



Istanbul Convention



**GREVIO's (Baseline) Evaluation Report**  
on legislative and other measures  
giving effect to the provisions  
of the Council of Europe Convention  
on Preventing and Combating  
Violence against Women and Domestic Violence  
(Istanbul Convention)  
**Denmark**

Group of Experts  
on Action against Violence against Women  
and Domestic Violence (GREVIO)

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Secretariat of the monitoring mechanism of the Council of Europe Convention  
on Preventing and Combating Violence against Women and Domestic Violence  
Council of Europe  
F-67075 Strasbourg cedex  
France

[www.coe.int/Conventionviolence](http://www.coe.int/Conventionviolence)

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## Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter "the Convention") by the Parties.

It is composed of 10 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO's statutory activities include country-by-country monitoring of the Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the Convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the Convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Denmark. It covers the Convention in its entirety<sup>1</sup> and thus assesses the level of compliance of Danish legislation and practice in all areas covered by the Convention. In light of the scope of the Convention – as set out in its Article 2, paragraph 1, the baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term "violence against women" used throughout this report thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the Convention, which are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Hence, the term "victim" used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, it proposes measures to strengthen the implementation of the Convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, "urge", "strongly encourage", "encourage" and "invite". GREVIO uses the verb "urge" where it considers that immediate action is required to bring the party's legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. The verb "strongly encourages" is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the Convention. A third level of urgency is indicated by the use of the verb "encourages", which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb "invites" points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO's baseline questionnaire (this report is, in general, made public);
- a state dialogue with representatives of the party on issues emanating from the state report;

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<sup>1</sup> With the exception of Chapter VIII of the Convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

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- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
  - comments by the party on GREVIO's draft report;
  - publication of GREVIO's report after its adoption together with any further comments received from the party.

In addition, GREVIO collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as at October 2017. Developments since that date are neither covered in the analysis nor taken into account in the conclusions and proposals therein.

According to the Convention, national parliaments shall receive this report from the national authorities (Article 72 paragraph 2). GREVIO would also invite the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.



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## Executive Summary

This report provides an assessment of the measures of implementation taken by the Danish authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter "the Convention").

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the Convention. GREVIO's findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the Convention. These include written reports (a state report submitted by the Danish authorities and additional information submitted by several NGOs and individual members of civil society), a state dialogue between GREVIO and the Danish authorities on a select number of issues as well as a 5-day evaluation visit to Denmark. A list of the bodies and entities with which exchanges have been held can be found in Appendices II and III.

The report highlights a number of positive legal and policy measures in place in Denmark and welcomes the generally high level of equality between women and men achieved in Danish society. GREVIO values the long history of the Danish authorities in addressing violence against women through national action plans and other targeted measures and duly recognises Denmark's leading role in garnering understanding for the gendered nature of the different forms of violence against women both nationally and internationally. For many years, policy measures and political discourse addressing violence against women, in particular domestic violence, have dealt with the issue in the framework of men's violence against women. Furthermore, important protective measures such as emergency barring and protection orders were introduced into Danish legislation in 2007.

Since then, the political discourse and policy approaches seem to have gradually shifted towards an emphasis of violence in the family or intimate relationships and violence experienced by men and boys. Research on prevalence was carried out and support services set up or re-oriented to offer counseling and support to female *and* male victims of violence. As a result, fewer women-only specialist support services exist, and it seems that much of the previously visible dedication to addressing, for example, domestic violence as a form of gender-based violence, has been replaced by gender-neutral concepts and terminology, such as "bi-directional violence", "negative social control" (a concept seemingly applicable only to those of migrant origin) and the use of the term "patient" or "client" instead of "woman".

While GREVIO welcomes the aim of the Danish authorities to address all experiences of violence in the family or intimate relationships, GREVIO wishes to emphasise the great need to continue to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. GREVIO recalls that sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment but also intimate-partner violence are forms of violence that affect women disproportionately. The same applies to forced marriage, female genital mutilation and forced abortion/forced sterilisation. It is for this reason that they are covered by the Istanbul Convention as manifestations of gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately. As such, it should not be considered as abuse experienced individually by women but needs to be understood as a social mechanism to keep women in a subordinate position to men. This does not apply in the same way to men who experience violence in the private or public sphere.

GREVIO has observed a number of causes and consequences of the loss of the gender narrative in the Danish response to violence against women. Firstly, the distribution of responsibilities for the different forms of violence against women across different ministries (Ministry of Justice, Department of Gender Equality within the Ministry of Foreign Affairs and Ministry of Integration and Immigration) and their co-ordination through an ad hoc inter-ministerial working group does not represent a comprehensive and co-ordinated approach to preventing and

combating violence against women on the basis of a gendered understanding of such violence. A more institutionalised approach to co-ordination as required by Article 10 of the Istanbul Convention would be necessary to facilitate the design and implementation of harmonised policies and measures on all forms of violence against women as a gendered phenomenon. At the local level, enhanced multi-agency co-operation between law enforcement, social services, the specialist women's support services and shelters as seen in the East Jutland pilot project on domestic violence intervention centers would improve local responses to individual cases of violence.

Secondly, the current level of training of key professionals such as law enforcement officers, members of the judiciary and social workers in public administration (for example in the municipalities and the State Administration) and others does not guarantee sufficient awareness of the gendered nature of the different forms of violence against women nor of how to respond to victims. As a result, GREVIO has identified a number of practices and structural issues which can lead to secondary victimisation. These include, for instance, significant variations in the type and quality of practices of the law enforcement agencies across the different police districts in Denmark, the limited use made of emergency barring orders as a tool to keep women and children safe in their own homes, the practice of granting exceptions to contact bans for communication around children even in serious domestic violence and ex-partner stalking cases and the handling, by the State Administration, of custody disputes in families marred by domestic violence.

Thirdly, the level of implementation and effectiveness of measures and possible failures of the Danish public authorities adequately to protect and support women victims of violence are difficult to identify due to the lack of sex-disaggregated data. Although much is being done to collect quantitative and qualitative data and despite the advanced nature of the Danish administrative system, very little data are currently disaggregated by sex and other important categories such as age, type of violence and relationship of the perpetrator to the victim. In other areas, data is not collected at all, or is collected on the basis of different definitions and criteria. As a result, for example, the data collected respectively by Danish law enforcement and by the judiciary cannot be used to re-construct the entire criminal proceedings chain from when the complaint is filed to delivery of the judgment. Areas which would merit more disaggregated data collection include, among others: (i) compensation and legal aid to assess whether this is effectively available to women victims of domestic violence and other forms of violence against women, (ii) outcomes of asylum procedures to assess whether women asylum-seekers are granted asylum or subsidiary protection on the basis of gender-based persecution, and (iii) the State Administration.

Lastly, the national child custody system and the decision-making procedures introduced by the State Administration on the basis of the Act on Parental Responsibility bear a number of risks regarding the safety of women and children who have experienced domestic violence at the hands of a spouse and father. The decision-making process based on mutual agreement and the practices adopted by the State Administration do not allow for sufficient screening for domestic violence exposure and its effects on the safety and well-being of the child nor do they sufficiently recognise the power imbalance in abusive relationships which may impair the ability to negotiate fairly. In this report, GREVIO raises a number of concerns in relation to the current child custody decision-making system and presents key elements which a new custody system should incorporate to ensure its full compliance with the requirements of Article 31 of the Istanbul Convention.

Drawing from the above, while GREVIO welcomes Denmark's ratification of the Istanbul Convention, it considers that the subsequent review of policy approaches and budget allocations does not fully meet the requirements of the required comprehensive and co-ordinated approach in relation to all forms of violence against women. GREVIO thus proposes the following main steps to be taken by the Danish authorities:

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- increase the attention paid to women victims of gender-based violence in policy documents and funding choices and ensure the full recognition of the different forms of violence against women as gender-based violence;
  - institutionalise the role of the co-ordinating body as required under Article 10 of the Istanbul Convention, and provide it with clear mandates and competences as well as the necessary financial and human resources;
  - increase the availability of mid-and long-term holistic support for women and girls offered by specialist women's support services, including for women victims of sexual violence and women without a residence permit;
  - strengthen efforts to expand and harmonise the data collection on all forms of violence against women by all relevant sectors, including by introducing data categories such as sex, age, type of violence and relationship of the perpetrator to the victim;
  - reinforce efforts to ensure adequate training, including compulsory initial and continuous in-service training for law enforcement agents, immigration and asylum officials as well as social workers employed by public services such as the municipality and the State Administration;
  - immediately remove any legal and practical obstacles that currently prevent the effective implementation of the full range of emergency barring and protection orders available under the Act on Restraining Orders and ensure their vigilant enforcement;
  - immediately overhaul the decision-making processes, organisational structures and legislation in relation to custody and visitation of children on the basis of the key elements laid out by GREVIO in this report.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the Convention. These relate, among others, to the allocation of appropriate financial and human resources for the implementation of state-wide, effective, comprehensive and co-ordinated measures and policies, the introduction of multi-agency co-operation on the basis of agreed procedures and protocols, the expansion of victim-safety oriented treatment programmes for domestic violence perpetrators in co-operation with specialist support services, the amendment of the Danish Criminal Code in order to base sexual violence offences fully on the notion of absence of freely given consent, and the possibility of all women arriving as asylum-seekers in Denmark to be interviewed on their own by a person of the same sex with the help of trained and sensitive interviewers and interpreters to help them to disclose instances of gender-based violence or persecution to support their claim.

## Introduction

Denmark ratified the Istanbul Convention on 23 April 2014 and was among the first state parties for which it entered into force on 1 August 2014. In accordance with Article 78, paragraphs 2 and 3 Denmark has reserved the right to continue to apply the rule of dual criminality for the prosecution of sexual offences, forced marriage, female genital mutilation and forced abortion and forced sterilisation committed outside Denmark as well as the right to provide for non-criminal sanctions for stalking.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The Convention sets up a monitoring mechanism to assess the level of implementation by its Parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the Parties to the Convention.

In accordance with Article 68 of the Convention, GREVIO initiated the baseline evaluation in respect of Denmark by letter and transmission of its questionnaire on 1 September 2016. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification, making Denmark one of the second set of Parties to be evaluated. The Danish authorities subsequently submitted their state report on 18 January 2017. Following a preliminary examination of the Danish state report and of the additional information submitted by a coalition of NGOs, GREVIO held a state dialogue with representatives of Denmark on 4 April 2017 in Strasbourg. A list of representatives of the Danish Government who participated in the state dialogue can be found in Appendix II. As a second step, GREVIO carried out an evaluation visit to Denmark which took place from 1 to 5 May 2017. The delegation was composed of:

- Rosa Logar, First Vice-President of GREVIO
- Iris Luarasi, Member of GREVIO
- Marianne Hester, Professor, United Kingdom
- Malek Wan Daud, Barrister, United Kingdom
- Johanna Nelles, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention
- Cristina Oddone, Assistant at the Secretariat of the monitoring mechanism of the Istanbul Convention.

During the evaluation visit, the delegation met with a range of governmental and non-governmental representatives working in the area of preventing and combating violence against women, including legal and medical practitioners. A list of the national authorities, non-governmental organisations and others met is set out in Appendix III of this report. GREVIO is grateful for the valuable information provided by all of them.

The state dialogue and evaluation visit was prepared in close co-operation with Malene Dalgaard and Jakob Liebetrau of the Ministry of Justice who acted as contact persons for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Danish authorities.

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The draft version of the present report was approved by GREVIO on 28 June 2017 and submitted to the Danish authorities for comments on 17 July 2017. The authorities' comments were received on 11 September 2017 and have been taken into account by GREVIO in drawing up the final version of the report, which it formally adopted at its 12th meeting (Strasbourg, 9-13 October 2017). A full list of proposals and suggestions made by GREVIO to the Danish authorities is set out in Appendix I.

In accordance with Article 68, paragraph 11 of the Convention, the report was transmitted to the Danish authorities inviting them to submit any final comments by 17 November 2017. Comments submitted by a state party in compliance with this request (if any) are published separately.

As a first baseline evaluation, GREVIO has looked into the measures of implementation taken by the Danish authorities with regard to all aspects of the Convention and reviewed data from the years 2014-15. For the sake of brevity, this report prioritises some provisions over others. While it addresses all chapters of the Convention (except Chapter VIII), it does not present detailed assessments and conclusions on every provision in each of these.

## **I. Purposes, definitions, equality and non-discrimination, general obligations**

### **A. General Principles of the Convention**

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the Convention must be implemented without discrimination on any ground, including on the grounds of residence status, and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated in the implementation of the Convention and the evaluation of its impact.

2. Denmark is internationally recognised for its high levels of equality between women and men, finding its place among the most gender-equal societies in the world. A number of laws address gender inequalities.<sup>2</sup> The firm anchoring of the principle of gender equality in legislation, along with the well-established Danish welfare system, which guarantees equal and free access to social rights, have led to a strong presence of women in the public sphere. Despite these achievements, violence against women in Denmark, as elsewhere in Europe, remains an issue in need of attention.

3. The Danish authorities have long pursued a solid agenda of policy setting in the area of preventing and combating violence against women, in particular with regard to domestic violence. Since 2002, three national action plans (NAP) have been adopted, implemented and evaluated. A fourth national action plan on violence in the family and in intimate relations is currently in force and is to be evaluated upon completion of all activities and projects in 2018. The intention to build on this evaluation and past NAPs has been expressed, and a 5th NAP will be drafted in co-operation with non-governmental organisations (NGOs) in the first half of 2018. In addition, separate NAPs exist on the prevention of honour-related conflicts and negative social control, as well as on stalking.

4. GREVIO welcomes the continuous use of national action plans and their extensive evaluation as a tool to raise awareness of and steer government action to prevent and combat violence against women. GREVIO also notes that the Danish approach of offering general support through a well-developed social welfare state ensures a basic level of support and guidance for anyone in need, including women who have experienced any of the forms of violence covered by the Istanbul Convention.<sup>3</sup> Specific measures to prevent and combat violence against women taken in Denmark are thus intended to build on and expand the general support offered at the level of municipalities.

### **B. Scope of application of the Convention and key definitions (Articles 2 and 3)**

5. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1 the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term "violence against women" used throughout the GREVIO questionnaire and throughout this report thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under

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<sup>2</sup> See for example the Act on Equal Pay, 2006; Equal Treatment Act, 2006; the Act on Gender Equality, 2002, amended in 2005, 2006, and 2007; the Act on Equal Treatment of Women in the Occupational Social Security Schemes, 1998, the Act on Maternity Equalisation in the Private Labour Market (2006), and the Act on target figures and policy on gender balance in corporate boards (2012).

<sup>3</sup> Services offered are generally available to Danish citizens and others lawfully residing in Denmark.

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Chapter V of the Convention. These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

6. In Denmark, most, if not all, current policy documents and legal provisions in the area of violence against women are strictly gender-neutral and address both men and women as perpetrators and victims. This is particularly the case in relation to measures dealing with domestic violence, but also to some extent in relation to stalking and honour-based violence. Although some reference is made to women's over-exposure to such violence compared to that of men, the gender neutrality of policy documents is a radical departure from the approach taken in previous action plans, in particular the National Action Plan to stop men's domestic violence against women and children adopted in 2005. As the terminology suggests, this NAP focussed exclusively on the gendered nature of domestic violence and other forms of violence against women. The national action plans currently in force, however, operate on concepts such as "family violence" or "violence in intimate relations". While this in itself does not necessarily run counter to the Istanbul Convention, it raises doubts as to the extent to which the Danish authorities recognise and address violence against women as a form of gender-based violence. The current "National Action Plan to combat violence in the family and in intimate relations" states that women remain the most affected by violence in the family in terms of quantity and level of severity. It does not, however, provide a definition of the term violence against women nor does it use the term gender-based violence. Instead, the plan lists a number of measures that address different forms of violence in the family, including specific and gender-based measures in support of male victims of such violence, without providing any overarching framework. Moreover, it remains unclear to what extent these measures are underpinned by the concept that violence against women is both a cause and a consequence of the inequality between women and men which is the fundamental framework required by the Istanbul Convention.

7. Despite the great strides made in Denmark in achieving equality between women and men in law and in practice, there is still a real need to continue to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. Sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment but also intimate partner violence are forms of violence that affect women disproportionately. The same applies to forced marriage, female genital mutilation and forced abortion/forced sterilisation. The historically unequal relationships between women and men have led to the domination of men over women and are among the root causes of violence against women. The driving motivation behind these forms of violence is power and control over a woman - her body, her mind, her economic situation, her sexuality or her reproductive functions. It is for this reason that they are covered by the Istanbul Convention as manifestations of gender-based violence, which is violence that is directed against a woman because she is a woman or that affects women disproportionately. As such, it should not be considered as abuse experienced individually by women but needs to be understood as a social mechanism to keep women in a subordinate position to men. This does not apply in the same way to men who experience violence in intimate relationships. GREVIO recognises the fact that domestic violence against men and boys exists, although research seems to indicate that their experiences of violence are different. Article 2, paragraph 2 of the Istanbul Convention in fact encourages parties to the Convention to apply it to all victims of domestic violence, including men and boys. It also, however, emphasises that in doing so, "Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention."

8. It is in this context that GREVIO is concerned over the emerging policy emphasis placed on "new" forms of violence such as violence in intimate relationships experienced by men and so-called bidirectional violence. In GREVIO's view this deflects attention from persisting challenges in ensuring the safety of women and children who suffer violence and abuse at the hands of a male perpetrator in Denmark (see Chapter VI); as well as from the need to ensure a comprehensive and

co-ordinated approach to all forms of violence against women. Moreover, GREVIO is concerned that such policy choices are made despite the absence of gender disaggregated data (see Chapter II). Instead, they are based on limited prevalence data and research which make statistically unsupported claims regarding decreases and increases in violence experienced by women and men respectively.

9. It is GREVIO's view that such policy choices combined with the use of non-gendered terminology and the absence of reliable gender disaggregated data in crucial areas have led to the de-gendering of the discourse around violence against women in Denmark. This shift has contributed to the masking of women's experiences in seeking help, support and criminal justice for gender-based violence, which runs contrary to the obligation of paying particular attention to women victims of gender-based violence as set out in Article 2, paragraph 2.

10. **GREVIO strongly encourages the Danish authorities to increase the level of attention paid to women victims of gender-based violence in policy documents and funding choices and to ensure the full recognition of the different forms of violence against women covered by the Istanbul Convention as gender-based violence.**

#### **C. Fundamental rights, equality and non-discrimination (Article 4)**

11. Article 4, paragraph 3 aims at ensuring the Convention's implementation without any discrimination. This means, for instance, that the availability of services and the support of law enforcement agencies shall be offered without discrimination on any of the grounds listed. In this context, GREVIO is concerned about women victims of violence without a residence permit in Denmark, for example, as a result of overstaying the validity of their residence permit or visa. The support available to these women is extremely limited, as they typically do not have a personally assigned civil personal registration (CPR) number and therefore cannot access any of the general social services or other support services such as shelters. Their continued exclusion from general and specialist support in relation to gender-based violence they may have experienced only adds to their already vulnerable situation, which runs counter to the spirit of the Istanbul Convention.<sup>4</sup>

12. **GREVIO urges the Danish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3.**

#### **D. State obligations and due diligence (Article 5)**

13. Aspects in relation to the implementation of Article 5 of the Convention are covered in Chapters V and VI of this report.

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<sup>4</sup> General and specialist support services provided or funded by the state can only be accessed by persons lawfully residing in Denmark as holders of a CPR number. See also Chapter IV, Protection and Support, section C on general support services (Article 20).



## II. Integrated policies and data collection

14. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

### A. Comprehensive and co-ordinated policies (Article 7)

15. In Denmark, initiatives and measures to prevent and combat violence against women have started to develop long before its signature and ratification of the Istanbul Convention. Women's organisations have been active in promoting gender equality and combating violence against women since the 1980s. The NGO Danner first started a shelter in Copenhagen in 1980 and the national organisation of women's shelters in Denmark (LOKK), acting as an umbrella organisation, was founded in 1987. The openness and sensitivity of the Danish Government to this subject has allowed an important network of specialist support services run by NGOs to develop across the country. Since 2000, the Danish authorities began addressing violence against women as a reflection of a lack of equality and respect between women and men<sup>5</sup> and mounted a more comprehensive approach through specific actions implemented by several ministries under the co-ordination of the inter-ministerial working group on violence against women. This inter-ministerial working-group is led by the Department of Gender Equality, which is also responsible for the implementation of NAP on "violence in the family and intimate relationships" and currently forms part of the Ministry of Foreign Affairs.

16. National action plans have been the policy instrument of choice in Denmark since 2002 (see Chapter I). The first NAP was followed by several four-year action plans which each focused on specific forms of violence, including inter alia "men's domestic violence against women and children" and "dating violence among 16-24 year-olds" (2005-08). More recent initiatives include, since 2014, national action plans and strategies on (i) domestic violence, (ii) honour-related conflicts, (iii) stalking and (iv) rape. Extensive research such as the various studies commissioned by the Ministry of Justice to assess the response of national law enforcement agencies and the judiciary to rape and stalking are often at the origin of such initiatives. GREVIO welcomes this form of an evidence-based policy approach and commends the Danish authorities on their continuous endeavour to evaluate existing measures in order to address any gaps. GREVIO also welcomes the apparent willingness of the Danish authorities to engage with emerging forms of violence such as, for instance, dating violence and digital sexual abuse.

17. Despite the continuous succession of national action plans, GREVIO notes with some concern the absence of a wider programme to prevent and combat violence against women as a form of gender-based violence against women. Most activities that form part of a NAP or strategy are conceived as "projects", limited in duration and not suited to ensure continuity. Moreover, such individual measures of short duration may generate a fragmented landscape, to the detriment of the development of a comprehensive holistic approach and the design of integrated structural policies. While this is, to some extent, due to the specific nature of NAPs in Denmark which are intended to build on top of existing services and measures, GREVIO recalls the obligation of ensuring a holistic and co-ordinated response to all forms of violence covered by the Istanbul Convention. Instead, GREVIO notes a trend of singling out specific forms of violence (such as "stalking", "rape", "bi-directional violence" or "dating violence") and specific groups of victims (such as "ethnic minority youth" or "men victims of domestic violence") seemingly without addressing structural issues that affect all victims (the need for multi-agency co-operation; the attitudes and level of awareness among law enforcement agencies and the judiciary etc.). More importantly, the

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<sup>5</sup> Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Seventh periodic report of States parties. Denmark", 2008, United Nations, CEDAW Committee, CEDAW/C/DEN/7, p. 71.

measures and activities put forward in the various action plans do not seem to pay particular attention to women victims of gender-based violence. For example, the NAP on “violence in the family and intimate relationships” sets out the concept of “bi-directional violence” as a form of violence for which both men and women are equally to blame. Another example is the NAP on “Honour-related conflicts and negative social control”, which does not seem to be based on a gendered understanding of honour-related conflicts. While it is important to address these forms of violence, all forms of honour-based violence operate around notions of gender and largely target women as the bearers/guardians of the family’s honour. An approach that focuses on culture instead of gender obscures the root causes of honour-based violence as a form of gender-based violence to which women are exposed for being women, not only for being members of a particular ethnic group. This prevents a broader perspective on the different manifestations of violence against women and might also serve to perpetuate stereotypes about ethnic minorities and lead to discrimination against them.

18. Moreover, GREVIO notes that the responsibilities for the various NAPs and strategies currently in force in Denmark are distributed across the Ministry of Justice (stalking and rape), the Department of Gender Equality (violence in the family and intimate relationships) and the Ministry of Immigration and Integration (honour-based violence). Without any apparent links and structures for co-operation, such co-existence of different national action plans may easily lead to the compartmentalising of policies which can stand in the way of coherence and continuity of approaches taken.

19. **GREVIO strongly encourages the Danish authorities to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women. GREVIO encourages the Danish authorities to ensure that the gendered nature of all forms of violence against women, including those perpetrated within migrant communities, receives the necessary policy attention.**

## **B. Financial resources (Article 8)**

20. In Denmark, government funding for services and measures to prevent and combat violence against women is made available in different ways. General support is offered by the extensive Danish welfare system designed to meet the needs of all citizens. In addition, a number of specialist support services and NGOs are fully or partially funded by the Danish government and/or the municipalities.

21. According to the Danish authorities, a total of 280 million DKK (around 37 million euros) are spent annually on measures to combat violence against women. This includes public spending on the various action plans, although the specific amounts per action plan were not indicated. This demonstrates a welcome level of political will to provide for measures and services for victims of the different forms of violence against women. GREVIO also notes with satisfaction the legal obligation placed on municipalities to provide for domestic violence and other shelters which is set out in Article 109 of the Act of Social Services.

22. Nevertheless, GREVIO notes some concerns in relation to funding schemes and decisions. Firstly, some of the measures referred to above (for example the NAP on honour-related conflicts) are funded by the so-called rate adjustment pool (Satspuljen), which is a pool of public funds earmarked for measures addressing the most disadvantaged groups of citizens in Denmark. These funds are awarded to measures and projects chosen by the Danish parliament on the basis of a selection procedure. They represent a one-off funding source without continuity and do not compare to annual funding from the ordinary budget of the relevant line ministry.

23. Secondly, some publicly funded measures that have proven very successful in supporting women victims of domestic violence were conceived and operated as pilot projects. Examples include the project on co-operation around protection orders in East Jutland and the provision of psychological support for women in domestic violence shelters. Despite their very positive evaluation, neither of the two projects were continued or rolled out nation-wide, and the reasons given were the high costs involved. GREVIO regrets this decision and is concerned over the absence of any other measures introduced in their stead.

24. Thirdly, a new national unit against domestic violence has recently been set up. Following the outcome of a public tender, this unit will be run by a coalition of four national NGOs: the women's shelter Danner, a shelter for men victims of domestic violence, the perpetrator programme called Dialogue against Violence and LOKK, the women's shelter network. This new unit will take on tasks that include the running of the national domestic violence helpline, offering legal advice and counselling for victims of domestic violence, as well as collecting and disseminating knowledge and best practices. A total of 36.4 million DKK (around 5 million euros) have been set aside for the period up to 2020. GREVIO welcomes this initiative to offer more holistic services for victims of domestic violence.

25. However, GREVIO notes with concern that this comes at a time when LOKK, itself the most established and nationally respected network organisation for women's shelters, significantly downsized due to lack of funding. In the face of the establishment of the new coalition body, LOKK's prospect of regaining its original funding levels is low. Furthermore, this new body will take on the provision of legal advice and counselling as well as the running of the national domestic violence helpline formerly offered exclusively by LOKK. While GREVIO recognises the need to ensure sound structures and mandates, GREVIO nonetheless regrets the potential associated diminishment of LOKK's influence in campaigning for women's rights and especially for recognition of domestic violence as a form of gender-based violence. GREVIO notes that this points to a shift towards a less feminist and gender-based approach to domestic violence counselling.

26. Lastly, there is growing concern among representatives of the various women's services in Denmark that they will be unable to meet the demand of victims seeking their help. The need for more and more varied services, in particular specialised services based on a gendered understanding that offer short-, mid- and long-term counselling, advocacy and support in a non-residential setting (for example long-term psychological counselling and trauma support for rape victims) has been stated by various NGOs and individuals. In relation to domestic violence shelters, many members of the shelter movement have pointed to a rise in demand and are dissatisfied with the overall level of available shelter places in Denmark.

**27. GREVIO strongly encourages the Danish authorities to ensure that appropriate funding for state-wide effective policies and measures for women victims of violence are available and that they reflect priorities set out in a comprehensive and co-ordinated approach that addresses all forms of violence covered by the Istanbul Convention as gender-based violence against women. Appropriate long-term and sustainable funding for specialist support services needs to be provided to serve women victims of any form of violence covered by the Istanbul Convention and their children. This should include funding for immediate, short- and long-term support services and would entail strategic funding choices in favour of measures that have been tried and tested as effective, such as the above-mentioned pilot projects.**

28. In order to achieve the above, GREVIO encourages the Danish authorities to introduce, in all relevant sectors of government, separate budget and funding lines for all policies and measures which form part of the required comprehensive and co-ordinated approach to combating violence against women and domestic violence.

### **C. Non-governmental organisations and civil society (Article 9)**

29. In Denmark, NGOs play an important role in operating counselling and support services intended to offer the specialist support which local authorities and the various branches of the social welfare system cannot provide. NGOs in this area are to a large extent funded by the government or local municipality, although several receive additional funding from private donors (such as the Oak Foundation). Their key role and expertise in offering support and protection to women victims of gender-based violence is fully recognised and their specialist expertise has been highly valued by public officials. This has led to their involvement in the design of some national action plans. GREVIO notes with satisfaction that this matches the strong role of civil society and NGOs envisaged by the Istanbul Convention, expressed in particular by Article 9 of the Convention. According to some interlocutors, this involvement seems to have lessened in some areas in the recent past, and some NGOs feel they are given a less prominent role in setting priorities and addressing issues in policy documents such as NAPs and strategies.

30. Despite the impressive number of NGOs and civil society groups working on preventing and combating violence against women in Denmark, most seem to have developed from the women's movement in the 1970s and 1980s and thus represent the voices and experiences of gender-based violence of ethnic Danish women. GREVIO notes the absence of established grassroots women's organisations emanating from the different migrant communities in Denmark. The few organisations that exist such as Babaylaan (working for and with Filipino women in Denmark, including their experiences of gender-based violence, sexual or labour exploitation and residence issues) and the Brown Feminists, seem to experience difficulty in obtaining public funding, as most tenders for projects on migrant women seem to fit the organisational structure of local authorities more than that of community-based NGOs. This perception can lead to feelings of exclusion and may not bring to the fore the voices and perspectives of the women who are most concerned. Although NGOs such as Ethnic Minority Youth and Neighbourhood Mothers (*Bydelismødre*) offer vital services to support migrant youth and women in a range of circumstances, these do not represent community-grown grassroots organisations that advocate for the rights and needs of specific groups of migrant women.

31. GREVIO stresses that NGOs that are rooted within different migrant communities can make a highly valuable contribution to the prevention and combating of all forms of violence against women. By acting as a bridge between the values and traditions of their communities and those of the Danish society – among which gender equality ranks high – they are well placed to promote initiatives related to the implementation of the Convention within their own communities. These groups of women need to be supported in their efforts to distance themselves from harmful and discriminatory practices in society and to create lasting change by working with all community members. Creating visibility for women from migrant communities as agents of change can help to overcome stereotypes related to specific ethnic groups and address intersectional discrimination. Furthermore, equal recognition and participation of such groups would promote social inclusion and solidarity in society as well as in institutions and organisations. This would significantly contribute to a more comprehensive approach to combating all forms of violence against women as violence perpetrated for reasons of gender, not culture.

32. **GREVIO encourages the Danish authorities to pursue the dialogue with all non-governmental actors involved in preventing and combating violence against women in Denmark in order to ensure their involvement in the design of policies and programmes, in particular NAPs.**

33. **To ensure diversity and to build policies around the experiences of all women in Denmark, including those of migrant and refugee women, GREVIO strongly encourages the Danish authorities to step up action to recognise, encourage and support, including financially, a greater variety of women's NGOs, including through supporting community-based and grassroots activism of black and brown women's groups and movements in Denmark.**

## D. Co-ordinating body (Article 10)

34. The Danish authorities established in the year 2000 an inter-ministerial working group on violence against women. Originally conceived as a working group on violence against women and trafficking, these two topics are now dealt with separately by two different working groups. The composition of the working group on violence against women varies depending on the agenda, but the core members include representatives of the Ministry of Justice, the Ministry of Health, the Ministry of Employment, the Ministry of Children and Social Affairs as well as the Department for Gender Equality.

35. The mandate of the working group includes supervising the implementation of international Conventions, including the Istanbul Convention, making recommendations for specific action, developing and implementing the national action plans on violence in the family and intimate relations, producing annual reports on the results, and the general co-ordination of action in the field of preventing and combating violence against women. The frequency of its meetings varies according to need.

36. According to the Danish authorities, the inter-ministerial working group serves as the co-ordinating body required by Article 10 of the Convention. Additional human and financial resources have not been granted following its designation as co-ordinating body, nor have regular meetings been introduced and its composition has not changed.

37. GREVIO is concerned that the ad-hoc nature of a working group is not conducive to the four tasks of co-ordinating, implementing, monitoring and evaluating policies and measures to prevent and combat violence against women and domestic violence. No specific budget has been allocated to it. Moreover, its specific powers and competencies remain unclear. Several sources have referred to the entity's weakness when it comes to the practical implementation of the action plans, not least because it has no mandate to improve the perceived lack of co-ordination among services at different levels.

38. GREVIO is concerned that rather than creating/mandating one or more separate structures to take on the four tasks of co-ordination, implementation, monitoring and evaluation, these have been simply added to the mandate of an ad-hoc working group, with no adjustments to mandates, operational structures, staffing or funding. This raises questions as to the efficiency of such an approach and puts into question the ability of the inter-ministerial working group to carry out its duties adequately.

**39. GREVIO strongly encourages the Danish authorities to assign the role of co-ordinating body to one or more fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities. GREVIO also encourages the Danish authorities to set up separate bodies for, on the one hand, the co-ordination and implementation of policies and measures, and for their monitoring and evaluation, on the other hand in order to ensure objectivity in the evaluation of policies.**

## E. Data collection and research (Article 11)<sup>6</sup>

### 1. Administrative data collection

40. Preventing and combating violence against women and domestic violence requires evidence-based policy-making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women. Recognising violence against women as gender-based violence means

<sup>6</sup> Proposals and suggestions regarding data collection can also be found in additional areas of the report.

that efforts in research and data collection must give due regard to and aim at identifying the differences between women and men. These can be differences in the type and severity of the violence experienced, in help-seeking behaviour, and in experiences with support services and the criminal justice system. If disaggregated by sex and other vital categories, data and research can give a clear picture of women's experiences and are thus a precious source of evidence on which to base public policy and decision-making.

41. The Istanbul Convention requires public authorities, such as the judiciary, the law enforcement agencies and social welfare services, to set up data systems that go beyond the agencies' needs for recording in order to collect data which are relevant for the purpose of ending violence against women in all its forms. As a minimum requirement, recorded data on victims and perpetrators should be disaggregated by sex, age, type of violence, the relation of the perpetrator to the victim, geographical location, as well as other relevant factors.

42. In Denmark, numerous efforts in the area of data collection exist and GREVIO notes with appreciation the general tendency towards evidence-based policy-making, in the area of preventing and combating violence against women. However, GREVIO points to the widespread absence of the data collection categories required under the Convention. Very little data is disaggregated by sex, and still less by relationship between victim and perpetrator. For example, while the National Patient Register records all contact with hospitals and contains data on the sex and age of the injured person, the type of violence, where it happened and what the injured person was in the process of doing, the data category "relationship of the perpetrator to the victim" is optional, making it impossible to identify intimate-partner violence or other forms of violence against women. Similarly, the law enforcement and prosecution services in Denmark collect data in relation to the provisions of the Danish Criminal Code but do not always break it down by sex/age of the victim and perpetrator or by their relationship. For example, in order to establish the nature of the relationship of the perpetrator to the victim in domestic violence cases, the Danish National Police has recently conducted a manual review of 400 reports of violence, severe violence and threats. GREVIO welcomes such a step but notes the need for the introduction of "relationship between perpetrator and victim" as a data category in electronic files.

43. Equally, the data kept on the number of emergency barring and protection orders (in Denmark referred to as restraining, expulsion and exclusion orders) only give the overall total issued annually as well as the number of violations. Neither is broken down by sex nor by relationship of the perpetrator to the victim.

44. Another issue GREVIO would like to highlight is that the data currently collected by the Danish law enforcement and judiciary cannot be used to re-construct the entire criminal proceedings chain from when the complaint is filed to delivery of the judgment. For domestic violence offences, a flagging system exists which allows a case to be tagged as "domestic violence" irrespective of the provision of the Criminal Code under which it is recorded. This is an excellent initiative, but to be meaningful, relevant data categories such as sex and age of both victim and perpetrator and their relationship would need to be added. Other forms of violence against women are strictly recorded on the basis of the offence they are considered to represent, and the assessment of this may change as the case moves through the criminal justice system. As a result, conviction and attrition rates are difficult to establish, making it difficult to know whether the system is working and if not, where the issues lie.

45. GREVIO is also prevented from carrying out full analysis of how the Danish judicial system is administering justice for women victims of gender-based violence due to the surprising absence of data in crucial areas. For example, while the Danish law enforcement agencies seem to resort to custody on remand quite frequently in domestic violence cases, there is no data that would indicate the number of decisions to take an abusive husband/male partner into custody – compared to the number of barring or protection orders issued against male domestic violence perpetrators. Similarly, it is not known how often special measures (for instance video testimony of a child or adult witness/victim) are used during court proceedings in sensitive cases such as domestic

violence or rape. No data is collected on the number of claims made for compensation for domestic violence and the amounts awarded, nor are any data collected on the granting of legal aid to female victims of domestic or other forms of violence. There are similar gaps in data collection when it comes to those who have served a sentence for domestic violence or other crimes and the percentage who have been asked to attend a domestic violence perpetrator programme. The absence of the above data masks difficulties women may experience in accessing justice for any of the forms of violence against women, and may be seen as an absence of political will to respond effectively to violence against women as a gendered phenomenon.

46. It is for this reason that throughout the evaluation procedure, GREVIO has emphasised the need for the systematic collection of sex-disaggregated data and has been perturbed by the lack of understanding of the need and reasons for this data. The Danish authorities regularly referred to the level of gender equality in Denmark which, in their view, explains the gender neutral approach to data collection. By contrast, GREVIO is of the opinion that the need for sex-disaggregated data is no less important in societies that have achieved high degrees of equality between women and men. It allows the monitoring of experiences of women and men, and is thus an important tool to indicate areas in need of improvement or any setbacks in achieving equality. A non-gendered approach to data collection, on the assumption that gender equality is already achieved, may easily mask the prevalence of violence against women.

47. Two additional sectors in which GREVIO has identified a real need to step up efforts in collecting high-quality disaggregated data (by sex, age, type of violence, relation of victim and perpetrator, etc.) are the State Administration and the Immigration Service.

48. In Denmark, the power to initially determine the custody of children and their place of residence is vested in the State Administration – a branch of government administration that is answerable to the Ministry of Children and Social Affairs and whose decisions may be overturned by a court of law. According to the information received by GREVIO, the State Administration records very little data that would give insight into the ways in which the system of deciding on visitation, residence and custody gives regard to the physical and emotional well-being of women and children who have experienced or witnessed abuse at the hands of a (former) partner or father. For example, there is no data that would indicate the number of women who asked for (and were granted) separate initial meetings with the State Administration for fear of their former partners/husbands, nor is there any data on the number of cases where one parent reported episodes of violence or abuse (with or without documentary evidence such as reports by general practitioners, law enforcement agencies, shelters and school teachers). Consequently, it is impossible to establish how many women are reporting domestic violence, how many produce documentary evidence, and how many are ensured safety through separate meetings. Similarly, no information is kept on the number of child welfare consultations initiated and expert opinions requested by the State Administration, making it difficult to assess whether the effects on the child of having witnessed or experienced domestic violence is being investigated and their safety guaranteed.

49. More alarmingly, there is no information on the number of cases where further incidents of violence (including homicide) occurred after an agreement was made through the State Administration, nor is there any systematic recording of the number of cases or number of parents who had residence, visitation or custody rights removed temporarily or permanently for reasons of domestic violence against the child or the other parent. Such data is crucial for any attempts to assess how the current system is working and for an independent review of such cases. Lastly, as the applicant parent is not currently identifiable, it is not known whether it is predominantly fathers or mothers who apply for visitation/custody/residence, nor can the number of rejected applications be traced. This only plays into the hands of those abusers who have been using the system to exert power and control over their victim by launching application after application. This form of "stalking by proxy" by abusive ex-partners, overwhelmingly male, has been brought to GREVIO's attention by several civil society groups and individuals, and is, in GREVIO's view, a rare but telling example of how the collection of disaggregated data might reveal a highly gendered and

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dangerous phenomenon that would merit a stricter use of the possibility to reject applications or the introduction of a cap on the number of times an application for child visitation/custody/residence may be brought.

50. **GREVIO strongly encourages the Danish authorities to ensure more disaggregated data is collected by the State Administration that would show to what extent reports of domestic violence and abuse are taken into account, and how the safety of all family members is ensured. Such steps would allow the Danish authorities to assess the effectiveness of the system of deciding on custody/visitation/residence of children by the State Administration in families affected by domestic violence. GREVIO strongly encourages the Danish authorities to engage in such an assessment and to identify possible avenues for policy improvement.**

51. The Immigration Service in Denmark is the other area in which data collection should be improved. Current data collection on asylum procedures focuses on the overall number of male and female asylum seekers and the type of protection obtained by each. While this offers information on the overall number of successful asylum applications by women in Denmark, it does not offer any insight into their reasons for leaving or into grounds for asylum recognition.

52. **GREVIO encourages the Danish Immigration Service to introduce a data collection system that records asylum claims on the basis of gender-related persecution and their outcomes.**

53. In addition to the existing efforts carried out in Denmark to collect administrative data, GREVIO is of the opinion that more specific data categories need to be introduced to achieve higher quality outputs. The well-established civil registration system that stores information on every Danish citizen and resident of more than three months with the use of the CPR number can serve as a starting point to link information on use of services and other help-seeking behaviour with data from other sources. It has great potential to provide an overall picture and should be tapped into – with careful consideration for the right to privacy of all individuals.

54. **GREVIO strongly encourages the Danish authorities to:**

- a. **introduce harmonised data categories such as the sex, age, type of violence, and type of relationship of the perpetrator with the victim to be collected at regular intervals by all sectors of the administration, including the law enforcement agencies, the judiciary, the relevant social services (including public specialist services), the State Administration, the public health sector, the Immigration Service and other relevant services;**
- b. **ensure that these and any other data categories in use make the gendered nature of domestic violence against women and other forms of violence more visible;**
- c. **ensure that such data informs policy-making and strengthens the effectiveness of prevention, protection and prosecution measures;**
- d. **make it a central obligation of any future co-ordinating body to co-ordinate and improve the collection of data as required under the Istanbul Convention;**
- e. **ensure that the process of collecting, storing and transforming collected data complies with standards on data protection as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.**



## 2. Population-based surveys

55. Several national population-based surveys exist in Denmark which provides information on the prevalence of different forms of violence against women. These are the Crime Victim Survey, the National Health Interview Survey (NHIS or SUSY), two surveys on dating violence among young people and a survey on stalking. An additional source, the 2014 survey on the prevalence of violence against women in all member states of the European Union (EU), conducted by the EU Fundamental Rights Agency (FRA).

56. The Crime Victim Survey is conducted every year and includes a section on violence, with a specific focus on domestic violence and on physical and sexual violence. The NHIS or SUSY survey is carried out regularly and results are available from the years 2000, 2005, 2010 and 2013, although the latest version in 2013 did not contain the usual questions on physical and sexual violence and threats. Work on the next edition is, however, currently underway and covers this area again. The two surveys on dating violence among young people carried out in 2007 and 2010 cover exclusively the experience of young people aged 16-24 with physical, psychological or sexual violence by a girl - or boyfriend. The FRA Survey on Violence against Women covers physical violence and sexual violence by a partner, sexual harassment and stalking. Moreover, Denmark participated in the 2000 International Crime Victims Survey, which covers sexual violence against women.

57. All of the above surveys vary in terms of methodology, sample size and results. While the two national surveys (Crime Victim Survey and SUSY) were self-reporting surveys, the FRA survey was based on individual interviews carried out by trained interviewers. This and a range of other factors (variations in sample size and the wording of questions) might explain the stark difference in results, which range from 1.5% of women affected by physical violence at the hand of an intimate partner (SUSY 2010) compared to 52% of women affected by physical and/or sexual violence from an intimate partner (FRA Survey 2014). Irrespective of the merit of one approach compared to another, GREVIO is concerned that the Danish authorities exclusively refer to the nationally commissioned prevalence data, particularly as they were self-reporting. Data from the SUSY survey, linked to hospital data and crime statistics in aggregate form, resulted in a report which indicates rather low and declining prevalence rates for women victims of domestic violence but points to a sizeable and growing number of male victims of intimate-partner violence.<sup>7</sup> According to the report, an estimated number of 30 000 women and 10 000 men have been exposed to physical violence from a present or former partner. It is unclear whether these numbers refer to violence experienced by a heterosexual or a homosexual partner, and whether they refer to serious violence or milder versions, both of which the SUSY survey asks about.

58. The supposed decline in prevalence for women and rise for men is channelling at least some policy attention to the experiences of male victims of domestic violence. This can be seen in the current national action plan which envisages "more knowledge about and strengthened measures for men exposed to violence". At the same time, no particular initiatives seem to be taken to assess the level of victimisation of women resulting from other forms of violence covered by the Istanbul Convention such as psychological violence, sexual harassment, forced marriage and female genital mutilation.

59. Lastly, GREVIO points to the need for comparability over time and regrets the fact that the 2013 SUSY survey did not contain questions on exposure to physical and sexual violence.

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<sup>7</sup> Violence in close relationships – The prevalence, nature and development as well as the efforts to combat intimate partner violence among women and men – 2010, Karin Helweg-Larsen, The National Institute of Public Health, in collaboration with the Ministry for Gender Equality and Ecclesiastical Affairs, p 25

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60. **GREVIO encourages the Danish authorities to carry out (gender-sensitive) surveys on all forms of violence against women, bearing in mind that previous surveys using the method of self-reporting resulted in lower prevalence rates than surveys based on face-to-face interviews such as the FRA survey in 2014. All surveys should be conducted with the use of methods which allow women to feel safe and free to disclose incidents of violence.**

### **3. Research**

61. Over the years the Danish National Institute for Public Health Denmark has produced a number of qualitative studies on violence against women,<sup>8</sup> as well as a large number of reports on specific topics<sup>9</sup>, GREVIO welcomes these initiatives as an effort to understand the root causes and effects of violence against women. In addition, the Ministry of Justice has, in the past, evaluated legislation in the area of protection orders and sexual violence legislation.

62. While GREVIO appreciates the fact that the above research projects have revealed important insights into specific aspects of violence against women, GREVIO notes that most of these address domestic and sexual violence.

63. **GREVIO encourages the Danish authorities to carry out research, on forms of violence against women such as female genital mutilation and forced marriage, sexual harassment or other forms of violence against women not previously covered, to assess their prevalence and gendered dimension. GREVIO also encourages the Danish authorities to continue to evaluate existing policies and legislative measures to assess their level of implementation, efficacy and victim satisfaction.**

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<sup>8</sup> Dating violence among youth (2008 and 2012), Stalking (2013), Sexual violence (2016), Barriers among general practitioners to identify patients exposed to violence (2016).

<sup>9</sup> See for example: The cost of violence (2010), Men's violence against women (2004 and 2007), Violence in close relationships (2010), Dating violence in Denmark (2008 and 2012), Police-reported rapes (2011), Stalking in Denmark (2013), Violence against women (2007 and 2012), Violence in Denmark, Hospital Data (2013, 2015, 2016).

### III. Prevention

64. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

#### A. Awareness raising (Article 13)

65. The Danish authorities report on a number of awareness raising activities, past, present and future. The subjects covered include dating violence, stalking, rape, honour-related violence and domestic violence as experienced by non-ethnic Danish women. While most were or are to be the form of general awareness-raising campaigns, the campaigns on stalking and rape included components which specifically target professionals such as law enforcement agents and social workers.

66. GREVIO welcomes such varied efforts to make the different forms of violence against women visible and to raise awareness in both the general public and professionals. It is in particular the awareness-raising of professionals around stalking and rape which has led to improvements in responding to such violence. This demonstrates the importance of such measures, in particular in relation to law enforcement agents, where this does not already form part of their initial training.

67. GREVIO notes that a large-scale public awareness campaign on domestic violence is planned for the second half of 2017. In GREVIO's view, this would be an important step to ensure higher levels of awareness among the general public that domestic violence cuts through all social strata and backgrounds. Compared to women in other EU countries, Danish women are significantly less aware of campaigns on violence against women carried out in their country<sup>10</sup>, suggesting a need for public awareness-raising activities beyond specific pockets of society.

68. **GREVIO encourages the Danish authorities to carry out the planned national awareness-raising campaign on domestic violence and ensure its messages are based on a gendered understanding. Financial resources should also be made available regularly for awareness-raising activities carried out by women's support services and women's organisations at national, regional and local level.**

#### B. Education (Article 14)

69. In Denmark, the competences for the different levels of education are split between two ministries. While primary and secondary education falls under the Ministry of Education, formal learning at the graduate level comes within the mandate of the Ministry of Higher Education and Science. Efforts made by this ministry to ensure a wide knowledge base on violence against women will be covered under Article 15 (Training of Professionals).

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<sup>10</sup> According to the FRA Survey, only one out of four women (26%) in Denmark has recently seen or heard any campaign addressing violence against women. See p.162 *Violence against women: An EU-wide survey, Main results, 2014*.

70. With a view to laying the foundation for a gender equal society, several initiatives have been taken in the field of education in Denmark. Topics related to human rights, gender equality, health and sexual education are included in the formal curricula for primary and secondary schools, which means that many of the areas of teaching required by Article 14 of the Istanbul Convention are addressed in some form. Honour related conflicts are also covered, both in private and public schools. The National Strategy against honour-related conflicts (2013) envisaged the preparation of educational materials on the subject, targeting school staff, teachers, parents and children.

71. Moreover, GREVIO appreciates the results achieved by the campaign "Uge 6" ("Week 6/Week Sex"). Co-funded by the government, this campaign has been conducted annually by the Danish Family Planning Association since 2008 to support and develop sexuality education in schools. Effective teaching materials are available and other activities are carried out during the campaign week. A great number of Danish schools and teachers regularly join the initiative across the country, reaching almost half a million primary and lower secondary school students in 2016. According to the Danish authorities, this successful campaign is a precious opportunity to put a special focus on violence against women.

72. GREVIO welcomes these initiatives but notes that most of the existing teaching requirements focus on the child's right to protection against physical, psychological and digital violence. While GREVIO supports this approach, it appears that the target group here are children who need to be empowered regarding their rights, including the right to say no. As boys and girls experience such violence differently, the gender dimension must be reflected in the teaching material. Linkages would have to be made to gender roles, stereotypes and women's human rights as well as specific aspects related to domestic violence and violence against women as gender-based violence. The specific situation of children witnessing domestic violence and their rights and needs would also need to be addressed.

73. For the required teachings on human rights and gender equality, numerous teaching materials are available online for voluntary use by teachers at all levels of primary and secondary school. Unfortunately, the number of users cannot be traced. It is not clear how schools ensure that existing teaching materials are actually used, and whether teachers know how to cover these issues in a sensitive way, especially in cases where children might be affected.

**74. GREVIO encourages the Danish authorities to complement their focus on children's rights by paying special attention to women's rights and to introduce formally the topic of gender-based violence as part of the curricula for primary and secondary schools. Moreover, GREVIO invites the authorities to monitor how teachers make use of the existing teaching materials and how they approach issues related to domestic violence and violence against women.**

75. Teachers play a crucial role in identifying children who may be living in a violent home, either as witnesses or direct victims, and their sensitive approach to the subject may lead a child to confide in them. It is thus important that they receive the necessary training and knowledge to deal with an affected child (see next article). This is all the more important as teachers in Denmark are under the obligation to report suspicions of children affected by domestic violence or abuse to the municipality. Every year, data on the number of such reports are collected and published by the Ministry of Children and Social Affairs. GREVIO notes with satisfaction that there has been an increase of such notifications to the municipality<sup>11</sup> and that around 21% of all notifications come from schools. In the annual report published by the Ministry, information on the follow-up activities implemented after notification is also available and includes conversations with the parents, paediatric consultation and specific counselling.

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<sup>11</sup> Data from the Ministry of Children and Social Affairs on the number of notifications received show that in 2014, 66 366 cases were received, which rose to 96 948 cases in 2015.

76. GREVIO encourages the Danish authorities to continue to collect data on notifications to the municipality for the purpose of enhancing strategies and co-operation among services.

### C. Training of professionals (Article 15)

77. The standard set by the Convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence against women. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation. The questionnaire drawn up by GREVIO lists, in the table appended to it, the professional groups which GREVIO considers relevant and in need of such training<sup>12</sup>. Against this background, the information obtained by GREVIO from the Danish state report and during the evaluation visit reveals a mixed picture regarding the level of such specific training undertaken by members of the various professions.

78. One group of professionals which GREVIO notes is well-trained are staff at the various specialist support services: shelters, perpetrator programmes and specialist support services such as the rape and sexual assault centres, stalking services and others. Their high level of training and expertise ensures that victims and perpetrators are properly received, with a specific focus on their needs and rights. Moreover, GREVIO welcomes the fact that these specialised professionals often provide training for other entities such as law enforcement agencies, the State Administration and the municipality-run social services.

79. The health sector is another area in which a number of initiatives have led to a more widespread level of awareness and even specific expertise on some forms of violence. For instance, medical students are routinely taught how to recognise signs of domestic violence, while for all practicing health professionals, in particular general practitioners, a leaflet on "Violence in close relationships" has been available since 2012. On female genital mutilation, general practitioners, along with gynaecologists, midwives, and other health care professionals, have, since the 1990s been involved in the treatment of patients that have or might be at risk of undergoing the practice. Following the criminalisation of this practice in 2003, new guidelines have been issued by the National Health Authority and some professionals in the health sector have specialised in this area.

80. As far as law enforcement officials are concerned, specific mandatory courses are taught at the Danish Police Academy on how to detect and investigate violence, including violence in close relationships, and students are required to visit a shelter for women victims of violence. Courses on risk assessment and interrogation techniques for all crimes and investigations are also on offer, although these do not focus on domestic violence as such, which, in GREVIO's view, presents a missed opportunity. In the absence of special units on domestic violence, no specific in-service training or forms of specialisation exist. While some law enforcement agents, usually women, specialise in domestic violence, this tends to be an individual career choice based on personal motivation rather than through a structured system of on-the-job training on violence against women for all. In relation to other forms of violence, such as psychological violence, stalking, sexual violence, sexual harassment, forced marriage and female genital mutilation, training on the detection of such violence, the rights and needs of victims and secondary victimisation does not seem to be available.

<sup>12</sup> These are, at a minimum, police and other law enforcement officials, prosecutors, judges, social workers, medical doctors, nurses and midwives, psychologists (in particular counsellors and psychotherapists), immigration and asylum officials, educational staff and school administrators, journalists and other media professionals, servicemen and women.

81. **GREVIO strongly encourages the Danish authorities to introduce compulsory initial training for law enforcement agents, covering all forms of violence against women including domestic violence, and to ensure continuous in-service training modules for law-enforcement professionals throughout the country. All training should be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow.**

82. Social workers in general public services often represent the first interlocutors for victims in need of help and play a central role in determining the next steps. The assessment made at this level is crucial and can either guarantee the appropriate treatment and referral to specialised services, or cause the victim to drop out of the system. Inappropriate decisions may lead to secondary victimisation. Despite attempts by specialist support services to train social workers at the municipality and State Administration, GREVIO has received several reports indicating their limited professional guidance and desire to recognise and identify cases of domestic and other forms of violence covered by the Istanbul Convention. This seems to hold particularly true in relation to case workers at the municipality and the State Administration.<sup>13</sup> Neither group is required to follow any mandatory courses on violence against women and domestic violence, although the 2013 strategy on honour-related conflicts introduced important training modules for social workers, teachers and educators. This is an important step and should be built on to ensure higher levels of training and awareness of all forms of violence against women.

83. **GREVIO strongly encourages the Danish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for all relevant professionals employed by public services such as the municipality and the State Administration.**

84. Immigration and asylum staff, including case workers and interpreters, seem to receive very little training on the subject as required by Article 15. The lack of training is reflected at different levels of the procedure and this may undermine the quality of decisions taken in relation to women asylum-seekers. This is discussed in more detail in Chapter VII.

85. **GREVIO strongly encourages the Danish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for case workers, decision-makers and interpreters in the Immigration Service.**

86. **Further to the above, GREVIO encourages the Danish authorities to introduce systematic and mandatory initial and in-service training on the prevention and detection of the different forms of violence against women, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation for all professional groups which do not currently receive such training.**

#### **D. Preventive intervention and treatment programmes (Article 16)**

##### **1. Programmes for perpetrators of domestic violence**

87. The current provider of domestic violence perpetrator programmes in Denmark is "Dialogue against Violence", which operates as one of the six departments of the Askov Foundation, a well-established NGO that works for and with vulnerable members of the Danish society. The treatment programmes offered by Dialogue against Violence are primarily funded by the Danish Government, the Danish Prison and Probation Service and the Municipality of Copenhagen. While it used to focus exclusively on male perpetrators of domestic violence, it now also offers programmes for female perpetrators of domestic violence, who make up around 10% of their clients. Another NGO

<sup>13</sup> See for example: *Shadow Report to GREVIO about Denmark and the Istanbul Convention*, submitted by the Network for psychopathy and stalking-affected, p.7-8, available at

provider called "Alternative to Violence" based in Roskilde has, in the past, offered treatment programmes for male perpetrators based on the Norwegian model of "Alternative to Violence" but has recently significantly scaled down its operations due to lack of funding.

88. Dialogue against Violence offers treatment programmes for three different groups of perpetrators. These include convicted perpetrators of violence or other crimes, self-referred perpetrators and families to which counselling has been recommended by the Municipality of Copenhagen (with the aim of preventing latent family conflicts from escalating into violence). All work with self-referred perpetrators is free-of-charge and anonymous. Partners and children can also be offered counselling. The funding provided by the Danish Government for self-referrals covers work with around 100 perpetrators a year, and the waiting list is long, suggesting the need for more places.

89. In view of the 2000 women housed by shelters in Denmark every year, the 100 places available for voluntary participation suggest that many domestic violence perpetrators do not find their way to a perpetrator programme. This calls for more pathways for referrals and the development of incentive schemes to be explored by the relevant administrative entities (municipalities, State Administration or other social services), and for the overall number of perpetrator programmes to be increased.

90. Co-operation between shelters, perpetrator programmes and the municipality has been raised as a concern by some shelters, as they see their efforts at ensuring safety undermined by lack of communication about a perpetrator's progress or attendance rates. The close co-operation of perpetrator programmes with specialist support services as envisaged by the Istanbul Convention is an important element in ensuring that the safety of, support for and the human rights of victims are of primary concern in the work with perpetrators. Close co-operation would also greatly enhance opportunities to offer or propose treatment to abusive partners.

91. Another concern GREVIO would like to raise is the low number of around 100 perpetrators annually that are required to attend a domestic violence perpetrator programme as part of a suspended sentence, a conditional release, or following a screening in prison. Although conviction rates for domestic violence or any other offences are not known, the number of physical assaults (Article 244 of the Danish Criminal Code) reported to the law enforcement agencies by women in 2015 is as high as 3297, and that of intimidation (Article 266 of the Danish Criminal Code) as high as 1323. Although only an indication, these numbers suggest a significant number of violent men who are not being referred to perpetrator programmes.

92. On the basis of the above, GREVIO considers that more efforts should be undertaken to ensure wider levels of attendance in perpetrator programmes. The importance of effective perpetrator programmes in addition to any criminal sanction cannot be understated, nor can their relevance for (further) prevention. This is all the more true in the face of the data collected by Dialogue against Violence which shows that 74% of their clients experienced violence in their childhood and 33% grew up with abuse in the home.

93. **GREVIO encourages the Danish authorities to expand significantly the number of programmes to ensure that all types of perpetrators receive appropriate treatment. This would imply the design of approaches that focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour. Such programmes need to ensure the safety of, support for and the human rights of victims and must be set up in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres and based on multi-agency co-operation. Furthermore, GREVIO encourages the Danish authorities to use all available means to ensure such programmes are widely attended.**

## 2. Programmes for sex offenders

94. In Denmark, programmes for sex offenders are offered by the Danish Prison and Probation Service and are usually linked to a conviction. Herstedvester Institution is a special institution offering treatment for sexual violence perpetrators serving prison sentences of short and long duration. The initial treatment at Herstedvester Institution is of 4-6 weeks' duration and may be complemented by treatment for other issues such as substance abuse, anger management and also domestic violence. Perpetrators who are found to be suited and motivated for further treatment can be transferred to a semi-open unit in one of the two Danish prisons that are exclusively reserved for sex offenders (Møgelkær State Prison and Holsbjergvej).

95. As an alternative to imprisonment, sex offenders may receive a suspended sentence on the condition of their participation in a two-year psychiatric treatment programme. Various conditions must be met, such as a guilty plea, the absence of violence in committing the act and its liability to a prison sentence of around 6-18 months.

### E. Participation of the private sector and the media (Article 17)

96. Several laws exist to ensure respect for ethical standards by media and advertisement companies. These include the Media Liability Act, the Radio and Television Broadcasting Act and the Marketing Act. Individual complaints regarding the media can be addressed to the Press Council which, as an independent body set up under the Media Liability Act, may determine a violation of ethical standards and express its criticism.

97. The above set out general rules for high journalistic standards but do not necessarily address issues around gender and violence against women. The Radio and Television Broadcasting Act prohibits programmes that are harmful to the development of minors, for example pornographic or violent programmes, and generally prohibits programmes that encourage hatred on the grounds of race, gender, religion, nationality or sexual orientation.

98. In 2013, the Union of Journalists and the Association of Danish Media revised their self-imposed guidelines to ensure heightened respect for the personal integrity of each citizen, his or her private life and personal reputation in the different media. Although a step in the right direction, these guidelines do not address issues around the stereotypical portrayal of women nor how to cover cases of violence against women in a non-sensational way.

99. GREVIO welcomes these initiatives but has been informed of examples of reporting on incidents of violence against women that seek to sensationalise the facts, attribute the violence to a particular migrant community in Denmark or trivialise it by referring to it as a "family tragedy". Recent initiatives by some daily newspapers in Denmark in the wake of men's lethal violence against their spouses and children are beginning to raise awareness of the importance of using appropriate terminology.<sup>14</sup> "Family tragedy", "domestic dispute" or "honour crime" if the perpetrator is of a migrant background are not terms that help in pointing to the gendered nature of the crime but portray the women affected as helpless victims. It is the inherent gendered nature and power dynamics that should be emphasised instead.

100. **GREVIO encourages the Danish authorities to step up efforts to encourage the private sector, including private media companies, to take an active part in preventing and combating violence against women in all its forms. GREVIO refers in this regard to a publication on Article 17 of the Istanbul Convention on implementing Article 17.<sup>15</sup>**

<sup>14</sup> See the work done by the daily "Information".

<sup>15</sup> Encouraging the participation of the private sector and the media in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention, Council of Europe, Strasbourg 2016.



## **IV. Protection and support**

101. In Denmark, a number of general and specialist services exist and efforts are made by the government and other actors to ensure information can easily be obtained.

### **A. General obligations (Article 18)**

102. In line with the general multi-agency and comprehensive approach promoted by the Istanbul Convention, Article 18, paragraph 2 requires parties to ensure that there are appropriate mechanisms in place that provide for effective co-operation among the judiciary, public prosecutors, law enforcement agencies, local and regional authorities and NGOs. This would require any structure such as round tables, case conferences or agreed protocols that would enable a number of professionals to co-operate to deal with each case in a standardised manner. According to the Istanbul Convention, such co-operation must be based on a gendered understanding of violence against women and domestic violence and focus on the human rights and safety of the victim. Specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation.

103. The information GREVIO has obtained on the way in which support and protection is provided by Danish authorities and NGOs fails to demonstrate any such co-operative approach. Although some forms of co-operation clearly exist, for example between domestic violence shelters and the municipality, there is no standardised procedure for communication with or involvement of the law enforcement agencies. This is particularly striking in the context of emergency barring and protection orders. In Denmark, this is a tool that is very little used, and its acceptance is low among law enforcement agencies, victims and perpetrators alike (see Chapter VI). There seems to be a tendency of services and entities in Denmark to operate in isolation instead of providing co-ordinated support to victims through case conferences, round tables or designated contact persons. This leads to the compartmentalisation of services, with each service – general or specialist – addressing the issue from one perspective only and attempting to deal with it within the limits of their own mandate or financial resources. Although GREVIO has observed high levels of motivation to co-operate among many professionals, their efforts seem to be based on individual commitment rather than institutionalised forms of co-operation.

104. A case in point is stalking by an abusive ex-partner where there are children in common. This is a form of violence with which many agencies and services are confronted but where they consistently fail in their response, because ending it would require concerted measures spread across several mandates and competences. In the current system, the victim would be asked to relocate to a shelter with her children. If she ends the relationship, she would be asked by the State Administration to reach an agreement with her abuser on custody, residence and visitation of the children. Despite the abuse, custody and/or visitation may be granted to her abuser, and she may be required to co-operate with him to facilitate visitation every other week which is contrary to Article 31. Screening and risk assessment processes are still very weak in the State Administration, and information from other sources such as law enforcement, municipalities, health services, and schools is not routinely requested. Submissions on the initiative of such administrative entities seem rare, although the Act on Processing of Personal Data would, in principle, permit such a step. Should the situation escalate into more violence or stalking and the levels of fear rise, it is very difficult for the victim to have visitation decisions overturned. Should the victim turn to the Danish Stalking Centre for help, the advice would be to seek a restraining order, and possibly a contact ban, but exceptions will always be made to allow for contact around children – offering stalkers an opportunity to continue. The Stalking Centre will not be able to intervene at the State Administration, and the victimisation will continue.

105. A holistic and multi-agency approach would allow all actors to add their distinct perspectives to the case: victim safety, empowerment, law enforcement, criminal responsibility, best interest of the child, and psychological support. This would largely increase the chances of ending the abuse, stabilising the victim and children, and allowing them to rebuild their lives.

106. **In view of the importance of uniting the competences and perspectives of all relevant professionals to find lasting solutions to cases of domestic violence, stalking, and other forms of violence against women covered by the Istanbul Convention, GREVIO strongly encourages the Danish authorities to set up institutionalised structures for co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation based on a gendered understanding, the safety of victims and respect for their human rights as required by Article 18, paragraph 2 of the Istanbul Convention. Specialist women's support services play an important role in realising the rights of victims in multi-agency co-operation. Women victims of violence and any children witnesses thereto should always be consulted and included in all relevant processes and should be represented by a specialist support service during any investigations and judicial proceedings (Article 55, paragraph 2).**

#### **B. Information (Article 19)**

107. Information on available support services and legal measures is provided in various ways. A range of information campaigns and awareness raising activities have been carried out in the past years, including for example a nationwide campaign under the title of "Stalking is a crime" in order to increase awareness of stalking and where to get help. The municipality case workers play an important role in referring victims of any of the forms of violence covered by the Istanbul Convention to specialist support services, as do law enforcement agencies.

108. Once a criminal complaint is made, law enforcement agencies are under the obligation to inform victims of their right to a victim support lawyer as well as all other relevant information on the investigation and criminal proceedings. They also regularly refer victims of rape and sexual violence to the 10 rape and sexual assault centres in Denmark.

109. Information is most readily available on support services for domestic violence, stalking and rape/sexual violence. As specialist services on all other forms of violence covered by the Istanbul Convention are less common, information on these appears to be more difficult to access (see Chapter VII).

#### **C. General support services (Article 20)**

110. General support services for anyone in need, including women who have experienced the forms of violence covered by the Istanbul Convention, are offered through the Danish social welfare system and regulated by the Act on Social Services. Persons lawfully residing in Denmark may turn to their municipality for any support they may need, and will be assigned a case worker to assist them with issues regarding housing, family finances, employment, education and day-care of their children or health care. Guidelines for social workers acting as case workers at the municipalities exist on how specifically to assist victims of domestic violence who may turn to them. The aim is to ensure that women can build a life without violence, either through the general assistance provided by the municipality or through referrals to specialist services such as shelters. For a woman seeking refuge at a shelter, the municipality is obliged to provide initial and co-ordinated counselling to identify their needs and offer solutions.<sup>16</sup>

<sup>16</sup> The type of support described in this section is unavailable to any woman who does not lawfully reside in Denmark. See Chapter I, Purposes, definitions, equality, non-discrimination, general obligations, section C Fundamental rights, equality and non-discrimination (Article 4).

111. The health services in Denmark are generally free of charge and training initiatives in recent years have rendered many medical professionals competent in identifying victims of domestic violence. The health sector, including general practitioners in private practice, thus serves as a knowledgeable first point of contact for victims. In addition to domestic violence, certain major hospitals also offer specialist medical support for victims of female genital mutilation as well as victims of rape (discussed below). For women without residence status in Denmark health clinics exist (run by the Danish Red Cross), although the range of medical services provided may be more limited than in regular hospitals. As a result, undocumented pregnant women have turned to regular hospitals who will address their health needs in an emergency but reports of subsequent deportations have come to GREVIO's attention.

#### **D. Specialist support services (Article 22) and shelters (Article 23)**

112. In Denmark, a number of specialist services exist, individually addressing several forms of violence. These include the Danish Stalking Centre, a specialist counselling service for stalking victims set up in 2015, as well as an organisation called Ethnic Minority Youth set up in 2002. The latter covers issues around forced marriage, controlling behaviour of the family/community to enforce social norms, so-called re-education journeys,<sup>17</sup> female genital mutilation, but also residence issues of migrant women who have left abusive spouses. All of the above are primarily funded by the government. In addition, there are a small number of community-based NGOs working with limited resources to support women from migrant communities in a number of circumstances, many of which are linked to experiences of abuse, pregnancy and abandonment, residence status and financial support (see for example organisations like Babaylaan and Brown Feminists).

113. As regards domestic violence, the only non-residential counselling service for domestic violence victims and their children is Mother's Help, an NGO operating in Copenhagen and Aarhus. LOKK, the national network of shelters, used to offer legal advice and counselling on all forms of domestic violence until it experienced funding difficulties. The new national unit on domestic violence to be set up later in 2017 is now mandated to take this on, which suggests a likely increase in counselling available to women who do not reside in shelters. To what extent this national unit will offer counselling across Denmark and whether it will be based on a gendered understanding of domestic violence and the respect for the human rights and safety of all victims is, however, unclear.

114. GREVIO welcomes this variety of specialist support services but notes that most of these seem to agglomerate around Copenhagen, which raises issues regarding access for women from more remote regions of Denmark. GREVIO also notes that most services seem to be provided in a residential setting such as shelters, and that all services for victims of rape and sexual violence are exclusively provided in a hospital setting (see Article 25) and focus mainly on the medical and forensic needs of victims. No separate counselling services exist for victims of rape and sexual assault to provide mid- and long-term psychological counselling, psycho-social support, including court assistance, trauma care and other services needed to provide holistic support for rape victims based on their rights and needs.

115. As far as shelters are concerned, there are 46 domestic violence shelters in total in Denmark, of which 42 are exclusively reserved for women. All women-only shelters form part of LOKK, and together they provide refuge for around 2000 women and an equal number of children annually. Different types of organisational structures exist among shelters, which include shelters run by NGOs, shelters run by the municipality, and self-governing shelters with an operating agreement, meaning a decision to abide by the framework set by the local municipality. The Social

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<sup>17</sup> This term describes the phenomenon of migrant parents/families pressuring or forcing their adolescent daughters to return to the country-of-origin with the aim of ensuring an increased exposure to and compliance with their cultural, traditional and religious values.

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Supervision Authority must formally approve the establishment of any new shelter and monitors compliance with the required quality standards. The costs for all shelters are borne by the municipality with the exception of a small fee which women are asked to pay unless this is waived.

116. Shelters in Denmark tend to be small, with some accommodating as few as a maximum of six women with children. Although they are dispersed throughout the country and the number of places available is generally high, there are issues regarding access, especially for women with several children. The obligation to ensure shelter accommodation for women fleeing abusive situations placed on municipalities means that women fleeing abuse will be found emergency accommodation, including in a domestic violence shelter further away, in general shelters for the homeless and even hotel accommodation. While GREVIO welcomes the explicit obligation to ensure women victims of domestic violence and their children are provided with accommodation, the emergency solutions regularly resorted to may not always be suitable. Experts within the shelter movement thus advocate for higher numbers of shelter places to ensure all women are accommodated in domestic violence shelters. Additional concern was raised over the lack of funding for awareness-raising and preventive work at community level, which is very important and much needed to prevent violence against women and domestic violence.

117. In terms of support and counselling that is provided to women in shelters, the municipalities are under a legal obligation to offer initial and co-ordinated support and counselling. This usually involves counselling on issues around housing, family finances, employment, health care or education and day-care of their children. Unfortunately, the obligation to provide psychological counselling seems to extend to children only, not their mothers. To fill this gap, a four-year pilot project was carried out, providing much needed psychological counselling to women in all shelters. To the regret of shelter workers and victims, this project was ended without any prospect of continuation despite its positive effects and evaluation.

118. **GREVIO also encourages the Danish authorities to ensure that women in domestic violence shelters have access to the necessary counselling that allows them to cope with their experience and rebuild a life for themselves and their children.**

119. **In more general terms, GREVIO strongly encourages the Danish authorities to expand the services currently provided to women victims of violence against women by offering more services such as counselling, advocacy, psycho-social support (including empowerment) and trauma care in- and outside of shelters and hospitals. The aim should be to ensure that existing immediate support, for example the support offered by domestic violence shelters, is complemented by adequate mid- and long-term support offered by specialist women's support services in a non-residential setting. All services should be available to women victims of violence without a residence permit in Denmark.**

120. GREVIO also notes the existence of two safe houses/shelters for young people (aged 16-30) from ethnic minority backgrounds who are at risk of honour-related violence or forced marriage. These shelters house girls and boys under the age of 18 who cannot remain within their families. While GREVIO welcomes this step in offering safe accommodation to young people at risk of honour-related violence, GREVIO recalls that the different forms of honour-based violence are distinctly gendered. Girls exposed to honour-related violence will thus have different needs in terms of counselling, support and safety than boys, which must be thoroughly addressed. Specialist support services for women and girls shall thus be provided to all victims of violence.

## **E. Support services for victims of sexual violence (Article 25)**

121. In Denmark there are 10 centres for victims of rape and sexual violence which provide crucial medical and forensic services. These are located within hospitals across the country and provide residential and non-residential services to women and girls above the age of 15 who have experienced rape or sexual assault. Victims can seek these services any time after the assault took place, including several years later. For victims of rape and sexual violence below the age of 15 a number of additional centres exist which provide child-friendly services.

122. The services and counselling offered by these centres include immediate examinations, pregnancy tests, treatment for any injuries as well as screening for infections and sexually transmitted diseases. The forensic examinations include the taking of DNA samples and the careful documentation of other evidence such as bruises and injuries. In addition, reports ("journal") on the case are drawn up by the medical staff at the centres, and these include any information obtained from the victim about the circumstances of the rape/sexual assault.

123. The procedure for medical and forensic examinations is the same for all victims whether they intend to report the rape or not. There is no involvement of the law enforcement agencies, and the decision to report rests entirely with the victim. Where victims have first turned to the law enforcement agencies, they are often accompanied to the rape centre by an officer who will also draw up a report on the crime. The DNA evidence is stored for up to three months or longer if so requested by the victim. Should a case come to trial, the centre's report may be used as evidence in addition to the DNA, and medical staff may be ordered to testify in court, for which purpose their obligation of confidentiality may be lifted. The rape and sexual violence centres also offer psychological treatment for all acute patients (up to five sessions) and a small number of long-term patients.

124. GREVIO welcomes this highly professional service for rape victims in Denmark. It notes with satisfaction that some of the centres also engage in research in order to improve the evidence base for policy making. It notes with concern, however, the low number of psychological treatment sessions per victim and the fact that long-term psychological counselling is not systematically available for every victim in need.

**125. GREVIO strongly encourages the Danish authorities to ensure the necessary holistic, mid- and long-term psycho-social and other support for women victims of rape and sexual assault in an adequate geographic distribution.**

## **F. Telephone helplines (Article 24)**

126. For many years, LOKK, the national organisation of women's shelters in Denmark, has been running a 24-hour nationwide helpline for victims of domestic violence, victims of dating violence and victims of honour-based violence. A helpline for victims of stalking is operated by the Danish Stalking Centre but only covers 16 hours per week (two evenings and two afternoons).

127. GREVIO welcomes the available telephone helplines but notes that the Istanbul Convention sets the standard of one national helpline for all forms of violence against women. In the case of Denmark this would mean adding to the existing offer sexual violence and rape, female genital mutilation, forced sterilisation and abortion, and joining up the helpline on stalking. As far as GREVIO is aware, no such plans presently exist, and the new national unit on domestic violence set to operate the national helpline previously run by LOKK will not cover any additional forms of violence.

128. GREVIO invites the Danish authorities to widen the offer of telephone counselling currently available in Denmark, both in terms of the forms of violence covered and the operating hours to ensure that a nationwide helpline is available 24 hours a day for all forms of violence against women.

#### G. Protection and support for child witnesses (Article 26)

129. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the Convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

130. The Children's Houses available across the five regions of Denmark offer professional support and psychological counselling for child victims of sexual abuse, and their child-friendly environment may be used by law enforcement agencies to carry out interviews with children who have witnessed domestic violence.

131. The Act on Social Services stipulates the obligation of all individuals to inform the municipality of any children displaying symptoms of abuse or suspected to be living in harmful conditions. Witnessing domestic violence is considered to constitute such harmful conditions. Furthermore, professionals working with children are under the obligation to report to social services any information on or suspicion of children witnessing or experiencing domestic violence. The number of notifications received from educational facilities seems to be increasing (see Chapter III, Article 15) and health professionals also regularly report. Following a notification, the municipalities have the legal responsibility to assess, within 24 hours, whether the child is in need of special support. In the affirmative, a child protection examination will be carried out and, subsequently, referrals be made to specialist support services. Children who have relocated to a shelter with their mother receive psychological counselling from shelter psychologists during their stay.

132. Outside of shelters, child witnesses of domestic violence can receive psychological support and counselling from the organisation Mother's Help or as part of the support services offered by the municipality following a child protection examination. Social workers and psychologists design individual counselling and therapy programmes for women and children, which last between six months and one year and may consist of individual and group sessions. It is available in Copenhagen and Aarhus and takes in children aged five to 14 years. Furthermore, the Danish Stalking Centre offers psychological support to children who have witnessed the effects of the stalking on their parent(s). The new national unit against domestic violence will also be offering counselling for women and children affected by domestic violence, although this may be more limited to legal counselling.

133. GREVIO notes with satisfaction the availability of specific counselling services for child victims of domestic violence and stalking, and the strong involvement of the municipalities in keeping children safe from harm and neglect. It appears, however, that the approach of the municipalities is strongly guided by child protection concerns, with the removal of the child from the family always an option.<sup>18</sup> GREVIO wishes to emphasise that the safety of children is strongly linked to the safety of adults. By helping victims of domestic violence secure protection, children

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<sup>18</sup> The high number of children in care in Denmark was commented on by the United Nations Committee on the Rights of the Child in its concluding observations regarding Denmark 2011, paragraph 43, CRC/C/DNK/CO/4. It expressed renewed concern in its recently adopted Concluding observations on the 5<sup>th</sup> periodic report of Denmark (United Nations Committee on the Rights of the Child, Concluding observations on the 5<sup>th</sup> periodic report of Denmark paragraph 26a, CRC/C/DNK/CO/5).

are also being helped. Once their environment is stable and safe, psychological support should be made available to help children heal. The healing process is greatly enhanced if children are permitted to stay within their own home and with their attachment figures. In this context, GREVIO is concerned by the low number of domestic violence perpetrators who are removed from the family home through the use of emergency barring and protection orders (see Chapter IV).

134. GREVIO thus advocates for the focus to be placed onto securing protection for the abused parent as a primary measures of safety before exploring other avenues of protection for the child. One of the ways in which to do this is through higher use of emergency barring and restraining orders. Where child protection examinations lead to the assessment that a child is being harmed by witnessing or experiencing violence in the home, the public interest test would demand such orders (see Chapter VI). Municipal child protection agencies should therefore form an integral part of any multi-agency co-operation efforts, which would ideally also involve specialist support services such as Mother's Help. As noted above, this type of multi-agency co-operation can greatly enhance the response to domestic violence in each individual case.

135. Another issue that presents itself in the context of children witnessing domestic violence is the visible contrast in approaches and decisions taken by the municipality compared to those of the State Administration. GREVIO wishes to highlight its concerns regarding their incompatibility and the pressing need for alignment in order to ensure that protection and support for children witnessing domestic violence are the guiding principles in both. While any suspicion of harm done to children must be acted upon by the municipality child protection services, this protection is unavailable to children who are the object of a custody dispute. With the separation of their parents, children enter the system of the State Administration which decides on visitation and custody without sufficient screening of and consideration for the effects of domestic violence on children. For all practical purposes, the processes before the State Administration are guided by the principle of upholding contact with both parents, not that of ensuring the safety and well-being of children. The separation of these two branches of administration thus creates unnecessary obstacles to ensuring the safety, protection and support for all children in Denmark who are witnessing (and experiencing) domestic violence. Although co-operation between the municipality and the State Administration exists to some extent, this should be strengthened (see Chapter IV, Article 18).

**136. GREVIO strongly encourages the Danish authorities to ensure that the child protection efforts taken by the municipalities in ending children's exposure to domestic violence are not undermined by the State Administration. Moreover, GREVIO strongly encourages the Danish authorities to spare children from relocating to a domestic violence shelter by making greater use of emergency barring and protection orders.**

**137. Moreover, GREVIO encourages the Danish authorities to increase the availability of holistic support for children who have witnessed any of the forms of violence against women covered by the Istanbul Convention. It recalls the general obligations set out in Article 18, paragraph 3, which aim at ensuring that all measures of protection and support take into account the relationship between victims, perpetrators, children and their wider social environment and that a range of relevant services, for victims and for any affected children, be located on the same premises.**

## V. Substantive law

138. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, both in the area of civil and criminal law. Their aim is to help create, in all parties to the Convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the Convention.

### A. Civil law

#### 1. Civil remedies against the state – ensuring due diligence (Article 29)

139. A core aim of the Convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any wrong-doing by state actors. If a state agency, institution or individual official has failed diligently to prevent, investigate, and punish acts of violence (Article 5 of the Convention), victims and/or their relatives must be able to hold them accountable.

140. This is, in principle, possible under the Danish Liability for Damages Act (Article 26), which allows legal action to be taken against a wrongful decision taken by the authorities. No information was, however, provided on the number of times women victims of any of the forms of violence against women covered by the Convention resort to this measure and what the outcomes were.

#### 2. Compensation (Article 30)

141. In Denmark, compensation for criminal acts suffered can be claimed from the perpetrator either during criminal proceedings or by bringing a separate civil law suit. If claimed during criminal proceedings, which seems to be the most commonly used option, victims are helped by their victim support lawyer who is appointed to support any victim of violent or sexual crimes. For separate civil law suits legal aid can be requested and, if victims are eligible under the income criteria (see Chapter VI), it is usually granted in cases involving personal injury.

142. Under both schemes, victims may receive compensation for loss of earnings, medical expenses incurred, permanent personal injury and the resulting loss of earning capacity. It is unclear to what extent long-term psychological counselling and treatment, for example for a trauma resulting from a rape, would be included.

143. Should the perpetrator fail to pay the compensation awarded, the victim may apply to the Criminal Injuries Board for state compensation. This avenue is open for all victims of crime resulting in personal injury from a criminal offence committed or a violation of the Restraining Order Act. This means that stalking victims who have been granted a restraining order may apply for state compensation even though stalking is not a criminal offence in Denmark. Given the high number of violations of restraining orders, this is an important tool for victims.

144. There is no data available on the number of times perpetrators are ordered to pay compensation to women victims of crime, nor on the type of offences for which compensation was awarded. A manual review of applications for state compensation processed between October and December 2016 indicates that around one third of the applicants were female. Annual reports of the Criminal Injuries Board show the overall number of applications received, including the number of successful applications, the type of compensation granted and in relation to which section of the Criminal Code. This data is not, however, disaggregated by sex.



145. GREVIO welcomes the general availability of compensation but notes that in the absence of sex-disaggregated data no assessment can be made.

146. **GREVIO invites the Danish authorities to disaggregate by sex any data collected by the Criminal Injuries Board, and to consider introducing domestic violence as a category of offence to allow conclusions to be drawn on the practical availability of state compensation for domestic violence victims.**

### 3. Custody and visitation rights (Article 31)

147. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the Convention, in particular incidents of domestic violence. Furthermore, it requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular in cases of domestic violence, issues regarding common children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face-to-face.<sup>19</sup>

148. In Denmark, decisions on custody and visitation are handled by the State Administration as family courts do not exist. The legal basis for decisions on custody and visitation is the Act on Parental Responsibility. First introduced in 2007, it has been amended several times. It sets out the principle of joint custody and heavily promotes contact with both biological parents, including the non-resident parent. Contact (or visitation) as understood by the Act refers to all types of contact, including overnight stays for up to seven consecutive days. The Act requires that due regard be made to the best interest of the child. Conflicts about custody and visitation are not resolved in an adversarial procedure presided over by a neutral authority but through a system of joint meetings between the two parents, guided or mediated by the State Administration. The aim is to reach mutually acceptable decisions through co-operation on the basis of the information (evidence) submitted by the two parties. A "practice note" explains that witnessing or experiencing domestic violence has an impact on children and shall be taken into account in the decision-making process.

149. Women's organisations, lawyers and networks of persons concerned have repeatedly criticised the Act on Parental Responsibility, its interpretation by the State Administration and the role of the Bailiff's Courts in enforcing decisions – for the simple reason that it does not meet the reality and concerns of women who have experienced abuse at the hands of the father of their child. Their concerns have been communicated to GREVIO – in individual submissions received well before the evaluation procedure and in numerous contributions submitted throughout. Concerns of the same nature have been voiced publicly and are well documented, including by the European Parliament.<sup>20</sup> GREVIO has thus been seized of this matter for some time and, following its careful assessment of the law and practice in this area, raises a number of pressing concerns.

150. GREVIO notes that the system based on parents reaching agreements in the best interests of their children might not pose any difficulty for the majority of separated parents. However, it is not appropriate for couples whose relationships have been marred by violence. GREVIO recalls that violence between partners is indicative of a power imbalance in the relationship which may

<sup>19</sup> Explanatory Report, paragraph 176.

<sup>20</sup> European Parliament Committee on Petitions, Working document on the fact-finding mission to Denmark, 30.5.2016, DT\1096361EN.doc PE514.768v04-00, p.6-8, see also the Annex for a list of cases; "The Secret Network: Women Struggling to Protect their Children"; documentary by TV 2 | ØSTJYLLAND, minute 7-9; *The Act on Parental Responsibility, Thematic issue No.3 – What happened to the welfare of the child? (Forældresvarsloven Temahæfte 3 - hvad blev der af barnets tarv?)*, 2011, Djøf Forlag, edited by Pia Deleuran.

impair the ability to negotiate fairly and come to a mutually acceptable agreement. A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent.

151. Secondly, joint meetings between the abusive and non-abusive parent for the purpose of reaching an agreement on custody decisions mediated by the State Administration can be seen as mandatory mediation since the victim has no choice but to attend in order to arrive at an agreement. GREVIO thus considers that this practice should be ended (see Article 48). Instead, the possibility of separate meetings as provided for by the Act on Parental Responsibility should be regularly offered and made mandatory if requested by a victim of domestic violence. This would allow for information on the abuse to be disclosed which would, in turn, allow the State Administration to arrive at a more comprehensive view of the situation of the child. Incidents of violence by one parent against another have a severe impact on children. Exposure to such violence breeds fear, causes trauma and adversely affects their development<sup>21</sup> and is recognised as a form of mental violence.<sup>22</sup> Both parties before the State Administration must be given the opportunity to disclose information on violence and abuse to enable the State Administration to take account of it in assessing the best interest of the child. When considering whether there should be a joint meeting, the State Administration should first conduct a risk assessment based on information from both parents to see if a separate meeting is justified in the circumstances of the case. In the current system, the risk assessment, if any, is based on information submitted by the applicant only, and is thus necessarily incomplete.

152. Thirdly, reports of violence and abuse must be investigated by obtaining information from other bodies, including, but not limited to, law enforcement, municipality, health, education and specialist women's support services. Where such information is presented by one parent, it must be duly considered as proof of the abuse. GREVIO received information on numerous cases where there was neither a separate meeting nor consideration of reports from the law enforcement agencies/municipality, preventing mothers from proving physical, sexual or psychological abuse of herself or the child.<sup>23</sup> Evidence of abuse is a crucial factor in establishing the best interests of the child.<sup>24</sup>

153. Fourthly, the safety of the parent and child must be a central factor when deciding if it is in the best interest of the child for there to be visitation or a change of custody; whether this is by agreement between parents or on a decision by the State Administration. Where parents are able to agree on custody and visitation with the assistance of the State Administration, despite a history of violence and abuse, the State Administration must carry out a risk assessment of the current dangers of domestic violence to both parent and child in light of all the circumstances of the case. This will ensure that the agreed arrangements are in the best interest of the child and in particular that the safety of the parent and the child are protected. While GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3 of the UN Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interest of the child.

<sup>21</sup> Explanatory Report to the Istanbul Convention, paragraph 143.

<sup>22</sup> UN Committee on the Rights of the Child, General Comment No 13, adopted on 18 April 2011, paragraph 21e, CRC/C/GC/13, which lists exposure to domestic violence as a form of mental violence as prohibited by Article 19, paragraph 1 of the United Nations Convention on the Rights of the Child.

<sup>23</sup> Several cases submitted to the European Parliament Committee on Petitions may serve as examples; see the list provided in the Annex to DT\1096361EN.doc PE514.768v04-00, European Parliament Committee on Petitions, Working document on the fact-finding mission to Denmark, dated 30.5.2016.

<sup>24</sup> The UN Committee on the Rights of the Child emphasises, in paragraph 61 of its General Comment No.13, that the "interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence.

154. Where the parents are unable to agree arrangements for their children the State Administration must decide based upon the best interests of the child. However, GREVIO notes with great concern the widespread practice by the State Administration of considering a woman who raises the issue of domestic violence as a reason for not agreeing to custody or visitation, or who for safety reasons, fails to attend joint meetings, is seen as a parent who is unwilling to cooperate with the other parent and thus unfit for parenting.<sup>25</sup> This is an untenable situation and proves the importance of introducing proper screening and risk assessment at every stage of the process.

155. Lastly, once a decision on custody and visitation is taken at the level of the State Administration, both parents are obliged to comply with it. The enforcement of such decisions falls to the Bailiff's Court without any investigation as to why the decision is not being complied with. The enforcement mechanisms in place are the ordering of a fine of 2000 DKK (around 280 euros) per day, and, as a last resort, imprisonment for contempt of court. GREVIO received information on several cases that led to the imprisonment of mothers who had not been able to convince the State Administration of the safety risk which visitation with the father could present to their child.<sup>26</sup> According to the Danish authorities, around 1000 cases are sent for enforcement by the Bailiff's Courts in Denmark. Around 30 result in the forced handover of a child from one parent to the other. New approaches are being considered to reduce these numbers and to increase awareness of the harm parents may cause their children if they fail to comply with the custody/visitation decision. GREVIO is alarmed by this approach and strongly stresses the need to allow for investigations into the reasons for withholding a child so that evidence of domestic violence can be taken into account at all stages of the process. This would be essential to ensure that mothers in Denmark no longer feel that the only way of protecting their children from abuse or related stress and anxiety is by refusing to comply with custody arrangements.

156. In a similar vein, GREVIO stresses the importance of ensuring due process in relation to all decisions made by the State Administration. Currently, only appeals concerning custody are heard by a court, while appeals regarding visitation/contact are handled by the Appeals Board of the State Administration. The reasons for this split remain unclear, and it would be important to ensure that appeals on decisions of both types are heard by a court.

157. The above represents several shortcomings with regard to Article 31 of the Istanbul Convention. The Act on Parental Responsibility, its implementation by the State Administration and the use of Bailiff's Courts to enforce decisions without any review do not ensure that incidents of violence, in particular incidents of domestic violence, are taken into account in decisions on custody and visitation. This runs counter to the requirements of Article 31, paragraph 1 of the Istanbul Convention. As a result, the exercise of visitation and custody rights in Denmark frequently endangers the physical safety and psychological well-being of domestic violence victims and their children.<sup>27</sup> This too runs counter to the requirements of Article 31, paragraph 2 of the Istanbul Convention.

158. Noting that an attempt at improving the situation in 2012 faced opposition in the Danish Parliament and subsequently was abandoned, GREVIO welcomes the intention recently announced by the Danish Government to overhaul the national child custody system, in particular

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<sup>25</sup> See the submission by the [Mom Network to the Universal Periodic Review of Denmark](#) in January 2016, p.4; see also Article in "The Local" by [Libbie Buffon](#), 15 December 2014; see also the collection of individual cases in *The Act on Parental Responsibility, Thematic issue No.3 – What happened to the welfare of the child? (Forældreansvarsloven Temahæfte 3 - hvad blev der af barnets tarv?)*, 2011, Djøf Forlag, edited by Pia Deleuran

<sup>26</sup> See the [case of Laila Egensberg](#) described in "The Secret Network: Women Struggling to Protect their Children"; documentary by TV 2 | ØSTJYLLAND; See also the case of "[Sasha](#)" described in the press (in Danish only) and the order of the Supreme Court of Denmark dated 31 August 2015 (case 150/2015) upholding the decision to detain her for not complying with a visitation decision.

<sup>27</sup> See [Danish NGO Shadow Report to GREVIO](#), submitted by The Women's Council in Denmark in January 2017, (Kvinderaadet), p.13, p.18; "The Secret Network: Women Struggling to Protect their Children"; documentary by TV 2 | ØSTJYLLAND, minute 7-9; see also the [case of an 8-year old girl killed by her abusive father during visitation in August 2016](#), (in Danish only); see also the [case of a 1.5-year old boy killed by his father during visitation in June 2016](#), information (in Danish only).

the proposal to introduce family courts. GREVIO is hopeful that the negotiations of the proposals made will lead to important improvements in the near future. With the present assessment, GREVIO wishes to contribute to the process of reform.

**159. GREVIO urges the Danish authorities promptly to complete its overhaul of the nature and organisational structure of the entity in which to vest decision-making power on custody and visitation of children. Furthermore, GREVIO urges significant amendments be made to the Act on Parental Responsibility without undue delay.**

**160. In more detail, GREVIO urges the Danish authorities to ensure that the following key elements are reflected in the new approach:**

- a. National policies and guidelines that:**
  - i. recognise the need for protection and safety of victims of domestic violence in all child custody arrangements;**
  - ii. ensure that victims of domestic violence need to be supported to negotiate an agreement with violent ex-partners;**
  - iii. recognise that children witnessing abuse of one parent by another are as affected as if they had experienced it themselves;**
- b. The obligation of the future decision-making entity (State Administration or other) to:**
  - i. allow parties to call or submit statements from witnesses of fact;**
  - ii. have powers to obtain disclosure of reports written by third parties such as the health authorities, law enforcement agencies etc.;**
- c. The introduction of an appropriate screening process for the suitability of joint meetings on the basis of information received from both parents and relevant entities including, but not limited to, law enforcement agencies, municipality, health, education and domestic violence shelters;**
- d. In cases where parents have nonetheless reached an agreement about custody, visitation or residence with the assistance of the decision-making entity (State Administration or other) there should be a risk assessment to determine that the agreement is in the best interests of the child and that the safety of the woman and her child are protected.**
- e. Effective co-operation between the Child Protection Services of the municipality and the future decision-making entity (State Administration or other) to establish the best interests of the child. There should be free transference of information and evidence between the two bodies, in particular information-sharing about victims of domestic violence and referrals from third parties;**
- f. Reports of violence should set in motion child expert consultations with the child concerned to ascertain the effect of the reported violence on the child and the child's expressed wishes and feelings. Women victims of violence should have the possibility, within reason, of refusing a chosen child expert and of challenging the results of the psychological assessment in a swift procedure;**
- g. The future decision-making entity (State Administration or other) should have the power to withdraw the parental rights of the abusive parent as provided for by Article 45, paragraph 2 of the Istanbul Convention in cases where the best interests of the child, which may include the safety of the victim/parent, requires it;**
- h. The enforcement of visitation decisions should be removed from the Bailiff's Court. Should this not be an option, the Bailiff's Court should be mandated to carry out an investigation into the reasons for not handing over a child and the requirement of a**

welfare-based decision in terms of the best interests of the child before enforcing decisions shall be set. The Bailiff's Court should also have the power to send any case for enforcement back to the future decision-making entity (State Administration or other) for re-consideration of the original decision if it is in the child's best interests or safety to do so;

- i. Any appeals from a decision on custody and visitation should lie to a court and legal aid should be available to all parties in all appeals of both custody and visitation decisions.
- j. All children involved in custody and visitation decisions should be granted the right to legal representation.

## B. Criminal law

161. A number of criminal law provisions exist in the Criminal Code of Denmark to criminalise the forms of behaviour covered by Articles 33 to 40 of the Istanbul Convention. Most are general criminal provisions rather than specific offences. For example, physical abuse in a relationship would fall under the criminal offences of assault (Article 244 of the Danish Criminal Code), serious/aggravated assault (Article 245) and highly aggravated assault (Article 246). There is no specific criminal offence that captures the course of conduct that is typical of domestic violence cases, that is the repeat nature of the violence. Although the Convention does not require parties to introduce specific criminal offences, this may help to capture the particular nature of some forms of gender-based violence. As a result, criminal justice outcomes might reflect more adequately the punishable nature of the criminal behaviour, which, in domestic violence is the individual blow as much as the repeat nature of the violence, interspersed with controlling behaviour, coercion and/or sexual violence.

### 1. Psychological violence (Article 33)

162. Similarly, psychological violence is covered by the general offences of duress and threat (Articles 260 and 266 of the Criminal Code) and by the offence of assault (Article 245, paragraph 2), if the psychological violence exerted has caused damage to the health of the victim. While these three offences seem suitable to cover serious forms of psychological violence, for instance death threats and coercion through considerable damage of property, they are too narrow to capture forms of coercion and threats that have the effect of seriously impairing a person's psychological integrity below the level of intensity cited above. Article 266 (threat) requires a threat to commit a criminal offence and thus sets the threshold very high. Article 260 (duress) covers coercion through the use of violence, the threat of violence, the threat of considerable damage to property or the threat of deprivation of liberty, or of making false allegations of a criminal or defamatory act or of disclosing private details. This would exclude all threats of a lower intensity, which often form part of the pattern of abuse, especially in domestic violence situations.

163. In the absence of robust data on the number of prosecutions and convictions for psychological violence in abusive relationships, it is difficult to draw conclusions as to how operational these provisions are in holding domestic abusers accountable for psychological violence. The concerns raised by civil society organisations and lawyers during the course of the evaluation procedure suggest their limited use in practice and low levels of awareness and knowledge of psychological violence among the criminal justice sector. Initial research into murders of women in Denmark indicates that psychological violence and controlling behaviour of a male partner was a factor in two-thirds of the cases of women killed by their former or current male partners.<sup>28</sup> This highlights the importance of addressing psychological violence at an early stage.

<sup>28</sup> The prevention of femicide and lethal violence in close relations, Neil Rasmussen, 2016.

164. GREVIO invites the Danish authorities to introduce a specific criminal offence of psychological violence to capture more adequately the criminal conduct covered by Article 33 of the Istanbul Convention.

## 2. Stalking (Article 34)

165. In accordance with Article 78, paragraph 3 Denmark has reserved the right to provide for non-criminal sanctions for stalking. As a result, stalking is dealt with by the Danish regime of restraining and exclusion orders as set out in the Danish Act on Restraining Orders. In Denmark, the term "restraining order" is used to describe the prohibition of contacting another person through any possible means or following another person, whereas the term "exclusion order" refers to the prohibition of moving within a particular area such as the home, place of work, study or childcare or any other place the protected person regularly frequents. "Restraining orders" seem to be general protection orders for anyone in need of protection from another person and are often used as a first step. "Exclusion orders" are more specific protection orders which may be ordered as a second step, for instance where the first order has been intentionally violated or violations are suspected. Both instruments qualify as a restraining or protection order under Article 53 of the Istanbul Convention. To keep in line with the terminology of the Convention, these two terms will be used throughout this report.

166. The Act on Restraining Orders was last amended in 2016 to introduce temporary restraining orders until a decision on a final restraining order is reached. This temporary restraining order fills a gap that emerged because of the lengthy processing of such cases by the police. Restraining orders may be issued if there is (i) probable cause of violation of another person's peace by stalking or harassment; or (ii) probable cause of the commission of a crime comparable to the violation of another person's peace and that there are reasons to believe this behaviour will occur again. For temporary orders issued by law enforcement agencies, the level of suspicion is lowered to that of "reasonable suspicion" instead of "probable cause". A restraining order may also be issued if there is reasonable suspicion of violation or an attempt to do so of the Criminal Code's provisions on homicide, robbery, deprivation of liberty, violence, arson, rape or other sexual offences and if the victim or the victim's closest relatives should not tolerate any contact with the perpetrator because of the severity of the offence.

167. Violations of such orders carry a fine or a prison term of up to two years but prosecutions for violations require the request of the victim unless it is in the public interest to prosecute.

168. A survey commissioned by the Danish Ministry of Justice in 2013 shows that 8.9% of Danes between the ages of 18 and 74 have been stalked once or more during their life.<sup>29</sup> Women, especially young women, are more exposed to stalking and represent 63% of all victims. Ex-partner stalking, stranger stalking and stalking among acquaintances each account for roughly one third of all cases according to the survey (26%, 35% and 38% respectively). By contrast, data on service use collected by the Danish Stalking Centre shows that 70% of all contact made is because of ex-partner stalking. The overwhelming majority of victims (89%) are women while 80% of the perpetrators are men. This seems to suggest that where help is sought it is sought by women in relation to ex-partner stalking which, again, indicates a strong gender dimension.

169. According to the Danish authorities, around 300 protection orders are issued annually. In 2014, there were 1220 recorded breaches of such orders, while the number rose to 2370 in 2015. This data indicates that the average number of breaches per protection order was four in 2014 increasing to seven in 2015. Although it is unclear whether the orders issued and subsequently violated exclusively concern stalking perpetrators, the data indicates low levels of respect for such orders. It remains to be seen whether the data from 2016 will indicate an even higher number of violations.

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<sup>29</sup> "The extent and character of stalking – a population survey", February 2013, Ministry of Justice, table 3 p 7

170. GREVIO also notes the information provided by several specialist support services which points to the difficulties victims of stalking face when turning to the law enforcement agencies. Although the responses vary, the fact that stalking is not a criminal offence means there is no role for a formal investigation, leaving room for ambiguity as to the role of law enforcement agencies. While some readily take note of the evidence provided and issue a protection order, others seem to be less active. This often results in more evidence collection by the victim until she feels she can build a case strong enough for a protection order, which effectively shifts the burden of proof to the victim. Several initiatives taken in the recent past, which GREVIO welcomes, seem to have contributed towards improvements in the response to stalking. These include, among others, training initiatives under the current national action plan on stalking and the adoption of new national guidelines for law enforcement officers. However, it still appears that protection orders in stalking cases should be made use of more readily and their breaches appropriately sanctioned. (see Chapter VI).

171. GREVIO is particularly concerned that the level of knowledge and awareness about ex-partner stalking, its extent, mechanisms and inherent danger, is particularly low among law enforcement agencies. Temporary protection orders cannot be issued if the perpetrator has a reasonable interest in contacting the victim, for example in relation to common children. Exceptions are also possible under long-term protection orders. In GREVIO's view, such exceptions and their implementation through the use of "communication plans" drawn up for the stalking victim and her perpetrator not only run counter to the very purpose of such bans, which is the safety of the victim and her children, but also send the message that certain forms of contact are acceptable, even though a ban is in place. This makes it difficult for law enforcement officials, without specific training on stalking, to understand the importance of issuing a ban, in particular where it concerns former spouses with common children. It also presents an opportunity for the perpetrator to continue the stalking.

**172. GREVIO is doubtful as to the effectiveness of the Danish restraining order regime and its level of persuasiveness as required by Article 45 of the Istanbul Convention. GREVIO encourages the Danish authorities to analyse the underlying causes for the high number of violations of protection orders and to take measures to ensure higher levels of respect for such orders.**

173. As for Denmark's reservation with regard to Article 34 concerning non-criminal sanctions for stalking, GREVIO notes that under Article 79, paragraph 3, Denmark will be required to provide GREVIO with an explanation of the grounds for this reservation upon expiry of its period of validity and prior to its renewal.

### **3. Sexual violence and rape (Article 36)**

174. Sexual offences are criminalised in a number of provisions of the Danish Criminal Code (Articles 210-228). Criminal responsibility for sexual intercourse or other sexual activity is incurred as a result of (i) the age of the victim (below 15), (ii) the relationship between victim and perpetrator (sibling, stepfather, financial or other dependent relationship) or (iii) the circumstances of the case such as use of force, threat of violence, incapacity of the victim or mistake of identity. There is no criminal offence of rape or sexual assault that is based exclusively on the lack of consent, which is the central element in the way the Istanbul Convention frames sexual violence.

175. The approach which the Danish legislation on sexual violence follows is that of enumerating constituent elements of the crime and/or characteristics of the victim which preclude consent and thus make the act punishable. For example, girls under 15 can never consent to sexual intercourse.<sup>30</sup> Similarly, sexual intercourse with a sibling or stepchild is always punishable and

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<sup>30</sup> Article 216, paragraph 2 of the Criminal Code makes it a rape if a girl is under 12, whereas Article 222, paragraph 1 criminalises sexual intercourse with anyone between the ages of 12 and 15.

consent is not a consideration, as it is the relationship that matters.<sup>31</sup> Another example is that of Article 219, which sets out punishment for those working with women and girls in confinement or on probation and who engage in sexual intercourse – irrespective of consent. A different category of sexual violence offences require the use of elements that necessarily preclude consent, such as the offence of rape (Article 216). This provision is based on four different elements each of which preclude the consent of the victim and make the sexual intercourse a rape. These are (i) the use of violence, (ii) threat of violence, (iii) duress as defined in Article 260 of the Danish Criminal Code and (iv) a state or situation of the victim which makes her incapable of resisting. Yet another example of an offence that precludes consent is that of exploiting, for the purpose of sexual intercourse, the situation of a woman suffering from a “mental illness” or “mental disability” (Article 218).

176. The problem with this approach is that it does not capture cases in which the circumstances do not fit any of the existing provisions. Instead of introducing the notion that sexual violence is a violation of a woman’s right to bodily integrity and sexual autonomy and that consent must be given voluntarily as the result of the woman’s free will and assessed in the context of the surrounding circumstances, it criminalises only those acts of a sexual nature in which the circumstances of the case or the characteristics of those involved already lead to an imbalance of power and necessarily negate consent.

177. **GREVIO strongly encourages the Danish authorities to move away from the current sexual violence legislation and base it on the notion of freely given consent as required by Article 36, paragraph 1 of the Istanbul Convention. The absence of this is an important step towards holding perpetrators of rape accountable, notwithstanding that, for any number of reasons they did not have to resort to violence, threat of violence or duress. It would also allow the judiciary to focus, in the context of the surrounding circumstances of the case, on the assessment of the woman’s free will and the ability of the perpetrator to take notice of the woman’s will, instead of evidence of other constituent elements of fact. In order to bring Danish legislation in line with the full set of requirements of Article 36, GREVIO invites the Danish authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1 c of the Istanbul Convention.**

178. Lastly, GREVIO notes a difference in length of the sanctions across the different sexual violence offences. While most are justified because of different levels of criminal intent and behaviour displayed, it seems inappropriate to issue a lesser sentence (maximum of four years imprisonment) for sexual intercourse following the exploitation of a “mental illness/disability” compared to sexual intercourse with an intoxicated woman incapable of consenting to the act, which currently carries a maximum prison term of eight years. This creates a hierarchy of victims of sexual violence which would run counter to the prohibition of discrimination on the basis of health.<sup>32</sup>

179. **GREVIO strongly encourages the Danish authorities to bring criminal sanctions incurred for sexual violence against women with mental health issues to the same level as those against other women incapable of consenting to the act.**

#### **4. Aggravating circumstances (Article 46)**

180. The Danish criminal legislation contains a list of aggravating circumstances which judges are required to consider in determining a sentence.<sup>33</sup> According to the Danish authorities, this list is non-exhaustive and would allow judges to consider all aggravating circumstances as set out in Article 46 of the Istanbul Convention. While some are specifically listed (prior convictions and joint

<sup>31</sup> See Article 210 and Article 223, paragraph 1 respectively.

<sup>32</sup> The prohibition of discrimination in the application of the provisions of the Istanbul Convention is laid out in Article 4, paragraph 3.

<sup>33</sup> See Article 80 on the gravity of the offence and reflections on the perpetrator, and Article 81.



commission with others), circumstances such as “the offence was committed against a former or current spouse or partner” or “against or in the presence of a child”, are not. Additional information made available to GREVIO indicates that the ratification of the Istanbul Convention has not led to the use of more aggravating circumstances in judicial practice and that aggravating circumstances other than those listed in the Criminal Code of Denmark, especially when it comes to violence in a relationship, are rarely, if at all, applied. It rather seems that the fact that victim and perpetrator have been or still are in a relationship would be considered a mitigating factor – leading to more lenient sentences for perpetrators who are violent to their partners than those who are violent to strangers. Other examples of mitigating factors brought to GREVIO’s attention are “agitated state of mind”, “previous disagreement” and “history of violence”.<sup>34</sup>

181. GREVIO welcomes the Guidelines on Inter-relational Violent Crimes and Guidelines on Violence against Children which set out instructions regarding the aggravating nature of such offences and is binding on the Public Prosecution Service. GREVIO also welcomes the explicit reference to the importance of basing sentences in rape cases on the specific experiences and circumstances of each individual case.<sup>35</sup> GREVIO notes, however, that no particular effort was made to inform the judiciary of the set of aggravating circumstances as laid out by Article 46 of the Istanbul Convention and that no sentencing guidelines exist for the judiciary. As set out in the Explanatory Report to the Istanbul Convention, this obligation requires parties to “ensure that these aggravating circumstances are available for judges to consider when sentencing perpetrators although there is no obligation on judges to apply them”. This would involve ensuring some measure of awareness among the judiciary.

182. **GREVIO encourages the Danish authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary. Moreover, GREVIO encourages the Danish authorities to ensure understanding among the Danish judiciary that lenient sentences in domestic violence cases and other forms of violence against women do not serve the principle of ensuring justice for victims and ending impunity of perpetrators.**

#### **5. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

183. In Denmark, GREVIO has witnessed two types of mediation: mediation between victim and perpetrator in criminal law and mediation by the State Administration between two parents in disagreement over custody and visitation arrangements.

184. Mediation in criminal law is a voluntary process intended to supplement the criminal justice process by offering the victim the opportunity to reach closure in a way the formal criminal justice process cannot. Both sides, victim and perpetrator, must consent to the process, and may withdraw their consent at any time. Mediation will only be offered where the perpetrator has admitted guilt; thereby indicating the will to take responsibility for his actions. Mediation is carried out by trained and impartial mediators affiliated with the Danish National Police Force, and can take place before or after criminal proceedings. It has no effect on the outcome of the criminal proceedings and does not replace a conviction.

185. Mediation by the State Administration is not formally recognised as a mediation process but amounts to such since separated parents who are not in agreement over custody and visitation regarding their children are requested to attend a joint meeting at the State Administration. The stated aim of such meetings is to reach mutually acceptable decisions guided by the case worker of the State Administration. Attendance is quasi-mandatory, as any refusal to attend may, in practice, be viewed as a lack of co-operation concerning the child, with a bearing on the State Administration’s assessment of parental ability. As noted above, individual meetings with the State Administration are possible but rarely granted in practice – even in cases where parents, often

<sup>34</sup> See “Right to a life without violence”, Danish Institute for Human Rights, 2014, p.74.

<sup>35</sup> Explanatory Notes to L98 of 16 December 2015 amending the Criminal Code in the area of sexual violence.

women, have legitimate reasons to avoid any encounter with their abusive ex-partner. In GREVIO's view, the practice of insisting on joint meetings between the abusive and non-abusive parent to reach an agreement on child custody/residence/visitation could be considered as de facto mandatory mediation because parents who do not attend may face serious repercussions (such as being considered unfit for parenting).

**186. GREVIO urges the Danish authorities to recognise the power imbalances in relationships marred by violence and to ensure that parents with a history of abuse are granted separate meetings with the State Administration in order to reach a decision in the child's best interests on child custody/residence/visitation which does not jeopardise the rights and safety of the mother and her children.**

## **VI. Investigation, prosecution, procedural law and protective measures**

187. Full accountability for all acts of violence against women requires an adequate response from law enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure adequate criminal investigations, effective prosecutions and convictions of the various forms of violence covered therein.

### **A. Immediate response, prevention and protection (Article 50)**

#### **1. Reporting to and investigations by law enforcement agencies**

188. Law enforcement agencies in Denmark are trained and instructed to respond to all forms of crime. There are 12 police districts, each headed by a police commissioner. Guidelines exist for law enforcement agencies, including the prosecution services, on the handling of domestic violence and cases of rape and sexual assault. In addition, the Danish National Police set out a national strategy on intimate-partner violence in 2007 which requires the setting up of special units in the 12 police districts, improved multi-agency co-operation and the effective implementation of protection orders.

189. GREVIO welcomes these initiatives, but notes the consistent information it has received on significant variations in their level of implementation across the different police districts.<sup>36</sup> The implementation of the national strategy on intimate-partner violence falls under the discretion of the different police commissioners. While some have acted on the strategy and introduced specialist units on domestic violence, others have appointed individual officers to deal with domestic violence cases. The extent to which the guidelines on domestic violence and cases of rape and sexual assault are respected also seems to vary, and internal supervision is done in some police districts but not all. Similarly, the level of training on emergency barring orders is not uniform, resulting in diverging levels of usage, as does the use of attack alarms.

190. This has a bearing on the experiences of victims reporting domestic violence. While some will feel supported and protected, others may not. From the additional information GREVIO has received it seems that many a decision to charge a perpetrator for domestic violence related offences such as threat, deprivation of liberty or common assault depends on the individual assessment of the law enforcement agent on duty. In the absence of specific and systematic training on the dynamics of domestic violence, its forms and manifestations, and low levels of training on the use of emergency barring orders, such an assessment may be informed by personal beliefs and convictions as to the seriousness of the case.

191. Much work has been done in the recent past to assess and improve the response of law enforcement agencies in rape cases, for example through the project "Respect for rape victims" in 2016. According to specialist support services, this has greatly contributed to higher levels of satisfaction among victims with the experience of reporting such sensitive crimes, and the number of women in Copenhagen who attempted to report a rape but felt discouraged has since been dropping and is currently at 5%.<sup>37</sup>

192. Still, barriers to reporting sexual violence and rape remain. These revolve around attitudes and beliefs of law enforcement officers regarding syndromes often displayed by rape victims such as post-traumatic stress disorder and trauma-related incoherence. There are examples of rape victims being asked to state their reason for addressing themselves to the law enforcement agency

<sup>36</sup> The Danish Institute for Human Rights first pointed to these in its 2014 report on the implementation of the provisions of the Istanbul Convention in Denmark (Right to a life without violence - *Ret til et liv uden vold*, Chapter 6). Additional information submitted to GREVIO by NGOs in 2017 support these claims.

<sup>37</sup> Figure provided by the Centre for Victims of Rape and Sexual Assault of the Rigshospitalet Copenhagen.

loud and clearly via an intercom before being admitted, which creates a physical barrier to reporting. Despite the right to be interviewed by an officer of the same sex, the low number of female law enforcement officers (15%) makes this difficult to ensure within reasonable delays. These barriers apply equally to other forms of violence against women.

**193. GREVIO strongly encourages the Danish authorities to assess and harmonise the responses of the different police districts in domestic violence cases with a view to ensuring the consistent implementation of existing guidelines and good practices, in particular the tools such as emergency barring orders, attack alarms and the referral of victims to specialist support services.**

**194. Moreover, GREVIO encourages the Danish authorities to continue to improve the response of law enforcement agencies across Denmark to reports of any of the forms of violence against women covered by the Istanbul Convention in particular by stepping up training efforts and by increasing the number of female law enforcement officers.**

## **2. The role of the prosecution services and conviction rates**

195. A fast-track procedure exists to ensure the swift handling of all violent crime, including domestic violence. From the day a violent crime is reported, law enforcement agencies are granted 30 days to bring an indictment, which means the collection of evidence and other investigative measures as well as the assessment of the case by the prosecution services must be concluded within this period. If children are involved as victims or witnesses, the law enforcement officers together with the prosecution service may decide that their testimony shall be taken and that it shall be video-recorded – if possible within seven days. The video recording of testimonies taken of children is generally possible until the age of 13. It may also be ordered in respect of children below the age of 15, if the testimony concerns a sexual offence or a homicide if victim and/or perpetrator are one of the child's closest person/relative.<sup>38</sup> GREVIO welcomes this fast-track procedure but notes a trend towards case processing times longer than the prescribed 30 days in the face of rising numbers of cases.<sup>39</sup>

196. Several additional measures exist which aim at ensuring the effective investigation of domestic violence and rape cases. These include, among others, the guidance issued by the state attorney to assign such cases to experienced prosecutors only, thus ensuring a certain amount of de facto specialisation. This approach would require, however, sufficient staffing levels of all prosecution services to ensure the availability of experienced prosecutors across the country.

197. Some efforts are also made to ensure the collection of evidence of psychological violence, which may be considered difficult to prove beyond reasonable doubt. Annually, the Copenhagen prosecution service handles between 200 and 250 cases of psychological violence. In relying on electronic sources of evidence such as e-mails, text messages and recorded incoming calls as much as the statement of victims and witnesses, experienced prosecutors often build a solid case using the offences of intimidation and threat, and prosecute for violation of a protection order. This is a positive practice and should be replicated throughout the country.

198. Generally, all offences set out by the Istanbul Convention are prosecuted ex officio, which means investigations do not require a complaint by the victim. Where complaints have been made in domestic violence cases, they are often withdrawn by the victim, but this does not result in the discontinuation of the investigation/prosecution. The Copenhagen prosecution service has a high rate of convictions (91%) of cases brought to court under offences such as threat, assault or deprivation or liberty. According to data provided by the Danish authorities, similarly high rates

<sup>38</sup> Article 745e of the Administration of Justice Act.

<sup>39</sup> In 2012, over 78% of all cases were sent to court or closed during the 30-day target, while this gradually dropped to 66.5% in 2016. Source: Ministry of Justice, Case processing times for rape and violence, 29 March 2017, Table 1, p.2.

exist elsewhere in the country for these and other types of crime, sexual offences, and homicide. While GREVIO welcomes such successful levels of conviction, it notes that these may come as a result of a restrictive approach to bringing prosecutions. While respectful of the need to build a solid case before indicting the accused, GREVIO wishes to draw attention to the significant number of reported incidents of crime which do not seem to come through to the criminal courts. Taking rape cases as an example, GREVIO notes that in the years 2014-15 the number of rapes reported by women and girls to law enforcement was more than 500 (520 in 2014 and 654 in 2015). In both years, the number of convictions for rape (regardless of the sex of the victim which means this number may include convictions for the rape of a man or boy) was only around 20% of that (100 convictions in 2014 and 119 in 2015). This suggests that a significant number of cases are dropped at the stage of investigation or prosecution. An evaluation or more research into such cases would help to understand and address the reasons for such attrition.

199. On a more general note with regard to the prosecution of rape cases and their outcomes, GREVIO welcomes the 37-day target set to ensure the swift conduct of court proceedings. A total of 37 days are granted from receiving the case from the prosecution service until a verdict is reached. In 2016, this was achieved in 29% of all cases, down from 33% in 2015.<sup>40</sup> While GREVIO regrets this small drop, it welcomes the overall target set and the efforts undertaken by the Ministry of Justice in monitoring compliance.

200. With regard to convictions for homicide, GREVIO notes with satisfaction that the past practice of passing lenient sentence for spousal/partner killings has been ended following a landmark ruling of the Supreme Court. Remnants of such a practice seem, however, to continue to exist in non-lethal domestic violence cases. According to information received by GREVIO, some such cases lead to lower sentences than sentences for comparable violent acts outside an intimate relationship (see also Chapter V, Article 46).<sup>41</sup>

**201. GREVIO welcomes with satisfaction the recent efforts undertaken by the Danish Ministry of Justice to increase the response of law enforcement agencies and courts to rape and sexual violence. Following the success of the “Respect for rape victims” in 2016 GREVIO encourages the Danish authorities to continue this process by analysing the reasons for attrition in rape cases as well as in other cases of violence against women and domestic violence, with a view to achieving higher prosecution and conviction rates for these crimes.**

## **B. Risk assessment and risk management (Article 51)**

202. The Danish police apply the following risk assessment tools which are widely used and recognised internationally: the Spousal Assault Risk Assessment in its short version (SARA-SV) for domestic violence, the Stalking Assessment and Management (SAM) for stalking and the Assessment of Risk for Honour-Based Violence (PATRIARCH) for honour-based violence. In 2015-16, 74 individual law enforcement officers were trained on the use of the above risk assessment tools. However, no information was provided on the measures taken to manage the risk as provided for in Article 51, paragraph 1 of the Istanbul Convention.

**203. The Danish authorities are strongly encouraged to provide risk management by co-ordinating and co-operating with all relevant stakeholders; in particular the specialised women’s support services.**

<sup>40</sup> Ministry of Justice, Case processing times for rape and violence, 29 March 2017, p.50.

<sup>41</sup> See Danish NGO Shadow Report to GREVIO, submitted by The Women’s Council in Denmark in January 2017, (Kvinderaadet), p.4-5.

### **C. Emergency barring and protection orders (Articles 52 and 53)**

204. The Danish Act on Restraining Orders sets out three different types of orders: "expulsion orders" banning someone from his residence, "restraining orders" prohibiting someone from contacting a specified person or following another person, and "exclusion orders" banning someone from frequenting specified areas, such as the place of work, study, residence of the person in need of protection. The latter two are discussed in detail in Chapter V (see Article 34) as they form the cornerstone of the Danish legal response to stalking, although GREVIO notes their relevance also for domestic violence victims and for girls and women at risk of forced marriage or female genital mutilation. All three types of orders may be issued by the law enforcement agencies upon request by the victim or if in the public interest, which is usually the case where serious abuse is suspected.

205. Of the three types of orders available under Danish legislation, "expulsion orders" are especially relevant in domestic violence cases as they allow the law enforcement agencies to expel a perpetrator of domestic violence from the household in order to protect the victim(s). It thus applies to members of a common household irrespective of their relationship status (married, common-law spouse, child, other). As a temporary measure to be issued by the law enforcement agencies in situations of immediate danger or where risks for the safety of another person materialise, it qualifies as an emergency barring order as required by Article 52 of the Istanbul Convention. A reasonable suspicion of a crime against life, limb or sexual integrity of a member of the household or any threatening behaviour may trigger an emergency barring order if there are reasons to believe such crimes or threats will be committed if the person is to remain in the household.

206. GREVIO welcomes the existence of such emergency barring and protection orders but notes with concern their low level of practical use in Denmark. According to the data available on all three types of orders, very few orders to vacate the family residence are issued in Denmark. In 2014-15, only five emergency barring orders were issued, while another five orders combined some or all three forms of emergency barring and protection order (in 2014). Restraining orders are issued more frequently, but the numbers are still low.

207. According to the Danish National Police Force, the low use of emergency barring orders in domestic violence cases is explained by the preference most victims have for shelters, and by alternative ways of responding to the situation. These alternatives include warnings, voluntary agreements to leave the house, or taking the perpetrator into custody. Although these may be acceptable options in some cases, GREVIO recalls that the purpose of emergency barring orders is to ensure the safety of domestic violence victims in full respect of their right to remain in their own home. The aim of such orders is to ensure the physical distance between victims and perpetrator by removing the perpetrator instead of uprooting victims and their children. As a measure of protection, emergency barring orders shall not depend on the will of the victim but must be ordered *ex officio* as part of the state obligation to prevent any act of violence covered by the Istanbul Convention that are perpetrated by non-state actors (Article 5, paragraph 2).

208. GREVIO notes a striking absence of awareness among members of the Danish National Police Force of the importance and positive effects emergency barring and protection orders can have. This may be the result of very little training on how to apply and enforce such orders and insufficient emphasis and guidance from the hierarchy. With existing enforcement provisions rarely applied, victims may perceive protection orders as unsafe and prefer the safety of a shelter, which would explain the low numbers of orders and high rates of breaches. In practice, this means that the right of victims to remain in their own home and be safe is not guaranteed. GREVIO thus recalls that it is the responsibility of the law enforcement agencies to instil trust in such measures by positively promoting and vigilantly enforcing them. Aware of the difficulties in monitoring compliance with emergency barring and protection orders 24/7, GREVIO draws attention to the possibility of resorting to the use of electronic tools such as the existing attack alarms, regular

checks on the victim by phone as well as follow-up meetings with the perpetrator to explain the order in place and the consequences a breach may have.

209. GREVIO also notes the absence of a systematic multi-agency approach to the implementation of emergency barring and protection orders in Denmark (see Chapter IV, Article 18). Once an emergency barring order is issued, the law enforcement agencies are obliged to inform the municipality, but this seems to be done for child protection concerns rather than with the aim of ensuring adequate counselling on the next steps for the mother. Although inspiration for the emergency barring and protection orders for domestic violence was drawn from the Austrian model, in Denmark there are no domestic violence intervention centres to offer the type of counselling a domestic violence victim in such a situation would need. Shelters cannot easily fill this gap, as they generally offer in-residence counselling only, and the situation of women in a shelter and their counselling needs do not easily compare to that of women living with a protection order. Organisations such as Mother's Help might be able to offer the necessary type of counselling but do not exist throughout the country, making standard referrals from law enforcement agencies impossible. The East Jutland pilot project was conceived to test the setting-up of intervention centres to ensure more widespread and systematic co-operation between victim support services, law enforcement and child protection agencies. Experts in Denmark are widely in agreement about the success of this programme, and its evaluation showed a significant rise in the number of emergency barring and protection orders issued during the duration of the project. GREVIO regrets that despite the positive results, this project was ended without any prospect of being rolled out nationally.

210. Lastly, GREVIO is concerned about the possibility of allowing for exceptions to protection orders for communication around common children. GREVIO has pointed to the risks inherent to this in Chapter V (Article 34), and wishes to emphasise this also in relation to domestic violence protection orders. Emergency barring and protection orders are tools to create much needed distance from an abusive partner in the physical sense as much as in the emotional sense. In many cases, a perpetrator will need to be asked to leave the family residence and to refrain from contacting the abused partner and all other members of the family. Allowing contact around children, just as requiring the abused partner to facilitate visitation, undermines the purpose of such bans. As a temporary measure to ensure the safety of the victim, they should be absolute and not jeopardised by the fact that victim and perpetrator have parental responsibilities to share.

**211. GREVIO urges the Danish authorities to step up efforts to implement the full range of emergency barring and protection orders available under the Act on Restraining Orders and to ensure their vigilant enforcement.**

212. To this extent, GREVIO further urges the Danish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practice. Moreover, GREVIO strongly encourages the Danish Authorities to end the practice of allowing for exceptions in prohibitions on contact.

#### **D. Victim support in legal proceedings (Article 55 paragraph 2)**

213. All victims of violent crime and sexual violence in Denmark, including children, have the right to a victim support lawyer free of charge. Victim support lawyers can be called upon as soon as a crime is reported and before victims make their first statement. Law enforcement agencies are under the obligation to inform victims of this right and to facilitate access to such lawyers. A study from 2010 shows, however, that this was ensured with regard to only 3% of victims reporting a rape. The study further shows that 51% received such legal support at a later stage while 46%

received no such support.<sup>42</sup> The report also states that conviction rates for rape double in cases where women victims of rape have been assigned a victim support lawyer. As a result of these findings, efforts were made by law enforcement agencies to improve women's access to victim support lawyers. The rape and sexual assault centres throughout the country will also guide victims to such lawyers should they wish to report the rape. GREVIO welcomes the efforts made under the project "Respect for Rape Victims" and highlights the importance of continuing such research-based policy improvements.

214. GREVIO welcomes the general availability of victim support lawyers and greatly values their important role in representing the interests and perspective of the victim during all stages of the criminal proceedings, including in ensuring compensation from the perpetrator. GREVIO particularly appreciates the efforts made by the Danish authorities to investigate the existing difficulties women face in reporting rapes and to draw lessons therefrom.

**215. GREVIO encourages the Danish authorities to keep up their efforts in ensuring that all victims of violent crime and sexual violence are given access to victim support lawyers early into the investigation stage.**

#### **E. Measures of protection during investigations and judicial proceedings (Article 56)**

216. A range of protective measures exist to keep victims safe from intimidation and retaliation during court proceedings. These include the hiding of any addresses, occupation and even names of victims and witnesses as well as the holding of hearings in camera. Additional measures include ordering the defendant to leave the court room during the testimony of a victim or witness, video-recording of children's testimony and, under specific and limited circumstances, those of adults. Should it be necessary to prevent any contact between victim and perpetrator, the law enforcement agencies can notify the court and request, for example, the use of separate waiting rooms at court. For all victims of crime asked to testify in court, a specific contact person within law enforcement is provided for any questions and concerns victims may have. Leaflets on the different steps of the investigation and criminal proceedings are available in several languages.

217. Where perpetrators have been sentenced to a prison term for sex offences or other serious offences (assault, threats etc.), the Administration of Justice Act stipulates that victims must be notified of the perpetrator's release or escape and of major media coverage of the perpetrator and his acts (radio and television).

218. GREVIO welcomes the above measures but notes that very little information was conveyed on their actual use. GREVIO notes the same absence of information on the level of use made of comparable protective measures by the State Administration for procedures on custody and visitation decisions of children. Although the possibility of arranging for separate meetings with parents is provided for in the law, as is an address confidentiality scheme, shelter staff and legal practitioners have repeatedly stated their difficulty in being granted such measures.

**219. GREVIO strongly encourages the Danish authorities to ensure that all measures in place to protect victims during investigations and judicial proceedings are implemented accordingly and in relation to victims of all forms of violence covered by the Convention, including in administrative procedures on custody and visitation decisions. Data collection and research on the implementation of these measures and their effectiveness need to be carried out regularly, including from a victim's perspective.**

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<sup>42</sup> *Reporting rape Part VI: The processing of reports of rape by the judicial system*, The Crime Prevention Council, 2010, p.13.



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**F. Legal aid (Article 57)**

220. Legal aid for civil law suits is widely available in Denmark for anyone with an annual income of less than 315 000 DKK (42 500 euros), or 400 000 DKK (53 700 euros) if the applicant is living with a partner. According to the Danish authorities, this qualifies 81% of single women in Denmark and 28% of women living in a relationship. Another eligibility criteria is that of "reasonable cause to take legal action", which is usually considered to be the case in all law suits resulting from a personal injury such as compensation for crimes suffered.

221. Legal aid is available for appeals to a civil court regarding a custody decision, which is the only aspect of custody/visitation/residence for which appeals lie to a civil court instead of the State Administration Appeals Board (see Chapter V). However, legal aid is only available as of right to the responding parent, not the parent appealing the decision. A parent seeking legal aid to appeal the decision of the State Administration must apply to the Department of Civil Affairs for Legal Aid and the grant of legal aid is discretionary. This creates a barrier in accessing justice for women victims of domestic abuse who seek to appeal a decision of the State Administration that has not taken into account their experiences as victims of domestic abuse. Women victims of domestic violence are likely to be in a less favourable economic position than men, in particular male perpetrators of domestic abuse. Therefore this limitation of legal aid has a disproportionately negative effect on women and in particular women victims of domestic abuse.

222. GREVIO is concerned by such possible limitations of legal aid for appeals to custody decisions, particularly the resulting inequality of access to justice it causes for women. Considering the current difficulties some women face in convincing the State Administration of the risk which joint or single custody by an abusive father may have on them or their children, legal aid for an appeal in such crucial matters is essential. While GREVIO is mindful of the necessity to limit the extent of the conflict between two parents, GREVIO does not consider that increasing the threshold for legal aid is a suitable way of doing so. Such an approach only favours parents with financial means.

223. **GREVIO strongly encourages the Danish authorities to ensure legal aid is equally available for both sides to the appeal in custody decisions to avoid indirect discrimination of women who are appealing for reasons related to the abuse they or their children have suffered.**

## VII. Migration and asylum

224. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum-seekers are sensitive to the needs of women victims or at risk of violence (Article 60).

### A. Migration (Article 59)

225. The Danish Aliens Act governs all issues of residence in Denmark. It regulates the conditions for EU and third-country nationals wishing to reside in Denmark. The Act specifies that while residence permits obtained on the basis of marriage or cohabitation must generally be revoked following a divorce or separation, exemptions can be made where this would present particular hardship for spouses or partners.<sup>43</sup> Advanced age or health issues may constitute such hardship as will the experience of domestic violence as long as attachment to Denmark can be proven.

226. Attachment is usually signified by the pursuit of a language course, studies or if she has parental responsibility for a child enrolled in school in Denmark. Women's organisations have pointed to the fact that the introduction of the attachment rule is adding to the power which abusive men in Denmark have over foreign brides/wives. Abuse often results in fear and isolation, and abusers thrive on the dependence they create. As a result, foreign women on such spousal sponsorship schemes may not only find it difficult to prove the violence as they may not always involve law enforcement agencies, they are also hard pressed to prove their attachment to Denmark. Immigration officials are, however, advised to take any factors into consideration that show that the desired integration of a foreign wife was prevented by the spouse.

227. The data provided by the Danish Immigration Service does suggest, however, that the above exemptions to the revocation of spousal residence permits are made use of. In 2016, a total of 27 existing residence permits were not revoked despite a separation/divorce from the sponsor, and in 21 cases the residence permit was even extended. In the absence of information on the total number of foreign residents in a similar situation and who did have their permits revoked, it is difficult to assess these numbers in any detail. GREVIO nonetheless welcomes the level of recognition which the Danish Immigration Service affords to the particularly difficult situation foreign women face if the decision to separate from an abusive partner or spouse is tantamount to giving up residence in Denmark.

228. **GREVIO encourages the Danish Immigration Service to continue the practice of recognising the particular hardship which the revocation of a residence permit may result in for foreign women abused by their sponsoring spouse or partner, to ensure access of migrant women to this regulation and to provide data on the number of women concerned. GREVIO also invites the Danish Immigration Service to assess the required attachment to Denmark in the context of the limitations which domestic abuse and control place on the lives of foreign women in Denmark.**

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<sup>43</sup> See Article 19, paragraph 8 of the Alien Act.

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**B. Gender-based asylum claims (Article 60)**

229. Denmark has been a destination country for asylum-seekers for many years. The numbers peaked in 2015 with a total of 21 316 arrivals but have significantly decreased since the closure of the Balkan route. In the first quarter of 2017, only approximately 740 asylum applications have been made.

230. The Danish asylum procedure requires newcomers to first register with law enforcement agencies across the country or at the Sandholm reception centre in Allerød – the only initial reception centre in the country. In Sandholm, the Danish law enforcement agencies will register all applicants in order to issue an asylum seeker card that will serve as personal ID during the asylum-seeking process. All asylum-seekers are subsequently encouraged to fill in a written asylum application in any language. The application is soon followed by an interview with the Danish Immigration Service. All interviews are held in Sandholm in the presence of an interpreter.

231. Following the initial registration, the Red Cross as the operator of centre Sandholm will offer accommodation for while the authorities investigate the case. GREVIO welcomes the generally high standards of material reception conditions ensured by the Sandholm facility. Housing units, medical care and psychological support are offered to all asylum seekers, and a range of additional services exist such as childcare (kindergarten) and courses for adults as well as small scale work opportunities. Referrals to specific support services seem to be made regularly, in particular with a view to ensuring the specific needs of LGBT refugees and victims of trafficking identified during the asylum procedure. Moreover, all staff running the reception and residence centres are trained on domestic violence to help identify women in need of support.

232. After the initial stay at Sandholm, the applicant will be sent to a residence centre for the duration of the application procedure or to a departure centre for any Dublin returns.

233. The Danish Red Cross is in charge of approximately half of the residence centres located throughout the country while local municipalities run the other half. Special centres are available for unaccompanied children and asylum seekers with special needs for care, such as in the case of severe illness. Separate accommodation for single asylum-seeking women with or without children is also available in the form of a separate wing at Sandholm. According to the Danish authorities, additional residence centres offer separate accommodation for women traveling on their own. These include the accommodation centre *Kvindeafdelingen* ("The Female Department"), the Brovst Asylum Centre and the Departure Centre Kærshovedgaard. GREVIO notes the importance of providing gender-sensitive facilities in the sense of Article 60, paragraph 3 of the Convention, as women traveling alone are particularly vulnerable to abuse, and safety issues may arise during their stay at refugee reception facilities.<sup>44</sup>

234. In terms of gender-sensitive asylum procedures, GREVIO notes that female applicants may ask for a female case-worker as well as for a female interpreter. Interviews with the Danish Immigration Service normally take place shortly after registration and are conducted to establish the motivation for seeking asylum and to obtain additional information on the case. This is an important step in the procedure and, in principle, attention will be paid to gender-specific experiences of persecution and violence. However, on the basis of the information GREVIO has received, it appears that several obstacles exist for female asylum-seekers to disclose experiences of gender-based violence in a way that would support their application.

235. Firstly, information about the possibility of requesting a female interviewer and interpreter is not widely spread among asylum-seekers. While most interviewers are female, interpreters are not, which means that, in practice, most female asylum-seekers will have to tell their story through male interpreters. Concerns have been raised around the qualification and professionalism of some interpreters, and about the reluctance women feel in disclosing sensitive information about their

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<sup>44</sup> GREVIO has learnt of at least one account of rape of an asylum-seeking woman in 2016 at Centre Sandholm.

experiences of violence in the presence of a male interpreter from the same cultural or religious background.

236. Secondly, no information is offered to asylum-seekers about the importance of the first interview, nor on what constitutes relevant information in the eyes of a case worker/interviewer. Most female asylum-seekers in Denmark come from cultural backgrounds in which men take priority and, as a consequence, are not used to putting forward their own experiences. Although separate interviews exist, married women will often produce information in support of their husband's claim instead of telling their own story of persecution and abuse. According to several sources, female asylum-seekers are not necessarily encouraged to and women's narratives tend to be disregarded, as the interview is structured around male experiences of persecution and oppression, not women's. For example, concerns have been raised about the lack of guidance for interviewers to systematically incorporate questions around female genital mutilation during interviews with women (with daughters) fleeing from FGM practicing countries. Similar concerns have been raised around the on-going review of 800 residence permits issued to Somali women, men and children several years ago following a positive asylum application. This process has led to the expulsion of families with girls despite their potential risk of being forced to undergo female genital mutilation. This raises questions regarding the principle of non-refoulement as laid out in Article 61 of the Istanbul Convention.

237. Thirdly, female asylum-seekers are not usually aware of the possibility of applying for asylum in their own right, and although it is possible to resort to the help of lawyers at the first interview, this is not widely known and subsequently rarely the case. As their application is processed and asylum-seekers become more familiar with the procedure, they become more willing to disclose abuse and violence they experienced themselves. This, however, is often considered as "new evidence" and considered to reduce their credibility instead of furthering their claim to asylum.

**238. With the purpose of ensuring effective gender-sensitive procedures, GREVIO invites the Danish authorities to ensure the systematic provision of information to asylum-seeking women about their rights, as women, prior to or in the context of the first interview with the Danish Immigration Service. This should include information by independent support services for asylum-seeking women on the possibility of requesting a female case-worker and interpreter and to apply for asylum in their own capacity.**

**239. In addition, GREVIO encourages the Danish Immigration Service to incorporate specific gender-sensitive questions into the standard procedure for interviews in order to systematically assess whether a female applicant has been exposed to or is at risk of gender-based persecution.**

**240. Moreover, GREVIO encourages the Danish Immigration Service to explore ways in which asylum-seekers, especially women, can be informed of the importance of the first interview and the need to disclose relevant information on their case.**

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## Concluding remarks

241. GREVIO welcomes the long history of the Danish authorities in addressing violence against women through policy and legislation. Equality between women and men has long been a political goal in Denmark and much effort has gone into policies and measures aiming at achieving women's equality with men in all aspects of life. For many years, the linkages between gender equality and violence against women were given principal attention in all policy measures. This has led to a solid set of legislation, policy measures and support services for women victims of violence against women.

242. In more recent times, the policy approach has changed from an exclusive focus on women's experiences of violence in public and in private to a more singular approach of addressing "emerging" forms of violence such as "bi-directional violence", "dating violence" or "negative social control" of migrant youth. This gradual disappearance of the gender narrative has led to the adoption of policy documents and the setting up of data collection systems that tend to mask, rather than highlight and address, the gender dimension of the forms of violence covered by the Istanbul Convention.

243. GREVIO recognises the political desire in Denmark to identify and respond to all victims of violence and is aware of the encouragement offered by Article 2, paragraph 2 of the Istanbul Convention to apply its provisions to all victims of domestic violence, including men and boys. Nonetheless, GREVIO recalls the obligation of the Convention to pay *particular* attention to women victims of gender-based violence (Article 2, paragraph 2). For this reason, GREVIO has flagged, throughout the report, instances where, in GREVIO's view, insufficient attention is being paid in policy design and legislation to the experiences of women who are exposed to violence because they are women.

244. This is most apparent in the different national action plans, each of which address one or more forms of violence covered by the Istanbul Convention but seemingly without regard for their gendered nature. Although the NAP on violence in the family and intimate relationships contains a reference to the fact that it is mainly women who experience domestic violence, this is not reflected in its terminology or in its proposed measures. Similarly, the NAP on honour-related violence and negative social control covers forms of violence such as forced marriage, so-called re-education journeys and family control over the honour of young women and men without apparent consideration for the gendered dimension of "family honour" and forced marriage and its linkages with domestic violence.

245. The administrative system in Denmark, in particular the unique CPR number for every citizen and resident, lends itself to data collection, and Denmark's leading role in the collection of administrative data is widely recognised. Yet, the data categories presently in use do not aim at identifying any differences between women and men in their experiences of or exposure to violence. As very little data is disaggregated by sex or by relationship of perpetrator to the victim, they are of limited use in assessing the current Danish response to violence against women. In their current form, the data do not sufficiently allow lessons to be drawn as to how social services, law enforcement agencies and the judiciary serve women victims of violence.

246. Notwithstanding the above, GREVIO notes with satisfaction the wide variety of policy measures and legislation in place to address the forms of violence against women covered by the Istanbul Convention. In particular, GREVIO commends the Danish authorities on their demonstrated willingness to commission qualitative research into the judicial system and how it deals with forms of violence such as rape, homicide of women and other forms of violence. GREVIO thus notes a high degree of commitment on the part of the Danish authorities, to continue to improve and further develop the way in which the different sectors and stakeholders respond to violence against women. With the present report, GREVIO wishes to support the Danish authorities in this endeavour and invites the Danish authorities to keep it regularly informed of

developments as regards the implementation of the Istanbul Convention. GREVIO looks forward to continuing its good co-operation.

247. GREVIO would also invite the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

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## **Appendix I: List of proposals and suggestions by GREVIO**

### **I. Purposes, definitions, equality and non-discrimination, general obligations**

#### **B. Scope of application of the Convention and key definitions (Articles 2 and 3)**

1. GREVIO strongly encourages the Danish authorities to increase the level of attention paid to women victims of gender-based violence in policy documents and funding choices and to ensure the full recognition of the different forms of violence against women covered by the Istanbul Convention as gender-based violence (paragraph 10).

#### **C. Fundamental rights, equality and non-discrimination (Article 4)**

2. GREVIO urges the Danish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3 (paragraph 12).

### **II. Integrated policies and data collection**

#### **A. Comprehensive and co-ordinated policies (Article 7)**

3. GREVIO strongly encourages the Danish authorities to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women. GREVIO encourages the Danish authorities to ensure that the gendered nature of all forms of violence against women, including those perpetrated within migrant communities, receives the necessary policy attention (paragraph 19).

#### **B. Financial resources (Article 8)**

4. GREVIO strongly encourages the Danish authorities to ensure that appropriate funding for state-wide effective policies and measures for women victims of violence are available and that they reflect priorities set out in a comprehensive and co-ordinated approach that addresses all forms of violence covered by the Istanbul Convention as gender-based violence against women. Appropriate long-term and sustainable funding for specialist support services needs to be provided to serve women victims of any form of violence covered by the Istanbul Convention and their children. This should include funding for immediate, short- and long-term support services and would entail strategic funding choices in favour of measures that have been tried and tested as effective, such as the above-mentioned pilot projects (paragraph 27).

5. In order to achieve the above, GREVIO encourages the Danish authorities to introduce, in all relevant sectors of government, separate budget and funding lines for all policies and measures which form part of the required comprehensive and co-ordinated approach to combating violence against women and domestic violence (paragraph 28).

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**C. Non-governmental organisations and civil society (Article 9)**

6. GREVIO encourages the Danish authorities to pursue the dialogue with all non-governmental actors involved in preventing and combating violence against women in Denmark in order to ensure their involvement in the design of policies and programmes, in particular NAPs (paragraph 32).

7. To ensure diversity and to build policies around the experiences of all women in Denmark, including those of migrant and refugee women, GREVIO strongly encourages the Danish authorities to step up action to recognise, encourage and support, including financially, a greater variety of women's NGOs, including through supporting community-based and grassroots activism of black and brown women's groups and movements in Denmark (paragraph 33).

**D. Co-ordinating body (Article 10)**

8. GREVIO strongly encourages the Danish authorities to assign the role of co-ordinating body to one or more fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities. GREVIO also encourages the Danish authorities to set up separate bodies for, on the one hand, the co-ordination and implementation of policies and measures, and for their monitoring and evaluation, on the other hand in order to ensure objectivity in the evaluation of policies (paragraph 39).

**E. Data collection and research (Article 11)<sup>45</sup>**

**1. Administrative data collection**

9. GREVIO strongly encourages the Danish authorities to ensure more disaggregated data is collected by the State Administration that would show to what extent reports of domestic violence and abuse are taken into account, and how the safety of all family members is ensured. Such steps would allow the Danish authorities to assess the effectiveness of the system of deciding on custody/visitation/residence of children by the State Administration in families affected by domestic violence. GREVIO strongly encourages the Danish authorities to engage in such an assessment and to identify possible avenues for policy improvement (paragraph 50).

10. GREVIO encourages the Danish Immigration Service to introduce a data collection system that records asylum claims on the basis of gender-related persecution and their outcomes (paragraph 52).

11. GREVIO strongly encourages the Danish authorities to:

- a. introduce harmonised data categories such as the sex, age, type of violence, and type of relationship of the perpetrator with the victim to be collected at regular intervals by all sectors of the administration, including the law enforcement agencies, the judiciary, the relevant social services (including public specialist services), the State Administration, the public health sector, the Immigration Service and other relevant services;
- b. ensure that these and any other data categories in use make the gendered nature of domestic violence against women and other forms of violence more visible;
- c. ensure that such data informs policy-making and strengthens the effectiveness of prevention, protection and prosecution measures;
- d. make it a central obligation of any future co-ordinating body to co-ordinate and improve the collection of data as required under the Istanbul Convention;

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<sup>45</sup> Proposals and suggestions regarding data collection can also be found in additional specific areas.



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- e. ensure that the process of collecting, storing and transforming collected data complies with standards on data protection as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved (paragraph 54).

## **2. Population-based surveys**

12. GREVIO encourages the Danish authorities to carry out (gender-sensitive) surveys on all forms of violence against women, bearing in mind that previous surveys using the method of self-reporting resulted in lower prevalence rates than surveys based on face-to-face interviews such as the FRA survey in 2014. All surveys should be conducted with the use of methods which allow women to feel safe and free to disclose incidents of violence (paragraph 60).

## **3. Research**

13. GREVIO encourages the Danish authorities to carry out research, on forms of violence against women such as female genital mutilation and forced marriage, sexual harassment or other forms of violence against women not previously covered, to assess their prevalence and gendered dimension. GREVIO also encourages the Danish authorities to continue to evaluate existing policies and legislative measures to assess their level of implementation, efficacy and victim satisfaction (paragraph 63).

# **III. Prevention**

## **A. Awareness raising (Article 13)**

14. GREVIO encourages the Danish authorities to carry out the planned national awareness-raising campaign on domestic violence and ensure its messages are based on a gendered understanding. Financial resources should also be made available regularly for awareness-raising activities carried out by women's support services and women's organisations at national, regional and local level (paragraph 68).

## **B. Education (Article 14)**

15. GREVIO encourages the Danish authorities to complement their focus on children's rights by paying special attention to women's rights and to introduce formally the topic of gender-based violence as part of the curricula for primary and secondary schools. Moreover, GREVIO invites the authorities to monitor how teachers make use of the existing teaching materials and how they approach issues related to domestic violence and violence against women (paragraph 74).

16. GREVIO encourages the Danish authorities to continue to collect data on notifications to the municipality for the purpose of enhancing strategies and co-operation among services (paragraph 76).

### **C. Training of professionals (Article 15)**

17. GREVIO strongly encourages the Danish authorities to introduce compulsory initial training for law enforcement agents, covering all forms of violence against women including domestic violence, and to ensure continuous in-service training modules for law-enforcement professionals throughout the country. All training should be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow (paragraph 81).

18. GREVIO strongly encourages the Danish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for all relevant professionals employed by public services such as the municipality and the State Administration (paragraph 83).

19. GREVIO strongly encourages the Danish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for case workers, decision-makers and interpreters in the Immigration Service (paragraph 85).

20. Further to the above, GREVIO encourages the Danish authorities to introduce systematic and mandatory initial and in-service training on the prevention and detection of the different forms of violence against women, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation for all professional groups which do not currently receive such training (paragraph 86).

### **D. Preventive intervention and treatment programmes (Article 16)**

#### **1. Programmes for perpetrators of domestic violence**

21. GREVIO encourages the Danish authorities to expand significantly the number of programmes to ensure that all types of perpetrators receive appropriate treatment. This would imply the design of approaches that focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour. Such programmes need to ensure the safety of, support for and the human rights of victims and must be set up in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres and based on multi-agency co-operation. Furthermore, GREVIO encourages the Danish authorities to use all available means to ensure such programmes are widely attended (paragraph 93).

### **E. Participation of the private sector and the media (Article 17)**

22. GREVIO encourages the Danish authorities to step up efforts to encourage the private sector, including private media companies, to take an active part in preventing and combating violence against women in all its forms. GREVIO refers in this regard to a publication on Article 17 of the Istanbul Convention on implementing Article 17 (paragraph 100).<sup>46</sup>

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<sup>46</sup> Encouraging the participation of the private sector and the media in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention, Council of Europe, Strasbourg 2016.

## **IV. Protection and support**

### **A. General obligations (Article 18)**

23. In view of the importance of uniting the competences and perspectives of all relevant professionals to find lasting solutions to cases of domestic violence, stalking, and other forms of violence against women covered by the Istanbul Convention, GREVIO strongly encourages the Danish authorities to set up institutionalised structures for co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation based on a gendered understanding, the safety of victims and respect for their human rights as required by Article 18, paragraph 2 of the Istanbul Convention. Specialist women's support services play an important role in realising the rights of victims in multi-agency co-operation. Women victims of violence and any children witnesses thereto should always be consulted and included in all relevant processes and should be represented by a specialist support service during any investigations and judicial proceedings (Article 55, paragraph 2) (paragraph 106).

### **B. Information (Article 19)**

24. GREVIO also encourages the Danish authorities to ensure that women in domestic violence shelters have access to the necessary counselling that allows them to cope with their experience and rebuild a life for themselves and their children (paragraph 118).

25. In more general terms, GREVIO strongly encourages the Danish authorities to expand the services currently provided to women victims of violence against women by offering more services such as counselling, advocacy, psycho-social support (including empowerment) and trauma care in- and outside of shelters and hospitals. The aim should be to ensure that existing immediate support, for example the support offered by domestic violence shelters, is complemented by adequate mid- and long-term support offered by specialist women's support services in a non-residential setting. All services should be available to women victims of violence without a residence permit in Denmark (paragraph 119).

### **E. Support services for victims of sexual violence (Article 25)**

26. GREVIO strongly encourages the Danish authorities to ensure the necessary holistic, mid- and long-term psycho-social and other support for women victims of rape and sexual assault in an adequate geographic distribution (paragraph 125).

### **F. Telephone helplines (Article 24)**

27. GREVIO invites the Danish authorities to widen the offer of telephone counselling currently available in Denmark, both in terms of the forms of violence covered and the operating hours to ensure that a nationwide helpline is available 24 hours a day for all forms of violence against women (paragraph 128).

### **G. Protection and support for child witnesses (Article 26)**

28. GREVIO strongly encourages the Danish authorities to ensure that the child protection efforts taken by the municipalities in ending children's exposure to domestic violence are not undermined by the State Administration. Moreover, GREVIO strongly encourages the Danish

authorities to spare children from relocating to a domestic violence shelter by making greater use of emergency barring and protection orders (paragraph 136).

29. Moreover, GREVIO encourages the Danish authorities to increase the availability of holistic support for children who have witnessed any of the forms of violence against women covered by the Istanbul Convention. It recalls the general obligations set out in Article 18, paragraph 3, which aim at ensuring that all measures of protection and support take into account the relationship between victims, perpetrators, children and their wider social environment and that a range of relevant services, for victims and for any affected children, be located on the same premises (paragraph 137).

## **V. Substantive law**

### **A. Civil law**

#### **2. Compensation (Article 30)**

30. GREVIO invites the Danish authorities to disaggregate by sex any data collected by the Criminal Injuries Board, and to consider introducing domestic violence as a category of offence to allow conclusions to be drawn on the practical availability of state compensation for domestic violence victims (paragraph 146).

#### **3. Custody and visitation rights (Article 31)**

31. GREVIO urges the Danish authorities promptly to complete its overhaul of the nature and organisational structure of the entity in which to vest decision-making power on custody and visitation of children. Furthermore, GREVIO urges significant amendments be made to the Act on Parental Responsibility without undue delay (paragraph 159).

32. In more detail, GREVIO urges the Danish authorities to ensure that the following key elements are reflected in the new approach:

- a. National policies and guidelines that:
  - i. recognise the need for protection and safety of victims of domestic violence in all child custody arrangements;
  - ii. ensure that victims of domestic violence need to be supported to negotiate an agreement with violent ex-partners;
  - iii. recognise that children witnessing abuse of one parent by another are as affected as if they had experienced it themselves;
- b. The obligation of the future decision-making entity (State Administration or other) to:
  - iii. allow parties to call or submit statements from witnesses of fact;
  - iv. have powers to obtain disclosure of reports written by third parties such as the health authorities, law enforcement agencies etc.;
- c. The introduction of an appropriate screening process for the suitability of joint meetings on the basis of information received from both parents and relevant entities including, but not limited to, law enforcement agencies, municipality, health, education and domestic violence shelters;
- d. In cases where parents have nonetheless reached an agreement about custody, visitation or residence with the assistance of the decision-making entity (State Administration or other) there should be a risk assessment to determine that the agreement is in the best interests of the child and that the safety of the woman and her child are protected.

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- e. Effective co-operation between the Child Protection Services of the municipality and the future decision-making entity (State Administration or other) to establish the best interests of the child. There should be free transference of information and evidence between the two bodies, in particular information-sharing about victims of domestic violence and referrals from third parties;
  - f. Reports of violence should set in motion child expert consultations with the child concerned to ascertain the effect of the reported violence on the child and the child's expressed wishes and feelings. Women victims of violence should have the possibility, within reason, of refusing a chosen child expert and of challenging the results of the psychological assessment in a swift procedure;
  - g. The future decision-making entity (State Administration or other) should have the power to withdraw the parental rights of the abusive parent as provided for by Article 45, paragraph 2 of the Istanbul Convention in cases where the best interests of the child, which may include the safety of the victim/parent, requires it;
  - h. The enforcement of visitation decisions should be removed from the Bailiff's Court. Should this not be an option, the Bailiff's Court should be mandated to carry out an investigation into the reasons for not handing over a child and the requirement of a welfare-based decision in terms of the best interests of the child before enforcing decisions shall be set. The Bailiff's Court should also have the power to send any case for enforcement back to the future decision-making entity (State Administration or other) for re-consideration of the original decision if it is in the child's best interests or safety to do so;
  - i. Any appeals from a decision on custody and visitation should lie to a court and legal aid should be available to all parties in all appeals of both custody and visitation decisions.
  - j. All children involved in custody and visitation decisions should be granted the right to legal representation (paragraph 160).

## **B. Criminal law**

### **1. Psychological violence (Article 33)**

33. GREVIO invites the Danish authorities to introduce a specific criminal offence of psychological violence to capture more adequately the criminal conduct covered by Article 33 of the Istanbul Convention (paragraph 164).

### **2. Stalking (Article 34)**

34. GREVIO is doubtful as to the effectiveness of the Danish restraining order regime and its level of persuasiveness as required by Article 45 of the Istanbul Convention. GREVIO encourages the Danish authorities to analyse the underlying causes for the high number of violations of protection orders and to take measures to ensure higher levels of respect for such orders (paragraph 172).

35. As for Denmark's reservation with regard to Article 34 concerning non-criminal sanctions for stalking, GREVIO notes that under Article 79, paragraph 3, Denmark will be required to provide GREVIO with an explanation of the grounds for this reservation upon expiry of its period of validity and prior to its renewal (paragraph 173).

### **3. Sexual violence and rape (Article 36)**

36. GREVIO strongly encourages the Danish authorities to move away from the current sexual violence legislation and base it on the notion of freely given consent as required by Article 36, paragraph 1 of the Istanbul Convention. The absence of this is an important step towards holding perpetrators of rape accountable, notwithstanding that, for any number of reasons they did not have to resort to violence, threat of violence or duress. It would also allow the judiciary to focus, in the context of the surrounding circumstances of the case, on the assessment of the woman's free will and the ability of the perpetrator to take notice of the woman's will, instead of evidence of other constituent elements of fact. In order to bring Danish legislation in line with the full set of requirements of Article 36, GREVIO invites the Danish authorities to introduce criminal legislation that would cover the intentional conduct set out in Article 36, paragraph 1 c of the Istanbul Convention (paragraph 177).

37. GREVIO strongly encourages the Danish authorities to bring criminal sanctions incurred for sexual violence against women with mental health issues to the same level as those against other women incapable of consenting to the act (paragraph 179).

### **4. Aggravating circumstances (Article 46)**

38. GREVIO encourages the Danish authorities to take appropriate measures to ensure that all aggravating circumstances listed in Article 46 of the Istanbul Convention are, in practice, effectively applied by the judiciary. Moreover, GREVIO encourages the Danish authorities to ensure understanding among the Danish judiciary that lenient sentences in domestic violence cases and other forms of violence against women do not serve the principle of ensuring justice for victims and ending impunity of perpetrators (paragraph 182).

### **5. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

39. GREVIO urges the Danish authorities to recognise the power imbalances in relationships marred by violence and to ensure that parents with a history of abuse are granted separate meetings with the State Administration in order to reach a decision in the child's best interests on child custody/residence/visitation which does not jeopardise the rights and safety of the mother and her children (paragraph 186).

## **VI. Investigation, prosecution, procedural law and protective measures**

### **A. Immediate response, prevention and protection (Article 50)**

#### **1. Reporting to and investigations by law enforcement agencies**

40. GREVIO strongly encourages the Danish authorities to assess and harmonise the responses of the different police districts in domestic violence cases with a view to ensuring the consistent implementation of existing guidelines and good practices, in particular the tools such as emergency barring orders, attack alarms and the referral of victims to specialist support services (paragraph 193).

41. Moreover, GREVIO encourages the Danish authorities to continue to improve the response of law enforcement agencies across Denmark to reports of any of the forms of violence against women covered by the Istanbul Convention in particular by stepping up training efforts and by increasing the number of female law enforcement officers (paragraph 194).

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## **2. The role of the prosecution services and conviction rates**

42. GREVIO welcomes with satisfaction the recent efforts undertaken by the Danish Ministry of Justice to increase the response of law enforcement agencies and courts to rape and sexual violence. Following the success of the "Respect for rape victims" in 2016 GREVIO encourages the Danish authorities to continue this process by analysing the reasons for attrition in rape cases as well as in other cases of violence against women and domestic violence, with a view to achieving higher prosecution and conviction rates for these crimes (paragraph 201).

### **B. Risk assessment and risk management (Article 51)**

43. The Danish authorities are strongly encouraged to provide risk management by co-ordinating and co-operating with all relevant stakeholders; in particular the specialised women's support services (paragraph 203).

### **C. Emergency barring and protection orders (Articles 52 and 53)**

44. GREVIO urges the Danish authorities to step up efforts to implement the full range of emergency barring and protection orders available under the Act on Restraining Orders and to ensure their vigilant enforcement (paragraph 211).

45. To this extent, GREVIO further urges the Danish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practice. Moreover, GREVIO strongly encourages the Danish Authorities to end the practice of allowing for exceptions in prohibitions on contact (paragraph 212).

### **D. Victim support in legal proceedings (Article 55 paragraph 2)**

46. GREVIO encourages the Danish authorities to keep up their efforts in ensuring that all victims of violent crime and sexual violence are given access to victim support lawyers early into the investigation stage (paragraph 215).

### **E. Measures of protection during investigations and judicial proceedings (Article 56)**

47. GREVIO strongly encourages the Danish authorities to ensure that all measures in place to protect victims during investigations and judicial proceedings are implemented accordingly and in relation to victims of all forms of violence covered by the Convention, including in administrative procedures on custody and visitation decisions. Data collection and research on the implementation of these measures and their effectiveness need to be carried out regularly, including from a victim's perspective (paragraph 219).

### **F. Legal aid (Article 57)**

48. GREVIO strongly encourages the Danish authorities to ensure legal aid is equally available for both sides to the appeal in custody decisions to avoid indirect discrimination of women who are appealing for reasons related to the abuse they or their children have suffered (paragraph 223).

## **VII. Migration and asylum**

### **A. Migration (Article 59)**

49. GREVIO encourages the Danish Immigration Service to continue the practice of recognising the particular hardship which the revocation of a residence permit may result in for foreign women abused by their sponsoring spouse or partner, to ensure access of migrant women to this regulation and to provide data on the number of women concerned. GREVIO also invites the Danish Immigration Service to assess the required attachment to Denmark in the context of the limitations which domestic abuse and control place on the lives of foreign women in Denmark (paragraph 228).

### **B. Gender-based asylum claims (Article 60)**

50. With the purpose of ensuring effective gender-sensitive procedures, GREVIO invites the Danish authorities to ensure the systematic provision of information to asylum-seeking women about their rights, as women, prior to or in the context of the first interview with the Danish Immigration Service. This should include information by independent support services for asylum-seeking women on the possibility of requesting a female case-worker and interpreter and to apply for asylum in their own capacity (paragraph 238).

51. In addition, GREVIO encourages the Danish Immigration Service to incorporate specific gender-sensitive questions into the standard procedure for interviews in order to systematically assess whether a female applicant has been exposed to or is at risk of gender-based persecution (paragraph 239).

52. Moreover, GREVIO encourages the Danish Immigration Service to explore ways in which asylum-seekers, especially women, can be informed of the importance of the first interview and the need to disclose relevant information on their case (paragraph 240).



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**Appendix II:  
List of representatives of Denmark present at the state dialogue  
with GREVIO**

- Malene Dalgaard, Head of section, Ministry of Justice
- Sidsel Kathrine Møller, Functioning deputy head of division, Ministry of Justice
- Kira Appel, Deputy head of department, Minister for Equal Opportunities
- Neel Pryds Winkel, Special advisor, Ministry for Children and Social Affairs
- Anne Hedemann Nielsen, Head of section, Ministry for Children and Social Affairs
- Maria Schultz, Head of section, Ministry for Children and Social Affairs

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## **Appendix III:**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

- Ministry of Justice
- Ministry of Education
- Ministry of Health
- Ministry of Children and Social Affairs
- Ministry of Immigration and Integration
- Minister of Equal Opportunities

#### **Public bodies**

- Members of the Helsingør District Court
- Members of the Frederiksberg District Court
- Copenhagen Western Police
- National Investigation Centre
- National Crime Prevention Centre
- Director of Public Prosecution
- Danish Prison and Probation Service
- Criminal Injuries Compensation Board
- State Administration, Copenhagen
- National Social Appeals Board
- Danish Immigration Service
- National Board of Social Services
- National Institute for Public Health

#### **Non-governmental organisations**

- LOKK, National organisation of women's shelters in Denmark
- Women's Council in Denmark
- Dialog mod vold (*Dialogue Against Violence*)
- The Danish Stalking Center
- Danner
- Joan's Sisters
- Mom Network
- Forening Mor (*Foreign Mother*) Network
- Danish Refugee Council
- Refugees welcome
- Babaylan
- The Fanny Files
- Danish Red Cross
- Modrhjaelpen (*National Council for the Unmarried Mother and her Child*)

#### **Civil society organisations and other organisations**

- Rigshospitalet, Centre for Victims of Sexual Assault and Rape
- Sandholm reception center, Allerød
- Roskilde Women's Shelter
- Danish National Observatory on Violence Against Women
- Danish Institute for Human Rights
- Nell Rasmussen, independent consultant, member of the National Observatory on Violence Against Women

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- Karin Helweg-Larsen, MD, MPH, Specialist in Forensic Medicine and Pathology, ass. prof. University of Copenhagen
  - Pia Deleuran, Attorney at law, Barnets Tarv NU Network
  - Vivian Jørgensen, Attorney at law, Barnets Tarv NU Network

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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