

In opening remarks to the Committee, Kim Vinthen, Head of the Human Rights Unit of the Foreign Ministry of Denmark, said an act was passed in June 2006 so that a sexual offence against a child committed abroad by a Danish national or resident was subject to Danish criminal jurisdiction even if the offence was not punishable under the law of the foreign State. An Internet child pornography filter had been introduced in Denmark in October 2005, which blocked Internet sites containing images of child pornography. And, also in 2005, an action plan to combat trafficking in children and young people had been launched, which covered both the prevention of trafficking and the protection and recovery of victims.

Committee Expert Nevena Vuckovic-Sahovic, who served as Rapporteur for the report of Denmark, was glad to note that Denmark was taking a leading role internationally in children's rights. Regarding the budget for training of officials on issues related to the Protocol, the funds allocated appeared to her to be insufficient.

Other Committee Experts raised questions and asked for further information related to, among other things, whether the Protocol was directly applicable in domestic courts; details on sensitivity training received by police officers who dealt with child victims; compensation available to victims; the issue of disappearances of unaccompanied minor asylum seekers; targeted funding for implementation of the Protocol; and telephone hotlines for child victims.

The Committee will release its formal, written concluding observations and recommendations on the report of Denmark towards the end of its three-week session, which will conclude on 29 September.

The delegation of Denmark consisted of representatives of the Ministry for Foreign Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Social Affairs, the Ministry of Refuge, Immigration and Integration Affairs, the National Board of Health, and the Permanent Mission of Denmark to the

United Nations Office at Geneva.

As one of the States parties to the Convention, Denmark is obliged to present periodic reports to the Committee on its efforts to comply with the provisions of the treaty. The delegation was on hand to present the report and to answer questions raised by Committee Experts.

When the Committee's Chamber B reconvenes at 10 a.m. on Wednesday, 20 September, it will take up the second periodic report of Benin. Chamber A will consider the second periodic report of Ireland.

Report of Denmark

The initial report of Denmark on 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) says that before Denmark ratified the Protocol, a number of amendments were made to Danish legislation to ensure that Danish law fully meets the obligations set out in the Protocol. The Protocol can be invoked by citizens, and it is applied by the courts and other law-applying authorities. Criminal offences committed by means of information technology (IT), including the distribution of child pornography on the Internet, may be electronically reported directly to the IT Investigation Unit of the National Police, which can then carry out certain urgent investigative measures. During the spring of 2004, the National Commissioner of Police and the police districts cooperated on two targeted actions against persons suspected of possessing and distributing child pornography.

Act No. 228 of 2 April 2003 inserted express authority into the Administration of Justice Act to use video interviews of children as evidence in a trial as well as a provision stipulating that the suspect or the person charged is not to be allowed to attend the video interview of the child, but will have an opportunity to familiarize himself with the contents thereof subsequently and to request a re-interview of the child. Counsel must be present during the video interview. This procedure prevents the child from becoming nervous and being unable to give a statement about the incident or afraid of doing so because he is aware of the presence of the suspect or the person charged. Video interviews of children in cases concerning sexual abuse must be conducted by specially trained police officers.

Presentation of Report

KIM VINTHEN, Head of the Human Rights Unit of the Ministry for Foreign Affairs of Denmark, said that he was pleased to inform the Committee that the Home Rule Authorities of Greenland had recently announced their intent to consider accession to the Protocol as well.

Domestically, Mr. Vinthen said, many children benefited from the advantages of a comparatively rich society – a society that tended to focus on the best interests of the child through the creation of favourable conditions for the family as such. The Government was very conscious to find new and innovative ways and means to optimise conditions for the family, including the rights of the child.

In the international context, Mr. Vinthen called attention to Denmark's strong commitment to improve the living conditions and rights of children. In 2005, a human trafficking programme had been launched to support national authorities, international organizations and non-governmental organizations (NGOs) in Moldova, Ukraine and Belarus in order to combat human trafficking. Moreover, NGOs had received Danish aid in direct support of street children, child prostitutes and children who had been subjected to sexual abuse and trafficking. Finally, Denmark had actively promoted the preparation of an addendum to the Organization for Security and Cooperation in Europe Action Plan to Combat Trafficking in Human Beings (2003), to address the special needs of child victims of trafficking.

Mr. Vinthen noted that Denmark had established a wide range of national rules and legislation to protect children against any kind of abuse. An act was passed in June 2006 to amend the Criminal Code with regard to jurisdiction in cases of sexual abuse of children committed abroad. The amendment provided for the derogation from principle of dual criminality in the case of Danish nationals or residents abusing children abroad, so that such persons were subject to Danish criminal jurisdiction even if the offence was not punishable under the law of the foreign State. In addition, an Internet child pornography filter had been introduced in Denmark in October 2005, which had so far been successful in blocking access to images of child pornography for an average of 1,700 users every day. Lastly, an action plan to combat trafficking in children and young people had been launched in 2005. The plan covered both the prevention of trafficking and the protection and recovery of victims, and a new action plan would be launched in 2007.

Questions by Experts

NEVENA VUCKOVIC-SAHOVIC, the Committee Expert serving as Rapporteur for the report of Denmark, noted that Denmark had acceded to the Protocol early, in 2003, and that the Government had previously made amendments to Danish legislation in line with its provisions. She was glad to note that Denmark was taking a leading role internationally in children's rights. She wondered, however, if the Protocol could be applied directly in domestic courts.

Also, with regard to trafficking, Ms. Vuckovic-Sahovic wished to draw a distinction between that phenomenon, which was regulated by terms of the Convention itself, and the sale of children, which was the focus of the Optional Protocol. Were there provisions in Danish legislation prohibiting the sale of children?

Finally, regarding the budget for training of officials on issues related to the Protocol, the funds allocated appeared to her to be insufficient. Ms. Vuckovic-Sahovic noted that in 2005 more funds had been requested for staff to work with child victims and for training of officials and she would like to know what had happened.

Other Experts raised a series of questions. An Expert wanted details of the sensitivity training received by police officers who dealt with child victims. He also requested more details on the compensation available to such victims.

One Expert brought up the issue of reports on the disappearance of asylum-

seeking children in Denmark. Was anything being done to track those children?

An Expert was curious about the preventive activities related to the National Plan of Action. With regard to the National Centre and its telephone hotlines for child victims, for example, what was being done to ensure privacy for those callers? Also, how was the hotline tied to developing policy in the area? Also, what was the impact of the manual that had been prepared by the Danish Government to help children and young people through dialogue and cooperation with their parents, and was it widely used? Finally, he wondered if children themselves had been included in the dialogue on establishing Internet filters.

An Expert was concerned that the figure provided for sexual exploitation against payment in Denmark was only based on children within the general school system and did not include those outside it or those with learning difficulties.

Discussion

Responding to questions, the delegation confirmed that the Protocol could be invoked in domestic courts. Regarding the distinction between the sale of the children and the trafficking of children, Denmark considered that the offence of the sale of children was included in the terms provided for in the Criminal Code regulating trafficking as well.

An Expert said she hoped the delegation would consider separating the two offences: not all children who were trafficked were sold and not all children who were sold were trafficked, and the delegation agreed to look into the issue.

On training for those handling child victims of abuse, the delegation said that social workers dealing with such victims had to receive training in the psychological and social implications for victims. New changes in the curriculum allowed for a concentration in the area of children at risk. In 2006 a new act had been promulgated to provide for those pursuing a degree in basic education to be able to identify pupils in need of special assistance.

An Expert asked how were child witnesses prepared for the situation they were to undergo and what sort of support did they receive. Another Expert drew attention to the UN guidelines on children victims and witnesses to crime, which was an important tool that could be followed.

The delegation responded that the Prosecutor had very specific guidelines. A specifically trained police investigator handled the investigation and the immediate contact with the child. Questioning was to take place as early as possible, keeping the child's best interests in mind. A special environment was set up, including toys or whatever might be needed to put the child at ease. That might also include having the questioning take place either in the presence of family members or with them nearby. At the outset the child was only heard once. There might be cases in which follow up questions would be necessary. There was no limit to the number of times a child could be interviewed, but the principle was to limit the number, and the delegation was not aware of a case where a child had been interviewed more than once.

On the issue of compensation, Denmark provided compensation for pain and suffering, injury, and any other reason for which compensation would be required in criminal cases without the need for a separate civil case being brought. The amounts were usually quite large – 50,000 to 100,000 Danish krone.

The delegation remarked that local government reform would soon be a reality, which meant that local governments would be given almost complete responsibility for children with special needs. At the same time, a national knowledge centre would also be established to provide guidance to local authorities, give a national overview, and to handle the more difficult and specialized cases. This also affected the issue of isolating funding for the implementation of the Protocol, as much of the activity was already carried out at the local level through municipal programmes.

Regarding the telephone hotline run by the National Centre for Efforts against Child Sexual Abuse, the delegation clarified that that particular hotline was not for children themselves, but targeted parents and professionals seeking advice. There were a number of other hotlines for children victims that were run by NGOs.

In terms of preventive measures and early warning, Denmark had done quite a number of things to follow-up on its campaign in that area, including the manual on dialogue between children and parents. The evaluation of the campaign had been positive, and between 22 and 40 per cent of the target groups were aware of the campaign.

The delegation acknowledged that there were no bilateral or multilateral agreements between Denmark and other countries specifically to follow up on minor children returned to their home countries. Denmark was, however, party to the international protocol on the prevention and suppression of trafficking in persons and worked with other countries within that context. Also there were international agreements in the general context of criminal matters, such as trafficking.

With regard to the Internet filter, the delegation confirmed that children had not been consulted. However, children were not the target of the filter, as they were not the ones trying to access child pornography sites.

The delegation clarified that in terms of the offence of showing pornography to minors, obscene cartoons were included.

On the topic of the disappearance of asylum seeking children, which had become a problem, Denmark had now established joint guidelines for the relevant authorities when an unaccompanied minor disappeared from the centre. The Danish Red Cross, which ran a special centre for unaccompanied minor asylum seekers, was mandated to report such disappearances to the police and a police search would be launched. Asylum-seeking children were photographed and fingerprinted in order to help in searching for them in case they disappeared.

Children were able to seek asylum in Denmark, the delegation said, and special guidelines had been established for that purpose. Unaccompanied

- minors who were judged too young to submit to the asylum-seeking examination would be granted residence permits without going through that process.

NEVENA VUCKOVIC-SAHOVIC, the Committee Expert serving as Rapporteur for the report of Denmark, in closing remarks, thanked the delegation for the discussion and for their efficient answers to the many questions. She congratulated Denmark for its excellent performance in the area of human rights and in the area of children's rights in particular. In terms of Denmark's international cooperation work, she would like to suggest that the Government could also provide direct professional assistance as well as funding.

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