



**Convention on the Rights
of the Child**

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**WRITTEN REPLIES BY THE GOVERNMENT OF DENMARK TO THE LIST OF
ISSUES (CRC/C/OPSC/DNK/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE INITIAL REPORT OF DENMARK SUBMITTED UNDER
ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN,
CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/DNK/1)***

[Replies received on 10 August 2006]

*In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1) Please provide statistical data (including by sex, age, urban/rural areas) for the years 2003, 2004, and 2005 on:

- a) the number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators;
- b) the number of child victims provided with recovery assistance and compensation (if any) as defined in article 9.3 and 9.4 of the Protocol.

In the light of information from "POLSAS" - the Danish Police's file management system - the following survey has been made of the number of complaints, charges and decisions in connection with violations of article 223 a. of the Danish Criminal Code (sexual intercourse with prostitutes under the age of 18); article 235 (1) of the Criminal Code (dissemination of child pornography); article 235 (2) of the Criminal Code (possession of child pornography); and article 262 a. of the Criminal Code (human trafficking).

In the case of article 262 a. of the Criminal Code it should be noted that POLSAS does not specify the extent to which the trafficking was in respect of minors, cf. article 262 a. (2) (1) of the Criminal Code, but it is the opinion of the National Police that the vast majority of - if not all - the complaints/ charges related to the sale of women over the age of 18 with a view to exploitation within the framework of prostitution.

The number of charges and decisions is based on the actual complaints made within the specified year ("the year of complaint"). In that connection please note that one complaint may lead to several charges being brought against one or more persons.

As regards the statement of the number of decisions it should be noted that some of the cases reported in 2003, 2004 and 2005 have not yet been decided. Please also note that *prima facie* some decisions (cases closed) appear to have been erroneously recorded in POLSAS.

Criminal Offence	Number of Complaints per Year			
	2003	2004	2005	Total
Article 223 a.	-	2	8	10
Article 235 (1)	78	76	29	183
Article 235 (2)	110	226	103	439
Article 262 a.	1	2	4	7

Criminal Offence	Number of Charges based on Year of Complaint			
	2003	2004	2005	Total
Article 223 a.	-	2	8	10
Article 235 (1)	64	69	28	161
Article 235 (2)	101	215	91	407

Article 262 a.	10	2	2	14
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Section 223 a.	Number of Decisions (so far) based on Year of Complaint			
<i>Type of Decision</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Total</i>
Suspended sentence	-	1	5	6
Acceptance of fine in court	-		1	1
Withdrawal of charge	-	1	1	2
<i>Decisions, total</i>	-	2	7	9

Section 235 (1).	Number of Decisions (so far) based on Year of Complaint			
<i>Type of Decision</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Total</i>
Custodial sentence	27	18	9	54
Sentence (fine only)	6	3	-	9
Sentence/order of special measures/detention	-	1	-	1
Suspended sentence	10	10	3	23
Suspended sent. + fine	1	6	-	7
Partially susp. Sentence	1	6	4	11
Sentence by default	1	-	-	1
Acceptance of fine in court	-	1	-	1
Acquitted	3	1	-	4
Decided by fixed-penalty notice	3	4	2	9
Other	1	1	-	2
Dismissal of all charges (article 722 (1) (4) of the Administration of Justice Act).	1	-	-	1
Withdrawal of charge (article 721 (1) (2) of the Administration of Justice Act).	7	11	3	21
Charge unfounded - Criminal Code (article 722 (1) (1) of the Administration of Justice Act).	-	1	-	1
<i>Decisions, total</i>	61	63	21	145

Section 235 (2).	Number of Decisions (so far) based on Year of Complaint			
<i>Type of Decision</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Total</i>
Custodial sentence	17	73	18	108
Sentence (fine only)	12	15	1	28
Suspended sentence	7	32	5	44
Suspended sent. + fine	2	12	1	15
Partially susp. sentence	4	8	5	17
Sentence by default	-	2	-	2
Acceptance of fine in court	6	4	1	11
Acquitted	5	5	3	13
Decided by fixed-penalty notice	14	13	5	32
Other	1	1	-	2
Conditional dismissal of charge (article 722 (1) (2) of the Administration of Justice Act).	1	-	-	1
Dismissal of all charges (article 722 (1) (4) of the Administration of Justice Act).	1	2	-	3
Dismissal of all charges (article 722 (1) (7) of the Administration of Justice Act).	-	1	-	1
Withdrawal of charge (article 721 (1) (2) of the Administration of Justice Act).	27	26	6	59
Charge unfounded - Criminal Code (article 722 (1) (1) of the Administration of Justice Act).	-	7	2	9
Charge unfounded - Private Act (article 721 (1) (1) of the Administration of Justice Act)	1	-	-	1
Omission of charge - Private Act (article 722 (1) (1) of the Administration of Justice Act)	-	1	-	1
<i>Decisions, total</i>	<i>98</i>	<i>202</i>	<i>47</i>	<i>347</i>

Section 262 a.	Number of Decisions (so far) based on Year of Complaint			
<i>Type of Decision</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>Total</i>
Custodial sentence	5	2	1	8
Suspended sentence	1	-	-	1
Acquitted	1	-	1	2
<i>Decisions, total</i>	7	2	2	11

Most of the children who are victims of sexual abuse receive recovery assistance through the special care system, which is organized by the local authorities. It is not possible to isolate the number of children, who are receiving assistance due to sexual abuse.

It is however possible to present the total number of children who receive special care. In 2003 14.131 children were placed in public care and 14.616 received special care. In 2004 14.074 children and young people were placed in public care, while 15.082 received preventive measures.

2) Please provide information on specific budget allocations (national, regional and local) for the implementation of the rights contained in the Optional Protocol.

It is not possible to isolate the budget allocations in relation to the general efforts in this field since the majority of resources are spent within the budgets of the local authorities and the health system.

During recent years special projects have received funding from the Danish government:

Janus is a knowledge centre concerning young people who have committed sexual assaults on other children and young people. They offer treatment to the offenders and gather knowledge about the nature and characteristics of the offenders and how best to help them. 3 million Danish kroner is allocated pr. year for the period 2006-2009.

The Knowledge Centre for Social Action concerned with Sexual Offences Against Children (SISO) is assigned with coordinating initiatives and social measures already taken by local authorities. SISO also provides advisory services to authorities and organizations and handles the annual reporting on the overall activities at the national level for the area. 5 million Danish kroner are allocated each year for the years 2004-2007.

In the health area, in association with the National Hospital, another knowledge centre, the Team for Sexually Abused Children, has been established. 2 million Danish kroner have been allocated for 2005-2008. The funds will be used to gather knowledge and disseminate the knowledge obtained as well as guiding the authorities involved with cases of sexual abuse against children.

3) *Please clarify whether there has been any reflection on a possible revision of article 235 (3) of the Criminal Code, whereby possession of pornographic material is not punishable if the person shown on the photo has reached the age of 15 and has consented to the possessor having the photo.*

Article 235 of the Criminal Code was drafted in 2002 and enacted in 2003. Since then, there have been no formal considerations on amending article 235 (3).

It should, however, be noted that according to the explanatory notes to the provision only pictures, e.g. photos and paintings, are excluded. Movies and other forms of pornographic material are not excluded.

Furthermore, it is mentioned in the explanatory notes that the determination of whether or not there can be said to be a consent relies upon the level of intellectual development of the consenting young person and the additional circumstances. Thus, the provision applies, inter alia, when a 17-year-old girl gives a photo that can be characterized as pornographic to her boyfriend. On the contrary, it cannot be presumed that a young person has freely consented to the possessor having the photo when the possessor has only a distant connection to the young person.

The Danish government finds that the provision contributes to a balanced solution to a complex problem and it is in accordance with the EU Council Framework Decision on combating sexual exploitation of children and child pornography of 22 December 2003. Thus, at the moment, Denmark has no intention of withdrawing its reservation to the Optional Protocol regarding this matter.

4) *Please inform the Committee on whether special training, particularly legal and psychological is provided to those working with social reintegration and physical and psychological recovery of child victims.*

SISO takes an active part in the training of professionals working at the institutions belonging to the local authorities such as day care and schools as well as professionals working with children and young people who have been placed in alternative care.

In spring 2006 new laws concerning the education of teachers and nursery teachers were passed by the government. Both laws will be in effect by August 1st 2007 when new students are taken in. Departmental orders will be issued in order to regulate the contents of the course. During the drafting of this order it is only natural to be aware of the area of sexual abuse against children.