



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2017)ICT-DK

LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

DENMARK

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 24 January 2018

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Answer:

The Government provides permanent funding to the NGO Save the Children Denmark which provides information, counselling and support for children and young people who experience online sexual abuse. Children may contact the organisation online or by phone and receive advice on how to get in touch with relevant authorities if they are victims of online sexual abuse or sexually offensive behaviour, e.g. if self-generated sexually explicit images and/or videos or self-generated sexual content is unwillingly shared online. Furthermore the organisation provides information for children and young people on how to act and interact safely online via leaflets, on the NGO's website and through educational activities for school children in various age groups.

In February 2017, the Government launched the "Stepping up initiatives against digital sexual abuse"¹ to counter sharing of private, intimate and sexual images and videos without consent. The scope of the initiatives included the following:

- Prevention and knowledge: New research and a variety of information materials and services targeted at young people, teachers and parents.*
- Help for the victims: Easier access to reporting and victim counselling, and new information material on how the police handles cases of digital sexual abuse.*
- Consequence and punishment: Higher maximum sentences, improved guidelines for police and prosecutors and clarification of the authority of school principals to sanctions students who commit digital sexual abuse.*

The initiatives were launched by the minister of justice, the minister of education and the minister for equal opportunities and helped raise awareness of the problem of digital sexual abuse in the public.

In the context of the Nordic Council of Ministers, information material on digital abuse will be prepared specifically targeting children and young people in the Nordic countries. The purpose of the information material is i.a. to make the young people aware of the rights and possibilities of the individual, e.g. with regard to having pictures removed from the Internet.

The Danish Ministry of Education launched a youth-to-youth campaign on YouTube in November 2016. In 10 videos, 10 well-known You-Tubers address the problems associated with sharing pictures and the way we talk to each other online. The videos can also be used in class. The campaign ends in February 2017 and was developed in cooperation with Save the Children Denmark, the Danish Family Planning Association and Children's Welfare in Denmark.

¹ <http://um.dk/~media/UM/Danish-site/Documents/Ligestilling/Digitale%20sexkraenkelser/Engelsk%20version%20digitale%20sexkrnkelser%20endelig.pdf?la=da>

There are a number of organisations in Denmark that provide educational activities and materials addressed to children about the risks of sharing self-generated sexual image/videos or content. The material is available for children and teachers and is used in awareness raising activities in schools. Sex og Samfund (The Danish Family Planning Association) provides material for education on sexual education for primary and lower secondary school as well as upper secondary school (for more, see <http://www.sexogsamfund.dk/>). They also run a popular campaign every year (Week Sex) with various themes in relation to sexual health. The previous two years Week Sex had a focus on children's sharing sexual material on the social media to promote awareness of personal risks, as well as legal and ethical aspects of sharing sexual material (for more, see <http://www.underviserportal.dk/unqdom/uqe-sex-paa-unqdomsuddannelser/stx-hf-hhx-og-htx-p2/>). The material provided by Sex og Samfund is used in various subjects across the national curriculum for upper secondary education (for example, Danish, biology, social studies, psychology).

The Ministry of Education provides free inspiration and guidance materials on the topic web ethics and digital bullying on the Ministry of Education's portal EMU.dk. The target groups are teachers, school leaders and parents but many materials also have children as their primary target group.

In 2016, the Ministry of Education launched a campaign against bullying, including digital bullying, in cooperation with a broad range of NGOs and charity funds. This campaign includes a new website alleforenmodmobning.dk.

On alleforenmodmobning.dk and EMU.dk it is possible to get an overview on the knowledge on digital bullying and find materials for children, parents, teachers and school leaders. EMU.dk and alleforenmodmobning.dk also links to other relevant websites created by organisations such as Save the Children, The Danish Family Planning Association (Sex og Samfund) and Children's Welfare (Børns Vilkår) and The Danish National Council for Children (Børnerådet).

All of the above mentioned organisations conduct a wide range of activities for children, parents, teachers that aim at preventing and protecting children against sexual exploitation and abuse facilitated by digital medias i.e. by focusing on the rights of children related to privacy as well on the risks of digital life when it comes to sharing photos.

It is stated by law that all primary and lower secondary schools must provide a strategy on anti-bullying that should include a strategy on how to prevent and deal with digital bullying. As a follow up on the anti-bullying campaign in 2016, the government made it possible to complain about the school's work if you are bullied at school. The Danish Center for Educational Environment (Dansk Center for Undervisningsmiljø, DCUM) provides templates for elaborating local strategies that include digital bullying issues. The Danish Center for Educational Environment also offers other tools and materials for preventing and handling digital bullying.

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Answer:

The material mentioned under 1.1. includes reference to the role of children who are not directly involved in producing or sharing the material.

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Answer:

The Government provides permanent funding to the NGO Save the Children Denmark which has produced a digital guide aimed at parents of children aged 7-11 years old. The guide provides guidelines and advice on how to talk to children about safe online behaviour. The organisation has also produced a leaflet with information about the consequences of sharing intimate images and how to tackle situations when children or young people experience sexual abuse or sexually offensive behaviour online, e.g. if self-generated sexually explicit images and/or videos or self-generated sexual content is unwillingly shared publically. The leaflet is directed at parents as well as professionals working with children and is publically available on the NGO's website.

The Danish Ministry of Education has cooperated with Save the Children Denmark, the Danish Family Planning Association and Children's Welfare in Denmark to prepare two films, which the schools can use to start a dialogue with the parents as to how to relate to their children's digital behaviour. The material also includes some questions to reflect on for use in the dialogue with the parents.

The challenge of preventing digital sexual abuse among the students and dealing with any students who have experienced having intimate pictures or videos shared against their will are rather new to many principals, teachers, student counsellors and other resource personnel. They can now find inspiration on how to approach the challenge in new material.

Danish Ministry of Education has collected some inspiration material for teachers at the upper secondary education programmes including the vocational training programmes to address the subject in class or school assemblies. The material is available for the subjects Danish (STX, HF, HHX, HTX), social studies (STX, HF) and society and health (EUD) and has been prepared by the Danish Family Planning Association. In addition, Save the Children Denmark has prepared material for the purpose to be applied in school assemblies.

All materials mentioned above is or will be made available at EMU.dk – Denmark's learning portal.

The digitised society increases the need for digital etiquette. So far, IT competencies at the upper secondary education programmes have primarily focused on the application of digital tools. But as great as the abundance of options is on the Internet, as great is the risk of losing control of your data, your pictures and information about yourself shared when sitting at the computer. New curricula will strengthen the digital etiquette and digital competences in the subjects at the upper secondary education programmes. Focus will i.a. be on ethics, communities, digital identity and the consequences for yourself and others of sharing material on the Internet.

In winter 2017, an acute hotline will be established for schools that experience cases where a student's private sexual material has been shared among the school's students. The hotline will provide advice on how to handle a specific case or on how the school can prevent sharing among the school's students. The hotline will be staffed by the learning consultants for the upper secondary education programmes. In the future, the learning consultants will, in their work with the schools, also focus on the ensurance of a school culture that discourages sexually abusive behaviour.

In order to improve the schools' options for discovering and acting on any problems of digital abuse, the upcoming mandatory well-being measurements to be carried out at the Danish upper secondary schools will be used to keep an eye on to what extent students experience having sexual material shared on the Internet against their will. Including digital abuse in the future well-being measurements also sends a clear signal that this type of behaviour on the Internet affects the student's well-being, and therefore the schools have a responsibility for taking action. The option of also bringing digital abuse into focus in relation to the well-being measurement at the vocational training programmes will be examined with a view to including questions in this regard in the upcoming well-being measurement in the autumn of 2017.

The principals face a special challenge in that the students' sharing of pictures and videos often takes place outside the school. Therefore, some principals have been unsure about their authority. As a consequence, an amendment of the Executive Order on Rules of Study and Conduct at the Upper Secondary Education Programmes is contemplated, so that it will include a specification of the principal's authority to impose sanctions on a student if he – or she – has shared another student's private sexual material without the consent of that student. The principal's authority is expected to apply also if the material was shared outside school hours or outside the institution's area but where the sharing of the material has an impact on conditions at school. The Danish Ministry of Education is i.a. working on adding a new provision on bullying on the social media to the Executive Order on Rules of Study and Conduct at the Upper Secondary Education Programmes. As is the case today, the principals at the upper secondary schools will be able to impose sanctions on a student, e.g. by refusing him – or her – access to class for up to 10 days. The sanction must always be proportionate to the student's violation. The Executive Order was submitted for consultation in the spring of 2017. It is the intention to give the same authority to principals at vocational schools.

Save the Children Denmark provides material for teachers, parents or people who have regular contacts with children that can be used to raise awareness and initiate talks with children about risks (for more, see:

https://redbarnet.dk/media/1591/naar_boern_og_unge_deler_intime_billeder_paa_netten.pdf).

As part of the Government's initiatives to prevent sharing of offensive material on the social media, materials and films to use at parents' conferences in schools on the role of parents and how they can support their children have been developed and made public on EMU (electronic meeting place for educators) (for more, see:

<http://www.emu.dk/modul/dialogfilm-til-for%C3%A6ldrem%C3%B8der-om-deling-af-kr%C3%A6nkende-materiale-og-god-tone-p%C3%A5-nettet>).

For more information, please see the answer to question 1.1.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

Answer:

The NGO Save the Children Denmark, the Ministry of Education, Børns Vilkår and Børnerådet have constructed a web page where children, parents and schools can find materials that provide information about digital bullying (including sharing sexually explicit images and content) with links to relevant organisations and hotlines for help (<http://www.alleforenmodmobning.dk/unqdomsuddannelse/digital-kraenkelse/>).

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

Answer:

Overview on teaching materials as well as Anti-bullying campaign website with guidance and materials for teachers, school leaders, parents: Ministry of Education/EMU: <http://www.emu.dk/modul/alle-%C3%A9n-mod-mobning-grundskolen> and www.alleforenmodmobning.dk

Materials for teachers: Online medias and assaults: <http://www.emu.dk/modul/online-mobning-og-digitale-kr%C3%A6nkelse> (example).

Materials for teachers: Save the Children / The Danish Family Planning Association (SEX OG SAMFUND)

Yearly campaign week for primary and lower secondary schools "Week Sex" The theme in 2016 was on children's online/off line rights and privacy. The materials are available at underviserportal: <http://www.underviserportal.dk/grundskole/materialer/forloeb/39-sociale-medier>

A part of the materials were on assaults on social medias (example):

<https://redbarnet.dk/sletdet/> <http://www.underviserportal.dk/grundskole/materialer/opgave/421-graenser-og-overgreb-pa-sociale-medier>

Materials for teachers and parents: BØRNS VILKÅR:

<https://bornsvilkar.dk/radgivning/undervisning/digitalt/digitalt-liv>

Tools and knowledge on digital bullying for local administrations, school leaders and parents:

<http://dcum.dk/undersoegelser/digitalmobning>

Guide for teachers and parents on online assaults against children:

<http://stopdigitaleovergreb.nu/redbarnet/ressourcer/sikker-chat/>

Hotline for students in primary and lower secondary who has experienced digital sharing of private information or photos: <https://redbarnet.dk/sletdet/kontakt-os/>

Hotline for students in primary and lower secondary school: Danish Students' Organisation:

<http://skoleelever.dk/forside-elevtelefon>

Guide to parents from the Danish Organisation for Parents (Skole og Forældre):

http://www.skoleborn.dk/nov_2015/15-mobning-pa-nettet.html

Analysis on Young people's experiences with digital bullying. The Danish National Council on Children (Børnerådet):

http://www.boerneraadet.dk/media/217023/BRD_Boerneindblik_Nr4_2017_Mobning_på_digitale_medier_final.pdf

Research and recommendations for schools and others: Dansk Center for Undervisningsmiljø:

<http://dcum.dk/media/1223/dcum-rapport-digital-mobning.pdf>

Other websites:

<https://redbarnet.dk/skole/sikkerchat/#/allgroups>

https://redbarnet.dk/media/2912/noegen_paa_netnet.pdf

<https://redbarnet.dk/sletdet/>

<http://dindigitalevejviser.sikkerchat.dk/>

<https://redbarnet.dk/skole/sikkerchat/foraeldre/>

Question 2. Civil society involvement

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Answer:

The Danish Government provides permanent funding to the NGO Save the Children Denmark to support the organisation's efforts to fight and prevent online sexual abuse of children, consisting of multiple initiatives targeting children and young people as well as parents and professionals working with children. Please refer to the information provided in section 1.

In 2016, the Ministry of Education in cooperation with a broad range of NGOs and charity funds launched a campaign against bullying, including digital bullying. As a part of this activity the Ministry of Education along with Children's welfare, the National Council for Children and Save the Children has conducted a strategy against bullying. The strategy aims at supporting implementation of essential knowledge on bullying and initiatives aiming at preventing bullying, including digital bullying. 40 organisations and others have contributed to the work. On the website alleforenmodmobning.dk it is possible to find guidance, help and materials for children, parents, teachers, school leaders and others who work with children and young people.

The Government is supporting the Danish Family Planning Association on the project The Media Competition for Schools, in which children in schools produce a newspaper addressing the theme "Love yourself – body and ideals". One of the topics is digital sexual abuse and teachers taking part in the project will be provided with information about the government's initiatives and legislation regarding digital sexual abuse.

The Government's pamphlet "Stepping up initiatives against digital sexual abuse" highlighted relevant helplines for victims of digital sexual abuse including Sletdet, which is run by Save the Children Denmark, the Danish Crime Prevention Council and Sikkerchat.dk and offers counselling specifically for children and young people who experience having private, intimate or humiliating information, pictures or videos shared.

In February 2017 the Danish government provided a policy for implementation of prevention areas and relevant programme strategies in relation to a and b (<https://www.regeringen.dk/nyheder/digitale-kraenkelse/>).

The policy is described in a folder that includes recommendations on ten areas with the following areas directly relevant to children in upper secondary education: (1) peer education on sharing sexually offensive material on the web and ethical communication on the social media; (3) materials to use for prevention of and measures to stop spreading offensive material; (4) materials for teachers in upper secondary education to include in projects related to digital education; (5) New curriculum for all subject in upper secondary education that includes topics and learning outcomes related to digital education; (6) Establishment of a hotline for upper secondary education on questions in relation to offensive digital behaviour.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

Answer:

In 2017, the Danish Family Planning Association launched its annual Week Six campaign targeting schools with the theme "Rights offline-online" raising awareness about the issues raised by self-generated sexually explicit images and/or videos and promoting the message "Ask before you share". The Minister for Equal Opportunities took part in launching the campaign at a school in Copenhagen.

The Government works with the NGO Break the Silence on a program to prevent dating violence through annual creative competitions, where children and young people in secondary school compete to address the issue of dating violence through their own art, music, films etc. In 2016/17 the theme was "My body, my rules" and sharing of private images was one of the topics.

For further information, please see the answer to question 2.2.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Answer:

In the primary and lower schools the students learn about their personal borders and rights in the compulsory topic: Health and Sexual Education and Family studies. The topic is taught from grade 0 to grade 9. The topic has no specific amount of school lessons but should be integrated in other subjects such as Danish and Social Sciences. It is the school leader who decides how this topic is integrated in other school subjects.

The national objectives of the topic Health and Sexual Education and Family Studies include that the students must develop competencies so they can promote health and well-being for themselves and others. The students' personal and social life situation is a central topic in the national objectives for the topic and the schools must work with personal borders and rights, including protection as well as action strategies on psychical, mental and digital assaults. The students should discuss how to react to situations where a child's rights are violated. Knowledge on safe digital behaviour must be a part of this discussion.

The Ministry of Education supports the implementation of the national objectives by providing inspiration and guidance materials for free on the websites emu.dk and alleforenmodmobning.dk. Please refer to the answer on question 1.

The latest reform of the upper secondary education in Denmark (implemented from August 2017) does not explicitly refer to a and b, but all subjects across the curriculum have learning outcomes related to digital education that includes ethical communication on the social media.

For more information, please see the answer to question 2.1.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Answer:

The teacher education program and the social education (pedagogue) program in Denmark are regulated through descriptions of outcome-based objectives for the students' competences, each of which is further constituted by a number of objectives for practice oriented skills and knowledge. These expected learning outcomes are described in the executive orders that frame the teacher training programme and the social education (pedagogue) program respectively. It is the responsibility of the institutions themselves to organize the education (including curriculum), so as the students acquire the competences stipulated in the administrative order.

In compliance with the objectives and competences set out in the administrative orders students under the both programs are to receive training on ethics and human rights in order to acquire competences on how to handle and approach these issues - such as sexually explicit images and content - in relation to children.

One of the specific outcome-based objectives under the teacher education programme is that the students acquire competences within communication on digital platforms and so-called 'faceless' communication, including the ethical aspects hereof.

Furthermore, there is a course in health and sexuality education under the teacher education programmer. The course includes a focus on ethical issues in relation to the students' understanding of themes such as, inter alia, personal limits and emotions thus building the students' competencies within handling issues raised by sexually explicit images and content.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Answer:

The Danish Center for Educational Environment has conducted a report on digital bullying that can be read at:

<http://dcum.dk/media/1223/dcum-rapport-digital-mobning.pdf>

The National Council for Children - a report on Young people and bullying in public space in 2015: "Unge og mobning i det offentlige rum", Børnerådet (2015).

The National Council for Children published analyses on digital bullying in 2014 and 2017: Børnerådet (2014): Ubehagelige oplevelser er en del af mange børns liv på nettet. Børneindblik 4/14

http://www.boerneraadet.dk/media/217023/BRD_Boerneindblik_Nr4_2017_Mobning_på_digitale_medier_final.pdf

In 2015, the Government launched a Nordic study on hate speech and sexist bullying online as well as an international seminar and a set of recommendations. This initiative was followed up by a Nordic report on legislative matters concerning this issue as well as conferences and information materials aimed at young people.

In 2017, the Government also launched a study that will produce new knowledge about boys' and girls' views on gender, body, sexuality and digital behaviour. Among other things, the study will focus on the young people's expectations relating to gender, body and sexuality, how they affect the young people's well-being, education, social life and their boundaries and behaviour on social media. This new knowledge will inform a debate about respecting your own and other people's boundaries, the well-being of young people and their expectations with regard to their own body. The research project is carried out by VIVE – The Danish Centre of Applied Social Science and will be published in 2018.

A Danish study from 2009 investigated among other things the extent to which adolescents between fourteen and seventeen had experienced abuse or harassment as a consequence of use of the internet in order to analyse and predict how to protect children against this. The results showed that 75% of Danish children use the internet on a daily basis. 1.5 % reported that they had experienced that a third part had published sexually explicit images of them on the Internet without permission (1% boys and 2% boys). 2% of the boys and 1% of the girls had themselves published sexually explicit images of another on the internet without permission.

http://www.si-folkesundhed.dk/upload/unges_trivsel_2008_samlet_1.pdf and a summary of the main results in relation to a and b (for more, see http://stopdigitaleovergreb.nu/redbarnet/wp-content/uploads/2014/11/Unges_Digitale_Trivsel.pdf).

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- a. self-generated sexually explicit images and/or videos as children have been shared online?
 - b. self-generated sexual content as children has been shared online?

Answer:

Please see the answer to question 5.1.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

Protection

Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - self-generated sexual content are provided with the necessary support, assistance and psychological help?

Answer:

The Government provides permanent funding to support the NGO Save the Children Denmark's operation of a national helpline which provides support and advice for children and young people who are victims of online exposure of self-generated sexually explicit images and/or videos or self-generated sexual content or who experience other forms of online sexual abuse or sexually offensive behaviour. Children and young people can reach the helpline online or by phone to receive support and assistance, e.g. on how to ensure that the images and/or videos are deleted from social media and how to get in contact with relevant authorities.

Children and young people who are victims of online sexual abuse or sexually offensive behaviour are offered psychological help based on their needs by municipal social services.

The Danish Regions are responsible for "Children's Houses". In these houses different authorities cooperate to take care of children that are/possibly are victims of violence and/or sexual abuse. These houses aim at ensuring coordinated initiatives to help the child and refer it to relevant help and/or authorities when needed.

The general practitioner may refer persons who have been victims for incest or other sexual abuse before turning 18 years old to a psychologist with reimbursement.

- 6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - self-generated sexual content are provided with the necessary support, assistance and psychological help?

Answer:

Pursuant to the Danish Act on Social Services, Danish municipalities are obliged to offer the necessary support to any child or young person who is in need of specialised support. Hence, any child or young person who is in need of support, assistance or psychological help due to online sexual abuse or sexually offensive behaviour has the right to receive the necessary support, assistance and psychological help from municipal social services free of charge.

Regarding screening of children and adolescents under the age of 18 years, the Danish Paediatric Society has published a national guideline (2015). The national guideline aims to ensure optimal professional and relevant treatment for children, who have been abused, or in cases where abuse is suspected.

In accordance with Danish law, citizens of Denmark have a duty to report to the social authorities if they become aware of children or adolescents under the age of 18 years being exposed to violence or abuse. The duty to report is further strengthened for professionals working with children, e.g. doctors, teachers, midwives, school psychologist and others, cf. § 153 of the Social Service act. When in service, these professions must notify the social authorities if they have reason to believe that a child or young adult under the age of 18 years has been exposed to violence or abuse.

With regards to psychological help please the answer to question 6.1.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

Answer:

The Government provides permanent funding for the NGO Save the Children Denmark to support the organisation's efforts in fighting sexual abuse of children and young people online.

Furthermore the Government provides permanent funding for the toll free helpline 'the Children's Phone' which is operated by the NGO Children's Welfare. The Children's Phone offers advice for children on their rights and how to receive help and support in various situations. The helpline is open all year, every day and every night. The caller may remain anonymous if he or she so wishes and the call will not be listed on phone bills.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Answer:

The intentional conducts referred to in Articles 18-23 of the Lanzarote Convention are criminal offences in Denmark.

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. Thus, the 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, is not criminalised.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Answer:

Please see answer to question 8.1.

8.3. Are there specificities related to the fact that more children appear on the:

- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Answer:

Please see answer to question 8.1.

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:²

- a. possess child self-generated sexually explicit images and/or videos?
- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Answer:

According to Section 235, Subsection 1 of the Danish Criminal Code, any person who distributes pornographic photographs or films or pornographic visual reproductions or similar recordings of 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 to imprisonment for a term not exceeding six years. Situations endangering the life of a child, situations of aggravated assault, situations in which the child suffers serious harm, or distribution made in systematic or organised manner, are especially considered particularly aggravating circumstances.

According to Section 235, Subsection 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 or similar recordings of persons under 18 years of age is sentenced to a fine or imprisonment for a term not exceeding one year.

According to Section 235, Subsection 3, the provision in Subsection 2 does not comprise the 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.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

Furthermore, it should be noted that according to Section 264d the unlawful transmission of messages or images concerning another person's private affairs is punishable with a fine or imprisonment for a term not exceeding 6 months.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Answer:

As a principal rule, the prosecution service prosecutes all criminal offences submitted to public prosecution. However, in a few exceptional cases the prosecution service may find that a criminal offence – due to specific circumstances regarding the offence - should not lead to indictment. Furthermore, the courts have freedom to assess evidence and can consequently acquit the defendant.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

Answer:

Possession, distribution or transmission of sexually explicit images, videos and other material depicting a child in a sexual suggestive way are criminalized in Section 235 of the Danish Criminal Code regarding possession and distribution of child pornography and Section 264 d regarding transmission of messages or images concerning another person's private affairs. The maximum penalty for violation of Section 235 is 2 years of prison or – in the case of aggravating circumstances – 6 years of prison. The maximum penalty for violation of Section 264 d is 6 months of prison. The Director of Public Prosecutions has composed a set of guidelines for the prosecutor's argument in court regarding the sentencing.

9.4. Does national law criminalise cases when adults:³

- a. possess child self-generated sexual content?
- b. distribute or transmit child self-generated sexual content to other adults?
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Answer:

Section 235 of the Danish Criminal Code concerns "pornographic" material. This does not encompass non-pornographic naked posing etc. For more information on Section 235, please see answer to question 9.1.

However, according to Section 264d the unlawful transmission of messages or images concerning another person's private affairs is punishable with a fine or imprisonment for a term not exceeding 6 months. Whether the transmission is "unlawful" depends, inter alia, on whether the other person has given his or her consent.

³ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Answer:

Please see answer to question 9.1.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Answer:

Please see answer to question 9.3.

9.7. Does national law criminalise cases when children:⁴

- a. produce self-generated sexually explicit images and/or videos?
- b. possess self-generated sexually explicit images and/or videos?
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Answer:

The situations mentioned in question 9.7.a-d are not criminalised. The situations mentioned in question 9.7.e-f., where sexually explicit images and/or videos of other children are distributed or transmitted to others (peers or adults) are criminalised by Section 235 in the Danish Criminal Code (for more information, see the answer to question 9.1.). It should be noted that the age of criminal responsibility in Denmark is 15 years.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Answer:

Please see answer to question 9.2.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Answer:

Please see answer to question 9.3.

⁴ This question does not in any way suggest that these behaviours should be criminalised.

- 9.10. Does national law criminalise cases when children:⁵
- produce self-generated sexual content?
 - possess self-generated sexual content?
 - distribute or transmit self-generated sexual content to peers?
 - distribute or transmit self-generated sexual content to adults?
 - distribute or transmit self-generated sexual content of other children to peers?
 - distribute or transmit self-generated sexual content of other children to adults?

Answer:

Please see answer to question 9.7.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Answer:

Please see answer to question 9.2.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Answer:

Please see answer to question 9.3.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁶

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Answer:

According to Section 235, Subsection 3 of the Danish Criminal Code, the possession of photographs, films or similar recordings of a person who has attained the age of 15 years, is not criminalised, if such person has consented to the possession. It should be recalled that the age of criminal responsibility is 15 years.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁷

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

⁵ This question does not in any way suggest that these behaviours should be criminalised.

⁶ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁷ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Answer:

According to Section 262 a, Subsection 1, of the Danish Criminal Code, a penalty of imprisonment for a term not exceeding ten years 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.

According to Section 262 a, Subsection 2, of the Danish Criminal Code, the same penalty is imposed on any person who, for the purpose of exploitation of another person by 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 from the person receiving such payment or benefit.

Furthermore, according to Section 260 of the Danish Criminal Code, a penalty of imprisonment for a term not exceeding 2 years is imposed on any person who, inter alia, by violence or threat of violence causes someone to do, tolerate or omit something (coercion). According to Section 281 a penalty of imprisonment for a term not exceeding 1 year and 6 months is imposed on any person who, inter alia, by means of obtaining an unjustified gain, threatens anyone with violence (extortion).

Question 12. Jurisdiction rules⁸

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Answer:

Acts falling within Danish criminal jurisdiction include, in particular, the following:

(1) Acts committed within the Danish state, including on a Danish vessel.

(2) Acts committed within the territory of another state by a person who was a Danish national or resident at the time of the charge, or had a similar permanent stay in Denmark, 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*

⁸ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

- (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 when the victim was a Danish national or resident at the time, or had a similar permanent stay in Denmark, provided the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality), are punishable under Danish law with imprisonment for a term of at least 6 years and concerns one of the following crimes:

- a) murder,*
- b) aggravated violence, detention, or robbery,*
- c) a general dangerous crime,*
- d) a sexual offense or incest, or*
- e) female circumcision*

(4) 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 13. Specialised units/departments/sections

- 13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):
- a. in law enforcement?

Answer:

The Danish National Police has a special law enforcement unit in charge of dealing with information and communication technology (ICT) facilitated sexual offences against children, such as those referred to in the questionnaire (question 9-11). The unit is named Cyber-related Sexual Offences (hereinafter "CRS unit").

- b. in prosecution?

Answer:

There are no specialised units/departments/sections in the Danish prosecution service in charge of dealing with ICT facilitated sexual offences against children committed by adults or juvenile offenders.

- c. in courts?

Answer:

No. Please note that in Denmark the courts are not involved in the investigation of a criminal case. Danish judges decide on guilt and punishment but do not participate in the preparation of the case prior to submission to the court.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

Answer:

Please see the description below.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

Answer:

The CRS unit is organised within the Police Directorate of the Danish National Police, more specifically in the department National Cyber Crime Centre (NC3). The CRS unit is the national point of contact for reports on ICT facilitated sexual offences against children.

The CRS unit is in charge of a wide range of primarily investigative but also preventive areas within ICT facilitated sexual offences against children. The unit consist of app. 20 officers; both investigators and forensic analysts. The investigators and analysts are specially trained professionals within both Danish law enforcement and INTERPOL.

During criminal investigations, the forensic analysts recover and examine data from computers, and other electronic storage devices, in order to use the data as evidence in criminal prosecutions of ICT facilitated sexual offences against children.

The CRS Unit's forensic investigators perform:

- *Presentations for further investigation*
- *Participation in international police operations*
- *Assistance with the so-called "Netfilter", where ISP's on a voluntary basis restrict access to web pages with exploitation material*
- *Victim identification*
- *Undercover infiltration*
- *Continuously partner in beta-testing the INTERPOL's International Child Sexual Exploitation (ICSE) database and has done so since the launch in 2010.*

The CRS unit furthermore works together with other law enforcement entities within the Danish Police at local and national level in order to build investigation capacity and provide training for police officers working in the field of ICT facilitated sexual offences against children.

→ As regards law enforcement, please indicate if:

- a. *there is a victim identification function?*
- b. *there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?*

Answer:

Please see answer to question 13.2.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?

Answer:

One of the main challenges concerning prosecution of ICT facilitated offences in general is the presentation in court of the technical examination of the devices used for the ICT facilitated offence. This applies for instance when explaining to the court the technical details regarding the sharing of files.

Consequently, the Danish National Police, the Director of Public Prosecutions and the Police Academy in 2015 launched a cooperation on the development of a new national cybercrime education. The education consists of two courses, Cybercrime I and Cybercrime II, and aims to strengthen the basic knowledge of IT and IT related crime among the police staff and the prosecutors. Cyber Crime I is an E-learning course and is mandatory for all prosecutors.

The education contains IT-related crime in broad terms, including crimes committed on the internet and where the Internet acts as a communication platform between criminals and crimes targeted at IT systems or committed by using IT systems. The education also focuses on how to handle and investigate digital tracks.

It aims to ensure that the participants can handle IT-related crime professionally and accurately. A part of the course accounts how the IT statements forms a part of the criminal case among the investigation. It explains how you read the IT statement, what type of information the sections in the statement contain and the different types of data.

Cyber Crime II is addressed to specialists in crimes committed on the internet. It is a 4-day training course where the participants, among other things, are trained in how to use the IT statement as an evidence in court.

- b. self-generated sexual content?

Answer:

Please see answer to question 14(a)

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?

Answer:

Law enforcement agents receive mandatory training at the National Police Academy. Front desk officers receive mandatory training by a specifically designed training programme; "Cyber Crime 1". It is a module of blended learning (e-learning and formal

class-room method) designed by the Director of Public Prosecutions, the National Police Academy and the Danish National Police to enhance the skills of front desk officers in regards to handling cyber-related crime, including the offences referred to in the questionnaire (questions 9-11).

A training programme aimed at investigators and the prosecution services, "Cyber Crime 2" has similarly been developed and was launched in early 2017 with the intention of enhancing the general knowledge on tackling cyber-related crimes more generally.

b. prosecutors?

Answer:

Besides the above mentioned cybercrime educations the Director of Public Prosecutions offers every year a 3-day course where the prosecutors receives a comprehensive training in cases involving crimes against children. The course is not mandatory but offered to all Prosecutors. Those who participate are primary Prosecutors who deal specifically with these crime types.

The course consists of a review of video interrogations of children, which is a crucial part of the investigation in this type of cases. This specific theme revolves the Criminal Procedure regarding video interrogations and witness psychology. Besides video interrogations, the course includes the basic theory of child pornography and grooming as well as presentations of indictments in these particular delicts that concerns crimes against children.

c. judges?

Answer:

In 2016 and 2017 a total of 107 Danish judges and deputy judges (about 30% of the total number of judges) have participated in seminars on the topic. None of the seminars were mandatory.

12 judges have participated in international courses and seminars on the subject, mainly seminars provided by the Academy of European Law (the courses being: Electronic Evidence in Criminal Proceedings, Fighting Cybercrime: Between legal challenges and practical difficulties, The Life Cycle of Electronic Evidence and Authentication and Admissibility of Electronic Evidence).

90 judges have participated in a number of sessions and seminars held in Denmark on the following topics: The digital case – regulation and case-law, Cybercrime, Introduction to Digital Evidence and Revenge pornography and the Law.

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

Answer:

The measures taken by The National Danish Police to co-operate with other parties to the Lanzarote Convention are namely carried out within the Europol EMPACT cooperation, as child sexual exploitation is one of the nine EMPACT priorities in Europol's priority crime areas, under the 2013-2017 EU Policy Cycle. The National Danish Police attend quarterly EMPACT meetings and contributes to the prevention, combating, investigation and prosecution of sexual coercion and/or extortion resulting from sharing of self-generated sexually explicit images and/or videos and sharing of self-generated sexual content.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

Answer:

Please see answer to question 16.1.