

Legal questionnaire completed by Magnusson Denmark • November 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes, Denmark is a member of the European Union.

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. **child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)**

In Denmark, the definition of a child is a person under the age of 18. This is stipulated in several laws, including the [Convention on the Rights of the Child, Article 1](#): “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”; and [Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 3 \(a\)](#): “For the purposes of this Convention “child” shall mean any person under the age of 18 years.”

The definition of a minor is: (Unofficial English translation) “*Children and young people under the age of 18 who are not married are minors and therefore legally incompetent*” according to [Consolidated Act No. 1122 of 28 May 2021 section 1\(1\)](#).

b. **child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

The term “child sexual exploitation” is not defined in statutory law. However, there are various child-related sexual exploitation offenses in the [Danish Criminal Code](#), as outlined below (unofficial English translation):

- Rape (Section 216):
 - Subsection 1: A person who engages in sexual intercourse with another person without their consent shall be punished for rape with imprisonment for up to 8 years. The same applies to a person who obtains sexual intercourse by deceiving someone into believing that they are another person.



- Subsection 2: Rape is punishable by imprisonment for up to 12 years if the offender has sexual intercourse with a child under the age of 12. The same punishment applies if the offender is 22 years of age or older and has sexual intercourse with a child under the age of 15.
- Subsection 3: The penalty under subsection 1, first sentence, may increase to imprisonment for up to 12 years if the rape was of a particularly dangerous nature or if there are other particularly aggravating circumstances.
- Subsection 4: When determining the sentence, particular weight must be given to the specific violation associated with the offence.
- Subsection 5: It shall generally be regarded as an aggravating circumstance if the victim is a victim of human trafficking.

- Sexual intercourse obtained through abuse of dependency (Section 220): Anyone who, by gross abuse of another person's dependency in relation to work, financial circumstances, treatment, or care, obtains sexual intercourse with that person shall be punished with imprisonment for up to 1 year. If the offence is committed against a person under the age of 18, the penalty is imprisonment for up to 4 years. The same penalty applies to a religious leader who grossly abuses a relationship of dependency between themselves and a member of their congregation in order to obtain sexual intercourse with that member.

- Sexual intercourse and rape of a child (Section 222):
 - Subsection 1: Anyone who engages in sexual intercourse with a child under the age of 15 shall be punished with imprisonment for up to 8 years, unless the act falls under Section 216, subsection 2.
 - Subsection 2: If the offender has obtained the intercourse by exploiting their physical or psychological superiority through coercion or threats, the penalty may increase to imprisonment for up to 12 years.
 - Subsection 3: When determining the sentence under subsection 1, it shall be considered an aggravating circumstance if the offender obtained the intercourse by exploiting their physical or psychological superiority.

- Sexual offences against a child in a position of trust (Section 223):
 - Subsection 1: Anyone who engages in sexual intercourse with, or otherwise commits an indecent act violating the modesty of, a person under the age of 18 who is the offender's stepchild or foster child, or who has been entrusted to the offender for instruction or upbringing, shall be punished with a fine or imprisonment for up to 4 years.
 - Subsection 2: The same penalty applies to anyone who, through gross abuse of a superiority based on age and experience, seduces a person under the age of 18 into sexual intercourse.

- Child prostitution (Section 224):
 - Subsection 1: Anyone who facilitates a person under the age of 18 having sexual intercourse with a customer in exchange for payment or a promise of payment shall be punished with a fine or imprisonment for up to 6 years.
 - Subsection 2: Anyone who, as a customer, has sexual intercourse with a person under the age of 18 in exchange for payment or a promise of payment shall be punished with a fine or imprisonment for up to 2 years.



- Child pornography:
 - Recording or producing (Section 226): Anyone who records or produces sexual material, such as photographs, films, or other visual representations, of a person under the age of 18—or material equivalent thereto—with the intent to sell or otherwise distribute such material, shall be punished with a fine or imprisonment for up to 6 years.
 - Possession and dissemination (Section 235):
 - Subsection 1: Anyone who distributes sexual material such as photographs, films, or other visual representations of persons under the age of 18—or material equivalent thereto—shall be punished with a fine or imprisonment for up to 2 years, or, under particularly aggravating circumstances, with imprisonment for up to 6 years.

Particularly aggravating circumstances include cases where the child's life is endangered, where gross violence is used, where the child suffers serious injury, or where the distribution is of a more systematic or organized nature.

- Subsection 2: Anyone who possesses, or knowingly accesses for remuneration or via the internet or a similar information dissemination system, sexual material such as photographs, films, or other visual representations of persons under the age of 18—or material equivalent thereto—shall be punished with a fine or imprisonment for up to 1 year.
 - Subsection 3: The provision in subsection 2 does not apply to possession of material depicting a person who is at least 15 years old, provided that person consents to the possession.
- Sexual performances involving a child (Section 227):
 - Subsection 1: Anyone who facilitates the participation of a person under the age of 18 in a performance involving sexual conduct shall be punished with a fine or imprisonment for up to 6 years.
 - Subsection 2: Anyone who, as a spectator, attends a performance as described in subsection 1 involving a person under the age of 18 shall be punished with a fine or imprisonment for up to 2 years.
- Sexual grooming of a child (Section 231):
 - Grooming is punishable by a fine or imprisonment for up to 2 years for anyone who, systematically or through manipulation and by exploiting a superiority based on age and experience, builds a relationship with a person under the age of 18 with the intent of subjecting that person to a sexual offence.
- Indecent exposure of a child (Section 232):
 - Subsection 1: Anyone who violates another person's modesty through an indecent act shall be punished with a fine or imprisonment for up to 2 years, or, if the act is committed against a child under the age of 15, with a fine or imprisonment for up to 4 years.
 - Subsection 2: When determining the sentence, particular weight shall be given to the specific violation associated with the offence.



- Generally applicable provisions:
 - Section 225: The provisions of Sections 216 to 224 shall apply correspondingly to sexual acts other than intercourse, including cases where the offender induces the victim to perform sexual acts on themselves.

Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse:

- Article 3 (b) states that: *“For the purposes of this Convention “sexual exploitation and sexual abuse of children” shall include the behaviour as referred to in Articles 18 to 23 of this Convention”.*
- Article 18(1) states that: *“Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised: a) “engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities”, b) “engaging in sexual activities with a child where: use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.”*
- Article 19 (1) states that: *“Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised: a) recruiting a child into prostitution or causing a child to participate in prostitution b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes or c) having recourse to child prostitution”.*
- Article 19(2) states that *“For the purpose of the present article, the term “child prostitution” shall mean the fact of using a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person.”*
- Article 20(2) states that: *“For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.”*
- Article 21(1) concerning the participation of a child in pornographic performances, states that: *“Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised: a) “recruiting a child into participating in pornographic performances or causing a child to participate in such performances”, b) “coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes” or c) “knowingly attending pornographic performances involving the participation of children”.*
- Article 22 on the Corruption of children states that: *“Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.”*



- According to Article 23, Solicitation of children for sexual purposes refers to the intentional proposal, through information and communication technologies, of an adult to meet a child, for the purpose of engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities, or producing child pornography, against him or her, where this proposal has been followed by material acts leading to such a meeting.

“Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.”

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

In Denmark, there is no official legal definition of the term “sexually explicit conduct” in statutory law.

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

In Denmark, there is no official legal definition of the term “child sexual abuse” in statutory law. However, there are various child-related sexual abuse offenses in the [Danish Criminal Code](#), as per the examples included in Section b, including:

- Sexual abuse of a child (Section 232):
 - Subsection 1: Anyone who violates another person’s modesty through an indecent act shall be punished with a fine or imprisonment for up to 2 years, or, if the act is committed against a child under the age of 15, with a fine or imprisonment for up to 4 years.
 - Subsection 2: When determining the sentence, particular weight shall be given to the specific violation associated with the offence.

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

Unofficial English translation:

According to [Section 235 of the Danish Criminal Code](#), it is illegal to “*distribute sexual material such as photographs, films, other visual representations or the like of persons under the age of 18, or material that must be considered equivalent.*”

This is divided into the following categories, according to [The Directive from the Director of Public Prosecutions, Section: Sexual Offences CIR1H no 9831 of 01/07/2023](#), section 2.2:

Unofficial English translation:



- "1) Depictions without sexual activity (Category 1) – Includes photographs, film clips, and other visual representations of children who appear to be under the age of 18, where the child is alone in the image and no sexual activity with others is taking place. This includes images that focus on the genitals, masturbation, and other self-touching of a sexual nature, subject to the clarification below under Category 2, final sentence.*
- 2) Depictions with sexual activity (Category 2) – Includes photographs, film clips, and other visual representations of children who appear to be under 18, where there are two or more individuals in the image and sexual activity is taking place, including intercourse or other sexual acts as defined in Sections 216(2), 222, or 225 of the Penal Code, as well as situations where the child is subjected to touching as described in Section 232 of the Penal Code. This category also includes depictions where the child is alone in the image and is inserting fingers or objects into their own genital or anal openings.*
- 3) Depictions of particularly severe sexual abuse (Category 3) – Includes photographs, film clips, and other visual representations of children who appear to be under the age of 18, where the child is depicted as being subjected to rape, coercion, threats, or similar, or where the child's life is portrayed as being in danger, or the child is shown as being subjected to severe violence or serious injury. Cases where the child is depicted as engaging in sexual acts with animals, and cases where the sexual activity involves a child who appears to be between 0–3 years old, are also included."*

According to [Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 20\(2\)](#), "the term "child pornography, for this article, means "any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes."

Unofficial English translation:

Nicolaj Sivan Holst, Associate Professor of Criminal Law and Criminal Procedure, Department of Law, Aarhus University, [The Sharing of Digital Images and Videos by Children and Young People](#), writes that the definition of child pornography is: "images or video clips of a pornographic nature involving children/youth under the age of 18."

"What is decisive for whether an image or video clip can be considered 'pornographic' in the legal sense is whether the image (of the minor) is of a sexual nature—for example, the photographing of genitals, sexual touching, intercourse, etc. Images taken by the child themselves are also covered by the prohibition. It is also irrelevant to whether the rule is considered violated whether the child was aware of (and consented to) the image or video being recorded."

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

Unofficial English translation:



In Denmark, there is no specific legal definition of “computer-generated images or videos of child pornography or CSAM” in statutory law. However, [the Ministry of Justice clarifies in its publication “Initiativer mod seksuelt krænkende materiale med børn” \(“Initiatives Against Sexually Abusive Material Involving Children” Initiative 2, page 2\)](#) writes that: *“Manipulated sexually explicit material involving children is understood to include material that, for example, has been created using artificial intelligence or another form of digital manipulation.”*

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

Unofficial English translations:

[Section 231 of the Danish Criminal Code](#), states that: *“A person who, systematically or through manipulation and by exploiting a superiority based on age and experience, establishes a relationship with a person under the age of 18 with the intent of subjecting that person to a sexual offence, is punishable by a fine or imprisonment for up to 2 years.”*

According to [the preparatory works to the Danish Criminal Code, section 2.1.1.](#), grooming is understood as *“a situation in which a person builds a relationship of trust with a child or young person with the intent to commit sexual abuse against them or to persuade the child or young person to send nude images or images of a sexual nature.”*

[The preparatory works to the Danish Criminal Code, section 2.1.4.](#), also states that: *“By its very nature, grooming involves manipulation of the victim, which means that the child or young person may not necessarily realise that they are being subjected to abuse—potentially not until long after the abuse has occurred. However, the fact that the child or young person does not perceive the conduct as abusive does not prevent prosecution under the proposed provision.”*

- h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

The legal age of consent for sexual activity in Denmark is 15 years. This is reflected in the following sections of the law:

Unofficial English translations:

[Section 222 of the Danish Criminal Code](#): *“Anyone who engages in sexual intercourse with a child under the age of 15 shall be punished with imprisonment for up to 8 years, unless the act falls under section 216, subsection 2.”*

[Section 216\(2\) of the Danish Criminal Code](#): *“Rape is punishable by imprisonment for up to 12 years for anyone who engages in sexual intercourse with a child under the age of 12. The same punishment applies to anyone aged 22 or older who engages in sexual intercourse with a child under the age of 15.”*



- i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

In Denmark, there is no official legal definition of the term “sextortion” in the statutory law.

Unofficial English translation:

The Crime Prevention Council states that sextortion is: “*when unauthorized persons gain access to private images or videos with sexual content and threaten to make them public if the victims do not send more images or pay an amount.*”

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) is directly applicable in Danish law and therefore must be considered as national regulation for Denmark.

- a. review, screen, moderate, or detect content to identify child pornography or CSAM content
- b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child
- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization
- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about
- e. review content by human moderators to screen or moderate for child pornography or CSAM
- f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency
- g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:
 - i. “Hashing technology” (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.
- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

[Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC \(Digital Services Act\)](#) is directly applicable under Danish law and therefore is considered a national regulation for Denmark.

Furthermore, Denmark has adopted Act No. 1765 of 28 December 2023 (Danish: [Lov om håndhævelse af Europa-Parlamentets og Rådets forordning om et indre marked for digitale tjenester](#); unofficial English translation: Act No. 1765 of 28 December 2023 on the Enforcement of the Regulation of the European Parliament and of the Council on a Single Market for Digital Services), which supplements Regulation (EU) 2022/2065, but does not alter the interpretation of the question nor the effect of the EU law.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

Regulation (EU) 2022/2065 applies. Please refer to the EU questionnaire for EU-wide legislation.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

Children subjected to online sexual exploitation in Denmark may have access to various forms of protection, support, and legal remedies as outlined below.

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

The police have the authority to seize material pursuant to [Section 803 of the Danish Administration of Justice Act](#) as outlined below. It is therefore recommended that such matters be reported to the police. Unofficial English translation:

"Section 803 of the Danish Administration of Justice Act:

(1) Objects in the possession of a person who is not suspected of an offence may be seized as part of the investigation of an offence subject to public prosecution, if there is reason to believe that the object may serve as evidence, is subject to confiscation, or has been unlawfully taken from someone who may be entitled to its return. Other assets, including money, in the possession of a person who is not suspected of an offence may also be seized as part of the investigation of an offence subject to public prosecution, if there is reason to believe that such assets should be confiscated. Section 189 applies correspondingly.

(2) Written communications between the suspect and any person who, under Section 170, is exempt from giving testimony in the case, as well as that person's notes and similar documents concerning the suspect, may not be seized. Likewise, materials in the



possession of persons covered by Section 172 that contain information about matters they are exempt from testifying about under that section may not be seized."

- b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

Regulation (EU) 2022/2065 applies. Please refer to the EU questionnaire for EU-wide legislation.

- c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

A civil injunction (preliminary injunction) may be granted pursuant to [Section 413 of the Danish Administration of Justice Act](#). Unofficial English translation:

"Section 413 of the Danish Administration of Justice Act

An injunction or enforcement order may be granted if the party requesting the injunction or order demonstrates or renders probable that:

- 1. the party holds the right which is to be protected by the injunction or order,*
- 2. the conduct of the opposing party makes it necessary to grant the injunction or order, and*
- 3. the party's ability to exercise that right would be lost if required to await the legal resolution of the dispute."*

- d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

In Denmark, a restraining order may be issued pursuant to [Act No. 112 of 3 February 2012 on restraining orders, exclusion orders and eviction orders](#), Sections 2 and 2a. Repeated offences of the same kind will often be regarded as an aggravating circumstance. Unofficial English translation:

Section 2

A restraining order may be issued if:

- (1) there is reasonable suspicion that a person*
 - a) has violated another person's peace by stalking or harassing them through contact, etc., as described in Section 1, or*
 - b) has committed a criminal offence against the person that is equivalent to such a violation of peace, and*
 - 1. there are specific grounds to believe that the person will continue to violate the other person as described in item 1.*
- (2) A restraining order may also be issued if:*
 - 1. there is reasonable suspicion that a person has committed an offence under the Criminal Code concerning homicide, robbery, deprivation of liberty, violence, psychological violence, arson, rape or other sexual offences, stalking, unlawful coercion, threats to life, or extortion, or attempted such offences, and*
 - 2. due to the nature and severity of the offence, the victim or the victim's*



close relatives should not be expected to tolerate further contact as described in Section 1.

(3) A restraining order may further be issued if a person is reasonably suspected of having committed or attempted to commit an offence under the Criminal Code concerning unlawful coercion by forcing another person into marriage or a religious ceremony without civil legal validity. The Chief of Police may issue such an order regardless of the conditions set out in Section 14.

Section 2a

A temporary restraining order may be issued if:

- 1. a person is reasonably suspected of violating another person as described in Section 2(1)(1),*
- 2. the condition in Section 2(1)(2) is fulfilled, and*
- 3. the person has no reasonable interest in contacting the other person.*

(2) A restraining order issued under subsection (1) shall apply until further notice and lapses when a decision is made under Sections 2 or 4, or a decision is made to withdraw the order.

(3) A decision under Sections 2 or 4 should, as far as possible, be made no later than 60 days after service of the decision made under subsection (1).

- e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

Yes, there is a legal basis for seeking financial recovery in Section 26(1) and (3) of the Danish Liability for Damages Act states. Unofficial English translation:

"Subsection 1: Any person who is responsible for an unlawful violation of another person's liberty, peace, honour or person shall pay compensation for non-economic loss (tort) to the injured party."

"Subsection 3: When determining the amount of compensation, each instance of digital sexual violation committed independently shall be assessed separately."

- f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

It is possible for a victim to be appointed a legal counsel (*bistandsadvokat*) to provide guidance on their rights, including the right to claim compensation, and to assist with this process. This is set out in Section 741a of the [Danish Administration of Justice Act](#). Unofficial English translation:

"(1) In cases concerning violations of Sections 118 c–118 i, Section 118 j cf. Sections 118 c–118 i, Section 118 l, Section 119, Section 119 b, Section 123, Section 210, Sections 216–223, Section 225 cf. Sections 216–223, Sections 231 and 232, Section 237 cf. Section 21, Sections 242–246, Sections 249 and 250, Section 252(2), Sections 260–262 b or Section 288 of the Criminal Code, the court shall appoint legal counsel for the victim upon request, subject to subsections (2) and (3).



- (2) In cases concerning violations of Section 210, Section 216, Section 222(2), or Section 223(1) of the Criminal Code, legal counsel must be appointed unless the victim, after being informed of the right to counsel, expressly waives it. The victim must have the opportunity to speak with a lawyer prior to police questioning unless this is also waived after proper guidance. The same applies in cases concerning violations of Section 225 cf. Section 216, Section 222(2), or Section 223(1), as well as violations of Sections 118 c–118 e or 118 g, Section 118 j cf. Sections 118 c–118 e or 118 g, or Section 118 l, provided the conduct falls within the aforementioned provisions.*
- (3) In cases concerning violations of Section 119, Section 119 b, Section 123, Sections 217–220, Section 222(1), Section 223(2), Sections 231 and 232, Section 237 cf. Section 21, Sections 242–246, Sections 249 and 250, Section 252(2), Sections 260–262 b or Section 288 of the Criminal Code, the court may refuse appointment of legal counsel if the offence is of a minor nature and legal assistance is deemed clearly unnecessary. The same applies to violations of Section 225 cf. Sections 217–220, Section 222(1), or Section 223(2).*
- (4) In cases concerning violations of Section 210 or Sections 216–223, Section 225 cf. Sections 216–223, or Sections 231 or 232, the victim has the right to one free consultation with a lawyer prior to any report to the police. The same applies to violations of Sections 118 c–118 e or 118 g, Section 118 j cf. Sections 118 c–118 e or 118 g, or Section 118 l, if the act falls under the provisions mentioned in the first sentence.*
- (5) Where special circumstances apply, the court may appoint legal counsel for the victim upon request, even if the offence is not covered by subsection (1).*
- (6) If the victim has died as a result of the offence, the court may appoint legal counsel for the victim's next of kin upon request, where special considerations justify it and the conditions in subsection (1), (2) or (5) are met.*
- (7) If the victim does not request the appointment of legal counsel, counsel may nevertheless be appointed at the request of the police during the investigation. The same applies where appointment does not occur under subsection (2)."*

In Denmark, a national victim support network is in place to offer personal assistance to victims of crime. The service provides guidance on access to psychological support, legal assistance, and the possibility of applying for compensation.

Victim support is available to anyone in need of such help, regardless of the type of offence. It is not limited to victims of violence, but also includes, for example, victims of street robbery, burglary, pickpocketing, indecent exposure, and other less serious sexual offences. This is set out in the [Circular on the Amendment of the Victim Support Scheme, CIS No. 11138 of 22 December 2006](#).

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

A victim (or the victim's family) shall be notified, upon request, of an offender's first release or escape under certain circumstances per Section 741 g of the Danish Administration of Justice Act states. Unofficial English translation:

- "(1) In cases where an unconditional prison sentence has been imposed for a serious violation of the Criminal Code involving violence, psychological violence, stalking, threats, or other crimes against the person, or a sexual offence, the victim shall, upon*



request, be notified of the timing of the offender's first unescorted leave and release, as well as any escape, provided the offender was held in pre-trial detention and was not released between sentencing and enforcement. In such cases, the victim shall also, upon request, be notified if the offender, during the sentence and within the institution's premises with the institution's knowledge, participates in the recording of a television or radio programme produced for broadcast in Denmark in which the offender plays a prominent role, or in a feature interview in a Danish daily newspaper. The same applies to participation in the recording of such a programme or interview outside the institution's premises in cases where the institution has granted leave with knowledge of the participation. If the victim is deceased, the victim's next of kin shall be notified upon request. Notification may be refused if significant considerations regarding the offender argue against it.

- (2) The provisions of subsection (1) shall apply correspondingly if the offender has been sentenced to placement under Sections 68, 69, 73 or 74 a of the Criminal Code, or to custody under Section 70 of the Criminal Code.*
- (3) The Minister of Justice may lay down detailed rules regarding the notification scheme, including that decisions cannot be appealed to a higher administrative authority."*

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

- a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?**
 - i. If so, must these steps be taken before the launch of an Online Platform?**
 - ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?**
 - iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**
- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?**

[Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC \(Digital Services Act\)](#) is directly applicable under Danish law and therefore is a national regulation for Denmark. Please refer to the EU questionnaire for EU-wide legislation.