

## 1. Background of the country

The government of Denmark is party to all the main international and regional legal instruments which prohibit commercial sexual exploitation of children (CSEC), including the *Convention on the Rights of the Child* and its *Optional Protocol on the Optional Protocol on the sale of Children, Child prostitution and Child Pornography*. Denmark also adopted and committed to implement the *Rio Declaration and Call for Action to prevent and stop sexual exploitation of children and adolescents*. With regard to the translation of these commitments into reality, although action has been taken by the Danish authorities to establish, implement and monitor policies, programmes and laws to protect children from sexual exploitation, there are still gaps with regard to the harmonization of domestic laws and policies with the provisions of the above mentioned international and regional legal standards and weaknesses in relation to the implementation of these standards and measures. Consequently, due to these drawbacks, many children, especially migrant children and children from ethnic minorities (Roma), are victims of sexual exploitation, especially trafficking for sexual purposes and the making of child pornography. Therefore, Danish authorities must strengthen their efforts in combating commercial sexual exploitation of children.

### Normative framework

*Policies:* Denmark adopted in 2003 an *Action Plan for the Prevention of Sexual Abuse of Children*, which is still ongoing, and a *National Action Plan to Combat Trafficking in Human Beings 2007-2010*, which includes the protection of children against trafficking and which contain measures which provide adequate support for children victims of trafficking. However, Denmark has not yet adopted a specific national Plan of Action against sexual exploitation of children.

*Legislation:* Denmark has ratified the major international and regional instruments to protect children from commercial sexual exploitation. However, some of the main international bodies do not apply to the whole national territory. The country ratified the *Optional Protocol on the sale of Children, Child prostitution and Child Pornography* in 2003 but the OPSC is not enforced in Greenland and the Faeroe Islands even though the Greenland Executive is currently considering accession to the Optional Protocol. Greenland and the Faeroe Islands are also excluded in respect to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Denmark accessed the Council of Europe *Convention on Action against Trafficking in Human Beings* and the Council of Europe *Convention on the Protection on Children against Sexual Exploitation and Sexual Abuse*. In 2005 the Parliament approved a law on criminal records disclosures for those professional working in direct contact with children below 15 years of age. Denmark recently modified legislation on child pornography criminalizes virtual child pornography which was not covered unless the abuse materials abuse were almost identical to photographs. Under this legal reform, prison sentences for dissemination and possession of child pornography have been raised from two to six years. The Danish Criminal Code criminalizes mere possession of child pornography, regardless of the intent of distribution. Despite the last positive developments in the domestic legislation, some gaps needs to be addressed. Even though the Danish law prohibits child prostitution it lacks a clear definition

of this form of child sexual exploitation. The national law refers to “sexual immorality” to define prostitution which is a very vague definition. The Penal Code criminalizes both exploitation and facilitation of child prostitution but the law is not child-centered and does not indicate any provision for the rehabilitation or compensation for child victims of prostitution.

## **2. Implementation of the normative and institutional framework for the promotion and protection of children against sexual exploitation**

National policies against commercial sexual exploitation of children are mainly anti-trafficking oriented. A major issue of concern is the fact that foreign victims of trafficking, adults and children, are often repatriated in a very short period of time (30 days). This procedure eventually excludes them from the possibility to seek asylum and receive appropriate care.

The *Action Plan for the Prevention of Sexual Abuse of Children* and follow up initiatives do not have a specific focus on CSEC and did not appoint monitoring mechanisms. Moreover, the Action Plan does not provide indications on what measures would be taken against Danish citizens who abuse children abroad. The latter generates great concerns considering that Denmark is a source country for tourists seeking sex with children in destinations such as India, Thailand, Cambodia and Romania.

The domestic law on Criminal Records Disclosures requires all the persons working directly with children under 15 to provide a clear criminal record with regard to sexual crimes against children. However, the government does not allocate funds to train those in charge of dealing with the criminal records and those personnel in charge of prevent abusers to have access to children. Additionally, only new employees and volunteers are asked to present criminal records.

In 2007 the Government of Denmark established the Centre against Human Trafficking (CMM) to coordinate, monitor and to implement initiatives undertaken to counter human trafficking, including child trafficking. However, there is no specific body in charge of coordinating and monitoring specifically all initiatives aiming at combating commercial sexual exploitation of children.

Cases regarding CSEC and sexual assaults for instance require expertise which might not be available at the local level. Three knowledge centers have been established for professionals dealing with cases of child sexual exploitation: the Team for Sexually Abused Children at the Copenhagen University Hospitals, the Danish National Centre for Social Effort against Child Sexual Abuse (SISO) and Janus, on children and youth who sexually assaulted other children. Nonetheless, the quality of the data collected on CSEC remains limited. There are no policy provisions for including awareness-raising on CSEC in the teacher training curriculum. No resources have been allocated to increase specific knowledge on child sexual abuse amongst teachers, caregivers and childcare workers.

## **3. Good Practices**

The Danish National Council for Children has been established by Executive Order No. 458 of 15 May 2006. The Council acts as focal point for the protection of children in the country. One of the main points of its mandate is to “be capable of advising authorities on matters affecting children’s circumstances and consider children’s viewpoints in its work. (...) the Council shall assess the conditions under which children in Denmark live in the

light of the provisions and intentions set out in the United Nations Convention on the Rights of the Child”.

In 2008 different actors came together to establish a Project against Child Sex Tourism. Representatives of the Danish Defense, trade associations, airline companies, NGOs and other actors established of a small working group with representatives of Save the Children Denmark, the Danish Travel Agency Association and the National Police. The two years project comprises activities that aim to disseminate knowledge on the change in the extraterritorial legislation amongst the Danish population which abolished the principle of double criminality. The strategy comprehends also a widespread campaign aiming to inform tourist on the role they can play in ending sexual exploitation of children abroad in case they witness violations. Information have been disseminated through national and local newspaper as well as through posters located in the country’s international airports.

Denmark is part of regional and European networks to combat trafficking in children. The country is part of the Council of the Baltic Sea States’ Task Force (CBSS Task Force) and participates to the Working Group for Cooperation on Children at Risk (WGCC). Although aim of the joint initiative is to protect unaccompanied vulnerable children from trafficking, sexual exploitation and abuse, it does not specifically focus on CSEC.

The Danish government has adopted a multi-stakeholder approach to combat child trafficking. The cooperation between Government, civil society organizations and private companies on the matter of safe internet and eradication of child pornography on the Internet is highly appreciable. Nonetheless responsibilities are not always defined resulting in duplication of actions and inefficacy and the level of cooperation between Governmental bodies and civil society could be developed in a more systematic and substantial way.

#### **4. Recommendations**

- The government of Denmark should extend the applicability of the Optional Protocol on the sale of Children, Child Prostitution and Child Pornography and of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children to the territory of Greenland and the Faeroe Islands
- Provide qualifying training and resource material on every aspect of CSEC to professionals working in direct contact with children who are victims of sexual exploitation or who are at risk of being sexually exploited
- The government of Denmark should ensure that, according to sections 48 and 49 of the Rio Call for Action, children victims of sexual exploitation have access to adequate services which provide them with the necessary economic and psycho-social support for their recovery and social reintegration, including children from foreign countries as well as children belonging to ethnic minorities.
- Provide foreign children who have been victim of trafficking the possibility of access long term medical, psychological, financial and legal assistance before repatriation.