

Child Abuse and State Intervention: The Danish Case *Tøndersagen**

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Denmark is commonly known as a welfare state, offering universal benefits to all people living and working within the country. Luckily, most children in Denmark are doing well, but for those who are exposed to abuse, improved knowledge and understanding is essential to provide the best possible services. Therefore, following the critical results from the 2003 UNICEF report, one may wonder how Denmark responded to this discouraging state of child maltreatment. The purpose of this article is to analyze the development of child welfare policies since 2003 in Denmark. To accomplish this, I will discuss the concepts of child abuse, intervention and welfare in general, and key studies from Denmark after the 2003 UNICEF report, in particular. Furthermore, I will use the child abuse case known to locals as Tøndersagen (TheTøndercase), which was discovered in 2005 to illustrate the state's responsibility to intervene in high-risk families.

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The framework for child welfare can be characterized as either a child protective orientation or a family welfare orientation in regards to the child abuse reporting system. These two systems differ along four dimensions: 1) Framing child abuse, 2) Operating the response, 3) The function of child welfare professionals and 4) Parents agreement to out-of-homeplacements. Child abuse was medically “discovered” in 1962 when Kempe and his colleagues coined the term the battered child syndrome to describe “a clinical condition in young children who have received serious physical abuse, generally from a parent or a foster parent”. Tøndersagen is an example of the State’s failure to intervene, and the eldest daughter’s successful legal action against the local authorities has proven an important historical change in attitudes towards local authority’s responsibilities towards at-risk and abused children. At a time, when privatization and marketization has become a dominating trend, the compensation is a reminder that quality must be a primary priority when delivering social welfare services.

Key Words: Tønder, Denmark, child abuse, state intervention, child welfare

1. Introduction

The UNICEF report (UNICEF, 2003) *A league table of child maltreatment deaths in rich nations* was the fifth in a series of reports investigating industrialized nations’ performances in meeting the needs of their children. The authors point out several important issues pertaining to these national performances and the overall trend in child maltreatment research. One issue was the lack of consensus on the terminology used in child maltreatment research, thus complicating international comparative studies. Another concern was the

underreporting of child maltreatment, which would cause yet another fundamental limitation for the analysis of existing data.

Two characteristics from the Danish case were particularly interesting. First, Denmark had at the time of reporting along with only six other nations, laws explicitly prohibiting physical punishment of children.¹⁾ Second, despite this strict legislation against physical punishment of children, Denmark placed in the bottom half of the 30 nations investigated on child maltreatment deaths in rich nations. The results of the report drew much political attention, and motivated Henriette Kjær, then Minister of Social Affairs (now Ministry of Social Affairs and the Interior)²⁾, to commission further study on children's conditions in Denmark, and the Minister later announced the *Action Plan against child abuse* (Kjær, 2004).

Denmark is commonly known as a welfare state, offering universal benefits to all people living and working within the country. In this societal model the state assumes the primary care responsibility for its citizens. Therefore, following the critical results from the UNICEF report, one may wonder how the Danish authorities responded to this discouraging state of child maltreatment. The purpose of this article is to discuss the development of child welfare policies since 2003 in Denmark using the framework of child welfare orientations. This discussion will include a review of the concepts of child abuse and stages of prevention in general, and findings from key studies from Denmark after the 2003 UNICEF report, in particular. Furthermore, I will use the child abuse case known to locals as *Tøndersagen* (the Tønder case), which was discovered in 2005 to illustrate the state's responsibility to intervene in high-risk families.

1) The six other nations being: Austria, Finland, Germany, Iceland, Norway and Sweden.

2) The ministry in charge of social affairs have changed name several times, most recently after the general election in 2015.

2. A Framework for Child Welfare

Today, people may not question the importance of promoting child welfare or recognizing children's rights, but the legal framework for children's rights is of a fairly recent date. The United Nations General Assembly adopted *the Convention of the Rights of the Child* (UNCRC) in 1989, and currently has 140 signatories and 195 states and territories party to the Convention.³⁾ The UNCRC is the result of work which started with *the Declaration of the Rights of the Child* adopted by the League of Nations in 1924, but even an international standardized legal Convention such as the UNCRC does not foster similar child welfare systems around the world. Indeed, the UNCRC can be understood as a set of broad guidelines on children's rights, leaving details about the service delivery system at the discretion of the local authorities.

Thus, the framework for child welfare can be characterized as either a *child protective orientation* or a *family welfare orientation* in regards to the child abuse reporting system, (Gilbert, Parton, & Skivenes, 2011). Comparing 10 different systems, the authors found distinct differences along four dimensions: 1) Framing child abuse, 2) Operating the response, 3) The function of child welfare professionals and 4) Parents' agreement to out-of-home placements. The child protection orientation is characterized by its almost exclusive focus on the child, outside the context of the family, and professionals will first and foremost seek to investigate deviance in the family and suspected perpetrator. The authors classified The U.S., Canada and England as countries with a child protection orientation. In contrast, the family welfare orientation, as the concept implies is characterized by its holistic approach to abuse as a matter of family conflict, and professionals commits themselves to work for a comprehensive solution for the child, including its family. Among the 10 countries included in the analysis,

3) The U.S. as well as Somalia has signed the Convention but are not parties to it.

seven were found to have a family welfare orientation system; these were Sweden, Finland, Denmark, Norway, Germany, Belgium and the Netherlands.

The child welfare orientation is relevant, because the services or the frequency of service utilization in itself does not explain the overall type of a child welfare system. One such example is out-of-home placements, regarding which scholars have found the U.S. and Denmark to have the highest rates of out-of-home placements in 1992-93, yet, classifying the U.S. child welfare system as a child protective orientation and the Danish child welfare system as a family welfare orientation (Gilbert, Parton, & Skivenes, 2011). Therefore to understand the characteristics of a child welfare system, the child welfare orientation as an analytic tool can give a deeper insight beyond quantitative outcomes; an insight along the four most essential characteristics of child welfare, that is, about how the services are provided and what the official ideological position on child welfare may be.

Service delivery models are another explanatory element of the child welfare system. Child welfare policy experts have suggested several approaches to social service delivery addressing issues of private versus public funding, and competition versus non-competition (Gilbert & Terrell, 2002; O'Looney, 1993). Gilbert and Terrell (2002) distinguish four delivery system designs: 1) Charity, 2) Privatization, 3) Marketization, and 4) Commercialization. In a charity scheme both funding and delivery is private. For the privatization scheme services are funded by public funding, but delivered by private organizations. Historically, the development towards private delivered services has been gradual, that is, the privatization schemes build on existing experiences with publicly delivered services. With marketization, competition is introduced, even though the services are still public funded. And with commercialization for-profit organizations are introduced with an argument of more efficiency.

The funding contracts may come in various shapes, such as vouchers, fee-for-service or pay-per-capita. Vouchers are for example used in a

marketization scheme, where the service provider has to be chosen by the service receiver to ensure funding. Fee-for-service and pay-per-capita are two very different methods of funding; fee-for-service is a contract under which funding is given based on an evaluation of the number of outputs, that is, the higher the number of services an organization provides the larger amount of funding it will receive. This requires a service standardization, which may not necessary take into account the voice of the service receiver. Fee-for-service has furthermore been criticized for its failure to motivate preventive services because the output is prioritized. In practice, that means that preventive services, which may be more difficult to quantify are not funded to the same extend thus services in child abuse case will only be available after abuse or neglect has happened. On the other hand, pay-per-capita is based on an evaluation of the outcome, which means that an organization will receive a flat fee for each service receiver they have provided with a service, which should make the service delivery more flexible.

2.1 Abuse and Prevention

Child abuse was medically “discovered” in 1962 when Kempe and his colleagues coined the term *the battered child syndrome* to describe “a clinical condition in young children who have received serious physical abuse, generally from a parent or a foster parent” (Kempe, Silverman, Steele, Droegemueller, & Silver, 1962). Arguably, child abuse took place before 1962, but without the proper medical and legal framework necessary for documentation, such cases had largely been absent in literature. Kempe’s works drew attention to these cases and was crucial in furthering the understanding of child abuse. Today, child abuse is commonly categorized into four different types: 1) Physical, 2) Sexual, 3) Psychological, and 4) Neglect (National Child Protection Agency, 2015).

Detection of abuse is an important part of early prevention, and professionals

work with three different stages of prevention efforts, recognizing that preventive needs differ from one population to another; these prevention activities range from general public service announcements to intensive family preservation services. Primary prevention services are efforts aimed at the general public. They are so-called universal services, which aim to prevent abuse before it occurs. Besides public service announcement this type of prevention may include general parent education programs and other efforts to encourage and support positive parenting. Secondary prevention activities are specifically offered to high-risk families. This type of services are target at families who have one or multiple factors associated with child abuse, such as poverty, parental substance abuse, young parental age, parental mental health concerns, and parental or child disabilities. Secondary prevention programs aims to reach communities with a particular high incidence of these risk factors and programs address issues specific to the individual families. Tertiary prevention activities also target individual families, but at this third stage of prevention, the families in question are those where abuse has occurred, or is suspected to have occurred. Therefore, the purpose of tertiary prevention is to reduce the negative consequences of abuse and to prevent its recurrence.

3. The Tønder Case

The town Tønder is located in the south western part of Denmark with the larger Tønder municipality bordering to Germany. Close to 40,000 people of the approximately 5.6 million Danish population inhabits this municipality. Since the late 1980, when the teacher's college closed in Tønder and several other significant work places closed such as the Tønder military barracks in 2002, the area has rarely attracted much interested from the rest of country. But, as news about a particular shocking child abuse case broke out, masses of media poured

into the small town to learn details about what had been unthinkable in a place like Denmark.

The Tønder case is one of the biggest and most choking cases of sexual abuse in recent times in Denmark. The case has been named after the town where the abuse took place at the time of discovery in 2005, because it is generally thought that the local authority's failure to intervene contributed to the duration and escalating severity of the abuse. The case saw two young sisters, born in 1994 and 1997, suffer under ongoing sexual abuse from their father as well as a number of other men. The girls were abused by their father, with their mother's knowledge until she left the family in September 2004. Adding to the shocking nature of the case were details about the father's decision to "lend" his eldest daughter to friends for sexual favors in exchange for pizzas and beers.

<Table 1> Key Dates and Events in the Tønder case

1994.05	First daughter is born
1997.04	Second daughter is born
2004.05	Løgumkloster municipality receives alarming reports from the two girls' teachers and the municipality decides to conduct an article 38-investigation.
2004.08.24	The investigation has been completed and the municipality informs the parents that they will discuss the outcome during a meeting September 13 th . The municipality intends to conduct further observation of the girls in an out-of-home setting.
2004.09.05	The family moves from Løgumkloster municipality to Tønder municipality, which leaves the responsibility for follow-up in the hands of Tønder municipality.
2004.09.19	The mother runs away from home after being exposed to domestic violence from her husband, the children's father.
2004.09	Social workers at the Tønder municipality discuss the family's article 38-investigation and decide not to forcefully remove the children, rather they ask an independent institution to conduct in-home observations.

2004.11.19	The independent institution has begun their observations, and this is the last time the municipality is in contact the children's father.
2005.07	An 53 year old man informs the police in a neighboring town that a father living near Tønder lends his daughter for sex to strangers.
2005.08.06	After the local police receive reports suspecting sexual abuse, it decides to tap the phones in the family's house.
2005.08.25	The oldest daughter is caught discussing selling sexual favors on the phone with two men and the police immediately arrest the father, and the two daughters are placed in out-of-home care.
2007.02.20	The father is sentenced 10 years on several accounts for sexually abusing both of his daughters and for his responsibility of other men abusing them.
2014.01	Tønder municipality pays the eldest daughter compensation.
2015	The father is released from prison.

Source: Adapted from Brügger & Thomassen, 2010

The community were perplex as they saw details emerge about their neighbors, and throughout the nation people were asking themselves how they (we) could let this happen. Why did the authorities not intervene? And should the state not be held responsible for its failure to intervene in such an *obvious* case of abuse and neglect? Indeed, local social authorities had held as many as 30 meetings with the family and received 14 reports from ordinary citizens with suspicion of abuse and neglect, dating back as long as 1997. An anonymous tip led to an investigation in early August 2005 and less than 3 weeks later, on August 25th 2005 both parents were arrested and the two girls taken into state custody. The father was sentenced to 10 years imprisonment and is to be released in 2015. With the father's upcoming release the eldest daughter has given several interviews, speaking of her persistent emotional traumas from the abuse, and now her sense of injustice, as the perpetrator soon will be able to enjoy a new life (Hansen, 2015). Another 14 men were also convicted in the case; sentenced to between 1 and 6 years. The mother was sentenced to indeterminate psychiatric treatment in 2006, as she had been diagnosed with

schizophrenia since 1983. The girls have in total been compensated 1,215,000 DKK.

In addition to almost daily news reports during the trial, several journalists later published books about the case. The controversial journalist and filmmaker Mads Brügger and journalist and writer Nikolaj Thomassen has produced *Grænselandet: Tønder sagen efterforsket* [Border Region: Investigating the Tønder case] (2007). They clashed with the author of the other book *Tøndersagen* [The Tønder Case] Claus Jessen (2007) several times during the coverage of the trial and their work is characterized by this struggle between journalists; a struggle to monopolize information to get the most intriguing story. Brügger and Thomassen were granted access to court documents and have collected material from almost 100 people related to the case. Their work is a combination of their own commentaries, diary entries from the mother and father, and details revealed during the trial. Claus Jessen writes for *Ekstra Bladet*, one of two tabloids in Denmark, and received much criticism for sensationalizing the case in the media, and sexualizing the girls through his newspaper articles. Jessen's book, on the other hand is an attempt to convey the events as sober as possible, without elaborating details about the abuse. In 2009, the movie *Himlen falder* [When Heaven Falls] inspired by the case featured in Danish movie theaters. Movie critiques were positive towards the movie, but the reviews regarding the reproduction of the Tønder case were largely negative.

Child welfare experts have also commented on the case, describing it as an example of “unintended gaps in the social security net” (Hestbæk, 2011). Hestbæk furthermore explains that Denmark, contrary to many other countries, does not have a tradition of letting isolated cases of abuse and neglect influence the sociopolitical agenda. However, the Tønder case did have direct consequences for the local authorities regarding their responsibility to intervene, and thus the Tønder municipality decided in January 2014 to pay compensation to the eldest daughter. Commenting on the compensation, the eldest daughter expressed relief,

feeling that the authorities finally have recognized their responsibility, and accepted how their failure to intervene have affected her throughout her childhood (Christiansen & Hansen, 2014). A quite different reaction came from the organization for municipalities, where a spokesperson expressed surprise that the insurance company choose to pay compensation, underlining that municipalities are not liable to pay compensation ("KL: Andre kommuner kan ikke kopiere Tøndersag-erstatning [KL: Other municipalities cannot replicated compensation from the Tønder case]," 2014). Indeed, the case was not taken to court which means, that no legal precedence for authorities failure to assume their responsibilities has been established, rather, the local authorities handed the claim to their insurance company who decided to pay the compensation (Jørgensen & Vendelbo, 2014).

Despite the shocking details we now know about the Tønder case, it may not be so coincidental that a family as high-risk as the one in question chose to settle down in the Tønder municipality. At the time of discovery in 2005, social workers at the local municipality had long complained about the heavy caseload and shortage of staff. Each social worker was reported to have been responsible for approximately 55 cases, a number vastly exceeding the social workers union's recommendation of 30-45 cases per caseworker for cases involving under-aged children, and a number to be adjusted according to the cases' complexity (Brügger & Thomassen, 2010). In 2007 after the effects of restructuring the local authorities in 2006, journalists were able to confirm that some middle management social workers in the Tønder municipality now had a caseload of 120 cases. In the meantime, the most recent recommendations from the social workers union in 2015 have adjusted the recommended caseload to 25-35 cases, after several studies have shown a correlation between caseload and quality of services (Paulsen, 2015).

4. Regulations Child Abuse and Child Welfare in Denmark after 2003

Prior to 2003, two pieces of legislation in particular were of importance to children in Denmark. In contrast to most other countries, Denmark does not have a Child Welfare Act, rather The Consolidation Act of Social Services first passed in 1998 covers both child and adult service receiving groups. Children eligible for support under this act includes children with special needs, at-risk children in need of preventive measures and children in out-of-home care with and without consent. In 1997, the Danish parliament amended the Parental Custody and Care Act to introduce an explicit ban on parents' right to exercise physical punishment on their children. Before 1997 parents were allowed to use physical punishment on children as part of their child-rearing methods, although abuse was considered a criminal offence. Ratifying the 1989 United Nations Convention on the Rights of the Child in 1991, Denmark followed an international trend of increased protection of children against violence. Despite, decades long history of attention to child abuse and neglect, Denmark did not see its first published report on parental abuse of children before 1968; scholars argue that the persistent lack of systematic data collection contribute to the difficulties of obtaining a full picture of the issue (Christoffersen, 2010).

The issue of child abuse and neglect had not received must attention from Danish researchers up until the 2003 UNICEF report (UNICEF, 2003), which may explain the general surprise over the negative findings. Indeed, the Minister of Social Affairs felt that more knowledge was urgently necessary to address the situation. The Minister therefore commissioned a report from The Danish National Institute of Social Research, which was published the following year in 2004 (Christensen & Pedersen, 2004). Several findings from this report point to serious weaknesses in the Danish child welfare system. Among these is the statistical material which does not provide a comprehensive overview of at-risk

children and abused children. In fact, the researchers had to consult five different sources to obtain a general idea of the extent and prevalence of child abuse; these sources ranged from investigations of victims of abuse, medical reports, reports from emergency rooms, to statistics on victims and specific reports initiated by other professionals with suspicion on abuse.

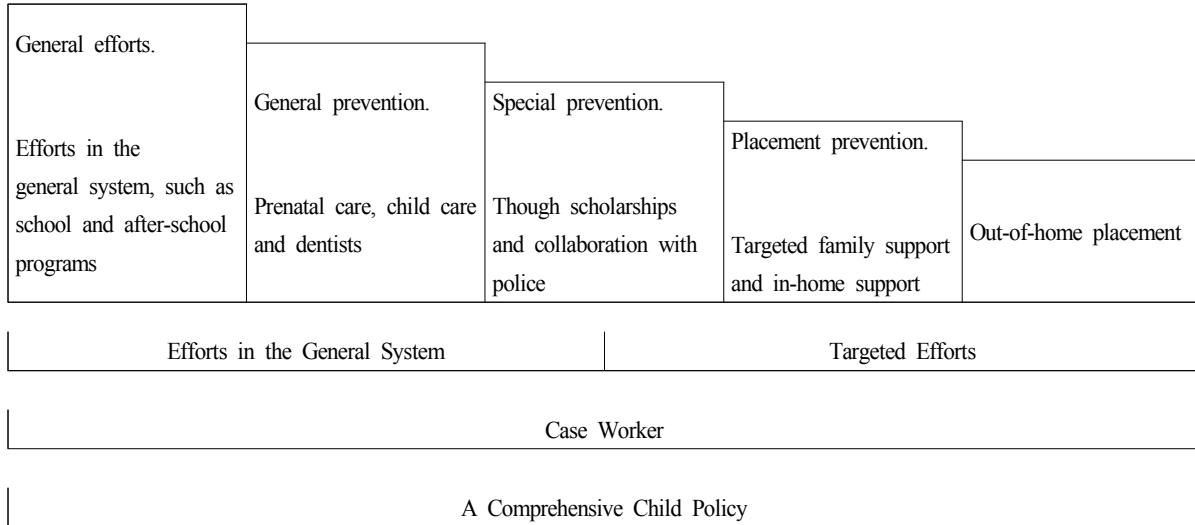
Most problematic was that the inconsistencies among the sources; while local authorities reported an 0,7% occurrence of child abuse, health visitors reported the number to be 1% and self-reporting among 6,200 9th grade students showed that 5% had been threatened with physical abuse, 7% has been beaten and 2% had experienced more severe type of abuse (Helweg-Larsen & Larsen, 2002). However, all studies concluded that the extent of abuse is indeed limited and none of the investigations pointed to increases over the past 10 to 15 years. Based on these findings, the Minister announced *The Action Plan against Child Abuse*, a plan which focused on two areas of improvement. First of all, efforts were needed to ensure that a larger number of otherwise unreported cases would be brought to the local authorities' attention. The other issue addressed efforts to improve caseworkers' handling of child abuse cases. In-depth interviews with case workers had revealed that only few of them in fact had experience with this type of complex cases, because there are so relatively few cases (Kjær, 2004). The Action Plan explained the eight concrete measures as the following: 1) Improve prevention, 2) Enforce the collective responsibility for stopping child abuse, 3) Be more serious about suspected child abuse reports 4) Better handling of investigations, 5) Enforce professionals responsibility to report, 6) Less hesitant behaviour around suspected cases, 7) Targeted efforts towards high-risk families, and 8) Improve interdisciplinary collaboration. These improvements can be seen as the first step in several measures taken though out the mid 2000s. Another important change was the *Placement Reform* from 2006. The content of this reform included law revision on social services for at-risk children and their families, pilot project in seven municipalities, education for professionals working

with children, introductory seminars for newly graduated social workers, distribution of information about *The Placement Reform*, increased control with local efforts and explanations of rights of children and their parents. More specifically, *The Placement Reform* sought to improve the following three areas: 1) Prevention, 2) Detection, and 3) Early intervention. The Reform also required all municipalities to make a coherent child policy to improve the overall efforts. These steps are illustrated in <Figure 1> A Comprehensive Child Policy.

Building on the knowledge and experience obtained from *The Placement Reform*, *The Child Reforms* came in effect January 1, 2011. This aimed at four areas of improvement, safety during childhood, the rights of children and youth, early intervention and the quality of intervention. Among the concrete changes to enforce the rights of children and youth were measures such as ensuring children in residential institutions interviews twice a year to consult them on their on-going wellbeing and comfort at the institution, and giving children from the age of 12 the right to complain about the authorities' handling of their case (Professionshøjskolen Metropol et al., 2011).

In 2013 the Ministry for Children, Gender Equality, Integration and Social Affairs initiated a 3-year project called *The Abuse Project*. Recommendations from experts' review of 10 particular grave cases of child abuse, led to some of the most recent policy changes from October 1, 2013 as part of the *The Abuse Project*. Preventive efforts and early intervention focused on four key issues: 1) The child must always be heard and protected if there is suspicion of abuse, 2) Reports of abuse must be evaluated within 24 hours, and follow-ups must be strengthened, 3) Low well-being and abuse must be discovered and handled early on, and 4) Focus on prevention and interdisciplinary collaboration (Birkedal, 2015).

<Figure 1> A Comprehensive Child Policy



Source: Håndbog om anbringelsesreform, 2007

4.1 Article 50 The Consolidation Act of Social Services – child specialist investigation

Section four of the The Consolidation Act of Social Services addresses issues pertaining to children and youth. To understand the State's, that is, the local authorities' responsibly, one article in particular is of interest, article 50 (previously referred to as article 38).

If it is to be assumed that a child or youth need special support, including reasons due to reduced physical or mental functions, the municipal council must investigate the child's or youth's situation. The investigation, which is referred to as a child specialist investigation, is carried out to the extent possible in cooperation with the legal guardian and the youth, who is at least 15 years old. The investigation must be as gentle as the conditions allows, and not be more comprehensive than the purpose intents...⁴⁾

The purpose of this investigation is to explore the child or youth's situation, including its resources and issues within the family. A detailed and individual care plan will be based on results from this investigation. In general, the investigation must include the following areas related to the child or youth situation: 1) Development and behavior, 2) Family situation, 3) School situation, 4) Health condition, 5) Extracurricular activities and friends, 6) Other relevant issues. The case worker is to involve not only the family, but also professionals who are part of the child or youth daily life, such as teachers, physicians, and psychologists. As a general rule, the investigation must be completed no later than four month after the local authorities has become aware of the child or youth's needs. The recommendations for the care plan may then include aspects

4) My translation

such as treatment of the child or youth's problems, appointment of a contact person for the child, youth or family, out-of-home placement and counseling. Recognizing the importance of the child specialist investigation, *The Child's Reform* makes it easier for caseworkers to initiate such an investigation (Professionshøjskolen Metropol et al., 2011).

5. Discussion

Child abuse and suspicion of child abuse raise many questions about how and when the authorities should intervene. While some countries prioritize child rescuing, that is, removing the child from its home environment, other countries focus on family preserving activities. Denmark traditionally belongs to the latter group. However, the respect for the family's autonomy must be balanced with the rights and obligations of the state to intervene in dysfunction families. While limiting parental rights to raise their children is a sensitive issue, the State's willingness and ability to intervene is even more crucial in child related matters.

The Tønder case is an example of the State's failure to intervene, and the eldest daughter's successful legal action against the local authorities has proven an important historical change in attitudes towards local authority's responsibilities towards at-risk and abused children. Because the case was settled out of court, the case has not created a legal precedent, and Supreme Court has in similar cases been reluctant to hold local authorities responsible for their failure to intervene (Jørgensen & Vendelbo, 2014). However, compensation was indeed paid, which must be an indication of admission of guilt and should therefore be read as a first, and important, step towards more extensive responsibilities for local authorities.

The Tønder case may not only have set new standards for the legal consequences for future cases of child abuse and neglect, it has already had

political consequences. The interpretation of *in the best interests of the child* has since the Tønder case resulted in prioritizing of long-term and stabile home environments, which in practice is translated to earlier separation from the original family and fewer family preservation activities. Consequently, it can be argued that the State has strengthened its own authority to remove children from their original parents with force. Thus, although the total number of children placed in state custody decreased from 11,798 in 2006 to 10,906 in 2013, the number of involuntary placements, that is out-of-home placements without the parents' consent, increased from 1,329 in 2006 to 1,767 in 2013 (Statistics Denmark, 2015) However, these involuntary placements happened most often among older children from 12 to 17 years old, which suggest that the increased number of involuntary placements is a result of the authorities listening to the children and their wishes.

The statistics show that Denmark increasingly has prioritized out-of-home placements and emphasized the child specialist investigation. Parallel to this development has been an increased attention to the quality of services such as the recommendation for a decreased number of cases per caseworker. Likewise, child welfare professionals continue to work in a spirit of partnership, and indeed 80.7% of out-of-home placements in 2013 were volunteer arrangements with the consent of the parents. Thus, the combination of secondary and tertiary preventive efforts has allowed Denmark to maintain a family welfare orientation, although local authorities have been encouraged to react earlier and more effective. Certainly, some home environments prove too unsafe for children and require immediate intervention, but simply increasing the frequency and number of out-of-home placements, do not solve families' underlying struggles or negative parenting, nor does it contribute to the knowledge production in the field of child abuse.

Despite the increased attention to child abuse and neglect, much work remains to be done and preventive activities must constantly be evaluated and re-adjusted.

The past decades' official reports point to political willingness to create improvements in this area, although experts in the field remain critical of the initial suggestions (Leth, Kyed & Wilmann, 2010). Scholars have pointed out the importance of long term efforts towards both the general public as well as at-risk families. In addition to *The Action Plan* they propose: 1) Campaigns to change the general perception of child abuse, 2) Centralized database for registration of reports on suspected cases of child abuse, 3) Mobile expert group available to consult local authorities, 4) Adequate resources and staff at local municipalities, 5) Improve education for social workers, and production and exchange of knowledge, 6) Establish a review board to investigate all suspicious child death, 7) Monitor the progress of the out-lined issues and 8) Provide methods for evaluation and a specific time frame for proposed changes.

The lack of knowledge about child abuse became immediate evident in the first of several reports initiated from 2003; this proved to be a lack of quantitative knowledge about the frequency and severity of child abuse as well as a lack of knowledge among case workers and their practical role in child abuse cases. Certainly, caseworkers have been at the center of the debate about child abuse. Their professional competences, or the lack thereof, have often been scrutinized and questioned and rightfully so. In fact, caseworkers have openly reported that only a few percentages among them have experience with child abuse cases, leaving the majority largely unprepared to handle such complex (Kjær, 2004). In a country as geographically compact and small as Denmark, it could be interesting to pursue the suggestion of a mobile expert group. While, the extensive preventive measures aim to reduce the number of child abuse cases, it would arguably have serious consequences if a majority of caseworkers remain unfamiliar with handling child abuse cases. Not only would caseworkers hesitate, should they encounter a child abuse case, but they would potentially also fail to recognize one even if they saw one. Indeed, this has been a recurring point of critique in the Tønder case. Moving from one municipality to another the family

was able to avoid, at least for some time, further investigation on the hands of the local authorities. In hindsight, everybody would certainly have wished that intervention had happened earlier, and the rational must be that the more knowledge the individual case worker has about child abuse and neglect the better equipped he/she would be to make the difficult decision of referring the case for further investigation or closing it with no suspicion of abuse. Luckily, most children in Denmark are doing well, but for those who are exposed to abuse, improved knowledge and understanding is essential to provide the best possible services.

At a time when Korea is experiencing an increased exposure of child abuse cases and debate about child protection services the Danish approach to child welfare in general, and the Tønder case in specific may be interesting. The modern Korean welfare system has been modeled after the U.S. system, but more recently Korean scholars have warned about uncritically adapting a U.S.-style child protective service (Kim, Hong, & Kong, 2012; Lee, 2005). While the merits of the U.S. system might be evident in a U.S. context, the historical development of child welfare systems between the two countries are simply too big to allow expectations of similar outcomes in Korea without any adjustment to local conditions. Likewise, the purpose with this article is not to argue for a Danish-style family welfare orientation in Korea, rather the Danish experience can be regarded as a inspirational source of information as Korea continues to formulate its own unique style of child welfare system.

The Danish local authorities' decision to pay compensation to the eldest girl for its failure to intervene opens up an important discussion about the extent of the state's responsibility towards children. At a time, when privatization and marketization has become a dominating trend, it furthermore reminds us that the most important and perhaps the only important factor in social service delivery is the quality. In other words, one could draw the conclusion that anything but adequate social services simply does not constitute social services. This would be

interesting from a Korean perspective, because in Korea social services have traditionally been provided by private organizations; a structure known for its fractured and bureaucratic approach to services (Lee, Kim, & Kim, 2008; O'Looney, 1993). In other words, the Korean social service delivery system is characterized by private organizations that have no or only little interest in interdisciplinary solutions. Not only does it make it extremely difficult for service receivers to navigate this type of system; the local authorities nor the private organizations are liable to the families who fall through the system or do not receive adequate services. Korean scholars have discussed the need for a Differential Response System to reach at-risk families before abuse or neglect happens and furthermore to avoid intrusive investigation among low-risk families (Lee, 2005). Another trend in the Korean child welfare system is the traditional prioritization of institutionalization. Korean scholars have criticized the focus on child rescuing and institutionalization over family-services, a dilemma that is especially evident when institutions are funded under a fee-for-service scheme (Noh, Kim, & Cho, in press).

6. Conclusion

Denmark is among a few countries best known of its universal welfare system. But not all are doing well and this was highlighted with the surprisingly negative findings in The UNICEF report (2003) *A league table of child maltreatment deaths in rich nations*. Results from this report led then Minister of Social Affairs to announce an *Action Plan against child abuse* in 2004; a plan that was more urgent than most experts were aware of. Following the initial efforts, various governments over the past decade has commissioned several reports from The Danish National Centre for Social Research on the issue of child abuse.

Although Denmark has little tradition of letting isolated cases influence the

sociopolitical agenda, the media coverage of the Tønder case has arguably been so extensive that no one has remained unaffected. Despite as many as 30 meetings with the family and 14 reports from ordinary citizens with suspicion of abuse and neglect, the local authorities did not intervene in the family. Consequently, the two daughters were subjected to years of sexual abuse from their father and other men. When the eldest daughter took legal action against the local authorities, she “won” a historic out-of-court settlement for their failure to intervene.

The many reports and studies published after 2003 point in an interesting direction for the future of Danish child welfare. It is a clear sign that there is now political interest in discussing child welfare, also extending to the topic of child abuse. A majority of these preventive activities have been secondary preventive activities targeting high-risk families, and to a lesser extent first and tertiary preventive activities. Experts have urged additional support for activities to change the general population’s perception of child abuse and centralized information of the frequency and severity of child abuse. After four years of social democratic rule, the results of the June 18, 2015 election resulted in a return of power to the Liberal Party, and only time will tell us if child abuse will remain on the political agenda.

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<국문 요약>

아동학대와 국가의 개입: 덴마크의 톤더 사례 (Tøndersagen)를 중심으로

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덴마크는 자국에서 거주하고 일하는 모든 사람에게 보편적인 혜택을 제공하는 복지국가로 알려져 있다. 다행히도 덴마크의 아동들 대부분이 잘 살고 있지만, 여전히 학대당하는 아동들에게 최상의 복지서비스를 제공하기 위해서는 이에 대한 더 많은 지식과 이해가 필수적이다. 2003년 UNICEF의 아동 학대에 대한 비판적 보고서 발표 이후 실망스러운 아동학대 현실에 대해 덴마크가 어떻게 대응하는지 눈여겨볼 만하다.

본 논문의 목적은 2003년 이후 덴마크 아동복지 정책의 변화를 분석하는 것이다. 이를 위해 본 논문에서는 먼저 일반적인 복지와 정부의 개입 그리고 아동학대의 개념에 대해 논한다. 그리고 2003년 UNICEF 보고서 이후 덴마크의 변화에 대해 핵심적으로 연구한다. 나아가 국가가 위협에 처한 가족에게 개입할 의무가 있음을 알게 해 준 2005년 톤더(Tønder) 사례를 다루고자 한다. 아동학대보고체계와 관련하여 현 아동복지는 아동보호중심 또는 가족복지중심으로 특징지어진다. 하지만 이 두 체계는 1) 아동학대에 대한 규정, 2) 아동학대사례에 대한 사회복지사의 반응, 3) 아동복지 전문가의 배치, 4) 부모의 가정 외 배치에 대한 동의 측면에서 차이를 보인다.

아동학대는 1962년에 켐프(Kempe)와 그의 동료들이 부모 또는 양부모로부터 심각한 신체적 학대를 받은 아동의 임상적 상태를 설명하기 위해 “피학대아동 증후군(Battered child syndrome)”이라는 용어를 사용하였다. 톤더 사례는 주정부의 개입 실패를 잘 보여주고 있고, 장녀의 지방당국에 대한 소

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송에서의 승소는 현재 위험에 처해 있거나 학대를 당한 아동에 대한 지방당국의 책임에 대한 태도에 있어 중요한 역사적 변화가 있다는 사실을 보여주었다. 사회서비스전달체계에서 민영화와 상업화가 주류를 차지하게 되면서, 톤더 사례에서 장녀가 지방정부로부터 받은 보상금은 사회복지서비스를 전달하는 과정에서 서비스의 질이 무엇보다도 중요한 부분이라는 사실을 상기시켜 준다.

주제어: 톤더, 덴마크, 아동학대, 국가 개입, 아동 복지

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