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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

DENMARK

Replies registered by the Secretariat on 27 January 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in **Article 3, letter (a)**, i.e. “any person under the age of 18 years”?

Answer: No generally applicable definition of “child” exist.

- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with **Article 11, para. 2**?

Answer: When there are reasons to believe that the victim is a child, the victim will be accorded protection and assistance as a child, unless and until it has been established that the victim is not a child.

- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

Answer: The generally applicable age for legal sexual activities is 15 years of age.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Answer: It is a general principle of law that public authorities may not discriminate. Consequently, discrimination on grounds such as the ones mentioned in Article 2 is prohibited.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

Answer: As regards criminalisation, reference is made to the answer to question 16. As regards protective social measures, the main legislative measure is the Act on Social Services.

- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

Answer: In May 2011, the Government published a national strategy to prevent and combat sexual abuse of children. The strategy (in Danish) is available via this link: http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2011/Handling_bag_ord.pdf. The following summary is available in English: “The strategy aims to achieve fewer cases of child abuse, better preventive measures, stronger cooperation between the relevant authorities and solid knowledge as the foundation of a focused effort. The strategy brings attention to the prevention of sexual abuse of children, the handling of a suspicion concerning sexual abuse of a child and the subsequent

measures directed at both victims and perpetrators – short-term as well as long-term. The strategy is being implemented by a number of ministries, including the Ministry of Social Affairs, Children and Immigration, the Ministry of Education, the Ministry of Justice, the Ministry of Health and the Ministry of Culture.”

In May 2013, the plan “Coordinated measures to protect children against abuse” was adopted. The plan focuses primarily on prevention and early treatment of violence and sexual abuse against children. It consists of an Act of Parliament which entered into force in October 2013 and of several specific projects in local social authorities to strengthen their ability to detect and treat violence and abuse against children.

Denmark recognises children as being particularly vulnerable to human trafficking. This is also acknowledged in the 2011-2014 action plan to combat human trafficking. In order to raise awareness of trafficking of children the Centre against Human Trafficking has conducted extensive training for outreach workers and social workers in close cooperation with major municipalities, social organisations, trade unions, the police, the Prison and Probation Service, Immigrations Services and asylum centres.

- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Answer: The Director of Public Prosecutions has issued guidelines for handling cases concerning sexual abuse of children (Rigsadvokatens meddelelse nr. 2/2007 (rettet september 2012)).

In the autumn of 2013, the National Council for Children published three booklets about children’s rights. The booklets focus on children’s rights prior to a placement outside the home and during the placement. The language used in the booklets is child-friendly and adapted to children and young persons aged 8-11 years, 12-17 years and 18-22 years, respectively. The main objective of the booklets is to inform children about their rights in relation to placement outside the home pursuant to the Act on Social Services. While explaining the legal framework for placing children outside the home, the booklets focus on the children’s right to be heard in the judicial process, their right to be given reasons for all decisions and their right to appeal.

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);

Answer: In 2012 an Act of Parliament was passed with the purpose of strengthening the protection of children’s right pursuant to the UN Convention on the Rights of the Child. One way is through the strengthening of the advocacy role of the National Council for Children, and DKK 2m a year was allocated to the strengthening of the National Council for Children. The National Council for Children’s central work areas are to:

- advise the government and Parliament about children’s conditions in society
- point out areas in legislation or administrative practices where the right of the child is not taken into account
- inform and assess the progress in children’s conditions
- cooperate with authorities, institutions, and organisations to improve children’s welfare
- involve children’s point of view in the work of the Council and visit institutions with children.

Furthermore, steps have been taken to safeguard children's viewpoints in the policymaking by establishing children's panels where topics and initiatives concerning children are being discussed.

- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

Answer: The "Child's Reform" introduced several initiatives to strengthen children's rights in 2011 – including cases where it is suspected that a child has been sexually abused. These initiatives include e.g.:

- The right to appeal from the age of 12, including the right to legal assistance in the hearing of their cases according to the Act on Social Services.
- Ensure that the contact between a child placed in care and the parents, family or network is conducted with the best interests of the child in mind.
- New funding to significantly expand the adviser system (*bisidderordningen*). The organisation "Children's Welfare in Denmark" receives financial support in order to ensure that disadvantaged children and young people are offered a professional advisor. This service is offered free of charge to children and young persons who need an adult to advise on the Act on Social Services and on their rights.
- The National Social Appeals Board (*Ankestyrelsen*) is given an extended authority to take up cases on its own initiative when a child is at risk.
- When cases concerning children are presented at the children and young person's committee and at the National Social Appeals Board children's experts must be heard in all aspects of the case.

The plan "Coordinated measures to protect children against abuse" includes an Act of Parliament which entered into force in October 2013. One of the main points of the Act and the initiatives thereunder is to involve children and their needs throughout the whole inquiry. This includes, *inter alia*, an interview with the children early in the process.

The Act was also the basis for establishing Child Advocacy Centres (*børnehuse*) in which the help from social services, police and health services is gathered. In the child-friendly centres the different professionals and authorities work and cooperate to help children who have been sexually abused, as well as when it is assumed that a child has been sexually abused.

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);

Answer: In order to protect and strengthen children's rights pursuant to the UN Convention on the Rights of the Child an office for children was established in 2012 as part of the Parliamentary Ombudsman's Office. DKK 6m yearly has been allocated to the office for children. The central work areas of the office are to:

- Handle complaints regarding children in cases where the authorities have made a decision
- Visit institutions for children and monitor authorities dealing with children – including taking up cases on its own initiative
- Contribute to the monitoring of the implementation of children's rights pursuant to the UN Convention on the Rights of Child.

In addition, the advocacy role of the National Council for Children has been strengthened (see answer to question 4(a)).

- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);

Answer: The Child Advocacy Centres are under an obligation to register key information about the children and adolescents who receive help in the Centres. The information is gathered for statistical purposes and is reported to the National Board of Social Services. The plan “Coordinated measures to protect children from abuse” also introduces national statistics for all reports to the social authorities about children and young persons – including reports about children who are presumed to have been exposed to sexual abuse.

- c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

Answer: According to the Administration of Justice Act, the police may request a spit or blood test with a view to later identification to be made on any person reasonably suspected of an offence with a maximum penalty of at least 18 months’ imprisonment. The DNA profile of such a person is entered into the national DNA profile register. Under the DNA Profile Register Act, such DNA profile will be deleted from the register, *inter alia*, (1) if the charge is withdrawn as groundless, (2) 10 years after an acquittal, or (3) when the person reaches the age of 80. It follows that the DNA profile of any person convicted of an offence with a maximum penalty of at least 18 months’ imprisonment will be kept in the DNA profile register until the person reaches the age of 80. The DNA profile register is kept by the National Commissioner of Police.

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);

Answer: Coordination is achieved through the measures set out in the national strategy to prevent and combat sexual abuse of children (see answer to question 3(b)). See also answer to question 15(a).

- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;

Answer: Such cooperation is addressed by the national strategy to prevent and combat sexual abuse of children (see answer to question 3(b)). See also answer to question 15(a).

As mentioned in the answer to question 4(b), Child Advocacy Centres (*børnehuse*) have been established. In the child-friendly centres the different professionals and authorities work and cooperate to help children who have been sexually abused, as well as when it is assumed that a child has been sexually abused.

The initiative to strengthen the Ombudsman and the National Council for Children as well as the Children's Helpline (*Børnetelefonen*) operated by "Children's Welfare in Denmark" (see answers to questions 4(a), 5(a) and 14) provides that the three organisations/authorities are to coordinate their work. This includes an appropriate referral system to ensure that children are referred to the appropriate authority and that the children are consequently advised in the best possible way.

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

Answer: The answer to question 10(b) provides an account of the treatment given to sexual offenders. In connection with this treatment, the Prison and Probation Service cooperates with the social authorities in several contexts. Additionally, the Prison and Probation Service also cooperates with the regional authorities, which are in charge of running the hospitals. Sexual offenders are treated in the general treatment system in a nationwide therapeutic network.

As part of the implementation of the recommendations of a report on a pilot scheme for an intensified treatment effort towards persons convicted of sexual offences (referred to in the answer to question 12(a)), a follow-up group was appointed in 2004 with representatives from the treatment facilities, the Health and Medicines Authority and the Prison and Probation Service. This group meets every six months, and in recent years its focus has been on the continuous development and coordination of treatment initiatives for sexual offenders, including offenders sentenced for paedophilia.

The nationwide therapeutic network also has regular meetings for therapeutic staff to discuss and coordinate the development of treatment and treatment initiatives.

As for the assessment of matters of leave and release on parole concerning a person who has been convicted of a sexual offence against a minor and is to stay with persons where minors are living, or is entitled to access with minors, an opinion on the determination of conditions for leave or release on parole must be obtained from the local authority of the municipality where the offender is living or staying. This consultation of the local authority is subject to the offender's consent. In case of failure to consent, the matter of leave or release on parole cannot be considered and is therefore allowed to drop.

As mentioned in the answer to question 13(b) any person who learns or becomes aware that a child or young person under the age of 18 is being neglected or abused by his/her parents or other persons involved in his/her upbringing or is living under conditions endangering his/her health or development must notify the municipal authorities. This duty to notify can be relevant in respect of an offender released after completion of his/her sentence if there are reasons to assume that a child or young person under the age of 18 in contact with the released person is living under dissatisfactory conditions.

As regards the day-to-day cooperation with the social authorities, according to Circular No. 9398 of 26 July 2013 on the preparation of action plans under the Sentence Enforcement Act, etc., the institutions and supervisory authorities of the Prison and Probation Service must coordinate action plans with the relevant local authorities to support long-term initiatives and ensure continuity of the cooperation in respect of their common clients.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

Answer: Danish development cooperation aims to support the promotion of human rights and fight poverty through broadly based interventions in a number of selected partner countries and through international organisations. Prevention and the fight against sexual exploitation and sexual abuse of children is not a separate priority in Danish development cooperation but part of Danish development assistance is allocated to organisations such as UNICEF, which has a mandate to protect children, and UN WOMEN, which works to promote gender equality.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);
 - encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);
 - ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).

Answer: Embedded in different subjects in primary and lower secondary education is instruction in areas relevant for raising awareness among children and enabling them to protect themselves, such as anatomy, sexuality and sex, gender roles and equality. The purpose of the teaching is to enable the pupils to form a critical opinion and act to promote the health of themselves and others.

The education in primary and lower secondary education also comprises teaching the pupils both basic internet usage skills and understanding of possibilities and dangers related to the internet. In relation to this teaching the children are to be made familiar with strategies and guidelines for safe internet use. This teaching is given in connection with a number of different subjects. To assist the teachers in this connection the Ministry of Education in cooperation with the Ministry of Culture has made a web portal with teaching materials on this theme available to schools.

Knowledge of human and children's rights is a mandatory competence objective for all students completing the B.Ed. programme for primary and lower secondary schools. Furthermore, teacher students are required to be able to apply that knowledge in organising their teaching, in conducting communications with parents and co-workers, and in the continuous development of school culture.

Knowledge of pupils' social, emotional and cognitive development (including gender-issues) is also a mandatory competence objective for all students completing the B.Ed. programme for primary and lower secondary schools. Furthermore, teacher students are required to be able to apply that knowledge in observing, supporting and challenging pupils' emotional and cognitive development. In addition, all teacher students are offered a voluntary course on Family, health and sexual education. The competence objectives of this course include knowledge of children's development, psychological and physical

changes during puberty and sexuality (including sexual identities) and the ability to apply this knowledge in preparing, executing and evaluating teaching.

The Act of Parliament adopted pursuant to the plan “Coordinated measures to protect children against abuse” which entered into force in October 2013 underlines the importance of timely and correct action from the social authorities when they receive a report about a child who is presumed to have been exposed to violence or other abuse. Thus, the social authorities must evaluate the report within 24 hours in order to decide if immediate action is needed, and the social authorities must interview the child as part of its investigation of the report.

In addition, DKK 1.8m was allocated to launch a campaign that focuses on the duty of professionals working with children and of other adults to notify the authorities if they learn or have a reason to believe that a child has been exposed to violence or other abuse. The campaign aims to secure that professionals and other adults are aware of:

- Their duty to inform the authorities
- The extent of the duty to inform the authorities, and
- The possibility to inform the National Social Appeals Board.

The campaign also aims to secure awareness about the legislative changes following the plan “Coordinated measures to protect children against abuse” which entered into force in October 2013. The campaign was launched at the end of 2013.

Furthermore, in 2012 DKK 10.8m was allocated to an initiative where the main focus is to teach children about their rights. Save the Children will be in charge of the initiative and will in 2014 launch a campaign with the purpose of teaching children about their rights including their right to a life without abuse and violence. Save the Children will also be in charge of a development project that aims to test ways to build children’s self-esteem and general resistance to assault.

In order to raise awareness of trafficking of children the Centre against Human Trafficking has conducted extensive training for outreach workers and social workers in close cooperation with major municipalities, social organisations, trade unions, the police, the Prison and Probation Service, Immigrations Services and asylum centres.

- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

Answer: See answer to question 8(a).

- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

Answer: According to section 136(1) of the Criminal Code, “Any person who publicly incites to crime without deserving a more severe penalty by such act is sentenced to a fine or imprisonment for a term not exceeding four years.” (unofficial translation).

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to

which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

Answer: According to Article 2 of the Act on the retrieval of a statement of previous convictions in respect of children on the appointment of staff, the relevant Minister shall lay down detailed regulations governing the retrieval of a statement of previous convictions in respect of children (*børneattest*) before authorities and private physical and legal persons employ or engage persons who in the course of their duties will come into direct contact with children under the age of 15. This includes assistants, temporary staff, deputies and students on work placements, provided that it is the intention that the person's affiliation with the authority, association, etc., is to be of more than a one-off or short-term nature. Retrieval of a statement of previous convictions in respect of children requires the consent of the person concerned. Failure to give the required consent will impede the employment or engagement of the person concerned.

Pursuant to this provision 9 Executive Orders on the retrieval of a statement of previous convictions in respect of children have been issued by the following Ministers: the Minister for Business and Growth, the Minister of the Environment, the Minister for Gender Equality and Ecclesiastical Affairs, the Minister of Education, the Minister for Health, the Minister for Transport, the Minister for Social Affairs, Children and Integration, the Minister of Justice, and the Minister of Culture.

Within the Ministry of Culture's sphere of jurisdiction the following authorities and associations have a duty to retrieve a statement of previous convictions in respect of children before employing or engaging staff: sports associations, music schools, ballet and dancing schools, riding schools, riding centres, exercise and fitness centres, museums, zoos and animal parks, art galleries, emergency relief organisation, charities, orchestras and choirs, theatres and theatre schools, writing schools for children and young persons, film schools for children and young persons, craft schools, radio and television broadcasters, and libraries with sections, collections or activities for children.

The statement of previous convictions in respect of children contains information about any conviction concerning sexual activities or indecent behaviour with a child under 15 years of age and any conviction of possession or distribution of child pornography. The convictions will appear on the statement for a period of time which depends on the seriousness of the offence. The most serious offences will appear on the statement until the person reaches the age of 80. Less serious offences will appear on the statement until 20 years after a specified date. In case of imprisonment, that date is the date of release from prison or, if the release is conditional, the date when the conditions cease to apply. In case of a suspended sentence, that date is the date of the conviction. Minor offences, where the punishment is a fine or a conditional withdrawal of charges, will appear on the statement until 10 years after the conviction.

In 2011 242,026 statements of previous convictions in respect of children were retrieved. In 70 cases the statement included information of previous convictions.

- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

Answer: As described in the answer to question 9(a), a statement of previous convictions in respect of children must be obtained before employment or engagement of persons who in the course of their duties will come into direct contact with children under the age of 15. The reference to "engagement" includes persons who work as volunteers.

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

Answer: In 1986, the Mental Health Services of the Capital Region of Denmark established a Clinic of Sexology. The clinic attends to examination, counseling and treatment of people with sexually adverse thoughts or behaviour which might be caused by psychological, psychiatric, somatic or social issues. Counseling can be given anonymously by telephone by specially trained psychologists or doctors. Treatment includes individual or group therapeutic sessions provided by psychologists or doctors. The Clinic of Sexology is also responsible for ongoing research in relation to new methods of treatment and improved diagnostics. Furthermore, the clinic engages in research regarding criminal offences of sexual assaults and sexual physiology.

In cooperation between Save the Children, the counseling and treatment service Janus Centre and the Mental Health Services of the Capital Region of Denmark, a website called www.brydcirklen.dk has been launched. The website is part of a broader campaign that aims to prevent sexual abuse of children. The purpose of the campaign is to encourage adults who fear that they may commit offences of this sort to seek anonymous counseling by professional and specially trained psychologists and doctors. The Health and Medicines Authority has funded the campaign with DKK 500,000 in order to enhance the knowledge of the website www.brydcirklen.dk.

As part of the plan "Coordinated measures to protect children against abuse", DKK 24.5m was allocated to the establishment and management of clinics for children and young persons with sexually transgressive behaviour. The purpose is to strengthen the treatment of children and young persons with sexually transgressive behaviour in order to make sure that their behaviour is discontinued so that they do not develop infringing behaviour as adults.

- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

Answer: In 1997, initiatives were taken to intensify the efforts made against sexual offences, in particular sexual offences committed against children. These initiatives resulted in two treatment schemes for sexual offenders: the treatment scheme and the referral scheme.

Under the *treatment scheme*, the convicted person may be given a suspended sentence with a condition of psychiatric sexological treatment for two years in lieu of a prison sentence. The target group of convicted offenders under this scheme comprises persons who would otherwise have received prison sentences of four months up to about 18 months for sexual offences not involving violence or duress. Accordingly, especially offenders who have committed incest and aggravated forms of private indecency fall within this scheme.

The offender must meet various conditions to fall within the scheme. The offender must be suited and motivated for treatment. The offender must have pleaded guilty to the charges in full or in part and must express a need for the treatment. Moreover, the risk that the offender will commit another sexual offence during the treatment period must be low.

The treatment is given at three out-patient treatment facilities: the Department of Forensic Psychiatry, Middelfart, the Out-Patients' Clinic of Forensic Psychiatry, Aarhus, and the Clinic of Sexology, Copenhagen.

The treatment scheme does not apply to compulsive paedophiles (the group of paedophiles whose sexual orientation is aimed exclusively at children, and whose disorder is compulsive, meaning that the risk of recidivism during the treatment period cannot be excluded) as these persons will not exclusively be treated on an out-patient basis, but must be offered treatment through the referral scheme, see below. Any previous convictions of sexual offences on the part of the person charged will be an argument against including him in the scheme.

The treatment scheme presupposes close cooperation with the social authorities. This also applies to the committees which have to prepare a recommendation for the court when it tries the criminal case (the referral committees).

The target group of convicted offenders falling within the *referral scheme* are sexual offenders with determinate prison sentences of between 30 days and four years (five years for convicted rapists) pursuant to section 210 on incest and Part 24 on sexual offences of the Criminal Code.

Such offenders usually start serving their sentence at the Herstedvester Institution, which is a prison for offenders in need of psychiatric and/or sexological treatment and other offenders. A special unit of this prison – the referral unit – is entrusted with referring the offenders to treatment and observing them. Offenders sentenced to between 30 days and three months will usually not start serving their sentences in the referral unit. However, such offenders may be placed in the referral unit if the unit exceptionally finds, after reviewing the case file, that a targeted treatment effort is manifestly needed. Additionally, offenders sentenced to imprisonment for more than three months, but no more than one year, may be offered external referral in another institution. This may be done if reasons of capacity make placement in another institution appropriate and such placement is not considered inexpedient on treatment grounds. In case of such placement, the inmate is offered a referral consultation with a therapist from the referral unit of the Herstedvester Institution.

Persons who have refused participating in the treatment scheme as an alternative to a custodial sentence, who have not been found suited for that scheme, or who have breached the conditions laid down in the suspended sentence, with the result that the prison sentence must be served, also fall within the referral scheme.

Offenders sentenced to more than four years' imprisonment (five years for rapists) will be placed in the referral unit to the extent found expedient, and otherwise in another unit at the Herstedvester Institution, as this group of offenders will usually have to serve all or most of their sentence at the Herstedvester Institution and therefore falls outside the core target group of the referral scheme.

During the stay in the referral unit, the therapeutic staff assesses whether the offender needs treatment and is motivated for it. If the offender is assessed as suited and motivated for treatment, the offender will, when transferred to the – typically – open (i.e., minimum-security) prison where the remainder of the sentence will be served, be granted leave for treatment at one of the three treatment facilities that also provide the treatment under the treatment scheme.

Sexual offenders who serve all or most of their sentence at the Herstedvester Institution are also given treatment. These are offenders subject to long prison sentences, including persons sentenced to safe custody, who have committed aggravated (repeated) sexual offences. Such inmates are offered psychiatric/psychological treatment.

In the case of certain inmates, the psychiatric/psychological treatment may be combined with libido-suppressing treatment, which is a medicinal treatment that either cancels the production of testosterone or blocks the normal effect of testosterone in the body. This treatment may be offered to inmates who have committed repeated and/or aggravated sexual offences and where other treatment, including psychotherapy, is considered inadequate to obviate the risk of a new sexual offence.

Treatment may also be given to persons remanded in custody. In 2006, a special waiting unit was established at Vejle local prison for inmates waiting to be transferred to the Herstedvester Institution. This unit has therapeutic staff able to help remand prisoners, including persons charged with sexual offences who express a wish for help or treatment during their custody.

The treatment referred to requires the consent of the offender.

It is rare that young offenders under the age of 18 are convicted of sexual offences. Any treatment of a young offender will be carefully planned in accordance with the offender's needs.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

Answer: See answer to question 8(a).

- b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

Answer: See answer to question 8(a).

- c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

Answer: See answer to question 8(a).

When proceeds of crime are confiscated, the values confiscated will be an income on the general budget. There is no direct link between such income on the general budget and any particular expenditure appearing on the budget, including projects and programmes aimed at preventing and protecting children from sexual exploitation and sexual abuse.

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

Answer: In 2004, a “Final Report on a Pilot Scheme for an Intensified Effort towards Persons Convicted of Sexual Offences” was prepared. The report contained an evaluation of the treatment scheme and the referral scheme referred to in the answer to question 10(b). To follow up on the report, a research project was launched in 2006 for the purpose of establishing better opportunities for assessing the effect of treatment. The research project is expected to provide experience and knowledge on the effect of treatment, particularly in relation to paedophiles. The project comprises three sub-studies: referral of convicted offenders, effect of treatment and a study of recidivism. The first results are expected to become available during 2014.

A report from 2006 examined and compared inmates who had received libido-suppressing medicinal treatment (see answer to question 10(b)) between 1 January 1989 and 1 February 2000 with other sexual offenders serving at the Herstedvester Institution. The report showed no recidivism to sexual offences during treatment with libido-suppressing drugs. This applied to persons serving their sentence at the Herstedvester Institution as well as to persons released from the Institution.

The Clinic of Sexology in the Capital Region of Denmark attends to ongoing evaluation of methods and diagnostics of people who have sexual problems. As stated in the answer to question 10(a), the Clinic also attends to ongoing scientific research which aims to improve knowledge, treatment, and diagnostics.

- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

Answer: The establishment and management of clinics for children and young persons with sexually transgressive behaviour (see answer to question 10(a)).

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

Answer: Confidentiality rules do not prevent that professionals working in contact with children, on the basis of a concrete evaluation in each instance, pass on information to the police and other relevant authorities in cases covered by Article 12(1) of the Convention.

- b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

Answer: Pursuant to the Act on Social Services any person who learns or becomes aware that a child or young person under the age of 18 is being neglected or abused by his/her parents or other persons involved in his/her upbringing or is living under

conditions endangering his/her health or development must notify the municipal authorities. In addition, persons providing public services or holding public office must notify the municipal authorities if, while exercising their duties, they become aware of any circumstances that give rise to presume that a child or young person under the age of 18 has been exposed to sexual abuse.

The plan "Coordinated measures to protect children against abuse" includes an Act of Parliament which entered into force in October 2013. One of the main points of the Act is that the municipalities must evaluate all reports about children to local social authorities within 24 hours and decide if immediate action is needed to prevent and secure an early treatment of sexual abuse against children (see answer to question 8(a)).

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

Answer: In 2012 an Act of Parliament was passed with the purpose of strengthening the protection of children's right pursuant to the UN Convention on the Rights of the Child. Children's rights are, *inter alia*, strengthened through the possibility to get advice through the toll free telephone Children's Helpline (*Børnetelefonen*) operated by "Children's Welfare in Denmark". The strengthening of the Children's Helpline aims to secure a coordinated entry for anonymous advice for all children and young persons. This includes advice about relevant legislation, the child's possibilities to complain and who they can complain to (e.g. the municipality, the Parliamentary Ombudsman, the State Administration and the National Social Appeals Board) and advice about other relevant counseling.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**) Please specify:
- how the assistance is adapted to the victims' age and maturity;
 - how due account is taken of the child's views, needs and concerns;
 - if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

Answer: In September 2012, the Health and Medicines Authority published a report on the topic of sexual exploitation and abuse of children. The report presented a series of recommendations with regard to the establishment of Child Advocacy Centres (*børnehuse*), which are facilities for children who have been exposed to sexual offences where experts can provide help and assistance. The initiative was based on a joint agreement between the Ministry of Social Affairs, Children and Integration, the Ministry of Health and the Ministry of Justice to strengthen the cooperation between the national and regional institutions in relation to affairs concerning abuse of children.

Five Child Advocacy Centres have been established as a part of the initiative to enhance the joint effort to protect and support children who have been victims of assaults. The Child Advocacy Centres serve the local authorities to provide a safe, professional and coordinated effort with regard to treatment and investigation of potential exploitation and abuse.

Furthermore, a national knowledge centre, "Centre for Victims of Sexual Assaults", which is placed partially in the Capital Region of Denmark and partially in the Region of Central Denmark, exists. The Centre has the responsibility to carry out research and develop standards, procedures and guidelines in relation to treatment of victims of sexual exploitation and abuse. To this end the Centre trains health care personnel and other

professionals who work with people who have been sexually assaulted. Additionally, the Centre provides emergency assistance for people who have been subjected to rape or attempted rape, regardless of whether the victim wishes to report the assault to the police. The Centre offers examination and treatment 24 hours a day. The Centre is divided into three teams, among which there are special teams for children of 0-14 years of age and for adolescents of 15-18 years of age. The Centre also carries out research to enhance the national knowledge level of sexual violence and abuse.

Furthermore, there are eight centres in Denmark which provide specialised treatment, including psychological care, to victims of sexual violence and abuse. All centres offer emergency treatment, counseling, and care to people who have been exposed to sexual violence and abuse. From 2013, the Government has increased the level of financial support towards the eight Centres (additionally DKK 4.4m annually) in order to improve treatment and care.

- b. Please specify if and to what extent internal law provides for the possibility of removing (**Article 14, para. 3, Explanatory Report, para. 99**):
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

Answer: In case of a well-founded suspicion of an offence with a maximum penalty of at least 18 months' imprisonment, the suspect may be taken into custody if this is necessary to prevent flight, further offences or interference with the investigation. The police may hold the suspect for an initial period not exceeding 24 hours. Before the expiration of this time, the suspect must be either released or brought before the court. If the conditions are fulfilled, the court may order a period of custody not exceeding 4 weeks. The order may be extended for a maximum period of 4 weeks at a time (if the conditions continue to be fulfilled). The suspect may not be taken into custody, and a period of custody may not be extended, if this would be a disproportionate measure in the circumstances.

In case of a well-founded suspicion of a violent or sexual offence with a maximum penalty of at least 18 months' imprisonment committed against a member of the suspect's household, the suspect may be ordered to leave his/her home if this is necessary to prevent further offences. Such order is issued by the police for a specified period, which may not exceed 4 weeks. The order may be extended for a maximum period of 4 weeks at a time (if the conditions continue to be fulfilled). The suspect may request that the police bring the matter before the court. The police must bring the matter before the court within 24 hours of receipt of the request. The order remains in force until the court has decided on the matter. An order to leave one's home may not be issued, and such order may not be extended, if this would be a disproportionate measure in the circumstances.

Pursuant to the Act on Social Services children can be placed outside the home if their parents or persons caring for the child are involved in sexual exploitation or sexual abuse.

- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).

Answer: See answer to question 15(a).

- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

Answer: In the guidelines on guidance of and information to the victim in criminal cases issued by the Director of Public Prosecutions (Rigsadvokatens meddelelse nr. 8/2007 (rettet juli 2013)), it is stated that sexual offences committed abroad may be reported to the police in Denmark for transmission to the relevant foreign authority.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Answer: With the exception of the production and possession for personal use of child pornography involving a child over the age of consent (15 years of age) who has consented to such possession, the intentional conducts in the box below are criminal offences in Denmark. For details please refer to Annex I.

- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

Answer: In accordance with Article 20(3), Denmark has reserved the right not to apply Article 20(1)(a) and (e) to the production and possession of pornographic material involving children who have reached the age set in application of Article 18(2) where these images are produced and possessed by them with their consent and solely for their own private use.

- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Answer: Indecent behaviour with a child is criminalised to a wider extent than specified under “Corruption of Children (*Article 22*)” in the box below. As regards “Solicitation of Children for Sexual Purposes (“grooming”) (*Article 23*)” in the box below, it is not a condition for criminal liability for the intentional proposal to meet a child for the purpose of committing sexual abuse or producing child pornography that the proposal be made through information and communication technologies nor that the proposal be followed by material acts leading to such a meeting.

- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Answer: The younger the victim, the more serious the offence.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

Answer: According to section 306 of the Criminal Code, “Companies and other incorporated bodies (legal persons) may incur criminal liability under the rules of Part 5 for violation of this Code” (unofficial translation). According to section 27(1) of the Criminal Code (which appears in Part 5 of the Code), “It is a condition precedent to the criminal liability of a legal person that an offence has been committed in the course of its activities and that the offence was caused by one or more natural persons connected to the legal person or by the legal person as such.” (unofficial translation).

Question 18: Sanctions and measures

- a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

Answer: Criminal sanctions against natural persons include fines and imprisonment (for details please refer to Annex I). Criminal sanctions against legal persons include fines.

- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

Answer: According to section 84(2) of the Criminal Code, "The court may refer equally to judgments delivered outside the Danish state and judgments delivered in Denmark when imposing an increased penalty in case of repetitive offending." (unofficial translation).

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

Answer: Acts falling within Danish criminal jurisdiction include, in particular,

- (1) Acts committed within the Danish state.
- (2) Acts committed within the territory of another state by a person who was a Danish national or resident at the date of the charge, provided
 - (i) the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality); or
 - (ii) the offender had the aforesaid attachment to Denmark when committing the act and such act –
 - (a) comprises sexual abuse of children, human trafficking or female genital mutilation; or
 - (b) is aimed at someone having the aforesaid attachment to Denmark when the act was committed.
- (3) Acts committed outside the Danish state, irrespective of the home country of the offender, where the act falls within an international instrument obliging Denmark to have criminal jurisdiction.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

Answer: All of the circumstances referred to in Article 28 may be taken into consideration as aggravating circumstances.

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

Answer: When a child reports a sexual abuse, the police informs the child victim of its rights and the services at its disposal, e.g. the right to free legal counsel and the right to compensation by application to the Criminal Injuries Compensation Board (*Erstatningsnævnet*). The police also hands out the leaflet "Advice and guidelines to young people under the age of 18 who have been raped or suffered other forms of sexual assault" which describes the child's rights and services at its disposal. The parents or others closely related to the child receive the leaflet "Advice and guidelines to parents and others closely related to a child who has been sexually assaulted".

The child victim will receive the name and telephone number of a contact person from the police service whom the child can call and talk to about the case.

The child victim will receive information about important steps in the investigation, e.g. if the suspected offender is arrested or taken into custody.

If the prosecution service decides not to prosecute the suspected offender, the child's legal guardian and the child's legal counsel are informed about the decision. If the prosecution service decides to prosecute the suspected offender and take the case to court, the legal guardian and the legal counsel are informed about the pending trial. The legal guardian will at the same time receive information about whether or not the child has to testify in court, and the legal guardian will also receive information about how to obtain a copy of the court verdict. If the child victim has made a claim for compensation against the suspected offender, the court must inform the child victim of the verdict regarding the claim.

- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);

Answer: The court may appoint counsel to represent a victim, including a child victim, of a sexual offence. Council will assist the victim during the trial and with presenting any claim for compensation. Counsel is paid by the public purse (unless the expense is covered by a private insurance).

- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);

Answer: See answers to questions 21(a) and (b)

- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);

Answer: It is an offence to make public the identity of a victim of a sexual offence. However, if it is necessary during the investigation for the apprehension of the offender, the police may make public the identity of the victim. As described in the answers to questions 23(a) and 23(b) police interviews with a child victim or witness up to and including the age of 12 (exceptionally police interviews with older children) may be

videotaped, and the videotaped interviews may be used as evidence during court proceedings. Hence such child victims will not have to appear in court to testify. When the recording of a videotaped interview with a victim of rape or sexual abuse within the family is played in court, the victim may request that the court proceedings be held *in camera*. Similarly, a victim of rape or sexual abuse within the family who testifies in court may request to testify *in camera*. The court may order that the victim of other sexual offences testify *in camera*. Furthermore, the court may decide that the accused has to leave the courtroom while the victim testifies if there is reason to believe that the witness will not be able to give an unreserved testimony with the accused present.

- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);

Answer: In case of a well-founded suspicion of a sexual offence, the police may order the suspect not to contact or follow the victim or the victim's close relatives, if, in view of the seriousness of the offence, the victim or the victim's close relatives should not be subject to such contact. If such order is not sufficient to protect the victim or the victim's close relatives, the police may order the suspect not to enter a specified area close to the victim's or the victim's close relatives' place of residence, work or education or other place where the victim or the victim's close relatives are often to be found. An order not to contact or follow may be given for a specified period of time not exceeding 5 years. An order not to enter a specified area may be given for a specified period of time not exceeding 1 year. Such orders may be extended for a maximum period of 5 years or 1 year, respectively, at a time (if the conditions continue to be fulfilled). An order not to contact or follow may be appealed to the higher administrative authority. Such order, like any other administrative decision, is also subject to judicial review if the suspect brings a civil law suit against the authorities. As regards an order not to enter a specified area, the suspect may request that the police bring the matter before the court. The order remains in force until the court has made a decision on the matter. A restraining order may not be issued, or extended, if this would be a disproportionate measure in the circumstances.

- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);

Answer: It is required by law that any victim of a serious offence, including sexual abuse, must be informed when the offender is released temporarily or definitely from detention or custody, if the victim has asked to be informed and provided that the offender was remanded in custody during the trial and was not released between the passing of the judgment and enforcement of the sentence. If the victim has died, the notification will be given to the victim's close relatives upon request. Notification may be refused if essential considerations in favour of the offender make it appropriate. Notification is given by the the Prison and Probation Service (in case of prison and safe custody sentences), the State Prosecutor (in case of sentences to custody in a psychiatric hospital or a social institution), or the police district (in case of sentences to custody for young offenders). Notification will normally be in writing.

- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

Answer: Several measures have been taken to ensure that contact between the victim and offender, within court and law enforcement agency premises, is avoided, e.g. the suspected offender and the victim will not be asked to give testimony at the police station at the same time. Moreover, the child's legal counsel will accompany the child victim when entering the court premises, and the child will be placed in a separate room before giving testimony. Separate waiting rooms are established in most of the courts. In addition, the court in cooperation with the prosecutor and the police may take other measures to limit the child's distress, e.g. a member of the staff of the court may welcome the child and accompany the child during the court hearing.

As described in the answers to questions 23(a) and 23(b) police interviews with a child victim or witness up to and including the age of 12 (exceptionally police interviews with older children) may be videotaped, and the videotaped interviews may be used as evidence during court proceedings. Hence such child victims will not have to appear in court to testify.

When child victims testify in court the court may decide that the accused has to leave the court room while the child testifies. In most of the courts the accused will have the opportunity to listen to the questioning from a separate room.

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

Answer: See answer to question 21(b).

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);

Answer: See answer to question 21.

- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

Answer: The offences referred to in question 16 may be investigated by the police of its own motion, charges may be brought without a report or accusation made by a victim, and proceedings may continue even if the victim withdraws his or her statement.

- c. Which legislative or other measures measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);

Answer: The period of time established under the statute of limitation for initiating proceedings with regard to those offences does not begin to run until the victim has reached the age of 21.

- d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;

Answer: See answer to question 21(b).

- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;

Answer: Victims may be supported by associations, etc.

- f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);

Answer: The police may not assist or encourage anyone to commit or continue an offence unless (1) there is a well-founded suspicion that the offence is being committed or attempted, (2) such measure is of paramount importance for the investigation, and (3) the offence carries a maximum penalty of at least 6 years' imprisonment. Assistance or encouragement may not increase the extent or gravity of the offence.

- g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

Answer: The National Police has a forensic unit (NITES) which specialises in investigating cases regarding child pornography. The National Police is constantly enlarging the national database containing illegal photographs and films covered by the provisions of the Criminal Code concerning child pornography. Photographs and films that are discovered during police investigations are immediately updated in the database. This ensures a thorough and effective examination of for example seized computers. The National Police additionally provides the police districts with the latest hash values so that the police districts can examine USB memory sticks and similar storage devices. Furthermore the known photographs and films in the database are also used to investigate file sharing networks. The National Police is cooperating with several internet providers as the National Police daily provides them information about websites containing illegal content covered by the provisions of the Criminal Code concerning child pornography. Victim identification is also prioritised by the National Police and a police officer is dedicated solely with this line of investigation.

Question 23: Child friendly interviewing and proceedings

- a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:
- they take place without unjustified delay after the facts have been reported to the competent authorities;
 - they take place, where necessary, in premises designed or adapted for this purpose;
 - they are carried out by professionals trained for this purpose;
 - the same persons are, if possible and where appropriate, conducting all interviews with the child;

- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Answer: When the police receives a report that a child has been sexually abused, the child victim must be interviewed as soon as possible and if possible within a week from the time of the report. Police interviews with a child victim or witness up to and including the age of 12, and exceptionally older children, are conducted by a police officer who has received professional training in interviewing children. The interview usually takes place in a Child Advocacy Centre that provides a child-friendly and supportive environment in which law enforcement and Child Protective Services investigators may conduct and observe forensic interviews with children who are alleged victims of crimes. As a rule the child should only be interviewed once. If, however, it is considered necessary for the purpose of the proceedings, the child may be interviewed more than once. The interview will then be conducted by the same police officer who conducted the first interview. When a child under the age of 15 is interviewed by the police, a representative from the social authorities has to be present. When the interview takes place in a Child Advocacy Centre, the interview will be videotaped. In these cases the representative from the social authorities, as well as the child's legal counsel and the suspect's legal counsel (but not the suspect), watches the interview on closed-circuit television while the police officer interviews the child victim or witness in another room. If necessary the child may be accompanied in the interviewing room by an adult whom the child trusts unless the person is expected to be required to testify during the court proceedings. If this is the case, the person cannot accompany the child. The suspect will subsequently be shown the video-recording of the interview and may, where relevant, request that the child be interviewed again. If so, it is required that the second interview take place shortly after the first interview, and, except in extremely rare cases, a third interview is not possible. When a child victim testifies in court the court decides how and by whom the questioning should be done. The court may decide that a competent person should give assistance during the questioning of the child to make sure the questioning is done as gently as possible.

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Answer: Police interviews with a child victim or witness may be videotaped, and the videotaped interviews may be used as evidence during court proceedings. This procedure may be used with children up to and including the age of 12 years and exceptionally with older children. Hence such child victims will not have to appear in court to testify.

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (**Article 36**).

Answer: See answers to questions 21(d) and 21(g).

Annex 1

As stated in the answer to question 16(a) the intentional conducts referred to in Articles 18-24 of the Lanzarote Convention – except for the conduct referred to in Article 20(3) second indent of the Lanzarote Convention – are criminal offences in Denmark. The box below gives an overview of the criminalisation of those offences in Denmark. It should be noted that there is not necessarily one Danish provision criminalising the conduct referred to in a given provision of the Lanzarote Convention (i.e., one Danish provision may cover conduct which is divided between several provisions of the Lanzarote Convention and may even cover conduct outside the scope of the Lanzarote Convention (in particular offences committed against adult victims), and, conversely, one provision of the Lanzarote Convention may cover conduct which is divided between several Danish provisions).

General note: All references below to Sections 216-224 of the Criminal Code should be taken to include a reference to the Section concerned in conjunction with Section 225. For example, a reference to Section 216(2) should be understood as a reference to Section 216(2) and to Section 216(2) in conjunction with Section 225. Sections 216-224 cover sexual intercourse, and Sections 216-224 in conjunction with Section 225 cover other sexual activities.

Sexual Abuse (Article 18)

Engaging in sexual activities with a child

- who has not reached the legal age for sexual activities: Section 216(2) and Section 222 of the Criminal Code
- where use is made of coercion, force or threats: Section 216(1), (3) and (4) of the Criminal Code
- where abuse is made of a recognised position of trust, authority or influence over the child, including within the family: Section 210(1) and (3) and Section 223(1) of the Criminal Code
- where abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence: Section 218, Section 220 and Section 223(2) of the Criminal Code

Child Prostitution (Article 19)

Recruiting a child into prostitution or causing a child to participate in prostitution: Section 262A(2) of the Criminal Code

Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes: Section 262A(2) of the Criminal Code

Having recourse to child prostitution: Section 224(2) of the Criminal Code

Child Pornography (Article 20)

Producing child pornography: Section 226 of the Criminal Code

Offering or making available child pornography: Section 235(1) of the Criminal Code

Distributing or transmitting child pornography: Section 235(1) of the Criminal Code

Procuring child pornography for oneself or for another person: Section 235(1) and (2) of the Criminal Code

Possessing child pornography: Section 235(2) of the Criminal Code

Knowingly obtaining access, through information and communication technologies, to child pornography: Section 235(2) of the Criminal Code

Participation of a Child in Pornographic Performances (Article 21)

Recruiting a child into participating in pornographic performances or causing a child to participate in such performances: Section 262A(2) of the Criminal Code

Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes: Section 262A(2) of the Criminal Code

Knowingly attending pornographic performances involving the participation of children: Section 227(2) of the Criminal Code

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate: Section 232 of the Criminal Code

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting: Section 216(2), Section 222 and Section 226, in conjunction with Section 21, of the Criminal Code

Aiding or abetting and attempt (Article 24)

Intentionally aiding or abetting the commission of any of the above offences: Section 23 of the Criminal Code

The attempt to commit any of the above offences: Section 21 of the Criminal Code

Unofficial translation of certain provisions of the Criminal Code

21. Acts aimed at inciting or assisting the commission of an offence are punishable as attempts if the offence is not completed.

(2) The penalty prescribed for an offence may be reduced for attempts, especially where an attempt reflects little strength or persistence of criminal intent.

(3) Unless otherwise provided, attempts will only be punished if the offence is punishable by imprisonment for a term exceeding four months.

23. The penalty provided for an offence applies to everybody who is complicit in the act by incitement or aiding and abetting. The punishment may be reduced where a person intended only to provide minor assistance or support an intent already formed, and where the offence has not been completed or intentional complicity failed.

(2) The punishment may also be reduced where a person is complicit in the breach of a special duty to which he is not subject.

(3) Unless otherwise provided, the punishment for complicity in offences that do not carry a sentence of imprisonment for a term exceeding four months may be remitted where the accomplice intended only to provide minor assistance or support an intent already formed, and where his complicity was due to negligence.

210. Any person who has sexual intercourse with a relative in the line of descent is sentenced to imprisonment for a term not exceeding six years. An adopted relationship is considered equal to a blood relationship.

(2) Any person who has sexual intercourse with his brother or sister is sentenced to imprisonment for a term not exceeding two years. The penalty may be remitted in case the person involved has not attained the age of 18 years.

(3) The provisions of subsections (1) and (2) apply correspondingly to sexual activity other than sexual intercourse.

216. A penalty of imprisonment for a term not exceeding eight years for rape is imposed on any person who –

(i) uses violence or threats of violence to have sexual intercourse; or

(ii) engages in sexual intercourse by duress as defined in section 260 or with a person who is in a state or situation in which he is incapable of resisting the act.

(2) A penalty of imprisonment for a term not exceeding 12 years for rape is imposed on any person who has sexual intercourse with a child under 12 years of age.

(3) The sentence for violation of subsection (1) may increase to imprisonment for 12 years if the rape was committed in a particularly dangerous manner or in otherwise particularly aggravating circumstances.

(4) When determining a sentence, it must normally be considered an aggravating circumstance if the victim has been trafficked.

218. Any person who exploits the mental disorder or mental retardation of another person to engage in sexual intercourse with such person is sentenced to imprisonment for a term not exceeding four years.

220. Any person who grossly exploits another person's dependency of him for employment, financial, treatment or care reasons to engage in sexual intercourse with such person is sentenced to imprisonment for a term not exceeding one year or, if the offence was committed against a person under 18 years of age, by imprisonment for a term not exceeding four years.

222. Any person who has sexual intercourse with a child under 15 years of age is sentenced to imprisonment for a term not exceeding eight years unless the offence falls within section

216(2). When determining a sentence, it must be considered an aggravating circumstance if the offender engaged in sexual intercourse by exploiting his physical or mental superiority.

(2) If the offender engaged in sexual intercourse by coercion or threats, the punishment may increase to imprisonment for a term not exceeding 12 years.

223. Any person who has sexual intercourse with a person under 18 years of age who is the offender's stepchild or foster child, or with whose education or upbringing the offender has been entrusted, is sentenced to imprisonment for a term not exceeding four years.

(2) The same penalty is imposed on any person who seduces a person under 18 years of age into sexual intercourse by grossly exploiting his superior age and experience.

224. Any person who is complicit in making a person under 18 years of age engage in sexual intercourse with a client for payment or a promise of payment is sentenced to a fine or imprisonment for a term not exceeding six years.

(2) Any person who has sexual intercourse as a client with a person under 18 years of age for payment or a promise of payment is sentenced to imprisonment for a term not exceeding two years.

225. The provisions of sections 216-224 apply correspondingly to sexual activity other than sexual intercourse.

226. Any person who takes pornographic photographs or makes pornographic films or similar recordings of a person under 18 years of age with intent to sell or otherwise distribute the material is sentenced to a fine or imprisonment for a term not exceeding six years.

227. Any person who is complicit in the use of a person under 18 years of age as an actor in a pornographic performance is sentenced to a fine or imprisonment for a term not exceeding six years.

(2) Any person who attends a performance as referred to in subsection (1) in which a person under 18 years of age appears as an actor is sentenced to a fine or imprisonment for a term not exceeding two years.

232. Any person who commits an act of indecency is sentenced to a fine or imprisonment for a term not exceeding two years or, if the offence was committed against a child under 15 years of age, to a fine or imprisonment for a term not exceeding four years.

235. Any person who distributes pornographic photographs or films or other pornographic visual reproductions of or similar material with persons under 18 years of age is sentenced to a fine or imprisonment for a term not exceeding two years, or in particularly aggravating circumstances by imprisonment for a term not exceeding six years. Especially situations endangering the life of a child, situations of aggravated assault, situations in which the child suffers serious harm, or distribution made in a systematic or organised manner are considered particularly aggravating circumstances.

(2) Any person who possesses or views, for value or through the Internet or a similar system for dissemination of information, any pornographic photographs or films or other pornographic visual reproductions of or similar material with persons under 18 years of age is sentenced to a fine or imprisonment for a term not exceeding one year.

(3) The provision of subsection (2) does not comprise the possession of photographs, films or similar recordings of a person who has attained the age of 15 years if such person has consented to the possession.

262 a. A penalty of imprisonment for a term not exceeding ten years for human trafficking is imposed on any person who recruits, transports, transfers, harbours or subsequently receives another person who is or has been subjected to –

(i) duress as defined in section 260;

- (ii) deprivation of liberty as defined in section 261;
- (iii) threats as defined in section 266;
- (iv) the wrongful creation, confirmation or exploitation of a mistake; or
- (v) any other improper procedure;

to exploit such other person for prostitution, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs.

(2) The same penalty is imposed on any person who, for the purpose of exploitation of such other person for prostitution, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs –

- (i) recruits, transports, transfers, harbours or subsequently receives a person under 18 years of age; or
- (ii) gives payment or other benefit to achieve the consent to such exploitation from a person having control over the victim and on the person receiving such payment or benefit.