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COMMITTEE ON THE RIGHTS OF THE CHILD

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding observations: Denmark

1. The Committee considered the initial report of Denmark (CRC/C/OPSC/DNK/1) at its 1180th meeting (see CRC/C/SR.1180), held on 19 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report as well as its written replies to the list of issues (CRC/C/OPSC/DNK/Q/1/Add.1). The Committee further appreciates the constructive dialogue held with the State party delegation. 3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's third periodic report on 30 September 2005 (CRC/C/DNK/CO/3).

B. Positive aspects

4. The Committee welcomes the adoption of the following law amendment and national plans of action:

(a) The 2005 action plan "A New Life" to combat prostitution;

(b) The 2003 National Plan of Action to combat sexual abuse of children;

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(c) The amendment to the Criminal Code by Act No. 380 of 6 June 2002 which introduces a new provision on trafficking in human beings; and

(d) The 2005 appendix to the Government's Action Plan to Combat Trafficking in Women to protect and support children who have been trafficked to Denmark.

5. The Committee also welcomes the establishment of a special investigation unit specialized in criminal offences committed on the Internet, including child pornography, by the Office of the National Commissioner of Police, and three knowledge centres, the Team for Sexually Abused Children at the Copenhagen University Hospital, the Danish National Centre for Social Efforts against Child Sexual Abuse (SISO) and Janus, a knowledge centre concerning young people who have committed sexual assaults on other children and young people.

6. The Committee notes with great appreciation that the National Commissioner of the Police, Save the Children Denmark and the telecommunication services provider TDC have introduced a filter for blocking access to Internet sites containing images of child pornography and that the filter has been successful in blocking access to these sites for an average of 1,700 users every day.

7. Furthermore, the Committee notes with appreciation measures taken for the physical and psychological recovery of children, such as subsidies for consultations with psychologists, and the increase in the penalties for the recording and dissemination of child pornography.

8. The Committee notes with appreciation the State party's considerable efforts in areas of international development assistance focusing on issues covered by the Optional Protocol.

C. Principal areas of concern and recommendations

1. General measures of implementation

Coordination and monitoring of the implementation of the Optional Protocol

9. The Committee takes note of the information that various ministries are involved in implementing the Optional Protocol, but is concerned at the lack of a specific governmental body coordinating the activities in this respect and of a mechanism evaluating the implementation of the Optional Protocol.

10. The Committee encourages the State party to strengthen coordination, at both central and local levels, in the areas covered by the Optional Protocol, and to establish mechanisms for the periodic evaluation of the implementation of the Protocol.

Dissemination and training

11. While noting the State party's efforts for the dissemination of the Optional Protocol, as well as some training activities about its provisions, the Committee regrets that this is not done in a systematic and ongoing manner.

12. The Committee recommends that substantive resources be earmarked and allocated to public-awareness campaigns and for the development of training materials and courses for professionals working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health and local government personnel, the media, social workers, teachers, school administrators and others, as required, who are responsible for the implementation of the Optional Protocol.

Data collection

13. The Committee regrets the limited data and research available on the issues covered by the Optional Protocol.

14. The Committee recommends that the State party ensure that research is undertaken into issues covered by the Protocol, and that data be disaggregated inter alia by age, sex and minority group, as well as that data be systematically collected and analysed as it provides essential tools for measuring policy implementation.

Cooperation with civil society

15. As regards the scope of application of the Optional Protocol, the Committee welcomes the State party's partnership with non-governmental organizations, for example, the Media Council and Save the Children Denmark's close cooperation in the field of Internet safety. The Committee notes, nevertheless, that civil society organizations are willing to contribute in a more meaningful way to the implementation of the Optional Protocol, including the State party's periodic reporting to the Committee.

16. The Committee recommends that the State party continue to strengthen its cooperation with the civil society organizations in order to prevent the sale of children, child prostitution and child pornography. It also encourages the State party to involve these organizations in the reporting to the Committee and to use the reporting process as a catalyst for public and critical debate on these issues.

2. Criminal procedure

Jurisdiction over the offences referred to in article 3, paragraph 1, of the Optional Protocol

17. The Committee notes with appreciation, particularly in the context of prosecution of crimes related to child sex tourism, that the State party has abolished the requirement of "dual criminality" regarding sexual offences against children on 2 June 2006. However, the Committee notes with concern that the police is not provided with additional resources for international cooperation in this matter.

18. The Committee recommends that the State party provide the Danish police with adequate resources for international cooperation when investigating cases of sexual exploitation of children.

3. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol

19. The Committee is concerned that the ongoing local government reform and the reform of police districts may have an adverse effect on the early identification of cases involving child exploitation and the availability and quality of services provided for the child victims of such exploitation, including the sale of children, child prostitution and child pornography.

20. In the context of the local government reform and the reform of police districts, the Committee recommends that the State party take special measures to ensure the early identification of cases involving child exploitation and the availability and high quality of services provided for the child victims of exploitation, including the sale of children, child prostitution and child pornography, particularly during the transition period.

21. The Committee welcomes Act No. 228 of 2 April 2003, which provides the possibility of using video interviews of children as evidence in court, and that video interviews of children in cases concerning sexual abuse must be conducted by specially trained police officers. The Committee takes note of the information that, in some cases, there have been practical difficulties in connection

with video interviews of children, but measures have already been taken to address these problems.

22. The Committee invites the State party to continue, and to strengthen when necessary, measures to protect child victims and witnesses at all stages of the criminal justice process. To this end the State party should be guided, inter alia, by the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (see annex, Economic and Social Council resolution 2005/20).

23. The Committee notes that public employees have a strict duty to notify local authorities if they come into contact with a child who is exposed to sexual abuse or has been used in prostitution, and that every citizen has a general duty to report on sexual abuse of children. Referring to the recent and exceptionally severe case of sexual abuse and prostitution of a child in Tønder, the Committee is concerned whether civil society and public employees are fully aware of their obligation to report to the authorities. Furthermore, it notes with concern that the heavy work burden and limited resources of social welfare offices may delay the response to the notification on sexual exploitation of the child.

24. The Committee recommends that the State party:

(a) Continue its public media campaigns on mandatory reporting to ensure that public employees and civil society are fully aware of their obligation to report on sexual exploitation of children to the authorities, and strengthen its efforts to provide training to public employees working with and for children in this regard;

(b) Collaborate with civil society organizations in order to strengthen a community-based social responsibility of children;

(c) Raise awareness of the illegality and unacceptability of all forms of child sexual exploitation, with due regard to the principle of respect for the child's privacy; and

(d) Provide the social welfare offices with adequate human and financial resources in order to react immediately and efficiently to reports on sexual exploitation of children.

25. The Committee notes with interest that a witness-protection programme has been developed in Denmark but is concerned that repatriation of trafficking victims is prioritized with few guarantees of witness protection measures in the country of origin.

26. The Committee recommends that children who cannot be guaranteed witness protection upon repatriation be guaranteed permission to reside in Denmark and receive protection. Access to shelter and temporary residence permission for foreign child victims of trafficking should be granted during the investigation period.

27. The Committee notes with appreciation that the child helpline "BørneTelefonen" was already established in 1987 and that it provides counselling and referral services to children. However, it notes with concern that a phone call to the "BørneTelefonen" is subject to a fee and that the helpline does not provide services on weekends.

28. The Committee recommends that the State party strengthen its financial and technical support to "BørneTelefonen" in order to maintain the ongoing provision of services and to ensure access for children who cannot pay the cost of a call. It recommends that the hotline receive a 3- or 4-digit toll-free number so that neither the helpline nor the child need to pay for accessing hotline services and that the hotline provide 24-hour service.

4. Prevention of the sale of children, child prostitution and child pornography

Measures adopted to prevent offences referred to in the Optional Protocol

29. The Committee welcomes the Act on Obtaining Criminal Records Disclosures in Connection with Employment of Staff, which entered into force on 1 July 2005 and which strengthens the efforts against sexual abuse of children under the age of 15. However, the Committee notes with concern that this act only covers future employees and volunteers, who will have direct contact with children under the age of 15, to be hired by public administration authorities, and that it leaves those already working with children outside its scope of application.

30. In order to prevent recidivism among persons convicted of sexual offences against children, the Committee recommends that the State party consider amending the act on obtaining criminal records disclosures in connection with employment to cover all employees and volunteers already working with children. The Committee further recommends that the State party provide adequate guidelines and training for the personnel responsible for administering requests for criminal record disclosures.

31. The Committee is concerned at reports that some Danish travel agents and Danish citizens have been involved in child sex tourism.

32. The Committee recommends that the State party increase its efforts to combat the worrying phenomenon of child sex tourism, including by consistently prosecuting offenders for the crimes committed abroad upon return as well as by strengthening cooperation with non governmental organizations and the tourist industry in order to better meet the guidelines set up by the World Tourist Organization on the protection of children from sexual exploitation in tourism.

5. International assistance and cooperation

Law enforcement

33. The Committee notes that insufficient information is provided with respect to the assistance and cooperation provided by the State

party at all steps of the penal or criminal procedure with regard to the offences as provided in article 3, paragraph 1, of the Optional Protocol, i.e. in the detection, investigation, prosecution, punishment and extradition proceedings.

34. The Committee encourages the State party to provide more detailed information in this respect in its next report.

6. Follow-up and dissemination

Follow-up

35. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of State and the Parliament (Folketinget), as well as to provincial authorities, for appropriate consideration and further action.

Dissemination

36. The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Optional Protocol, its implementation and its monitoring.

7. Next report

37. In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its fourth periodic report under the Convention on the Rights of the Child due, in accordance with article 44 of the Convention, on 17 August 2008.
