



**BØRNE- OG
UNDERVISNINGS-
MINISTERIET**

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5. Please provide detailed information justifying the establishment of different mandatory education standards for minority children of non-Danish origin than children of Danish origin. Furthermore, please provide detailed information to explain how punishment for parents' non-compliance with these standards do not result in racial discrimination.

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In Denmark, it is the belief that all children should be given equal opportunities to do well in school and later on, in life. Research shows that social vulnerability affects the child early: Already at the age of three, large gaps – corresponding to up to two years – exist between children's social, linguistic, and early mathematical competencies. Early, targeted measures towards better language development of children is of vital importance to close this gap. At the same time, research shows that early interventions to strengthen children's cognitive, social and personal competences are more cost-effective compared to interventions later in life at school or job training. Government statistics show that children from vulnerable housing areas lack behind the national average when it comes to grades in primary school and attending youth education. Moreover, statistics point to the fact that about half of bilingual children do not hold the appropriate Danish competencies when they start school. Children in vulnerable housing areas have a greater risk of not developing age appropriate Danish language competencies compared to children living outside these areas. Children in vulnerable housing areas receive lower math and Danish grades in their 9th and 10th GPA compared to the national average. That counts for children with both a Western and Non-Western heritage (Source: Statistics Denmark, 2018).

Vulnerable housing areas are defined by a set of objective criteria, amongst other things the average level of employment and wealth, the average level of education, the crime rate, etc. Origin is not included in this set of objective criteria.

The mandatory learning program must be organized in accordance with the requirements that apply to ordinary early childhood education and care (ECEC) schemes. Among other things, this means that the spoken

language must be Danish, and the intervention shall be organized in accordance with the pedagogical curriculum. The staff in the chosen ECECs are to ensure that the children in the mandatory learning program do not feel 'left out' or in other ways feel outside of the children's community.

In that context, it should be emphasized that the establishment of mandatory learning programs of 25 hours per week for 1-year-olds in vulnerable housing areas, who are not already in ECEC, does not set different mandatory education standards for minority children of non-Danish origin than children of Danish origin.

A recent report conducted by the Danish Evaluation Institute for the Ministry for Children and Education monitors the municipalities' implementation of the law on mandatory learning programs. The report shows that municipalities mainly have chosen the mandatory learning program to be placed in ECECs that 1) are close to the family's house of residence, 2) have employed staff that are used to working actively with linguistic development of children, 3) are able to convert the 25 hours into a full-time place in the ECEC. The report shows that the staff have not experienced it as a difficulty to integrate the children on equal grounds with the rest of the children in the ECEC.

If parents choose not to enroll their children in the mandatory learning program, they can choose to conduct the efforts at home. That will require, however, that the parents are able to provide for their children's linguistic development in Danish etc. In case the parents neither enroll their child in the learning program nor have the ability to support their children's Danish language skills and development in their own home, the municipal authorities shall decide to stop the child benefit. The report shows that 34 children have attended or are attending mandatory learning programs during the period of data collection, which was between 1/10 2019-30/8 2020. The length of the mandatory programs varied between 14 days and 9 months. The report indicates that the families choose to convert the mandatory learning program into an ordinary place in the ECEC in most cases. The municipalities conducted outreach efforts towards the families, informing them of the mandatory program and the benefits of enrolling their children in ECEC, in 778 cases. In 97 cases, it was allowed for families to conduct the mandatory learning programs at home. In 15 cases, the municipal authorities have decided to stop the child benefit. In November 2018, 965 1-year olds lived in vulnerable housing areas. 76% of these were in ECEC. In 2019, this number was 939 children, corresponding to 80% in ECEC.

The Ministry for Children and Education found that municipalities have intensified their efforts to reach out to families in vulnerable housing areas, informing the families of the benefits of enrolling their children in ECEC as regards language stimulation, socio-emotional development and well-being of the children. The intensified outreach effort has meant that a large number of families have decided to enroll their children in ECEC from the day they turn 1 year instead of choosing the mandatory learning programs.

When drafting the Act on mandatory learning program, it was carefully considered whether the establishment of mandatory learning program for 1-year-olds living in a vulnerable housing area would be compatible with the obligations set out in relevant international conventions, including the European Convention of Human Rights. It was the assessment of the Danish Government that the establishment is in conformity with Article 14 (Prohibition of discrimination) in combination with Article 1 in Protocol no. 1 (Protection of property) in the European Convention on Human Rights. It was the assessment that the establishment is justified in the legitimate purpose of ensuring children's linguistic development, their formation, and their readiness to learn, and that the means do not go further than necessary in order to pursue the aimed purpose.