



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## **LANZAROTE CONVENTION**

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

**Replies to the thematic questionnaire**

**DENMARK**

**1<sup>st</sup> thematic monitoring round**

**“Sexual abuse of children in the circle of trust”**

Replies registered by the Secretariat on 27 January 2014



## DATA COLLECTION

### Question 1: Data on sexual abuse in the circle of trust

Please indicate whether data are collected for the purpose of observing and evaluating the phenomenon of sexual abuse of children in the circle of trust. If so, please:

- specify what mechanisms have been established for data collection or whether focal points have been identified especially with regard to statistical data on victims and offenders within the circle of trust (**Article 10 (2) (b), Explanatory Report, paras. 83 and 84**);
- include any relevant data in an Appendix.

*Answer:* See answer to question 5(b) of the GOQ. See also Annex 1.

## PREVENTION

Questions in this section aim specifically at collecting information on policies and strategies to prevent sexual abuse particularly in the child's circle of trust. The questions thus concern awareness-raising of children themselves as well as of persons working in regular contact with them, thus forming a part of their circle of trust.

### Question 2: Education for children

The reply to question 8 of the GOQ will be examined by the Committee to assess the implementation of **Article 6** with respect to the theme of the monitoring round. While replying to this question, please therefore only add whether a special attention is drawn to children's education concerning the risks of sexual abuse of children in the circle of trust, and how children should protect themselves and request help in this regard. If so, please provide details. (**Explanatory Report, paras.59-62**).

*Answer:* See answer to question 8(a) of the GOQ.

### Question 3: Recruitment and screening

The reply to question 9 of the GOQ will be examined by the Committee to assess the implementation of **Article 5, para. 3** with respect to the theme of the monitoring round, paying particular attention to the recruitment and screening of persons whose professions involve regular contacts with children.

*Answer:* See answer to question 9 of the GOQ.

### Question 4: Raising awareness on sexual abuse in the circle of trust

Have policies or strategies been implemented for promoting or conducting awareness-raising campaigns where the focus is directed especially towards the risks and realities of sexual abuse of children in the circle of trust? If so, please specify for whom these campaigns were/are run (**Article 8, Explanatory Report, paras. 65-66**). Please include examples by providing links to what has been developed.

*Answer:* See answer to question 8(a) of the GOQ.

### **Question 5: Specialised training**

Have legislative or other measures been taken to ensure that persons, units or services in charge of investigations are trained in dealing with cases where the alleged perpetrator of child sexual abuse is a member of the victim's immediate family or has otherwise been in a recognised position of trust, authority or influence over him or her? (**Article 34 (1), Explanatory Report, paras. 233-235 as well as para. 123**).

*Answer:* The National Police regularly provides seminars regarding sexual abuse of children. At the seminars police officers are taught several subjects such as uncovering sexual abuse of children, communication with children, investigation and examination methods, trauma and PTSD in connection with sexual abuse, etc. Furthermore, all police officers that work with interviewing sexually abused children receive special training and participate regularly in seminars where the latest topics regarding sexual abuse of children are addressed. The units that investigate cases regarding sexual abuse of children are thus prepared to handle cases where the perpetrator is a member of the victim's immediate family.

### **Question 6: Participation of children, the private sector, the media and civil society**

Replies to questions 4 and 11 of the GOQ will be examined by the Committee to assess the implementation of **Article 9** with respect to the theme of the monitoring round. Please therefore only add whether any specific steps have been taken to encourage participation by children, the private sector, the media and/or civil society in the development and implementation of policies, programmes or other initiatives specifically concerning sexual abuse of children in the circle of trust. If so, please specify which and explain how participation takes place. (**Explanatory Report, paras. 67-75**).

*Answer:* See answers to questions 4 and 8(a) of the GOQ.

### **Question 7: Preventive intervention programmes or measures**

Which measures have been taken to ensure that persons, especially those forming a part of a child's circle of trust, who fear that they may commit offences of sexual abuse established in accordance with the Convention, have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? (**Article 7, Explanatory Report, para. 64**).

*Answer:* See answer to question 10(a) of the GOQ.

## **PROTECTION**

The questions in this section aim at identifying what specific legislative or other measures have been taken to protect in particular children victims of sexual abuse in the circle of trust.

### **Question 8: Reporting suspicion of sexual abuse**

The reply to question 13 of the GOQ will be examined by the Committee to assess the implementation of **Article 12** with respect to the theme of the monitoring round. While replying to this question, please therefore only add whether specific legislative or other measures have been taken to encourage reporting of sexual abuse of children in the circle of trust to the competent authorities. (**Explanatory Report, para. 91**).

*Answer:* See answer to question 13 of the GOQ.

### Question 9: Assistance to and special protection for victims

- a. If, and to what extent, does internal law provide for the possibility of removing the victim from his or her family environment when parents or persons who have care of the child are involved in his or her sexual abuse? If internal law so provides:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child? (**Article 14 (3), Explanatory Report, para. 99**);
  - have legislative or other measures been taken to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care? (**Article 14 (4), Explanatory Report, para. 100**).

*Answer:* See answers to questions 15(a) and 15(b) of the GOQ.

- b. Does internal law provide that sanctions for offences of child sexual abuse within the circle of trust include denying the perpetrator, temporarily or permanently, the exercise of the professional or voluntary activity involving contact with children in the course of which the offence was committed? (**Article 27 (3) (b), Explanatory Report, para. 187**).

*Answer:* According to section 79(1) and (2) of the Criminal Code, “(1) A person carrying on any activities as mentioned in section 78(2) [i.e., activities under a special public licence or permit] may be deprived by judgment in criminal proceedings of the right to continue such activities or to carry on such activities in certain circumstances if the act committed implies an imminent risk of abuse of his position. (2) The same applies to other activities if justified by special circumstances.” (unofficial translation). “other activities” under section 79(2) would include, *inter alia*, professional or voluntary activities involving contact with children.

## PROSECUTION

The questions in this section focus on those provisions that deal with criminalising and sanctioning intentional conduct which amounts to sexual abuse within the child’s circle of trust as well as some theme-specific issues relating to whether the investigative, prosecutorial and court stages of proceedings take adequate account of the special nature of cases that have a circle of trust component.

### Question 10: The offence of sexual abuse

The reply to question 16 of the GOQ will be examined by the Committee to assess the implementation of **Article 18** with respect to the theme of the monitoring round. The reply to question 1 of the GOQ will also be considered while assessing the situation in the Party with respect to **Article 18**. While replying to this questionnaire, please therefore only add:

- a. what is understood by “intentional conduct” in internal law? (**Explanatory Report, para. 117**);

*Answer:* Intentional conduct include, in particular, as regards factual circumstances, knowledge or firm assumption (i.e., the assumption that something is more likely to be the case than not to be the case) and, as regards future events, a wish that such events occur or a belief that, on the balance of probabilities, that they will occur.

- b. what is understood by “sexual activities” in internal law? (**Explanatory Report, para. 127**).

*Answer:* Sexual activities include sexual intercourse (penile-vaginal and penile-anal) and other sexual activities. Other sexual activities include, in particular, non-penile vaginal and anal penetration, oral-genital contact and manipulation of another person’s genitals. Briefly touching, without manipulating, another person’s genitals with one’s hand does not amount to sexual activities.

### **Question 11: Corporate liability**

The reply to question 17 of the GOQ will be examined by the Committee to assess the implementation of **Article 26** of the Convention with respect to the theme of the monitoring round. If, in addition, any other measures are foreseen, please specify.

*Answer:* See answer to question 17 of the GOQ.

### **Question 12: Aggravating circumstances**

Does internal law ensure that if an offence of sexual abuse, established in accordance with the Convention, is committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority or any other person in the child’s circle of trust, that such circumstances may be considered an aggravating factor in the determination of sanctions, in so far as they do not form a part of the constituent elements of the offence? If so, does internal law provide different sanctions depending on whether the relationship of the perpetrator to the child is within the context of family relations or of a professional or voluntary activity (e.g. care providers in institutions, teachers, doctors, etc.)? (**Article 28 (c) and (d), Explanatory Report, paras. 198-199**).

*Answer:* See answer to question 20 of the GOQ.

### **Question 13: Best interest of the child**

- a. Please specify whether in situations where the alleged perpetrator is a member of the victim’s family or has otherwise been in a recognised position of trust or authority towards him or her, legislative or other measures have been taken to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child victim of sexual abuse. (**Article 30, para. 1, Explanatory Report, para. 215**);

*Answer:* See answer to question 21 of the GOQ.

- b. The reply to question 22(d) of the GOQ will be examined by the Committee to assess the implementation of **Article 31, para. 4** of the Convention with respect to the theme of the monitoring round;

*Answer:* See answer to question 21(b) of the GOQ.

- c. Please also indicate whether internal law provides that sanctions, as a result of offences committed by a person considered to be in the victim’s circle of trust, include withdrawal of parental rights or monitoring or supervision of convicted persons (**Article 27, para. 4, Explanatory Report, para. 191**).

*Answer:* Under Danish law, “withdrawal of parental rights” is solely a family law matter. According to sections 4, 11 and 14 of the Act on Parental Responsibility, all decisions on custody must be taken in accordance with the best interests of the child. In accordance

with this it appears clearly from the explanatory report on the Act that when a parent having sole or joint custody commits offences against the child the other parent may request that the joint custody is dissolved and that the requesting parent is appointed sole holder of custody or may request having sole custody transferred to her or him.

Monitoring or supervision of convicted persons may be ordered in connection with a suspended sentence or a conditional release. Such measures, however, cease, at the latest, when the full term of imprisonment has been served. Orders not to contact another person or not to enter a specified area may, depending on the circumstances, be imposed for a period of time extending beyond serving the full term of imprisonment.

Unofficial translation of sections 4, 11 and 14 of the Act on Parental Responsibility:

**“Section 4.** Decisions made pursuant to the Act will be based on the child’s best interests.

**Section 11.** If non-cohabiting parents with joint custody disagree about custody, the court will decide whether joint custody is to continue or whether one of the parents is to have sole custody. The court can only terminate joint custody if it is to be presumed that the parents cannot co-operate in relation to the child, taken into consideration the best interests of the child.

**Section 14.** (1) On the request of a parent who does not have custody, the court can order joint custody or transfer custody to this parent.

(2) The court can change an agreement under section 13(2) or can change a decision under section 15.”

#### Question 14: Child-friendly justice

- a. Please specify whether in situations where the alleged perpetrator is a member of the victim’s immediate family or has otherwise been in a recognised position of trust or authority towards him or her, a 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 and Explanatory Report, paras. 211-215**);

*Answer:* See answer to question 21 of the GOQ.

- b. Which legislative or other measures been taken to ensure that investigations or prosecution 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, especially in cases where the alleged perpetrator is a member of the victim’s immediate family or has otherwise been in a recognised position of trust or authority towards him or her? (**Article 32, Explanatory Report, para. 230**);

*Answer:* See answer to question 22(b) of the GOQ.

- c. Have legislative or other measures been taken to ensure that a judge, in a criminal trial regarding an offence which can be considered to involve sexual abuse of a child within the circle of trust, may order the hearing to take place without the presence of the public or that the victim may be heard in the courtroom without being present? (**Article 36, para. 2 and Explanatory Report, para. 242**).

*Answer:* See answers to questions 21(d) and 23(a) of the GOQ.

## Annex 1

The tables below contain information on the number of criminal cases concerning sexual offences for each of the years 2008-2012 (most recent data available). Please note that for some offences (e.g. rape) separate data for cases involving child victims are not available; for those offences the figures given represent the overall number of cases involving both adult and child victims.

### *Number of reported offences*

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Sexual activities with a child under the age of 15	413	367	428	368	403
Rape	497	437	449	420	392
Abuse of mental condition	11	18	8	15	17
Abuse of dependency	2	1	3	6	2
Abuse of a person under the age of 18 based on the perpetrator's superior age and experience	7	4	8	7	8
Sexual activities with a stepchild, foster child, etc., under the age of 18	24	21	34	16	22
Sexual activities with the perpetrator's child or grandchild	39	35	35	26	54
Sexual activities with a person under the age of 18 against remuneration	0	9	8	12	14
Production of child pornography	5	2	3	4	6
Distribution of child pornography	100	98	61	65	44
Possession etc. of child pornography	152	89	94	85	102
Organizing pornographic performances with persons under the age of 18	-	0	1	1	1
Attending pornographic performances with persons under the age of 18	-	0	0	0	0
Human trafficking	6	10	11	12	9



*Number of charges*

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Sexual activities with a child under the age of 15	381	333	398	339	370
Rape	360	302	308	314	301
Abuse of mental condition	10	16	8	14	16
Abuse of dependency	2	1	2	5	2
Abuse of a person under the age of 18 based on the perpetrator's superior age and experience	7	4	8	3	8
Sexual activities with a stepchild, foster child, etc., under the age of 18	23	21	32	15	21
Sexual activities with the perpetrator's child or grandchild	35	32	35	25	50
Sexual activities with a person under the age of 18 against remuneration	0	9	8	11	13
Production of child pornography	5	2	3	3	6
Distribution of child pornography	82	84	55	62	41
Possession etc. of child pornography	123	77	90	82	95
Organizing pornographic performances with persons under the age of 18	-	0	0	1	1
Attending pornographic performances with persons under the age of 18	-	0	0	0	0
Human trafficking	6	8	7	8	6

*Number of convictions*

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Sexual activities with a child under the age of 15	116	152	135	119	127
Rape	58	63	54	54	66
Abuse of mental condition	3	4	0	6	5
Abuse of dependency	0	0	0	0	0
Abuse of a person under the age of 18 based on the perpetrator's superior age and experience	1	1	2	1	0
Sexual activities with a stepchild, foster child, etc., under the age of 18	6	7	14	5	9
Sexual activities with the perpetrator's child or grandchild	15	15	11	7	8
Sexual activities with a person under the age of 18 against remuneration	2	0	2	2	3
Production of child pornography	1	1	0	0	0
Distribution of child pornography	11	36	44	44	35
Possession etc. of child pornography	93	67	59	55	41
Organizing pornographic performances with persons under the age of 18	-	0	0	0	0
Attending pornographic performances with persons under the age of 18	-	0	0	0	0
Human trafficking	3	3	11	4	3