

BØRNEATTEST – CHILDREN'S CERTIFICATE

Ministry of Education (earlier Ministry for Children, Education and Equality)

This description comes from the study commissioned by the European Commission on gender-based violence in sport ([Mergaert L., & al., Study on gender-based violence in sport – final report, European Commission, 2016](#)). It was updated within the framework of the European Union-Council of Europe joint project [Pro Safe Sport + "Put an end to sexual harassment and abuse against children in sport"](#), by collecting more recent information from the organisation responsible for the project.

DESCRIPTION OF THE PRACTICE

Background

In 2000, the National Olympic committee and sports confederation of Denmark started recommending that their member federations and clubs to use criminal record checks as a standard procedure when recruiting new coaches and trainers. After a few years a study was made and it showed that only about 5 per cent of sport clubs would use a criminal record check before hiring a new employee. To increase the rate of compliance among sport clubs, grass root sport and sport organisations asked for a less bureaucratic procedure for obtaining and managing criminal record checks. After several years of public debate and legal preparation - the children's certificate was enacted by law in June 2005, and the scope of the law was widened in 2012.

In contrast to the ordinary criminal record, the children's certificate specifically looks at sexual offences committed towards children below the age of 15. Relevant penal codes include intercourse or substitution hereof and sexual indecency aimed at or including children below the age of consent. All relevant sexual offences are particularly long standing in the record system. The exact time for how long the information is provided on the children certificate varies depending on the type of violation and the penalty involved. Convictions for serious sexual offenses stated in children certificate are evident until the perpetrator is 80 years old. In Denmark the age of consent is 15 years, but for cases involving teachers, coaches, youth leaders and other persons in positions of trust the age of consent is elevated to 18 years of age because of the increased risk of abuse.

The legal requirements

The obligation to retrieve a children's certificate applies to a wide range of public and private employers, NGO's, sports organisations etc. The children's certificate must be retrieved before anyone appoint or employ a person who in their work are to come into direct prolonged contact with children – meaning working directly with children under 15 and for a period of more than 3 months – or in their job will work in proximity to children under the age of 15 and thereby can obtain direct contact with the children.

Bus and taxi drivers are for the most part exempted from the children's certificate rules because they are not considered to have the abovementioned contact with the children. The rules will however apply to e.g. the employment of a gardener working regularly in the gardens of a day care institution. It is the employers' obligation to assess if the job in question involves contact with children to an extent that requires the retrieval of a children's certificate.

As a consequence of the law it is a legal requirement for an employer to retrieve a children's certificate before a person is employed in a job involving the above mentioned contact with children. The law makes sure that the employer hires a person on an informed basis, but the law does not regulate that a person cannot be

employed if the certificate is positive. It is up to the employer to assess whether the person in question is fit to work with children based on the overall knowledge of the person.

The law only regulates the retrieval of a certificate before employing a new person. The law does not require employers to retrieve the certificate for existing employees on a regular basis.

It is only companies, authorities and organisations (NGOs), who can order a child certificate. They log-on to either of these homepages: www.politi.dk [the police] or www.virk.dk¹ using their VAT number and NemID.² By the time the request has been submitted by the organisation in question, the employee has 14 days to give consent to the request. The employee logs into the electronic portal for communication with public authorities - using the NemID and social security number - and consent to the acquisition of information in the criminal register.

The use of the practice

The children's certificate gained visibility through a communication strategy that followed the law enactment. All ministries were asked to make sure that all relevant institution and organisations were informed about the new law and its consequences.

In 2016 more than 300,000 children's certificates were retrieved in Denmark. Of these about 100 were positive.

The children's certificate has become the primary tool for deterrence and prevention in Denmark. The practice is an important tool for employers when assessing a person for a job involving contact with children under the age of 15. This practice however may be helpful in screening out previously convicted perpetrators, but for obvious reasons this practice will not detect perpetrators who have never been convicted. The practice has a high transferability to other EU-countries because of the level public administration and co-operation structures.

¹ virk.dk is corporate digital access point for all companies in Denmark. [Virk.dk](http://virk.dk) is an inter-agency portal, developed in cooperation between the vocational public authorities. The portal provides access to 1,300 reporting places. With [Virk.dk](http://virk.dk) you only need to visit one when you have to report to the public authorities on behalf of your company.

² NEMID means 'easy identification' and all companies and individuals have such an identification opportunity to validate their online access to information. NEMID comes in either a printed form or an electronic pin code generator.