

## [National Laws](#)

Legislation of Interpol member states on sexual offences against children

# Denmark - Danemark - Dinamarca

Copenhagen

The information on this page is up to date as of spring 2006

## I. Ages for legal purposes

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### **Age of simple majority**

The full legal age is eighteen (18) years.

### **Age of consent for sexual activity**

When a person is fifteen (15) years old he or she can consent to sexual intercourse.

### **Age of consent for marriage**

A person can get married without permission of the parents when s/he has reached the age of eighteen (18) years.

## II. Rape

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### **§ 216 of the Danish Penal Code**

" (1) Any person who enforces sexual intercourse by violence or under threat of violence, shall be guilty of rape and liable to imprisonment for any term not exceeding eight (8) years. The placing of a person in such a position that that person is unable to resist the act shall be equivalent to violence.

(2) If the rape has been of a particularly dangerous nature, or in particularly aggravating circumstances, the penalty may be increased to imprisonment for any term not exceeding twelve (12) years. "

## III. Other forms of child sex abuse

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### **§ 217 of the Danish Penal Code**

"Any person who by other unlawful compulsion (as described in section 260 of this Act) than violence or threat of violence, procures for himself sexual intercourse, shall be liable to imprisonment for any term not exceeding four years. "

#### **§ 218 of the Danish Penal Code**

" (1) Any person who, by exploitation of another person's mental illness or mental deficiency, procures for himself extra-marital sexual intercourse with that person shall be liable to imprisonment for any term not exceeding four years.

(2) Any person who procures for himself extra-marital intercourse with a person who is in such a position that he is unable to resist the act shall be liable to imprisonment for any term not exceeding four years, unless the act is covered by the provisions of section 216 of this act. "

#### **§ 219 of the Danish Penal Code**

"Any person who is employed in or in charge of any prison, welfare-home, children's or young person's home, hospital for treatment of mental disorders, institution for the mentally deficient or any similar institution, and who has sexual intercourse with any person who is an inmate of the same institution shall be liable to imprisonment for any term not exceeding four years."

#### **§ 220 of the Danish Penal Code**

"Any person who, by grave abuse of the subordinate position or economic dependence of another person, has extramarital sexual intercourse with that person shall be liable to imprisonment for any term not exceeding one year or, where the person is under twenty-one (21) years of age, to imprisonment for any term not exceeding three years."

#### **§ 222 of the Danish Penal Code**

"(1) Any person who has sexual intercourse with any child under the age of fifteen (15) shall be liable to imprisonment for any term not exceeding eight (8) years.

(2) If the child is under the age of twelve (12), or if the perpetrator has enforced the sexual intercourse by coercion or by intimidation, the penalty may be increased to imprisonment for any term not exceeding twelve (12) years."

#### **§ 223 of the Danish Penal Code**

"(1) Any person who has sexual intercourse with a person under the age of eighteen (18) who is his adopted child, step-child or foster child, or who has been entrusted to him for instruction or education, shall be liable to imprisonment for any term not exceeding four (4) years.

(2) The same penalty shall apply to any person who, by gravely abusing superior age or experience, induces any person under the age of eighteen (18) to sexual intercourse."

#### **§ 224 of the Danish Penal Code**

*"The provisions in Sections 216-223a of this Act shall similarly apply in connection with sexual relations other than sexual intercourse."*

#### **§ 225 of the Danish Penal Code**

*"The provisions in section 216-220 and sections 222 – 223a shall similarly apply in connection with sexual relations with a person of the same sex."*

### **IV. Child prostitution**

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#### **§ 223a of the Danish Penal Code**

*"Any person who, as a client, for a payment or a promise of a payment has intercourse with a person under the age of 18, shall be liable to a fine or imprisonment for any term not exceeding two years."*

#### **§ 228 of the Danish Penal Code**

"(1) Any person who-

- 1) induces another to seek a profit by sexual immorality with others; or
- 2) for the purpose of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up; or
- 3) keeps a brothel;

-shall be guilty of procuring and liable to imprisonment for any term not exceeding four years.

(2) The same penalty shall apply to any person who incites or helps a person under the age of twenty-one (21) to engage in sexual immorality as a profession, or to any person who abets some other person to leave the Kingdom in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of twenty-one (21) or is at the time ignorant of the purpose. "

#### **§ 229 of the Danish Penal Code**

"(1) Any person who, for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be

liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to simple detention or a fine.

(2) Any person who lets a room in a hotel or an inn for the carrying on of prostitution as a profession shall be liable to simple detention or imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.

#### **§ 233 of the Danish Penal Code**

" Any person who incites or invites other persons to prostitution or exhibits immoral habits in a manner which is likely to annoy others or arouse public offence shall be liable to simple detention or to imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine. "

### **V. Child pornography**

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#### **§ 235 of the Danish Penal Code**

*"(1) Any person, who disseminates obscene photographs or films, other obscene visual reproductions or similar of persons under the age of 18, shall be liable to a fine or to imprisonment for any term not exceeding two years or in particularly aggravating circumstances to imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the life of the child is endangered, where gross violence is used, where the child is caused serious harm, or instances of disseminations of a more systematic or organized nature.*

*(2) Any person, who possesses or for a payment becomes acquainted with obscene photographs or films, other obscene visual reproductions or similar of persons under the age of 18, shall be liable to a fine or to imprisonment for any term not exceeding one year.*

*(3) The provision in Subsection (2) does not include possession of obscene pictures of a person who has reached the age of 15, if the person has consented to the possession.*

### **VI. Internet**

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Danish legislation has not got any special provision to govern this field, which is governed by the others regulations of the Penal code on for instance threats, duress, and the like.

### **VII. Extra-territorial legislation**

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### **§7 of the Danish Penal Code states**

" (1) Acts committed outside the territory of the Danish State by a Danish national or by a person resident in the Danish State shall also be subject to Danish criminal jurisdiction in the following circumstances, namely ;

- where the act was committed outside the territory recognized by international law as belonging to any State, provided acts of the kind in question are punishable with a sentence more severe than simple detention ; or
- where the act was committed within the territory of a foreign State, provided that it is also punishable under the law in force in that territory. "