundloven] defines the framework for local self-government: "*The right of the municipalities to manage their own affairs independently under the supervision of the State shall be laid down by statute*". Thus, municipalities operate within a framework set by Parliament but make independent decisions and have significant degrees of freedom.
22. Every year Parliament passes a Finance Act [Finansloven] on state expenditure for the coming year where financial resources are prioritized. The Financial Agreements [Økonomiaftalerne] between the government and Kommunernes Landsforening (KL) – the organization representing the municipalities' – determine the financial framework for municipalities (and regions). The Finance Agreements are entered into earlier in the year than the Finance Act and include decisions on the size of the state block grant – some funds earmarked – from government to municipalities and sets the framework for the size of the municipal service costs, construction costs and the total municipality tax burden within which municipalities must operate in the coming year. The Financial Agreements are not legally binding, however if municipalities' reported budgets do not remain within the agreed financial framework economic sanctions apply the following year. The results of the Financial Agreements governing municipalities are incorporated into the Finance Act.

Impact of current structure of public budget allocation to children's area

23. There is great variation in the political priorities of the 98 municipalities, and the resources spend on childcare per 0-5-yearolds differs greatly across the country. A common point of reference is that municipalities do not have sufficient funds to provide sufficient care due to high levels of overall service costs related to the welfare area, a lack of funding from government and restrictions on raising taxes or economic sanctions if maximum service costs agreed are exceeded. Municipalities will argue they have no option but to carry out budget cuts or – if the daycare area be required to be prioritized – it will be prioritized at the expense of another vulnerable welfare area – likely impacting another children's area. In relation to daycare quality, the level of expenditure does not necessarily reflect the level of service, as expenditure covers big expenses such as i.e. rent, and sometimes high levels of temporary staffing due to high levels of sickness absence among staff etc.
24. Overall municipalities attribute their budget cuts to the size of the block grant and governmental restrictions. Government refers to local self-government and call for municipalities to prioritize funds differently and more cost-efficiently. In recent decades, municipalities have presented children with increasingly worse conditions in daycare institutions. The impact on young children of such measures are elaborated upon in section 2 above on *Conditions of daycare facilities – implementing child rights in early childhood*.
25. As **Annex II** depicts; an analysis of the retrogressive development in the adult-ratio in daycare facilities 1972-2018⁸ indicates that compared to 1972 there are between 58-86 pct. more children

per adult in daycare facilities as of 2018. In this context, the important thing is not the exact adult-ratio, but rather the fact that the figures can be used to document the retrogressive development. For the past decades government and municipalities have been under pressure to resolve these issues. However, no agreements having real impact on children’s everyday lives have yet been implemented. In 2020 the quality of childcare was yet again on the political agenda and is included in a “*paper of understanding*” based on which the current government is established. According to this paper, a minimum adult-ratio should be introduced gradually towards 2025. With the Finance Act for 2020, DKK 500 million was set aside for childcare staff. The funds will increase to 1.6 billion kroner in 2025. The measure is elaborated upon in the below section.

Transparency and data on children’s’ budgets

Box IV: The 2020 Finance Act and issues challenging the realization of children’s rights

- The 2020 Finance Act is silent on which model should be applied to calculate the adult-ratio making it challenging to evaluate the sufficiency of allocated resources. The model for calculating the adult-ratio is negotiated in the Ministry of Children and Education in 2020 with a view to adoption in the parliamentary year 2020/2021 and entry into force as a statutory requirement in 2025.
- The funds allocated on the Finance Act are argued insufficient and it has also been argued that funds will barely be able to maintain status quo in daycare facilities and do not consider the demographic increase in children.
- So far, no specific level of additional allocation of funds at municipality level is mandatory.
- According to government it is not possible to lock the municipal budgets and accounts in the daycare area. Consequently municipalities will be able to adjust both in 2020 and in the future, so that budgets and accounts are lowered to a level below what the budgets and accounts were at the time of allocation of funds from government – i.e. essentially offsetting the government funding in the municipality’s own budget. This can for example legitimately be done by the municipality referencing “local priorities”^{xii}.
- The Finance Act neglects the urgency of the issues related to the lack of resources allowing five years to pass by before a yet undefined piece of legislation is put into force in 2025.

Box V: The 2013 Finance Act where money for daycare ended up mismanaged and lost

- In 2013 BUPL (the national union for pedagogical staff) documented that the municipalities did not live up to their agreement with the government to implement 500 million DKK to ensure quality and better ratios in daycare facilities. On that background, BUPL forwarded the below information to Parliaments Municipal Committee as well as the Children and Education Committee^{xiii}.
- The municipalities only used DKK 261 million of the total DKK 500 million on the daycare area.
 - A quarter of the municipalities did not use their share of the DKK 500 million on the daycare area or the municipalities even went as far as to prepare budget cuts on the daycare area.
 - A third of the municipalities spent their entire share of the DKK 500 million on the daycare area.

26. The review of the two Finance Acts, *cf. Box IV and V* can be seen to illustrate that maintaining the daycare area as a budgetary priority firstly requires political determination at governmental level and secondly requires political determination at municipality level. It also appears that not many safeguards prevent municipalities from carrying out budgetary tactics on the 2020 Finance Act similar to those carried out on the 2013 Finance Act. Thus, it is challenging to ensure that children’s budgets are on – and stay on – the political agenda and children often fall between two stools: Government and municipalities.

27. That displacement of budgetary responsibility can enable a lack of transparency is possibly illustrated by Denmark’s latest reporting to the UN Children’s Committee. Every five years ratifying states are requested to provide relevant information pursuant to article 4 of the Convention on the

Rights of the Child, including information on budgetary measures taken to harmonize national law and policy. The Danish reporting on budgeting appears to some extent vague and unsubstantiated, cf. box VI below:

Box VI: Danish reporting on implementation and budgets to the UN Children's Committee

In its last report^{xiii} (2016) to the Children's Committee addressing the state's fulfillment of article 4 in relation to budgets, the then Danish government reported that:

"The municipalities are financed through taxes as well as grants from the Government. The annual block grant is adjusted to compensate for changes in the responsibilities of the municipalities and to ensure that the municipalities' financial resources correspond to their responsibilities. As part of the municipal reform a financing reform was implemented with the object of i.a. achieving a higher level of equalization between the municipalities.

In the area of social services the state shall reimburse part of the municipalities' expenses to assistance and support under the Act on Social Service if these exceed a defined threshold."

This statement from the government appears misleading as reality is much more complex:

- To substantiate the statement reported by the Danish state, data on all of 98 municipalities' spending on children would appear essential.
- If such data were in fact obtained the data would likely reveal budget cuts on the children's area at municipality levels and that prepared budgets likely did not correspond to the municipalities' responsibilities.
- Data would also reveal great inequality in services provided for children, dependent on in which municipality the child lives.

3.2 Considering the UN Convention on the Rights of the Child

28. **Article 4 of the Convention** concerns the way in which the Convention is implemented and reads:

"States parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention. With regard to economic, social and cultural rights, States parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation."

29. Overall, the Convention emphasizes that legislation and budgets are interlinked and that the principles of the Convention cannot be complied with unless sufficient financial resources are allocated at all levels. Decentralization of power does not in any way reduce the direct responsibility of the state's government to fulfil its obligations to all children within its jurisdiction. "To the maximum extent" also means that the government – and municipalities – should not take deliberate retrogressive measures and should not allow the existing level of enjoyment of children's rights to deteriorate. The lack of resources and consequential decrease in the adult-ratio since the 1970's, cf. *annex II* constitute retrogressive measures.

30. **Article 3 (1) of the Convention** provides that the best interests of the child shall be a primary consideration in all measures concerning children that have a direct or indirect impact on children, including budgets. The best interests of the child should be a primary consideration throughout every phase of the budgetary process and in all budgetary decisions that affect children. The obligation is crucial when states weigh up competing budget allocation and spending priorities, and states should be able to demonstrate how the best interests of the child have been considered in budgetary decision-making, including how they have been weighed against other considerations. The expression 'primary consideration' means that the child's best interests may not be considered on the same level as all other considerations. In Denmark, several budget decisions appear adopted based on economic criterions alone – sometimes with the sole purpose of making budget cuts.

31. Article 4 includes a duty to implement programs that meet the aims of agreed legislation and ensuring adequate public budgets to do so. In its General Comment No. 19 (2016) on the public budgeting for the realization of children’s rights (art 4) the Committee emphasized that the legislative measures, which states are obligated to take in relation to public budgets, include reviewing existing legislation and adopting legislation that aims to ensure that budgets are sufficiently large for the realization of children’s rights at all levels. In Denmark there is no apparent structure in place anywhere generally ensuring that budgets are sufficient for the realization of children’s rights – not at governmental nor at municipality level. In addition, financial resources are often determined prior to legislative processes and without assessments of whether these budgets are sufficient, *cf. Box IV: Issues related to the 2020 Finance Act*. Such procedures pose challenges to the adoption of legislation truly reflecting the best interest of the child.
32. **Article 12 of the Convention** establishes the right of every child to be heard and states should regularly hear children’s views on budget decisions that affect them through mechanisms for the meaningful participation of children at the national and subnational levels. Budget transparency means user-friendly information made publicly available in a timely manner in relation to the planning, enactment, execution and follow-up of budgets. This includes both quantitative budget data and relevant information about legislation, policies, programs, the budget process timetable, motivation for spending priorities and decisions, outputs, outcomes and service delivery information. Overall, the Danish governmental and municipal negotiating processes, non-binding and vague nature of framing during the public budgeting process, the inability to examine whether public budgets are adequate, whether funds are distributed correctly and to place responsibility – these elements constitute key challenges in relation to article 12 and the right to be heard.

3.3 Recommendations

I. Recommendation: Obligation not to take retrogressive steps concerning children’s budgets

33. That the government of Denmark including at municipality levels is obliged not to take any retrogressive steps concerning children’s budgets.

II. Recommendation: Best interest of the child as primary consideration in budgetary decision-making

34. That the government of Denmark including at municipality levels implements procedures guaranteeing that the best interest of the child is a primary consideration in budgetary decision-making to the maximum extent of available resources and implements procedures ensuring adequate public budgets meeting aims of agreed legislation.
- i. Implement principles and priorities guiding consistency and coordination between economic and social policies.
 - ii. Implement principles and priorities guiding the use of resources for children.
 - Assessment of the sufficiency of resources for specific legislation.
 - Mandatory impact assessments of all legislative measures and budget decisions to clarify positive or negative consequences for children.
 - Mandatory impact assessments on how major spending policy decisions are likely to affect children.

III. Recommendation: Budget transparency

35. That the government of Denmark including at municipality levels ensures transparency in budgeting and facilitates the participation of children’s agents in the process.

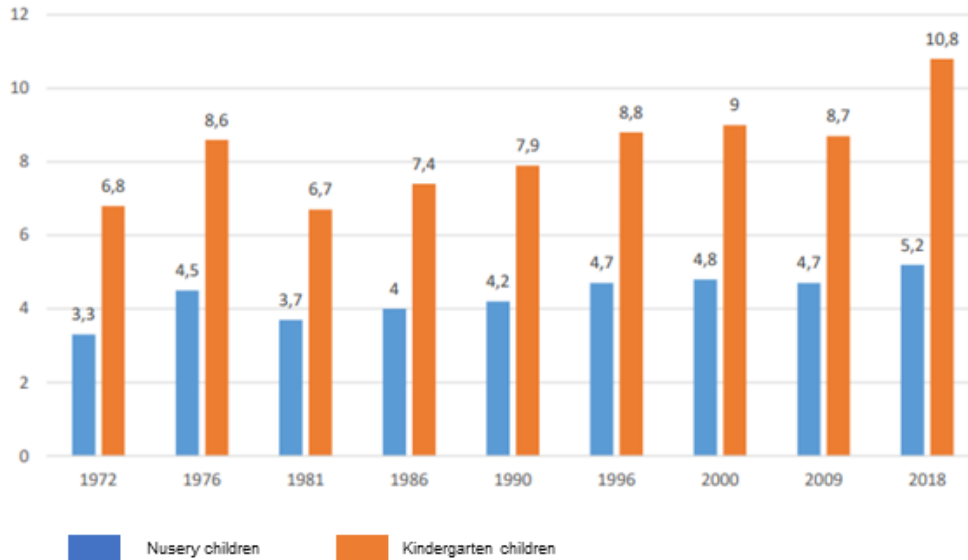
- i. Budget tracking from a child rights perspective, with a view to monitoring budget funds allocated to children and the percentage of available funds allocated to children.
- ii. Ensure procedures to regularly hear the view of agents acting on behalf of children on budget decisions that affect children.
- iii. Ensure and enable follow-up on budgets through mechanisms for participation of agents acting on behalf of children.

Annex I: Outline of selected models of calculation of adult-ratio and results

Publisher	Model	Geographic application of method	Data year	Adult-ratio nursery children (0-2 years)	Adult-ratio kindergarten children (3-5 years)
Bureau 2000 and FOA Source available at: Report	<ul style="list-style-type: none"> The report is based on a representative sample of daycare institutions. Via the municipal websites were found 2831 functioning e-mails to daycare institutions. Managers and employees were encouraged to participate in the study and a response rate of 50 percent has been achieved for managers and 24 percent for employees – respectively 836 answers and 671 answers. Answers have been received from daycare institutions in all 98 municipalities. 	Average national ratio amongst participating institutions.	2020	<ul style="list-style-type: none"> Typically, 1 adult per 5 children. In about half of daycare institutions there is never, or for 1 hour a day only, max 3 children per adult. Especially at 13.00 there are far too many children pr. adult - on average in every institution in the study 1 adult per 7.4 children. In about one quarter of institutions there is 1 adult per 3 children for more than a few hours in the morning. 	<ul style="list-style-type: none"> Typically, 1 adult per 9+ children. In about half of daycare institutions there is never, or for 1 hour a day only, max 6 children per 1 adult. Especially at 13.00 there are far too many children pr. adult - on average in every institution in the study 1 adult per 13.6 children. In about one quarter of institutions there is 1 adult per 6 children for more than a few hours about in the morning.
Fredensborg Kommune Source available at: Report	<ul style="list-style-type: none"> The calculation model is developed by working group represented by parents, BUPL North Zealand, FOA North Zealand, daycare representatives and municipality representatives The model must be considered true and fair and has been negotiated between several stakeholders. The model has to date only been rolled out on one specific institution and says nothing about average municipality ratio or the average national ratio. 	Average ratio in one specific institution in one specific municipality	2018	<ul style="list-style-type: none"> 1 adult per 5 children. 	<ul style="list-style-type: none"> 1 adult per 10,3 children.
Statistics Denmark Source available at: Press Release	<ul style="list-style-type: none"> The ratio shows how many resources municipalities averagely assign the daycare area across a year calculated as the number of full-time employees and in relation to “full-time children”. According to Statistics Denmark the ratio does not reflect the reality one experiences in a specific institution at any given time. The model calculates average ratio per municipality but not per specific institution. According to the report of Fredensborg Kommune, Statistics Denmark’s ratio must be multiplied by a factor 1.6 to achieve the actual ratio in the specific institution tested by the working group. 	Average ratio in specific municipality, here Fredensborg Kommune (municipality).	2018	<ul style="list-style-type: none"> 1 adult per 3,1 children. 	<ul style="list-style-type: none"> 1 adult per 6,4 children.
Norwegian model Information available upon request	<ul style="list-style-type: none"> The model is applied in Norway. The challenge with the Norwegian model for calculating adult-ratio is that the model does not adjust for the time caregivers spend on planning, meetings, courses, parent talks, cooking, half-hour staff breaks each, holidays, time off and sick leave. The model is however true and fair on other parameters such as only including educated caregivers, not including temporary cover in the calculation, nor students, staff for children with special needs and caregivers must Overall, the Norwegian model does not depict the actual average ratio and needs adjustments to be fair. 	Data available per institution.		<ul style="list-style-type: none"> Norwegian model – no Danish data. 	<ul style="list-style-type: none"> Norwegian model – no Danish data.

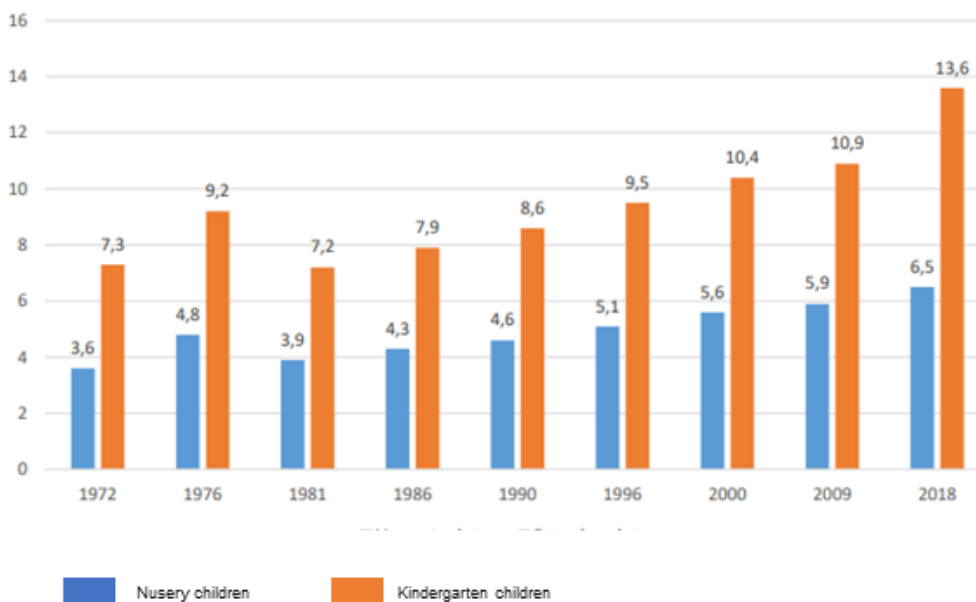
Annex II: Retrogressive development in adult-ratio in daycare facilities 1972-2018

Graph 1: Estimated number of children per adult 1972-2018
- If all time where there are children present is included.



According to this calculation model, there are currently 58 per cent. more children per adult present in the nursery groups, than there was in 1972, while the number of children per adult has increased approx. 59 pot. in kindergartens.

Graph 2: Estimated number of children per adult 1972-2018
- If corrections for interruptions etc. are made.



According to this calculation model, there are currently 81 per cent. more children per adult present in the nursery groups, than there was in 1972, while the number of children per adult has increased approx. 88 pot. in kindergartens.

Source: Bureau 2000: *Child per adult in daycare institutions – development 1972-2018* [Børn pr. voksen i daginstitutioner – udviklingen 1972-2018] (2019)
Available here: [Report](#)

References

- i TV2 Dokumentar, *The experientment with our children [Eksperimentet med vores børn]* (07.11.2019)
TV Documentary available upon request
- ii National Research Center for Wellbeing [Det Nationale Forskningscenter for Velfærd /SFI], *Daycare institutions' impact on children's development* [Dainstitutioners betydning for børns udvikling] (2014)
Available here: [Report](#)
- iii Berlingske, - Haaning, Karen, *Leading Child Expert: Children are at risk of lacking important skill if they attend kindergarten too early* [Førende børneforsker: Børn kan komme til at mangle en vigtig egenskab, hvis de begynder for tidligt i børnehave] (07.01.2020)
Available here: [Article](#)
- iv Thorup, Rikke Yde, Sommer, Dion, *The COVID Crisis has given us minimum adult-ratios in a heartbeat. Lets keep it that way!* [Coronakrisen har givet minimumsnormeringer med et snuptag. Lad os holde fast i dem! Information (May 2020)
Available here: [Article](#).
- v Juhl, Pernille *Daycare institution's impact on children's development [Daginstitutioners betydning for børns udvikling]* 0-14: Pædagogisk tidsskrift for daginstitutioner og klubber (2017)
Available here: [Document](#)
- vi Bureau 2000 and FOA, *The everyday of daycare institutions 2020 – yearly report published by Bureau 2000* [Daginstitutioners hverdag 2020 – årlig rapport udarbejdet af Bureau 2000].
Available here: [Report](#)
- vii Sommer, Dion, Klitmøller, Jacob, *Ready for the future? [Fremtidsparat?]*, Hans Reitzels Forlag (2018)
- viii Fredensborg Kommune, *The ratio in daycare – Report from working group established by the Children and School Committee* [Normeringen i dagtilbud – Rapport fra arbejdsgruppe nedsat af Børne- og Skoleudvalget] (2020)
Available at: [Report](#)
- ix Statistics Denmark [Danmarks Statistik] *Ratio statistics illustrate municipalities priority of childcare but says nothing about reality on the floor* [Normeringsstatistik viser kommunernes prioritering af børnepasning, men siger ikke noget om virkeligheden på blå stue] (05.11.2019)
Available here: [Press Release](#)
- x Bureau 2000: *Child per adult in daycare institutions – development 1972-2018* [Børn pr. voksen i daginstitutioner – udviklingen 1972-2018] (2019)
Available here: [Report](#)
- xi Ministry of Children and Education [Børne- og undervisningsministeriet] *Application of funds for ratios 2020* [Udmøntning af midler til normeringer for 2020] (2020)
Available at: [Webpage](#)
- xii BUPL, *Orientation on municipalities application of DKK 500 mio. for daycare – sent to Parlaments Children- and Education Committee 2013-14* [Orientering om kommunernes udmøntning af 500 mio. kr. til dagtilbud – sendt til Folketingets Børne- og Undervisningsudvalg 2013-14]
Available at: [Annex](#)
- xiii The Danish State, *Fifth periodic reports of States parties due in 2016: Denmark* (14.10.2016)
Available at: [Report](#)

- UN Convention of 20 November 1989 on the Rights of the Child (the Convention on the Rights of the Child)
- Committee on the Rights of the Child: General Comment No. 7 (2005) on implementing child rights in early childhood
- Committee on the Rights of the Child: General Comment No. 12 (2009) on the child's right to be heard
- Committee on the Rights of the Child: General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration
- Committee on the Rights of the Child: General Comment No. 19 (2016) on the public budgeting for the realization of children's rights (art 4)
- The Constitution [Lov 1953-06-05 nr. 169 Danmarks Riges Grundlov (Grundloven)]
- The Daycare Act [Lovbekendtgørelse 2020-0909 nr. 1326 om dag- fritids- og klubtilbud m.v. til børn og unger (dagtilbudsloven)]
- The Finance Act 2020 [Finansloven for 2020]
- The Finance Act 2013 [Finansloven for 2013]