

## 6. DENMARK

Area in sq. miles . . .	25,000
Population . . . . .	3,300,000
Capital . . . . .	Copenhagen
Population of Capital . .	666,000

Denmark has no probation law, but conditional sentence and conditional release (i.e. probation and parole for minors and adults). A government committee is considering a new probation law. Criminal responsibility for those under fourteen years nil, fourteen to eighteen years partial.

There are no full-time paid probation officers, but many social workers. Every citizen under sixty years may legally be called upon for such service. The Public Trustee for Minors is a feature of their system.

Committees (*conseils de tutelle*) take the place of juvenile courts and deal with offenders, neglected, etc., children, cruelty to children, children's clinical examinations, removal of parental authority, etc.

These committees may use a suitable institution under the Education Authority for child welfare. The Minister of Social Affairs is charged with the protection of children. (See Appendix.)

The information given here was supplied by the Danish Ministry of Justice through their Foreign Office. By the courtesy of the Danish Legation in London the original document was translated into English in October 1925.

Marginal numbers are not those of the questionnaire.  
P.T.F.M. = Public Trustee for Minors.

As there are no "probation officers" in Denmark nor any regulations corresponding to the English "probation" system, the questionnaire cannot be replied to direct. The

following information is, however, meant to be of interest :

(1) Conditional non-prosecution of persons between fourteen and eighteen years of age.

(2) Conditional judgment.

(3) Conditional reprieve of persons who have been sentenced to imprisonment.

(4) Replies to questions 6 to 10 of the questionnaire.

1. In a temporary law of 1st April 1911, making alterations to the penal code, par. 15 decrees as follows :

" If it is anticipated that the punishment of a person between fourteen and eighteen years of age will be no more than a mild form of penal servitude, the Minister of Justice may decide that prosecution shall not take place on condition that the person in question is either bound over to the Public Trustee for Minors, according to the Regulations of Law No. 72 of 14th April 1905, or, exceptionally, is placed under other surroundings considered more satisfactory, and this for a fixed period which may even be as long as until the person has completed his twenty-first birthday, and that he is under supervision either by an association fit to do it, or otherwise. The consent of either parents or trustees is not necessary for the carrying out of these regulations. The case must be reconsidered according to the decision of the Minister of Justice if the person in question within the time-limit commits another crime or trespasses against the regulations as communicated to him by his supervisors.

The supervision of offenders, besides being done by the Public Trustee for Minors, is nearly always done by the association called " Friends of Prisoners " mentioned below.

With regard to placing offenders under supervision of the " Public Trustee for Minors," it is to be noted that the said law of 14th April 1905 now has been superseded by Law No. 237 of 12th June 1922 concerning the activities of the Committees for child welfare. According to this Law every municipality has its own Committee for child welfare. This committee is elected by members of the Municipal Board and is unpaid, except that in Copenhagen the chairman and deputy chairman are nominated by the Minister for Health and are paid by the State. These committees for child welfare have recourse to, and are under the supervision of, the Superior Council of child welfare, which consists of

a chairman elected by the King, one member elected by the Minister for Health, two members chosen by Parliament, and the General Inspector of Homes of Education. The Committee for child welfare have to decide where to place difficult or neglected children and young people who, according to the law, come under their care, and they must, through their members or through other persons whom they appoint thereto, look after such children or young people. If the Committee for child welfare does not consider it right that persons who are under his supervision should remain in their homes, he may decide that the parents' right to the child is void, and that the child shall be placed out, either in a family, in service or in receiving homes, observation homes, children's homes, boarding-schools (industrial schools), or young people's homes (reformatories). The State has one boarding-school for girls, and four young people's homes for specially difficult young persons, of which one is for girls and three for boys.

The supervision by the Committee for child welfare lasts until the completed eighteenth birthday, unless, according to par. 63 of the law of 12th June 1922, it is extended for a certain period, which may not, however, extend beyond the completed twenty-first birthday. The supervision of persons in young people's homes or of persons who have been to such homes lasts till the completed twenty-first birthday, unless the Committee for child welfare, on recommendation by the principal of the home, decides that the supervision may cease earlier.

2. According to the above-mentioned law of 1st April 1911, chapter III, it may be decided by judgment that the service of penalty be postponed so that it is done away with if the person in question leads a righteous life during five years. This, however, can only be allowed if the penalty is that of fine, prison or hard labour under extenuating circumstances, herein included age and previous behaviour. The postponement may also depend on the person in question giving his consent to being supervised, for instance, by the below-mentioned "Friends of Prisoners."

3. Prisoners who under penal servitude are conditionally pardoned, are placed under the supervision of "Friends of Prisoners"; the same is often the case with persons conditionally pardoned while suffering other form of imprisonment or before the atonement has been commenced. The said

association has two departments, one for Copenhagen, and one for the country. The principals for these two departments are two women who are paid by the association. There are also two paid travelling workers, and assistance is given by unpaid representatives all over the country who at present number 650. The funds of the association are provided through private channels of various kinds, and by a yearly grant from the State, which for the last years have been between 100,000-150,000 Kr.

At the house of correction for young men at Nyborg there is a worker of the association whose business it is to get into touch with the prisoners' homes, families, schools, employers, etc., and thereby gain knowledge of the prisoners, so as to help them to get back to life under good circumstances when they are released.

As a Bill for a new penal code containing regulations for provident care and supervision to a much greater extent than hitherto has been submitted to the Rigsdag, the Government have appointed a committee to consider the various questions, among which is the " Probation System," which may arise out of the Bill.

4. If the court thinks that there may be some doubt as to the sanity of the accused, it may, on declaration by a medical man (the prison doctor or the district doctor appointed by the State) or the Court Medical Council of the State, before passing judgment decide that the prisoner be sent to a hospital or lunatic asylum for observation. Such admittance to hospitals, etc., is arranged by the Minister of Justice with one of the lunatic asylums of the State, except that so far as Copenhagen is concerned the prisoner is admitted to a ward in one of the municipal hospitals.

No special form is prescribed for use at intelligence tests and it cannot be said which form is mostly used in Denmark (*vide* question 9 of the questionnaire).

#### SUPPLEMENTARY INFORMATION

A. Some of the following notes are extracted from the article on " The Protection of Children in Denmark " by M. Oluf-J. Skjerbaek, Chief Inspector of Public Educational Institutions in Denmark, (B.I.P.E. No. 33, 31st January 1925).

The protection of children applies to those of less than eighteen years of age (in special cases under twenty-one years) who need special care not required by children in general. It embraces all the measures taken by the State, whether through municipalities

or through private welfare organisations which are under the supervision of the authorities. It excludes Public Education and Public Health Authorities, but includes the following:

1. Measures taken, in accordance with the law of 12th June 1922, by the "*conseils de tutelle*" (*Vaergeraad*), i.e. guardianship committees.
  2. Measures to deal with insane, mentally abnormal, blind, deaf-mutes, epileptics and tuberculous children.
  3. Dispositions of the public assistance authority in favour of necessitous children removed from their homes.
  4. The obligatory participation of the State and municipalities in reference to illegitimates, to children of women separated from their husbands, divorced or abandoned, and to orphans.
  5. Dispositions made by private institutions in regard to destitute children.
  6. Dispositions made for children put out to nurse, or placed under the supervision of the authorities.
  7. Regulations for children engaged in commerce or industry.
  8. Regulations for suppressing cruelty to, and immoral acts committed against, children.
- 

B. I am informed that Denmark has had free education for over a hundred years and that there are no illiterates.

The three Scandinavian countries bear some resemblance in their methods of dealing with child-welfare. The age of criminal responsibility is fourteen years of age (fifteen years in Sweden). Under that age children cannot be subjected to legal penalties. Between fourteen and eighteen years of age children who are brought to the court for delinquency must have legal proceedings adjourned, or entirely suspended, on condition that they are handed over to the *Conseils de tutelle*. Almost every case is so referred, and it very rarely happens that a child of fifteen or sixteen years of age is convicted by the court.

---

C. *Conseils de tutelle* were legally constituted in Denmark in 1905, but they now function under a new law of 12th June 1922. Such committees under various titles, e.g. councils of guardianship, councils of youth, children's commissions, *tutorias da infancia* (Portugal), commissions for minors (Russia), etc. etc., function in many countries in Europe. Their general duty is to take measures for the protection of minors—of course by varying methods, according to the country. Their constitution is not alike throughout Europe, but generally these committees are legally established bodies with definite powers laid down by the laws of their respective country. Often in such countries the juvenile court is dispensed with and many of its functions are carried out by the committees (see Portugal, p. 139).

In Denmark the *conseils de tutelle* are municipal bodies, the larger municipal bodies having more than one *conseil*. Copenhagen has thirteen *conseils*. The ideas underlying their constitution is that there must be legal representatives, representation of taxpayer and

of the milieu from which cases come. The municipalities choose the members of the *conseil*, and usually a doctor is included, and the corporation of teachers in the municipality nominates one of their number to the *conseil*. According to law, every citizen under sixty years of age may be called upon by the *conseil* to act as *délégué* or "Visitor" of children to whom the law applies. For the year 1923 there were, under the charge of all the *conseils*, 4,465 children who had been removed from their homes to other surroundings by reason of—

- (a) intractability or bad conduct of the children ;
- (b) immorality, negligence, incapacity of parents or guardians ;
- (c) cruelty of parents or guardians.

It is within the power of the *conseil* to deprive parents of their parental authority (*puissance paternelle*) and transfer it to the municipality, so that such children become wards of the municipality.

The *conseil* itself can take charge of a child or send it to an institution, of which there is great variety, including observation homes, where the child can be detained temporarily and examined. These observation homes are used to so great an extent that it is claimed that they constitute a characteristic feature of the Danish system. The new law is wide enough to second the efforts of the *conseils* in the direction of their taking measures for the prevention of delinquency. Before taking any of these steps, however, the *conseil* must make a searching enquiry as to the child from those acquainted with the facts, from the school, the clergyman and the doctor.

There are many helpers available both as *rapporteurs*, or investigators, and as *délégués*, or supervisors. Some are paid and others are voluntary workers. A number are officers of authorities—e.g. the health authority—who take up this work in addition to their ordinary duties. The scheme gives an impression that social work is not the prerogative of the few but the responsibility of the mass of the nation. With so wide a scheme of social service there must be of necessity a higher authority to which appeal may be made, and the *conseil supérieur* at Copenhagen acts in this capacity as well as that of an advisory board. Through its executive the administrative work entailed by the decisions of the municipalities is carried out, such as the removals of children, etc. The President of this central committee and his deputy are appointed by the Minister of Justice.

The Danish distribution of *conseils* seems to be :

1. Ministry of Health
2. *Conseil supérieur de tutelle*
3. 
 

Copenhagen, 19 <i>conseils</i> .	85 other towns	1,300 rural districts.
-------------------------------------	----------------	---------------------------

The public protection of children is at present under the Minister of Health (*Sundheds ministeriet*). All the institutions utilised for this purpose are under the supreme control of the chief inspector of public educational institutions.