

LANZAROTE COMMITTEE

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

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Replies to the thematic questionnaire

“Screening of professionals, volunteers and other
persons in contact with children”

DENMARK

Replies received by the Secretariat on 26 June 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term “screening” is used in this questionnaire, this should be understood as “verification of criminal convictions for sexual offences against children”.

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted

- Denmark

b. Entities and bodies which have been involved in responding to this questionnaire

- Ministry of Education
- Ministry for Children, Elderly and Housing
- Ministry of Social Affairs
- Ministry of Science, Higher Education and Digital Affairs
- Ministry of Culture
- Ministry of Health and Ecclesiastical Affairs
- Ministry of Immigration and Integration
- Ministry of Justice
- Director of Public Prosecutions
- Danish National Police
- Danish Court Administration
- Ministry of Urban and Rural Affairs and Transport
- Ministry for Nature and Animal Welfare
- Ministry of Business and Competitiveness

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes	Yes, if the pre-school, school or after-school facility using volunteers is required to make checks. Please refer to the additional details.	Yes, if the pre-school or school has been recognized as a private school by the National Agency for Education and Quality	-	All
Education – Primary	Yes	Yes, if the school or after-school facility is required to make checks. Please refer to the additional details.	Yes, if the school has been recognized as a private school by the National Agency for Education and Quality	Yes	All
Education – Secondary	No. Please refer to the additional details below	No	No	No	None
Education – Tertiary	Yes	No, but there is very limited voluntary activity within the higher education system.	Not relevant. There are no private higher education institutions	Not relevant	Employees at higher education institutions within the remit of the Ministry of Science, Higher Education

					and Digital Affairs who, as part of carrying out their duties, have direct contact with children under the age of 15, as well as persons who, as part of carrying out their duties, regularly spend time among children under the age of 15.
Education – Extracurricular (e.g. language schools)	Yes, as regards employment at higher education institutions and municipal youth schools	Yes, as regards municipal youth schools	Yes	Yes	If yes, all
Childcare (e.g. kindergartens, crèches, childminders)	Yes	Yes	Yes	Yes	All
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	Yes	Under Danish regulation, government agencies, independent institutions, private providers, associations, etc., covered by the scope of the Social Services Act and the Child's Act,

					as well as voluntary social organizations and associations, etc., that receive public funding from the Ministry of Social Affairs, must obtain a certificate to show that one has not been involved in child abuse (børneattest) before hiring or employing individuals in a permanent capacity, including volunteers and interns who, as part of their duties, will have direct contact with children under the age of 15.
Detention	Yes	Yes	Yes	Yes	Reference is made to the reply regarding institutional or residential care.
Migration facilities (e.g. reception centres)	The operators are required to obtain criminal record certificates prior to all appointments and	The operators are required to obtain criminal record certificates prior to all appointments and	Not relevant	Not relevant	All appointments and engagements, including those of management, volunteers, caretakers, and others.

	engagement s. The operators are also required to ensure that child protection certificates are renewed every two years.	engagement s. The operators are also required to ensure that child protection certificates are renewed every two years.			
Sport	Yes	Yes	Yes	Yes	Please refer to the additional details below
Culture and leisure activities	Yes	Yes	Yes	Yes	Please refer to the additional details below
Entertainment sector	Yes	Yes	Yes	Yes	Please refer to the additional details below
Faith and religion	Yes	Yes	Yes	Yes	All professionals . For further details, please refer to the additional details below
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Yes	Obligation to obtain a child criminal record certificate before employing or engaging persons who, as part of their duties, are required to have direct contact with children under the age of 15,

					as well as persons who, as part of their duties, regularly move among children under the age of 15 and thereby have the opportunity to come into direct contact with them. Staff in the municipal health service, healthcare professionals in the easily assessable treatment services, staff in paediatric departments and child and adolescent psychiatric departments at hospitals, private hospitals and clinics, as well as practicing child and adolescent psychiatrists, paediatricians and psychologists
Social protection services	Yes	Yes, if the activity falls within the scope of the	Yes, if the employment falls within the	Yes, if the professionals fall within the scope of the	Reference is made to the reply regarding

		regulation described in the reply regarding institutional or residential care.	scope of the regulation described in the reply regarding institutional or residential care.	regulation described in the reply regarding institutional or residential care.	institutional or residential care.
Law enforcement	Yes	-	-	-	All police employees are security cleared to "NATO SECRET", "SECRET UE" / "EU SECRET". This normally excludes anyone who has been convicted of a criminal offence, including in particular sexual offences against children.
Judicial	Yes	-	-	-	-
Civil society organisations	Yes	Yes	Yes	Yes	Reference is made to the reply regarding institutional or residential care
Victim services (including Barnahus, domestic violence services)	Yes	Yes	Yes	Yes	Reference is made to the reply regarding institutional or residential care.
Any other sectors (please specify):	Yes		Yes		Applies to companies before hiring or employing persons who, as part

- Companies licensed to operate commercial air transport under the Aviation Act that offer to guide children during travel. - Companies operating rail transport as public service that offer to guide children during travel					of the performance of their tasks, must have direct contact with children under the age of 15, as well as persons who, as part of the performance of their tasks, are regularly among children under the age of 15 and thereby have the opportunity to obtain direct contact with the child. A child certificate means a certificate with information as mentioned in Section 36 of the Executive Order on the Processing of Personal Data in the Central Criminal Register (Criminal Register). Companies that provide transportation services that are not
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					open to the general public, under a permit pursuant to the Danish Taxi Act, etc., for example transportation of children with disabilities. Authorities, institutions, companies, etc., that provide transportation services that are not open to the general public on the basis of a permit pursuant to the Danish Public Transport Companies Act, i.e. special route transport for specific groups, for example transporting children to schools, institutions, etc., are required to obtain a child certificate (criminal record check for offenses against children) The Danish Nature
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					Agency obtains a child protection certificate (criminal record check) when an employee is required to work with children under the age of 15.
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Here you can insert additional details or specify any exceptions.

Danish answer

Sector of Education – Pre-school, Primary and Lower Secondary

Pursuant to Executive Order No. 494 of 21 May 2014, the obligation to obtain a child protection certificate (børneattest) applies to individuals whose duties involve direct contact with children under the age of 15 or who regularly spend time among children under the age of 15 in a manner that provides an opportunity to establish such contact.

The following authorities, schools and private after-school programmes are obliged to obtain a child certificate:

- Municipal councils in their capacity of school authorities.
- Municipal councils in relation to municipal after-school programmes.
- Private after-school programmes.
- Regional councils in their capacity of school authorities.
- Independent primary schools and private upper secondary schools with a school department that provide teaching in accordance with the Act on Free Schools and Private Primary Schools, etc.
- Independent residential schools (efterskoler).

Sector of Education – Secondary

The legal position under Danish law is that upper secondary school teachers (gymnasielærere) are generally not subject to the statutory requirement to obtain a child protection certificate (børneattest). Pursuant to Executive Order No. 494 of 21 May 2014, the obligation to obtain such a certificate applies to individuals whose duties involve direct contact with children under the age of 15 or who regularly spend time among children under the age of 15 in a manner that provides an opportunity to establish such contact. As students enrolled in Danish upper secondary education programmes are typically 15 years of age or older, ordinary teaching positions at the upper secondary level will generally fall outside the scope of the executive order. Only where a teacher's specific duties involve contact with children under the age of 15 may an obligation to obtain a child protection certificate arise.

Following appointment, situations may nevertheless arise in which the employer becomes involved in matters concerning the employee. Under Circular No. 9261 of 19 March 2025, the prosecuting authorities may, in certain circumstances, disclose information regarding criminal

charges, indictments, or convictions involving public employees. Under the circular, the Director of Public Prosecutions may notify the employer when the interest in disclosure clearly outweighs the interest in confidentiality. On this basis, the employer may assess whether the circumstances warrant any employment-related measures or other administrative action. Please refer to the Danish answer under question 10 for further details.

Sector of Sport, Culture and leisure activities and Entertainment

Within the area of the Ministry of Culture in Denmark, the following authorities, institutions, associations, etc., are subject to the obligation to obtain a child protection certificate before hiring or engaging a person (kindly also refer to the response to question 2.:

1. Sports associations, as well as federations and other associations where physical activity is performed by the participant.
2. Associations and other federations where mind sports or e-sports takes place.
3. Music schools.
4. Ballet and dance schools.
5. Riding schools and equestrian centres.
6. Exercise and fitness centres.
7. Museums.
8. Zoological facilities and animal parks.
9. Art halls.
10. Relief organisations/charitable organisations.
11. Orchestras and choirs.
12. Theatres and theatre schools.
13. Writing schools for children and young people.
14. Film schools for children and young people.
15. Schools for creative crafts.
16. Radio and TV stations.
17. Libraries with children's sections, collections of materials, or activities for children.
18. Non-formal education associations and district associations that receive subsidies or are allocated facilities under the Act on Support for Non-Formal Adult Education, Voluntary Non-Formal Association Activities, Day Folk High Schools, and the University Extension (folkeoplysningsloven), which are not covered by items 1-17.

Sector of Faith and religion

The rules are set out in the Executive Order on Obtaining Child Protection Certificates for the Employment and Engagement of Persons in Public Authorities and Other Entities within the Jurisdiction of the Ministry of Health and Ecclesiastical Affairs, issued under the authority of the Child Protection Certificate Act. The rules do not distinguish between professions or type of employment. Emphasis is placed on whether the person will have direct contact with, or regularly spend time among, children under the age of 15 as well as on the degree of permanence of the person's association with the organisation (see pt. 2. A, Faith and religion).

Sector of migration

The Danish Immigration Service is responsible for establishing and operating accommodation facilities for asylum seekers and other foreign nationals who are supported by the Danish Immigration Service. The Danish Immigration Service has entered into contracts with a number of so-called accommodation operators regarding the operation of accommodation facilities in Denmark.

Pursuant to these contracts, operators are required to obtain criminal record certificates prior to all appointments and engagements, including those of management, volunteers,

caretakers, and others. Furthermore, staff must be able to present a valid criminal record certificate on an ongoing basis upon request by either the operator or the Danish Immigration Service.

The operator must obtain child protection certificates (child criminal record checks) for both employees and volunteers affiliated with the accommodation facility who have, or may have, contact with children under the age of 15, cf. Executive Order No. 483 of 23 May 2012 on obtaining child protection certificates in connection with the employment or engagement of persons who, within the remit of the Ministry of Justice, are to have contact with children under 15 years of age.

The operator is required to ensure that child protection certificates are renewed every two years.

Sector of Businesses

Businesses operating within the remit of the Ministry of Business and Competitiveness are required to obtain a verification of criminal convictions for sexual offences against children in respect of persons who are to serve as coaches, instructors, team managers, teachers, child carers, facilitators, caretakers, first-aid personnel, homework tutors and other technical staff, including assistants, temporary staff, substitutes and student trainees, provided that their engagement involves a **regular and ongoing associations with the organisation** (Section 2(1) of Executive Order No. 195 of 24 February 2015).

For the purpose of this provision, a regular and ongoing association shall mean that, for the outset of the employment or engagement, it is intended that the person's association with the business undertaking will be of **more than a one-off or short-term nature** (Section 2(3) of Executive Order No. 195 of 24 February 2015).

Businesses operating within the remit of the Ministry of Business and Competitiveness are required to obtain a verification of criminal convictions for sexual offences against children prior to employing or otherwise engaging individuals who, in the performance of their duties, will have **direct contact** with children under the age of 15, as well as individuals who, in the performance of their duties, are regularly present among children under the age of 15 and thereby have the opportunity to **establish direct contact** with such children (Section 1(1) of Executive Order No. 195 of 24 February 2015).

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
 - a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification
 - Yes. Please refer to the details below.
 - b. distinguish between direct, indirect or online contact with children?
 - Yes. Please refer to the details below.

If yes, please provide details.

Danish answer

The Child Protection Certificate Act aims to prevent sexual abuse of children by ensuring that individuals convicted of sexual offences against minors cannot easily obtain positions involving direct contact with children under the age of 15. Public authorities, private companies, associations, and other organizations must request a child protection certificate from the Danish National Police before hiring or engaging persons who will have direct contact with children under the age of 15 or be regularly present among children under the age of 15 in a way that could lead to direct contact.

The law was expanded in 2012 to include individuals who are not hired or engaged as volunteers specifically to work with children but who are regularly present in environments with children.

It is a condition for the obligation to obtain a child protection certificate that the person must have a regular affiliation with the authority, institution, association, etc.

The law stipulates that the relevant line ministries themselves establish detailed rules within their respective areas.

Kindly also refer to the response to question 12.

Sector specific details

Education

The Child Protection Certificate Act does not grant executive power to issue regulations for contact that cannot be defined as “direct contact”. The regulation for pre-education and primary and lower secondary education, thus, only applies when employing persons who are required to or have opportunity to have direct contact with children under the age of 15.

For pre-education and primary and lower secondary education, it applies that, authorities, schools, and leisure-time and club after-school facilities within the remit of the Ministry of Education and the Ministry of Children, Elderly and Housing must obtain a child protection certificate (criminal record check) before employing or engaging persons who, as part of carrying out their duties, are required to have direct contact with children under the age of 15, as well as persons who, as part of carrying out their duties, regularly move among children under the age of 15 and thereby have the opportunity to have direct contact with the children. Link (Section 1, 2 subsection 1 and 2).

Transportation

A child certificate (criminal record check for offenses against children) must be obtained for persons who are to act as drivers of motor vehicles or as child escorts, including assistants, substitutes, temporary replacements, and student trainees, provided that there is a permanent affiliation. Permanent affiliation means that, from the beginning of the employment or engagement, it is intended that the person's connection to the authority, institution, company, etc. will be of more than an occasional or short-term nature. In such cases, the child certificate must be obtained before the person commences employment or engagement.

Commercial air transport

Companies licensed to operate commercial air transport must obtain a child certificate before hiring or employing persons who, as part of the performance of their tasks, must have direct contact with children under the age of 15, as well as persons who, as part of the performance of their tasks, are regularly among children under the age of 15 and thereby have the opportunity to obtain direct contact with them.

The same applies for companies operating rail transport as public service.

Faith and religion

All authorities, institutions and recognised religious communities under the jurisdiction of the Ministry of Health and Ecclesiastical Affairs must obtain a child protection certificate before employing or engaging persons who will have direct contact with children under the age of 15, as well as persons who, as part of their duties, regularly spend time among children under the age of 15. The provisions are set out in the Executive Order on Obtaining Child Protection Certificates for the Employment and Engagement of Persons in Public Authorities and Other Entities within the Jurisdiction of the Ministry of Health and Ecclesiastical Affairs, issued under the authority of the Child Protection Certificate Act.

A child protection certificate must be obtained before employment if the person is to have a permanent affiliation with the authority, institution or other entity concerned. Permanent affiliation is defined as engagement that is more than isolated or temporary in nature.

However, a child protection certificate must be obtained no later than three weeks after the date on which a person has been affiliated with the authority, institution, etc. for more than three months and, during that period, has on at least three occasions, or for a continuous period exceeding one week, acted as a teacher, leader, or supervisor of children under the age of 15, provided that the person is to remain affiliated with the authority, institution, etc.

According to the Executive Order on Obtaining Child Protection Certificates for the Employment and Engagement of Persons in Public Authorities and Other Entities within the Jurisdiction of the Ministry of Health and Ecclesiastical Affairs, a child protection certificate must be obtained for persons who will have direct contact with children under the age of 15, as well as persons who, as part of their duties, regularly spend time among children under the age of 15. Accordingly, the requirement applies to both direct and indirect contact with children.

3. Is the absence of criminal convictions for sexual offences against children required to become:
- a. an adoptive parent
 - b. a foster parent
 - c. a child's legal guardian (including for unaccompanied children)?

Please provide details.

Danish answer

Reply to 3.a:

In Denmark adoption is regulated in the Danish Adoption Act and administrated by the Agency of Family Law (Familierektshuset). Applicants who wish to be approved as adoptive parents must meet certain general requirements. One of the general requirements states that the adoptive parents must not have been convicted of any offences that may raise doubts as to whether they are suitable as adoptive parents. Pursuant to the Adoption Act the Agency of Family Law must obtain criminal records on the applicants from the Criminal Register administrated by the Danish police before the final approval.

Reply to 3.b:

As stated above, under Danish regulation, government agencies, independent institutions, private providers, associations, etc., covered by the scope of the Social Services Act and the Child's Act, as well as voluntary social organizations and associations, etc., that receive public funding from the Ministry of Social Affairs, must obtain a certificate to show that one has not been involved in child abuse (børneattest) before hiring or employing individuals in a permanent capacity, including volunteers and interns who, as part of their duties, will have direct contact with children under the age of 15. Additionally, this includes foster parents as they are covered by the scope of the Child's Act.

Reply to 3.c:

The Danish Act on Parental Responsibility section 4 a states, that sole or joint parental custody over a minor as a rule cannot be given to a party, that has been convicted of a number of specific criminal offences (including sexual offences) and sentenced to prison. As an exception custody can still be given to that party if that is best for the child. Criminal records are acquired upon suspicion of their relevance.

Furthermore, it follows from section 11(1), second sentence, of the Guardianship Act, that the guardian must be suitable for the role.

This means that a suitability assessment is conducted for the relevant guardian candidates. As part of this assessment, a criminal record check is obtained.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
 - a. persons carrying out professional activity in their home who are in contact with children
 - b. persons carrying out volunteering activity in their home who are in contact with children
 - c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

Please provide details.

Danish answer

Reply to 4.a:

Regarding the general requirements for obtaining a certificate in the area of social affairs, reference is made to the reply to question 3.b. Regarding household members of foster parents, reference is made to the reply to question 4.c.

Under section 47 (1) of Executive Order No. 2058 of 15 November 2021, public authorities, private daycare facilities, and private childcare arrangements within the remit of the Ministry for Children, Elderly and Housing and the Ministry of Education are required to obtain a child protection certificate (criminal record check) before employing or otherwise engaging individuals, including volunteers, who, as part of the performance of their duties, will have direct contact with children under the age of 15.

Section 48 (5) provides that, in connection with the employment or engagement of municipal or private childminders, cf. sections 21(2) and (3) of the Act on Day-Care Facilities, and the employment or engagement of persons in private childcare arrangements, cf. sections 78 and 80, in private homes and pooled schemes, cf. sections 101 and 102, the municipal council, the childcare arrangement, or the pooled scheme, cf. subsection (1), must obtain a child protection certificate for spouses, cohabiting partners, children living at home, and other persons who at any given time reside with the municipal or private childminder, the private childcare arrangement, or the pooled scheme.

Section 48 (5) provides that, in connection with the employment or engagement of municipal or private childminders, cf. sections 21(2) and (3) of the Act on Day-Care Facilities, and the employment or engagement of persons in private childcare arrangements, cf. sections 78 and 80, in private homes and pooled schemes, cf. sections 101 and 102, the municipal council, the childcare arrangement, or the pooled scheme, cf. subsection (1), must obtain a child protection certificate for spouses, cohabiting partners, children living at home, and other persons who at any given time reside with the municipal or private childminder, the private childcare arrangement, or the pooled scheme.

Reply to 4.b:

Regarding the general requirements for obtaining a certificate in the area of social affairs, reference is made to the reply to question 3.b. Additionally, these rules apply for support persons under section 53 of the Child's Act and friendship families under section 54 of the Child's Act, as well as for persons residing with the friendship family or support person, including spouses, domestic partners, lodgers, and children living at home who are above the age of criminal responsibility, including in cases where they move in subsequently.

Reply to 4.c:

Adoptive parents

Pursuant to the Adoption Act spouses and non-married couples must adopt together. Therefore, both partners must be approved as adoptive parents by the Agency of Family Law, who is required to obtain criminal records on the applicants. For further information see answer to question 3.a. The Agency of Family Law shall not obtain criminal records on the rest of the household.

Foster parents

Regarding the general requirements for obtaining a certificate in the area of social affairs, reference is made to the answer to question 3.b. This includes persons residing with an approved foster family, including spouses, partners, lodgers, and children living at home who are above the age of criminal responsibility, including when they move in subsequently.

Parental custody

Regarding parental custody: In addition to section 4 a of the Parental Responsibility Act, which is mentioned under point 3. C above, information or an allegation that an applicant for parental custody of a minor has been charged or convicted of sexual assault against a child will generally be investigated further. This can be done by contacting the police, the Central Criminal Register or sometimes the municipality.

As for cases where the parties/applicants do not know each other, there will as a rule be an awareness of assessing the need for having that investigated.

Under section 47(1) of Executive Order No. 2058 of 15 November 2021, public authorities, private daycare facilities, and private childcare arrangements within the remit of the Ministry for Children, Elderly and Housing and the Ministry of Education must obtain a child protection certificate (criminal record check) before employing or otherwise engaging persons, including volunteers, who, as part of the performance of their duties, will have direct contact with children under the age of 15.

Section 48 (5) provides that, in connection with the employment or engagement of municipal or private childminders, cf. sections 21(2) and (3) of the Act on Day-Care Facilities, and the employment or engagement of persons in private childcare arrangements, cf. sections 78 and 80, in private homes and pooled schemes, cf. sections 101 and 102, the municipal council, the childcare arrangement, or the pooled scheme, cf. subsection (1), must obtain a child protection certificate for spouses, cohabiting partners, children living at home, and other persons who at any given time reside with the municipal or private childminder, the private childcare arrangement, or the pooled scheme.

For further details, kindly refer to the response to question 12.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:
- children applying for professional or volunteer positions
 - adults in respect of criminal convictions received before the age of 18?

Please provide details.

Danish answer

The Child Protection Certificate Act does not set any age limit regarding when child protection certificates must be obtained.

Please refer the response under question 8.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

Please provide details.

Danish answer

Data on offenders are registered in connection with specific criminal cases in the police's case management system (POLSAS) and in the Criminal Register (KR). Information about DNA and fingerprints are registered in the Central DNA Profile Register and the Central Fingerprint Register.

The police systems are linked with information from the central personal register (CPR), and it will therefore be registered in the police systems if a person registered in the CPR legally changes their name in Denmark.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

Please provide details.

Danish answer

Within the area of the Ministry of Culture in Denmark:

On 1 January 2010, an amendment to the Act on Non-Formal Education (folkeoplysningsloven) entered into force. The amendment specifies that associations etc. can only receive public funding under the Act if, in connection with their application for support, they each year submit a declaration stating that they obtain child protection certificates in accordance with the rules of the Child Protection Certificate Act.

If an incorrect declaration is submitted, the funding may be withdrawn, and a demand may be made for repayment of support already received.

Within the area of Ministry of Immigration and Integration:

The Danish Immigration Service understand the question to be if the operator contracts contain specific provisions prohibiting operators from employing individuals whose child protection certificate contains entries relating to sexual offences against children under the age of 15 or serious sexual offences against persons over the age of 15.

It should be noted that accommodation facilities/the accommodation operators are not subject to rules that differ from those generally applicable in society.

Individuals with convictions for sexual offences against children will, as a general rule, not be considered suitable for positions involving contact with children, as employers will typically regard such convictions as incompatible with the responsibilities associated with such roles.

However, the existence of an entry on a child protection certificate does not in itself result in a general prohibition on working with children. The assessment must be made by the employer on a case-by-case basis in relation to the specific position concerned. Factors relevant to that assessment include the nature of the work, the functions to be performed and the degree of contact with children associated with the position.

To date, the Danish Agency for International Recruitment and Integration (SIRI) has not maintained separate requirements regarding the obtaining of child protection certificates. This is, among other reasons, because organizations receiving grants are obliged to comply with applicable Danish legislation, including the rules governing the obtaining of child protection certificates. Furthermore, the Danish Agency for Public Finance and Management's guidance on effective grant administration does not indicate that public authorities should consider incorporating specific contractual provisions concerning the absence of convictions for sexual offences against children or requirements for child protection certificates in grant agreements.

However, SIRI considers it appropriate, going forward, to emphasize to organizations that receive grants and conduct activities involving children under the age of 18 that they must comply with the applicable executive order and relevant legislation in this area.

The Agency has therefore introduced a requirement, reflected in the grant award letters issued to organizations, that child protection certificates be obtained for activities involving children under the age of 18. These letters further stipulate the terms and conditions under which the grant funding may be utilized.

Information included in screening

8. Does the criminal record check include criminal convictions for:

- a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

Danish answer

Yes

- b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

Danish answer

Yes

- c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

Danish answer

Yes

- d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

Danish answer

Yes

- e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

Danish answer

Yes

- f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

Danish answer

Yes

- g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

Danish answer

Yes

- h. any other convictions (please specify)?

Please provide details.

Danish answer

In Denmark, there are three different types of criminal records: Public criminal certificate, private criminal certificate and a child certificate.

Both the private and public criminal certificate contains information about convictions for all violations of the Danish Criminal Code, including sexual crimes, regardless of how old the victim was at the time of the crime. However, certain information will appear for a longer period on a public criminal certificate than on a private criminal certificate.

The child certificate only contains information about decisions from KR for certain violations of the Criminal Code's rules on terrorism and sexual abuse of children under 15 years of age and on sexual material of persons under 18 years of age (child pornography).

A child certificate therefore does not cover all the same types of convictions as appear in a criminal certificate, but only specific convictions. The convictions that are included on the child certificate also appears at the same time on a criminal certificate, where the convictions follow the general deletion rules for criminal certificates.

The convictions that are relevant to the child certificate appear on the child certificate until the conviction is to be completely deleted by the Criminal Register and not necessarily at the same time that the conviction is deleted from the criminal certificate.

A child certificate must only be obtained if the employment/occupation includes contact with children under 15 years of age.

A child certificate can be obtained when authorities, companies, associations and others are to employ persons who have direct contact with children under 15 years of age as part of their employment or occupation or where it is possible for the person to get in contact with children under the age of 15 in relation to the occupation.

In certain situations, there is an obligation to obtain a child certificate prior to employment. This may include, for example, employees in primary schools, kindergartens, coaches in

sports clubs, school janitors. In certain cases, there are also an obligation to obtain child certificates for other members of the household of the applicant, who are over 15 years of age.

The police also issue public criminal certificates to public authorities for persons who are to be employed or otherwise have direct contact with children and young people under the age of 18.

In addition, private employers in Denmark will also generally require a private criminal certificate check for people who will be working with young people under the age of 18. However, this is not a legal requirement.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:
 - a. relevant administrative or disciplinary sanctions
 - b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

Please provide details.

Danish answer

When issuing a child certificate, the police can disclose information from the Criminal Register (KR) regarding both convictions and charges for, among other things, sexual crimes committed against children under the age of 15.

The police may also disclose individual information from KR to public authorities if the disclosure is made to safeguard private or public interests that clearly outweigh the interests justifying secrecy, including the interests of the person to whom the information relates, or the disclosure is necessary for the performance of an authority's activities or required for a decision that the authority must make.

Sector specific answers

Sector of social affairs and housing

Adoptive parents

Not in regard to adoptive parents.

Parental custody

The Agency of Family Law does not acquire information about whether an applicant has been fined or convicted in civil actions.

However, when deemed relevant, the Agency of Family Law requests information from the police on e.g. cases of violation of the Road Traffic Act, the Weapons Act and the Act on Euphoriant Drugs, as well as other violations of the Criminal Code than the one referred to in section 4 a of the Parental Responsibility Act. This is done on the basis of a concrete assessment.

Sector of faith and religion

If the employer has such available information, it is mandatory that it be used where relevant concerning employees/would-be-employees.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

a. are they life-long?

Danish answer

Convictions on the child certificate will appear for at least 10 years, and up to the registered person's 80th birthday or the registered person's death, depending on the type of offense and the sanction imposed.

b. if they are not life-long, please specify the time-limits applicable

Danish answer

Rape and other sexual acts committed against children under the age of 15 appear on the child certificate at least until the registered person turns 80 years old. The same applies to sexual abuse committed against children in the custody of the offender. Indecent assault on a child under 15 years of age and child pornography appear on the child certificate for 20 years.

Sexual crimes, regardless of the victim's age, will generally appear on the private criminal certificate for five years, depending on the sentence imposed, and at least for ten years on the public criminal certificate.

c. are they applied only to activities in the public sector?

Danish answer

No.

Please provide details.

Danish answer

Besides the Danish scheme on child certificates, the Danish Criminal Code contain further options to exclude of persons convicted of relevant crimes from working with or getting into contact with children.

Summary:

Section 78 of the Danish Criminal Code: A convicted person can **administratively be excluded** from practicing a profession that require a public authorization or approval.

Section 79 of the Danish Criminal Code: Upon conviction for a criminal offence, **a court can exclude a person** from the right to practise a profession (both professions that require a public authorization or approval and other professions). Furthermore, during the proceedings, the court may, by order, exclude the person concerned from practicing the profession until the case has been finally decided.

Section 78 of the Danish Criminal Code: Administrative exclusion from the right to practice an authorized profession

The right to practice an authorized profession may be administratively excluded a person who has been convicted of sexual offences against children, if the circumstances justify an imminent risk of abuse of the profession. There is a right to judicial review of the administrative decision.

Question a and b)

An administrative decision about exclusion can be life-long or temporary. The person may request a court review on the administrative decision. If the administrative decision is not lifted, the person may request another court review after a period of minimum two additional years etc.

Question c)

The administrative decision applies to both professions in the public and private sector.

Section 79 of the Danish Criminal Code: Exclusion by judgment of the right to practice an authorized or other professions

Section 79 of the Criminal code distinguishes between professions that require a public authorization or approval, *and* other professions:

- *authorized professions*

A convicted person can be excluded by judgment from practicing a profession that require a public authorization or approval, if the circumstances justify an imminent risk of abuse of the profession (similar to conditions in section 78, see above).

- *other professions*

Exclusion from practicing other professions requires, additionally to the conditions above *special circumstances*.

Question a and b)

An exclusion from practicing a profession (authorized or other profession) is imposed for a period from one year to five years or *until further notice*. If the exclusion is until further notice, the convicted may request a court review after minimum five years after the conviction, to determine whether the exclusion should be lifted or prolonged. After a period of minimum two additional years, the convicted can request another court review etc.

Question c)

Applies to both professions in the public sector (e.g. public health care professions, teachers) and the private sector (e.g. taxi drivers, driving instructors, masseurs).

The Public Prosecution Service is in certain cases obligated to notify the relevant authorities about an exclusion from a profession.

Section 236

Under section 236 of the Danish Criminal Code, a person convicted of various sexual offences – for example rape, sexual intercourse with a minor, or sexual intercourse with a person under 18 who is entrusted to the offender for instruction, upbringing or care – may be prohibited from the following activities:

- 1) Location ban: staying in or entering delimited areas posing a risk that the restrained person will commit another similar offence.
- 2) Residence ban: allowing children under 18 years of age take up residence himself or herself with any other person with whom children under 18 years of age are also residing without permission from the police.
- 3) Visit ban: receiving visits from children under 18 years of age who are not accompanied by an adult.
- 4) Contact ban: seeking contact, via the internet or a similar system for dissemination of information, with children under 18 years of age who do not know the restrained person.

5) Emigration ban: Emigration.

A conviction may result in one or more of these bans being issued.

Restraining orders under 1)-4) may be issued if it is assumed due to the nature of the act committed and the information available on the restrained person's character, including information on his or her criminal record, that there is a risk that the restrained person will commit another similar offence and that such restraining order is likely to prevent such risk.

Restraining orders under 5) may be issued if it is assumed due to the nature of the act committed and the information available on the restrained person's character, including information on his or her criminal record, that there is a risk that the restrained person will commit another similar offence abroad and that such restraining order is likely to prevent such risk.

Question a) and b)

Restraining orders are issued until further notice. Restraining orders can always be issued for a period of one to five years as from the date of the final judgment. A restraining order issued under 5) is issued for a period of one to five years as from the date of the final judgment.

Where a restraining order has been issued until further notice, the restrained person may demand, when five years have elapsed since the date of the final judgment, that the continued existence of such order be brought before the court by the Prosecution Service. If the decision upholds the restraining order, whether in full or in part, the issue may be brought before the court again, but only after at least two years.

Where a restraining order has been issued under 5), the restrained person may demand, when one year has elapsed since the date of the final judgment, that the continued existence of such order be brought before the court by the Prosecution Service. If the decision upholds the restraining order, whether in full or in part, the issue may be brought before the court again, but only after at least one year.

Question c)

The restraining orders apply to all of the above activities, irrespective of whether they are carried out in a private context or in connection with work, and irrespective of whether the activity takes place in the public or the private sector.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

Please provide details.

Danish answer

If a criminal conviction has been deleted from the Criminal Register (KR), it will no longer appear on the child certificate or criminal certificates. The rules for when a sexual offense is deleted from KR follow the rules for how long the offense appears on the child certificate.

See above under question 10, point b.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

Please provide details.

Danish answer

The Act on Obtaining Child Protection Certificates in Connection with the Employment of Staff, etc. (the Child Protection Certificate Act) entered into force on 1 July 2005. The most recent consolidated version of the Act can be found here:

(<https://www.retsinformation.dk/eli/ta/2014/362>)

The purpose of the Child Protection Certificate Act is to strengthen efforts against sexual abuse of children by helping to ensure that individuals who have been convicted in cases involving sexual offences against children cannot easily obtain a job involving contact with children.

Under the Act, it is mandatory for authorities, companies, associations, etc. (private individuals and legal entities) to obtain a child protection certificate from the Danish National Police before they hire or engage individuals who, as part of their duties, will have direct contact with children under the age of 15.

The law was expanded in 2012 to include individuals who are not hired specifically to work with children but are regularly present in environments with children.

A child protection certificate is a document containing information about convictions, etc., for certain sexual offences committed against children under the age of 15. The certificate resembles a traditional criminal record but differs, among other things, in that the information remains visible for a longer period. The exact length of time the information appears on the certificate depends on the type of offence and the sanction imposed. Convictions for serious sexual offences remain on the certificate until the registered individual reaches the age of 80.

The Child Protection Certificate Act is a so-called framework act, which authorizes the relevant minister to lay down detailed rules on the obtaining of child protection certificates within the ministry's area of responsibility. This means that the specific rules on when a child protection certificate must be obtained are set out in executive orders issued under a number of different ministries.

The executive orders each contain a detailed definition of which authorities, institutions, associations, etc., within the respective ministry's area, are covered by the obligation to obtain a child protection certificate.

The following ministries have issued executive orders on the obtaining of child protection certificates: The Ministry of Culture, the Ministry of Health and Ecclesiastical Affairs, the Ministry of Business and Competitiveness, the Ministry for Children, Elderly and Housing, The Ministry of Education, the Ministry of Health and Ecclesiastical Affairs, the Ministry of Social Affairs, the Ministry of Urban, Rural Affairs and Transport, the Ministry of Defence, the Ministry of Justice, the Ministry of Science, Higher Education and Digital Affairs, the Ministry for Nature and Animal Welfare and the Ministry of Immigration and Integration.

Within the area of the Ministry of Culture in Denmark, the following has been established in the executive order:

Authorities, institutions, associations, and similar bodies under the Ministry of Culture must obtain a child protection certificate before they hire or engage individuals who, as part of their duties, will have direct contact with children under the age of 15, as well as individuals who, as part of their duties, are regularly present among children under the age of 15 and thereby may gain direct contact with these children.

A certificate must be obtained before hiring or engaging individuals who will function as:

- Trainers, instructors, team leaders.
- Teachers, childminders, facilitators.
- Janitors, technical staff, assistants, substitutes, interns.

The function, not the job title, determines whether the requirement applies. It does not matter whether the work is paid or voluntary.

It is furthermore a condition for the obligation to obtain a child protection certificate that the person must have a permanent affiliation with the authority, institution, association, etc.

A permanent affiliation means that, from the beginning of the employment or engagement, it was intended that the person's connection to the authority, institution, association, etc., would be more than occasional or short-term. In such cases, the child protection certificate must be obtained before the person takes up their duties.

In cases where the person is not initially intended to have a regular affiliation, a child protection certificate must be obtained no later than 3 weeks after the point in time when the individual:

- has been affiliated with the authority, institution, association, etc., for more than 3 months,
- and within this period, on at least 3 occasions or during a continuous period of more than 1 week, has acted as a coach, instructor, team leader, teacher, childminder, facilitator, janitor, or other technical staff,
- provided that the person is expected to continue their affiliation with the authority, institution, association, etc.

Institutions, authorities, associations, companies, etc. that intentionally fail to obtain child protection certificates in accordance with the regulations may be subject to fines.

13. If screening is required, who is required to act?

- a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities
- b. the candidate must provide proof of absence of convictions
- c. another scenario. Please specify

Please provide details.

Danish answer

A – for further details kindly refer to the response to question 12.

Within the area of social affairs and housing

Adoptive parents

In regard to adoptive parents. For further information see answer to question 3.a and 4.c.

Parental custody

In regard to parental custody the Agency of Family Law is the competent authority. For further information see answer to question 3.c, 4.c, 9.a and 9.b.

14. If screening is required, who bears the costs of screening procedures?

Please provide details.

Danish answer

It is free to order criminal certificates and child certificate in Denmark.

The Danish National Police covers the costs.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

Please provide details.

Danish answer

Ministry of Culture:

Kindly refer to the response to question 7.

Sector specific answers

Within the area of Ministry of Health and Ecclesiastical Affairs

Intentional breaches shall be punishable by a fine. This shall not, however, apply to breaches committed by public administrative authorities. Companies and other legal entities may be held criminally liable in accordance with the rules set out in Chapter 5 of the Criminal Code.

The Danish Patient Safety Authority supervises Danish health care professionals and organizations.

Recognised religious communities must include a religious preacher's child protection certificate when applying for permission to perform marriages, if the religious preacher is permanently affiliated with the religious community. In this way, the Ministry oversees compliances with the rules on child protection certificates.

According to an executive order from the Ministry of Justice, the Police Commissioner reports to the Attorney General if an employee in public service (including an employee in the Danish

National Church) is charged with or convicted of a criminal offence (including sexual violation against children). The District Attorney will then notify the public employer if it must be assumed that knowledge of the circumstances is of significant relevance to the employer, and the considerations to the employer clearly outweighs considerations to the employee.

Within the area of the Ministry for Nature and Animal Welfare

The Danish Nature Agency has a policy on when child protection certificates must be obtained, and managers are expected to comply with it.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

Please provide details.

Danish answer

Kindly also refer to the response to question 7 and 12.

It may furthermore be noted that the major national sports organizations have established an Exclusion Committee. The Exclusion Committee is automatically notified by the Danish National Police if a sports club receives a blemished child protection certificate. The club will then be contacted by the committee, which can provide advice and guidance regarding the rules in this area.

17. Is regular screening, beyond the initial recruitment process, required, for:

- a. professionals in contact with children
- b. volunteers in contact with children
- c. foster parents and legal guardians?

If regular screening is required, please specify its frequency and provide other details.

Danish answer

Please refer to the response under question 18.

For further details, see the answer under point 8 regarding the Danish child certificate scheme.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

Please provide details.

Danish answer

Under sections 7–9 of the Danish Circular on Reporting Criminal Cases (Indberetningscirkulæret), the police must report certain criminal cases involving individuals who work or volunteer in direct contact with children to the Danish Director of Public Prosecutions (Rigsadvokaten). This obligation applies when a person is formally charged, indicted, or convicted of sexual offences against children or other offences relevant to their work with minors.

The purpose of the reporting scheme is to ensure that the relevant employer or volunteer organisation can be informed when knowledge of the criminal case is considered important for assessing the person's continued employment or duties involving children. Under the circular, the Director of Public Prosecutions may notify the employer or organisation when the interest in disclosure clearly outweighs the interest in confidentiality.

Any information disclosed is subject to strict confidentiality rules, and unauthorised disclosure may be punishable.

The Director of Public Prosecutions provides the information; it is then for the employer or volunteer organisation to assess whether the information should result in any employment related measures.

Cross-border screening

19. If the candidate for roles or S of those countries in respect of:

- a. professionals
- b. volunteers
- c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

Please provide details.

Danish answer

Please refer the Danish answer under question 20 and 21

20. Is there a mechanism to:

- a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings¹ (please specify)

Danish answer

Yes

- b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

¹ For purposes of recruitment, volunteering, adoption, foster care or guardianship.

Danish answer

Yes

Please provide details.

Danish answer

ECRIS (European Criminal Records Information System) is an electronic network that allows EU countries to exchange information on previous convictions quickly and securely. The aim is to prevent criminals from hiding their past when moving or committing crimes across borders.

When a person is convicted in an EU country, the information is automatically sent to the person's home country. The home country records it so that it is always collected in one place.

Denmark is part of the ECRIS cooperation and judgments from other EU countries and Nordic countries are registered in the Criminal Register (KR).

Furthermore, in certain cases, the police may, upon request, pass on information from KR to another country.

Finally, judgments from third countries can be registered in KR if the judgment can be equated with a Danish decision.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

Danish answer

According to the ECRIS corporation the EU country in which a person is sentenced automatically sends the information to the EU country of which the person is a citizen.

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

Danish answer

-

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

Please provide details.

Danish answer

Since the victim's age is not registered in the Criminal Register (KR), it therefore requires a manual review of the underlying decision(s) that are relevant to the issuance of a child certificate in order to determine whether the victim was under 15 years of age at the time of the crime. Therefore, even minor expansions of the current child certificate scheme can have a major impact in terms of resources.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Please provide details.

Danish answer

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