

Denmark

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”¹

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.²

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched³. Since then, the Convention has been ratified by 22 other Parties,⁴ and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment where the vast majority of sexual abuse occurs.⁵ The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock

¹ Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

² See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#).

³ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine.

⁴ Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom.

⁵ See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125.

of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/“consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

QUESTIONS

Key notions

1. Does your national legal framework:
 - a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**⁶ If yes, please provide a copy of the relevant provision(s).

No.

The Danish legal framework does not have a direct reference to “abuse of a recognised position of trust, authority or influence”. However, there are provisions in the Criminal Code that criminalise abuse of a position in relation to sexual offences against children. Please see answer to question 3(a) and 4(a).

- b. [for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**⁷ If yes, please indicate the specific legal provision.

⁶ 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

⁷ *Ibid.*, Recommendation 2.

- c. list specific categories of adults in contact with children automatically qualifying as holding this position?⁸ If yes, please list these categories in your response.

No.

No, but several provisions in the Criminal Code emphasize that a family member or a teacher in particular will be covered by the provisions. Please see answer to question 3(a) and 4(a).

- d. define the notion of “circle of trust”?⁹ If yes, please provide the definition.

No.

Victims’ age

2. Does your national legal framework:

- a. [for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?¹⁰ Please refer to the specific legal provisions.
- b. [for 22 Parties + North Macedonia and Ukraine] indicate that the child’s legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?¹¹ Please provide details.

Scope of offence

3. Does your national legal framework criminalise sexual abuse of children:

- a. where the offender abuses a recognised position of influence?¹²

Yes.

The Danish Criminal Code section 216, subsection 2 states that a person who has sexual intercourse with a child under 12 years of age can be sentenced to imprisonment for up to 12 years. Similarly, a person who is 22 years old and has sexual intercourse with a child under 15 years of age can be sentenced to imprisonment for up to 12 years.

The Danish Criminal Code section 222, subsection 1 states that intercourse with a child under 15 years of age is sentenced to imprisonment for a term not exceeding eight years. When determining a sentence, subsection 3 states that “it must be considered an aggravating circumstance if the offender engaged in sexual intercourse by exploiting his physical or mental superiority”.

⁸ *Ibid.*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

⁹ *Ibid.*

¹⁰ *Ibid.*, Recommendation 6.

¹¹ *Ibid.*, Recommendation 5.

¹² *Ibid.*, Recommendation 1.

This should always be a concrete assessment, although the presumption of exploitation is stronger, the larger the age difference between the child and the perpetrator is. An example of a utilization can be in cases where there has been a special relationship with the child, e.g. relatives or a teacher.

Furthermore, section 223, subsection 1 states that “Any person who has sexual intercourse or commits indecent acts that violates the modesty of an individual 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.” The provision explicitly mentions stepparents or foster parents who can hold this position. However, more distanced relationships, such as between a teacher and student is also covered by the provision. These are conditions under which the teaching takes place, where there is a special opportunity to abuse the recognised position of influence as a teacher to obtain a sexual relationship with the minor student. It will thus depend on the circumstances of the conduct whether a given action is covered by the scope, including whether there is a close emotional relationship between the child and the offender.

- b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim’s spouse or marital partner?**¹³
- c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**¹⁴

4. Does your national legal framework:

- a. **criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?**¹⁵ Please specify which other acts are covered and whether violation of a child’s “sexual integrity” specifically is criminalised.

Yes.

Section 225 in the Danish Criminal Code states that “The provisions in sections 216-224 apply correspondingly to other sexual acts besides intercourse, including cases where the offender compels the victim to engage in sexual activities on themselves.” Other sexual acts include actions that have an intercourse-like character, act as a surrogate for intercourse, or in relation to the offended or abused party, contain a sexual assault that approaches intercourse. There must typically be direct contact between at least one person's genitals and the other's body. Examples of other sexual acts includes oral sex, kissing or similar activities involving genitalia, insertion of fingers or objects into the vagina and manipulation of genitalia. With an amendment to the Criminal Code that entered into effect in July 2023, the provision has been expanded to also cover sexual acts that the perpetrator coerces the victim into performing on themselves. This expansion includes cases of "sextortion," where the perpetrator, for instance, under the threat of sharing nude pictures or other sexual materials, compels the victim to insert fingers or objects into their own genitalia or anus, or engage in manipulative actions involving genitalia or any other acts covered by sections 216-224.

The Danish Criminal Code also criminalises sexual material of children. Section 226 states that “Any person who records sexual material such as photographs, films, or similar content of an individual

¹³ *Ibid.*, Recommendation 7.

¹⁴ *Ibid.*, Recommendation 8.

¹⁵ *Ibid.*, Recommendation 9.

under 18 years of age with the intent to sell or otherwise distribute the material is sentenced to a fine or imprisonment for a term not exceeding six years”.

With an amendment to the Criminal Code that entered into effect in July 2023, grooming of persons under the age of 18 was criminalized. Section 231 states that “grooming is punishable by a fine or imprisonment for up to two years for an offender who, systematically or through manipulation and by exploiting a superiority based on age and experience, builds a relationship with a person under the age of 18 with the intention of exposing the person to a sexual offence”.

Lastly, “sexual integrity” is not specifically criminalised.

- b. **[For 22 Parties + Bulgaria]** ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?¹⁶ Please refer to the specific legal provisions.
- c. **[For 22 Parties + Albania and the Republic of Moldova]** make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?¹⁷

Ex officio prosecution

- 5. Does your national legal framework:
 - a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative?¹⁸ Please refer to the specific legal provisions.

Yes.

Section 742, subsection 2 in the Danish Administration of Justice Act states that the police on their own initiative can initiate an investigation when there is a reasonable suspicion that a criminal offense has been committed. Thus, the police can investigate a case without a complaint from the victim or his/her legal representative.

- b. contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint/statements?¹⁹ Please refer to the specific legal provision(s).

Yes.

The police will initiate an investigation if the police believe that there is reasonable suspicion that a criminal offense has been committed. The police are not obliged to investigate a case, nor are the police obliged to stop the investigation if the victim withdraws his report.

When the case has been investigated, the Public Prosecution Service will then assess whether a criminal case should be brought. Thus, it is not possible to withdraw a police report. In this situation, the victim has a duty to appear in court if the victim is summoned as a witness.

¹⁶ *Ibid.*, Recommendation 11.

¹⁷ *Ibid.*, Recommendation 12.

¹⁸ *Ibid.*, Recommendation 57.

¹⁹ *Ibid*

- c. **[For Portugal]** in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?²⁰

Measures in respect of children who sexually offend and children displaying risky and harmful sexual behaviour

6. Does your national legal framework:
- provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?²¹ Please provide details.

Yes.

When a child below the age of criminal responsibility – at the age of 10 to 14 years – is a suspect of committing a crime dangerous to other persons, for example sexual abuse towards another child, the case is referred by the police to The Juvenile Delinquency Board (in Danish: Ungdomskriminalitetsnævnet). The Juvenile Delinquency Board can decide to start an improvement process and/or immediate reaction. The improvement process can contain various measures, for example a contact person who supports the child, family treatment for the family, permanent placement of the child etc. The length of the improvement process can be up to four years and the child's compliance with the measures in the improvement process is overseen by The Youth Correctional Unit (in Danish: Ungekriminalforsorgen).

- differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children? Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.²²

Yes.

The age of criminal responsibility in Danish legislation is 15 years. The Criminal Code section 15 provides that "Acts committed by children under the age of 15 are not subject to punishment".

Concerning perpetrators above the age of criminal responsibility but below 18 years of age the Criminal Code section 82, subsection 1, no. 1, provides that it is a mitigating factor when determining the punishment if the offender was below the age of 18 when committing a crime. This applies to all criminal offences.

Child victims' rights to protection and parental rights

7. Does your national legal framework:
- provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is

²⁰ *Ibid.*, Recommendation 56.

²¹ Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021.

²² Question included for capacity-building purposes.

a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?²³ Please provide details.

Yes.

- b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?²⁴ Please provide details.

Yes.

Answer to question 7(a-b):

In both cases, the Danish Administration of Justice Act allows for the possibility that a child may be interviewed by a specially trained police officer in situations as described, and if necessary, without consent from the parents or legal guardian when they have reasonable grounds to suspect them of a serious criminal offense committed against the child. This is stipulated in Section 747 of the Administration of Justice Act, in conjunction with Section 745e, paragraph 1.

In Denmark the police must inform the custodial parent before interviewing the child. In cases where there is a suspicion that the custodial parent will object to the video interview, the prosecutor must, before contacting the custodial parents, request the court to be prepared to promptly decide on an in-court interview if the custodial parent should oppose the interview. When the decision on an in-court interview has been rendered, the police can transport the child to the Children's House where the in-court video interview is conducted. Thereby, the video interview can be conducted immediately after the decision has been made without the risk of the child's statement being influenced.

- c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?²⁵ Please provide details.

Yes.

Please see reply to 7 (d) concerning placement of the child in care outside the home, including provisional decisions on this.

- d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?²⁶ Please provide details.

²³ 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26.

²⁴ *Ibid*

²⁵ This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

²⁶ *Ibid.*, Recommendation 27.

Yes.

If a Danish municipality becomes aware of a child that may be victim of abuse, the municipality is obliged to investigate the case by initiating a child protection examination. This is done in order to establish if the child needs special support, which can be a placement in care outside the home.

However, when a municipality is being notified of a potential child victim of abuse, the municipality has to assess if there are grounds for making a provisional decision of placement of the child in care outside the home. Such a decision is taken by the chairman or, in their absence, the deputy chairman of the Children and Young Persons Committee. The provisional decision shall be submitted to the Children and Young Persons Committee for approval as soon as possible but not later than seven days from the implementation of the decision, regardless of whether the measure has been discontinued. Any decision approved provisional decision shall be effective for one month, unless the provisional decision concerns the child protection examination, the decision shall remain effective until the conclusion of the examination, subject to a maximum period of two months from the date of the provisional decision. Hereafter, the municipality has to assess if there is still ground for the placement of the child outside home, and if this is the case, decide on this.

- e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)²⁷ Please provide details.

Yes.

In Denmark a Children's House (børnehus) is used in cases where there is knowledge or suspicion that a child has been sexually assaulted or a victim to physical or mental violence. When the municipalities are notified of such conditions, whether it is from a citizen or a professional, they are obliged by law to use the Children's House for the child protection examination in cases where the child is a victim of assault and where it is relevant for the social system to involve the police or the health system. The aim of the Children's House is to secure the framework for a coordinated effort between the involved authorities in a child-friendly environment. It also aims to ensure that the child does not have to repeat information about the assault to multiple authorities. It is the responsibility of the Children's House to ensure that the activities taking place within the Children's House is carried out as gently for the child as possible. The municipalities use the Children's House as a part of the child protection examination, when receiving information that a child has been a victim of abuse. The police participate in the cross-sectional coordination of the cases and use the house for interviews or video interviews of children as a part of their investigations. The health authorities, in form of a paediatrician or a social paediatrician, participate in the cross-sectional coordination of the cases and carries out the initial healthcare assessments and determine the need for any further healthcare follow-ups. Hence, the Children's Houses provide a framework for appropriate information sharing. Finally, all public authorities are obliged to follow the General Data Protection Regulation.

With regard to any medical treatment of the child, it should be noted that healthcare professionals, as a main rule, must observe the principle of patient confidentiality as stipulated in section 40 of the [Health Act](#). However, Chapter 9 of the Danish Health Act provides the legal framework for healthcare professionals' processing (obtaining and disclosure) of information about the patient's health conditions and other confidential information to healthcare professionals, authorities, organizations,

²⁷ *Ibid.*, Recommendation 25.

private individuals and others. Thus, in case a healthcare professional is part of the coordination and collaboration concerning child sexual abuse, the healthcare professional must observe the provisions in Chapter 9, before, for instance, obtaining relevant information from the child's electronic medical records, or disclosing information to any authorities involved. The scope of the different provisions depends on whether the information is obtained or disclosed for the purpose of medical treatment or other purposes than medical treatment.

A central provision to mention with regard to the present question is section 43(2)(1), which stipulates that a healthcare professional, without the patient's consent, for other purposes than medical treatment must disclose information about the patient's health conditions and other confidential information to healthcare professionals, authorities, organizations, private individuals and others, if it is provided by law that the information must be disclosed and it can be assumed that the information is of significant importance for the receiving authority's case work.

Thus, healthcare professionals are allowed, when necessary, to disclose information to, inter alia, the police, the Prosecution Service and municipal authorities in cases where a Children's House (Børnehus) is used, cf. section 50 c in the [Act on Social Services](#) and section 43(2)(1) of the Health Act. By 1 January 2024 the provision will appear from [the Law of the Child](#), which was passed by The Danish Parliament on 2 June 2023. With the new provision it has been clarified that healthcare professionals are, in fact, obliged to disclose information when necessary, cf. section 126 of the Law of the Child and section 43(2)(1) of the Health Act.

8. Does your national legal framework clearly distinguish?

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?²⁸ Please provide details.

Yes.

The Danish Act on Social Services provides a general framework for child protection, which means that the child is at the centre of the case handling. All cases must be individually assessed based on the information in the case and the law. Hence, the municipality has to examine the case individually and, in this regard, consider if it is the best interest of the child to be placed outside home without the consent of the custodial holder. If the child is placed out of home, the municipality has to decide on placement facility. Thus, in general, the regulation concerning social services does not distinguish the two situations, but in the concrete case, these conditions can be included in the assessment and decision on special support for the child, for instance placement in care outside home.

There is, according to civil law rules (the Danish Act on Parental Responsibility), a possibility to make a temporary decision and a final decision regarding custody, the child's place of residence and contact.

It follows from the Danish Act on Parental Responsibility that decisions made pursuant to the Act shall be based on the child's best interests and that the Agency of Family Law and the Family Court shall focus on measures to ensure that decisions contribute to safeguarding the wellbeing of the child and

²⁸ *Ibid.*, Recommendation 32.

to protecting the child from acts of violence or other treatment that exposes the child to harm or danger, including witnessing violence.

According to section 4 a there is a clear presumption that it is in the best interest of a child not to live with or have contact with a parent who has been sentenced to an unconditional prison term for a crime that endangers a person in a more serious nature or for an act of terrorism. Also, there is a presumption that a sentenced parent should not have parental authority. Section 4 a contains an exhaustive listing of the relevant crimes. If a parent is sentenced for a listed crime the other parent can apply to have sole custody and to have all contact between the parent and the child stopped. The provision can, however, be waived after a concrete and in-depth assessment if it is in the best interest of the child.

Section 4 a includes violation of section 210 of the Danish Criminal Code (incest) and sexual crimes covered by part 24 of the Danish Criminal Code.

9. Does your national legal framework provide for:
- a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending?](#)²⁹ Please provide details.

Yes.

Contact with parents is regulated within the Act on Social Services when it is related to a placement in care. In this situation, in general, the children have the right of visitation and contact with their parents and network during placement in care. However, where necessary, the municipal council shall determine the scope and exercise of visitation and contact rights and may specify particular conditions for this. In making this decision, the municipal council shall have special regard to the best interests of the child or young person and to the purpose of the placement. The first sentence hereof shall not authorise the municipal council to make decisions according to which visitation and contact may only occur less than once a month. Any such decision shall be considered as equivalent to breaking off contact and shall be made by the Children and Young Persons Committee. The municipal council may decide, subject to the consent of the custodial parent and the young person aged 15 or over, that visitation between the parents and the child or young person shall be supported through the presence of a third party.

Where this is necessary in view of the health or development of the child or young person, the Children and Young Persons Committee may decide, for a specified period, that the right of visitation may only be exercised in the presence of a municipal representative. Subject to the same conditions and likewise for a specified period, it may be decided to break off contact between the parents and the child or young person by way of visitation or contact by letter, email or telephone, and it may also be decided that the facility in which the child or young person is placed in care may not be disclosed to the parents or network.

²⁹ Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child](#)?³⁰
Please provide details.

Yes.

Please see reply to question 9 (b) concerning right of visitation and contact during placement outside home.

Guarantees of protection for persons reporting suspected offences

Assistance to third parties

10. [What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care](#)?³¹

In Denmark, we do not have specific measures in our national legal framework that support persons close to children who have been subjected to sexual abuse. However, it is possible to receive public subsidies for psychological treatment in Denmark based on a referral from one's general practitioner. With a referral, the subsidy covers 60% of the psychologist's fee.

Within the framework of the social system, there can be initiated social support for the family after having examined a case of child abuse. This can be family therapy or treatment of the child's or young person's problems.

11. [When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family](#)?³²

In case a healthcare professional is involved, the healthcare professional must observe the principle of patient confidentiality, as stipulated in Section 40 of the [Health Act](#). Reference is made to the answer to question 7e.

Firstly, it should be noted that, in general, a patient who has reached the age of 15 may give informed consent to treatment on his or her own behalf. Holders of the parental authority must, however, receive information and be included in the minor's decision, cf. Section 17 (1) of the Health Act. The reasoning behind the health law regulation about involvement of the custody holder is that the parental responsibility obliges custody holders by law to take care of their child.

Access to medical records

Patients from the age of 15 have the right – on request – to access their own medical records, cf. Section 37 of the Health Act. Since the patient at the age of 15-17 is a minor, the custody holder, as a main rule, has a right to access the minor patient's medical records.

³⁰ *Ibid*

³¹ 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30.

³² *Ibid.*, Recommendation 31.

With regard to children below the age of 15, it follows from the Health Act that custody holders can access their child's medical records on behalf of the child, cf. Sections 37 and 14. However, the custody holder's access can be limited for the sake of the child, cf. Section 37(2).

More specifically, it follows from Section 37(2) of the Health Act that a custody holder's access to a minor's medical records in accordance with Sections 37(1) and 14 may be limited to the extent that the custody holder's interest in knowing the information is found to be outweighed by vital interests of the child, or to the extent that it is necessary to safeguard the prevention, investigation and prosecution of offences as well as witnesses in cases of criminal prosecution.

For instance, the custody holder's access may be limited in case the medical record contains information about, inter alia, abortion, birth control, treatment of a sexually transmitted disease or blood transfusion, that may – if the custody holder is made aware of the information – be detrimental to the child.

If the patient is of the age 15-17 years, and there is reason to presume that it is against the patient's will that the custody holder is granted access to the medical record, the authority, institution or healthcare professional who is responsible for the record must clarify this by contacting the patient.

With regard to prevention, investigation and prosecution, it is always a specific assessment whether or not it will reduce the possibilities of the police etc. to investigate offences, mainly with regard to violence or other sorts of abuse, if the custody holder is made aware of the information from the child's records. E.g. access to the records can be limited to prevent the custody holder from making more offences against the child.

More information about access to medical records appears from [Guide No. 9118 of 26 January 2022 on Access to Medical Records and Disclosure of Health Data to the Next of Kin of the Deceased](#) (in Danish), especially paragraph 4.1.

Monitoring of offenders

12. Does your national legal framework provide for:

- a. [a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?](#)³³ Please provide details.

Yes.

When a person has been sentenced for a sexual crime, the sentence may include a restraining order. Section 236, subsection 1, no. 1-5 of the Danish Criminal Code lists the different types of restraining orders. The restraining order can either be a location ban, residence ban, visit ban, a contact ban or a travel ban.

A location ban means, according to no. 1, that the convicted person may not stay or move in more closely defined areas where there is a risk of that person committing a new offense. This could for example be in areas where there are schools, playgrounds or public parks.

A residential ban under no. 2 implies that the convicted person may not share a home with a child under the age of 18 without the police's permission.

³³ *Ibid.*, Recommendation 33.

A visiting ban implies, according to no. 3, that the convicted person may not receive visits from a child who is not accompanied by an adult.

A contact ban pursuant to no. 4 implies that the convicted person may not seek to contact children under the age of 18 who do not know the convicted person in advance through the Internet or a similar system. Examples include e-mail, internet chat and internet calls.

Pursuant to no. 5 it is also possible to give a travel ban.

- b. [sharing with other countries data concerning persons convicted of child sexual abuse?](#)³⁴
Please provide details

Yes.

In Denmark, data concerning criminal offences is registered in the central crime register. This also concerns data regarding persons convicted of child sexual abuse. Among other things, the central crime register constitutes the basis for criminal records.

Like all other EU countries, Denmark is connected to ECRIS (European Criminal Records Information System). Through ECRIS, Denmark is able to exchange information on criminal records throughout the EU.

Measures in respect of professionals and legal persons

13. Does your national legal framework:

- a. [allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?](#)³⁵ Please provide details.

N/A

- b. [ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”³⁶ settings are held liable?](#)³⁷
Please provide details.

Yes.

The Act of Social Services describes the general duty of notification for all citizens who learn or become aware that a child or young person under the age of 18 is being neglected or abused by his/her parents or other persons or is living under conditions endangering his/her health or development his/her health or development, shall notify the municipal authorities thereof. For all persons providing public services or holding public offices this duty is more stringent. if, in the exercise of their duties, they learn or become aware of any circumstances giving rise to the presumption that (i) a child or young person under the age of 18 may need special support, (ii) a child may need special support

³⁴ Based on Article 38 of the Lanzarote Convention.

³⁵ Based on Article 27§3(b) of the Lanzarote Convention.

³⁶ In accordance with the [Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse](#) adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

³⁷ Based on the [Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse](#), point 6.

immediately after being born because of the circumstances of the expectant parents, (iii) a child or young person under the age of 18 may need special support on account of the child's or young person's unlawful absence from school or failure to meet the compulsory education requirement or (iv) a child or young person under the age of 18 has been exposed to abuse. The duty of notification is a personal duty. It follows from Section 156 of the Criminal Code that it is a criminal offense not to comply with one's duty of notification.

- c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**³⁸ Please provide details.

N/A

Special representatives

- 14. How does your national legal framework ensure that special representatives and guardians *ad litem* who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:
 - a. **receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?**³⁹
 - b. **avoid combining the functions of a lawyer and guardian ad litem in one person?**⁴⁰
 - c. **are provided free of charge for the child victim?**⁴¹

Please see answer to question 19(i).

15. [For 22 Parties + Malta]

- a. **Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?**⁴² Please provide details.
- b. **Is this person allowed to be present throughout the criminal proceedings?**⁴³ Please provide details.

Support for child victims in investigative and judicial proceedings

- 16. In investigative and judicial proceedings how does your national legal framework ensure that:
 - a. **protection measures are available to all children irrespective of their age?**⁴⁴ Please provide details.

Concerning investigative proceedings

When the police receive a report that a child has been a victim of sexual abuse, the police has to decide whether the interview with the child must be videotaped or not. In the initial phase, the police also have to notify the child's municipality of residence that the child is involved in a case of sexual abuse so they can assess whether there is a need to implement assistance for the child and its family. The

³⁸ *Ibid.*, see point 7.

³⁹ 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35.

⁴⁰ *Ibid.*, Recommendation 36.

⁴¹ *Ibid.*, Recommendation 37.

⁴² *Ibid.*, Recommendation 34.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, Recommendation 38.

purpose of videotaped-interviews is to protect the child during investigative and judicial proceedings by reducing the possibility of re-interviews and the possibility that the child later has to testify in court.

The videotaped-interviews take place in a Children's House which provides a child-friendly and supportive environment. In the interview room, there are usually only the child and the interviewer and if needed an interpreter. If necessary, the child may be accompanied by an adult whom the child trusts and who is not expected to testify during the court proceedings. The other participants will follow the interview on a screen in another room. The other participants include the police officer in charge of the investigation, a prosecutor, a defence attorney for the suspect, a legal assistant for the child, a representative from the municipality and if necessary a child case expert. Furthermore, the child will be assigned a contact person from the police. It will typically be the police officer in charge of the investigation. The contact person must provide guidance and information throughout the whole process about the progress and expected course of the case.

Concerning judicial proceedings

The child's statement will often be a central piece of evidence in the case before the court. The child is interviewed through a video recording, as per section 745 e of the Administration of Justice Act, by specially trained police personnel as described. The statement is recorded on video and can potentially be played as evidence in court, so the child does not have to testify in court and, thus, is not confronted with the perpetrator. Section 745 e is cited in the answer to question 19(a).

A child who has been a victim of sexual abuse is provided with a lawyer, known as a "supporting counsel" (in Danish: "bistandsadvokat"). This lawyer is responsible for representing the child's interests throughout the criminal proceedings. Victims of rape or similar serious sexual offenses are provided with a supporting counsel, unless they choose not to have one, in accordance with Section 741 a, paragraph 2, of the Administration of Justice Act. Please see the answer to question 19(i).

- b. [specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?](#)⁴⁵

Reference is made to the procedure described in the answer to question 16(a).

- c. [a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?](#)⁴⁶

Reference to the procedure described in the answer to question 16(a).

17. [Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates](#)

⁴⁵ *Ibid.*, Recommendation 39.

⁴⁶ Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021.

more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?⁴⁷ Please provide details.

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

Reference is made to the Mapping study “Barnahus: a European journey” and the answers therein regarding Denmark.

Investigation

18. In the investigation phase:

- a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?⁴⁸ Please provide details.

Yes.

Please see the answer to question 16(a).

- b. are all staff responsible for interviewing child victims required to undergo suitable qualifying training?⁴⁹ Please provide details.

Yes.

In every police district there are several police officers who are specially trained to interview children. They have all passed internal training in videotaped interviews of children. The education consists of three teaching modules with a total of 14 teaching days, where they are trained in conducting interviews under particularly difficult conditions that may involve time pressure, traumatization, physical injuries, serious mental illness in the child or members of its family, varying functional impairment, suspicion of neglect, etc.

- c. does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child’s age and attention span?⁵⁰ Please provide details.

⁴⁷ 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, Recommendation 40.

⁴⁸ *Ibid.*, Recommendation 41.

⁴⁹ *Ibid.*, Recommendation 42.

⁵⁰ *Ibid.*, Recommendation 43.

Yes.

The child must be interviewed as soon as possible and if possible within a week after the police receives the report. The duration of the interview as well as any re-interviews always depend on a concrete assessment based on the child's age and ability to understand and answer the questions.

- d. **[for Serbia] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?**⁵¹
- e. **where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?**⁵² Please provide details.

Yes.

According to the current guidelines it must when possible be the same police officer who conducts the interview and with short intervals between the interviews. Re-interviews are also carried out under the same material conditions as mentioned in question 16(a).

- f. **does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?**⁵³ Please provide details.

Yes.

Please see the answer to question 16(a).

Judicial proceedings

19. In the judicial proceedings:

- a. **is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?**⁵⁴ Please provide details.

Yes.

Please see the answer to question 19 (b).

- b. **does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?**⁵⁵ Please provide details.

⁵¹ *Ibid.*, Recommendation 54.

⁵² *Ibid.*, Recommendation 44.

⁵³ *Ibid.*, Recommendation 45.

⁵⁴ *Ibid.*, Recommendation 46.

⁵⁵ *Ibid.*, Recommendation 59.

Yes.

The Danish Administration of Justice Act contains rules which make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse. Section 172 a states that a person who has been video interviewed is not obliged to give evidence during the main hearing.

When the police receive a report in which a child must be giving evidence as a victim or witness, the police must decide as soon as possible - in consultation with the prosecutor - whether the child should be video interviewed. Children are interviewed by specially trained police personnel in specially designed facilities.

- c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)⁵⁶ Please provide details.

Yes.

The police interview of a person can be recorded on video for the purpose of using the recording as evidence during the main hearing according to § 872 (video interrogation) in the following cases:

1. If the person is less than 13 years old.
1. If the person is less than 15 years old, and the investigation concerns a violation of section 210 of the Criminal Code (incest) or Chapter 24 of the Criminal Code (concerning sexual offenses).
2. If the person is less than 18 years old and there are special circumstances supporting the use of video interviews.
3. If the person is 15 years of age or older, and the investigation concerns a violation of section 216 (rape) of the Criminal Code or section 216 cf. section 225 of the Criminal Code (rape by other sexual offence), where the person is the victim.

A concrete assessment must always be made as to whether a child should be video interviewed. The assessment must be based on the child's age and whether giving evidence in court will be particularly damaging for the child. The purpose of using video interviews is to protect the child.

- d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)⁵⁷ Please provide details.

Yes.

See the answer to question 19(c).

- e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?](#)⁵⁸

⁵⁶ *Ibid.*, Recommendation 60.

⁵⁷ *Ibid.*, Recommendation 47.

⁵⁸ *Ibid.*, Recommendation 48.

In cases of child sexual abuse, the police in Denmark will typically request the court's permission to remand the suspect in custody during the investigation, as per the Administration of Justice Act section 762. This is done to prevent the suspect from influencing the investigation, including contacting the child, and potentially for reasons related to law enforcement. However, a strong suspicion is required for this to be granted. If the person is later found guilty of the alleged offenses, the prosecution will generally request that the convicted individual remains in custody after the verdict, as the default position, so they can go directly to serving their sentence and thus not have access to contact the child, in accordance with the Administration of Justice Act section 769.

- f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)⁵⁹ Please provide details.

Yes.

The court may, at the request of the Public Prosecution Service, the defence counsel or a witness, make a prior decision that the offender must leave the courtroom while a witness gives his/her testimony, cf. section 845, subsection 1 of the Administration of Justice Act.

If the victim is to be interviewed via video instead section 745 e, subsection 3 states that the presumed offender does not have access to observe the conduction of the video interview. The person under suspicion should, as soon as possible, have the opportunity, along with their defence attorney, to view the video recording at the police station. A request for a new interview of the child by the person under suspicion or their defence attorney should be made as soon as possible thereafter.

- g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)⁶⁰

See the answer to question 19(f).

- h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)⁶¹

According to the Administration of Justice Act section 1017b, it is a criminal offense to publicly disclose the name, position, or residence of the victim or otherwise disclose the individual's identity, in connection with the mention of a case related to violations of Section 210 of the Criminal Code and Chapter 24 on sexual offenses, or otherwise in connection with such a case.

Furthermore, under the Administration of Justice Act section 31, the court can prohibit the public reproduction of the name, position, or residence of the accused (defendant) or other persons mentioned in the case, or the public disclosure of the individual's identity in any other way (identity protection), when public reproduction would subject someone to unnecessary harm or violation of privacy.

⁵⁹ *Ibid*

⁶⁰ *Ibid*

⁶¹ *Ibid.*, Recommendation 49.

Finally, according to the Administration of Justice Act section 32, it is prohibited to record or transmit images and sound during court hearings unless the court exceptionally permits this. The publication of images and sound recorded in violation of this rule is forbidden. Additionally, the court can at any time during the case prohibit the public reproduction of images and sound recorded during a court hearing.

- i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)⁶² Please provide details.

Yes.

According to section 741 a, subsection 1 and 2 of the Administration of Justice Act the court can appoint a lawyer free of charge for a victim of a sexual offence.

Furthermore, subsection 4 states that the victim also has the right to a free conversation with a lawyer prior to a possible report to the police in some sexual offence cases. The lawyer's guidance will, among other things, consist of the lawyer informing the victim's options and rights, as well as how the case can be expected to proceed in case of a police report. The lawyer will also be able to accompany the victim to the police or guide the victim about the possibility of contacting authorities and organizations that work with victim counselling etc.

In some cases concerning sexual offences the victim is also entitled to a free conversation with the appointed attorney after the conclusion of the case or legal action, cf. section 741 c, subsection 4 of the Administration of Justice Act.

- j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)⁶³ Please provide details.

When the Public Prosecutor's Office brings a criminal case before the court, it is the state that becomes a party to the case. The prosecution thus represents the state in the criminal case and is therefore not the lawyer for the victim in the case.

Prosecutors must have passed a Danish bachelor's and master's degree in law in order to function as a public prosecutor.

- k. [what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?](#)⁶⁴

In Denmark, all cases must be individually assessed based on the information in the case and the law. It depends on a concrete assessment made by the municipality whether or not child protection measures for the child and family will be taken, as well as what measures will be taken. These possible

⁶² *Ibid.*, Recommendation 50.

⁶³ *Ibid.*, Recommendation 51.

⁶⁴ *Ibid.*, Recommendation 52.

support measures include appointment of a permanent contact person for the child or young person and for the whole family and family therapy or treatment of the child or young person's problems.