

*Building trust
by delivering support,
protection and justice*

Denmark

First thematic
evaluation report

GREVIO

Group of Experts
on Action against Violence
against Women and
Domestic Violence



Council of Europe Convention
on preventing and combating
violence against women
and domestic violence
(Istanbul Convention)

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Executive summary

This evaluation report addresses progress made in bringing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made 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 identify developments that have taken place since publication of its baseline evaluation report on Denmark on 24 November 2017 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the Danish National Observatory on Violence against Women, Stop Violence against Children and Litehouse Consult); as well as a five-day evaluation visit to Denmark. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the Danish authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made for the implementation of this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard, GREVIO acknowledges the considerable progress made by the Danish authorities since the adoption of its baseline evaluation report, particularly in aligning national legislation with the requirements of the Istanbul Convention. Noteworthy examples of these efforts include the criminalisation of stalking and psychological violence, as well as the introduction of a consent-based definition of sexual violence in the criminal code, which will encourage more victims to come forward.

Regarding the policy framework, GREVIO commends the substantial increase in funding allocated to the implementation of domestic violence policies since the baseline evaluation. In the area of prosecution, GREVIO welcomes the establishment of specialised and multidisciplinary police teams to handle cases of violence against women, recognising this as a significant step towards fostering victims' trust in the criminal justice system. Another significant development is the amendment to the Administration of Justice Act to permit the video recording of the initial interview of victims of sexual violence by the police. This recording is subsequently admissible during criminal proceedings, aiming to prevent the re-victimisation and re-traumatisation of victims in the courtroom. The Danish authorities have also set a commendable example in addressing emerging forms of violence against women by successfully prosecuting a significant number of perpetrators involved in the non-consensual sharing of intimate images.

Despite the progress made in Denmark in preventing and combatting violence against women, GREVIO has identified areas requiring further action by the authorities to achieve full compliance with its provisions. One such issue is the insufficient recognition of the gendered nature of violence against women within the policy framework. GREVIO also highlights the need to expand the systematic, mandatory trauma-informed training initiatives, which have been successfully implemented within the law enforcement system, to other professional groups, including those in the social welfare system, Family Law Agency as well as judges and prosecutors. GREVIO further expresses concern over custody and visitation proceedings conducted by the Family Law Agency and the courts, particularly due to the lack of a comprehensive risk-assessment mechanism for detecting domestic violence and the undue emphasis placed on parental collaboration in family law

cases. A specific concern in this regard is the planned inclusion of the concept of “parental alienation” in the Act on Parental Responsibility. GREVIO cautions against its incorporation into national legislation, as it could undermine the position of women victims of violence who are seeking safe custody and visitation arrangements. Last, while acknowledging the overall compliance of the Danish legal framework on emergency barring and restraining orders with the Istanbul Convention, GREVIO notes with regret the insufficient use and enforcement of these measures to provide adequate protection to victims of violence against women.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- develop a long-term comprehensive action plan/strategic policy document giving due importance to all forms of violence covered by the Istanbul Convention;
- step up efforts to implement gender-responsive budgeting in order to be able to allocate appropriate funding and to monitor public spending;
- ensure that data collected by all relevant stakeholders are disaggregated by sex, age, relationship, geographical location, and forms of violence covered by the Istanbul Convention, and expand data collection in the healthcare sector to include all forms of violence against women, such as FGM, forced abortion, and forced sterilisation;
- establish institutionalised structures for co-operation among governmental and non-governmental agencies, including the healthcare sector, based on a gendered understanding of violence against women;
- enable the victims' access to long-term psychological counselling, ensure quality standards and financial sustainability for domestic violence shelters, and improve availability and accessibility of shelters for all women, including those with psycho-social and intellectual disabilities;
- take measures to improve evidence gathering, enabling prosecutions to proceed even when victims withdraw their statements;
- raise awareness among professionals in the criminal justice system about new criminal legislation to ensure its effective implementation;
- ensure risk assessment and management are conducted in a manner that involves with all relevant agencies and services;
- rigorously monitor compliance with emergency barring orders, including through the use of electronic monitoring systems;
- ensure that exceptions to contact prohibitions in restraining orders do not undermine the principle of victim's safety;
- ensure that all protective measures for victims during investigations and judicial proceedings are effectively implemented including in family court proceedings and administrative procedures related to custody and visitation decisions.

Lastly, GREVIO has identified further areas in which improvements are required to comply fully with the obligations of the convention under this round's theme. These include the need to intensify efforts to expand intervention and treatment programmes for perpetrators of domestic and sexual violence, and to implement standardised care pathways across both the public and private healthcare sectors.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210; the Istanbul Convention) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: 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 line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Denmark, offering a comprehensive assessment of the convention's implementation in its entirety, was published on 24 November 2017, following Denmark's ratification of the Istanbul Convention on 23 April 2014. Denmark's original reservations not to apply the provisions under Article 44, paragraph 3, in respect of Articles 36, 37 and 39 of the Istanbul Convention, and to provide for non-criminal sanctions instead of criminal sanctions for the behaviours referred to in Article 34 of the Istanbul Convention, entered in accordance with Article 78, paragraph 2, of the convention, was renewed by a declaration dated 30 April 2019 without providing GREVIO with the reasons for maintaining it. The recent criminalisation of the offence of stalking, discussed in this report, will allow the reservation in respect of Article 34 to be lifted.

The present report was drawn up under GREVIO's first thematic evaluation round launched in 2023 focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, in the first section, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of the significant challenges and need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations from the Committee of the Parties to the Istanbul Convention.

In respect of Denmark, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO's first thematic questionnaire on 16 January 2023. The Danish authorities subsequently submitted their state report on 4 July 2023 – the deadline set by GREVIO. Following a preliminary examination of Denmark's state report, GREVIO carried out an evaluation visit to Denmark, which took place from 18 to 22 September 2023. The delegation was composed of:

- Ellen O'Malley-Dunlop, Member of GREVIO
- Helmut Tichy, Member of GREVIO
- Elif Sariaydin, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO regrets the fact that it was unable to meet with members of the judiciary despite its request to that effect. GREVIO wishes to highlight its constructive exchanges with the Danish authorities. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Rune Kistrup, Head of Section at the Ministry of Justice, who was appointed as contact person. The state report and the written

contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.¹

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 22 March 2024. Where relevant, significant legislative and policy developments up until 18 October 2024 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests 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 that work in the field of violence against women.

1. See www.coe.int/en/web/istanbul-convention/denmark.

I. Emerging trends in the areas of violence against women and domestic violence

1. In the period following the adoption of GREVIO's baseline evaluation report, GREVIO identified several trends in Denmark in the area of preventing and combating violence against women. Some of these trends were related to legislative developments prompted by broader societal movements, while others pertained to shifts in attitudes and approaches in addressing violence against women.

Enhanced access to criminal justice for women victims of violence

2. Since the adoption of GREVIO's baseline evaluation report on Denmark, GREVIO notes with satisfaction that Denmark has taken important steps to bring its national legislation in line with the Istanbul Convention. One of the developments in this regard is the criminalisation in 2019 of psychological violence in intimate relationships, which was previously prosecuted under general offences. Pursuant to the newly introduced offence, the person who belongs to or is closely connected to someone else's household, or who has previously had such a relation to the household, and who repeatedly over a period of time subjects the other person to grossly degrading, harassing or abusive treatment that is capable of unduly controlling the other person, including by exercising negative social control, shall be punished for psychological violence with a fine or imprisonment for a term not exceeding three years. More recently, stalking has been included in the Criminal Code as a punishable offence, which at the time of the baseline evaluation was dealt with under the regime of restraining and exclusion orders. GREVIO commends this as an important step towards enabling access to justice for victims. Criminalisation of stalking will help minimise the challenges faced by victims under the former regime when turning to the law-enforcement agencies by clearly invoking the responsibilities of criminal justice professionals and by shifting the burden of proof from the victim to the investigative authorities.

3. Another pivotal legislative development welcomed by GREVIO is the adoption of consent-based definition of rape in 2021, which was also praised in by the Committee of the Parties to the Istanbul Convention in its conclusions on the implementation of recommendations adopted in respect of Denmark.² This marks a departure from the previous reliance on force, threats, coercion or taking advantage of situations where resistance was not possible. The shift was a result of persistent advocacy by women's rights organisations, intensified following the #MeToo movement and supported by Amnesty International. Currently, accountability for rape is determined by the absence of consent during sexual intercourse. GREVIO views this as a crucial step towards ensuring the punishment of all rape offences, independent of the victim's reaction, and fostering greater trust in the legal system among victims.

4. Despite the positive strides in legislation, GREVIO notes persistent challenges that hinder the full realisation of their potential in practical implementation. Notably, women's rights organisations assert that, despite the criminalisation of psychological violence, convictions remain notably low. GREVIO considers this to result from the need to raise more awareness – among legal professionals, women as victims and society at large – of these crucial changes to criminal law. Reports from news outlets and academic articles indicate a prevalent lack of understanding of the concept of consent in rape cases within society, particularly among young men.³

2. Conclusions on the implementation of recommendations in respect of Denmark adopted by the Committee of the Parties to the Istanbul Convention, IC-CP/Inf(2021)6, adopted on 7 December 2021.

3. See for example the news article from *Berlingske*, "She has investigated 500 rape cases since the Consent Act and can see a pattern repeating itself": www.berlingske.dk/samfund/hun-har-undersoegt-500-voldtaegtssager-siden-samtykkeloven-og-kan-se-et or "She is a lawyer for young boys who are accused of something they had no idea they had done": www.berlingske.dk/samfund/hun-er-advokat-for-unge-drenge-der-bliver-beskyldt-for-noget-de-ikke-annede.

The digital dimension of violence against women

5. Online and technology-facilitated violence against women is an escalating phenomenon in Denmark, as it is in many other countries around the world. While concrete data on the extent of the phenomenon are absent due to the lack of questions about digital violence in official surveys and under-reporting of such forms of violence despite their relative prevalence,⁴ GREVIO notes the findings of a study indicating that one in five Danish women had experienced online harassment.⁵ Furthermore, a survey examining the digital dimension of violence against women at shelters provides alarming insights. The study indicates that four out of 10 shelters have accommodated women who have been victims of image-based sexual violence, where intimate images are shared without consent. Additionally, three out of four shelters report instances of women being tracked via their phones, and more than half have reported incidents of GPS tracking devices being used for such purposes.⁶ GREVIO commends the successful prosecution undertaken by Danish authorities in 2018 in a high-profile case, where over 1 000 perpetrators were prosecuted for the non-consensual sharing of intimate images.⁷ However, the specialised police unit for digital sexualised crimes, NC3, observed a notable escalation in reported cases of such offences between 2019 and 2020, characterising the increase as “explosive”.⁸ Notably, there was a 48% increase in reported cases of “sextortion” during this period.⁹ Contrary to the surge in reported incidents, there was a decrease in the proportion of cases investigated by NC3 from 2019 to 2022.¹⁰ According to the National Audit Office Rigsrevisionen’s report on police investigation of digital sexual crimes, in 2022, NC3 initiated preliminary investigations in only 15% of grooming and sextortion cases, and approximately 6% of digital sexual abuse cases.¹¹ These findings emphasise the need for continuous action, guided by GREVIO’s General Recommendation No. 1 on the Digital Dimension of Violence against Women,¹² to address the growing challenges posed by digital manifestations of violence against women in Denmark.

Investigations into the “Coil Campaign”

6. On 30 September 2022, Denmark and Greenland agreed on a two-year independent investigation looking at the “Coil Campaign”, which refers to the family planning campaign carried out during the 1960s and 1970s, before Greenland gained home rule, to control the population growth in Greenland by the Danish authorities. As a part of this campaign, half of Greenland’s fertile women, approximately 4 500, received intrauterine devices (IUDs, also known as coils) seemingly without their consent, causing the birth rate to drop dramatically. The investigation that commenced in May 2023 is focusing on the policy on the use of IUDs until 1991, when Greenland took over responsibility for its healthcare system. The investigation will seek to uncover the decision-making process and the implementation of the initiative. GREVIO notes widescale investigative journalism reports indicating that the practice continued in the following decades, with the most recent cases reportedly being from 2019.¹³

4. Written submission by the Danish National Observatory on Violence against Women, p. 25.

5. Amnesty International, “En ud af fem danske kvinder oplever chikane på nettet, 2017”, available at: <https://amnesty.dk/en-ud-af-fem-danske-kvinder-oplever-chikane-paa-nettet/>.

6. DR, “Digitale krænkelser på krisecentre: Vrede mænd sporer eks-konen med gps”, 2018, available at: www.dr.dk/nyheder/indland/digitale-krænkelser-paa-krisecentre-vrede-maend-sporer-eks-konen-med-gps.

7. See a news article on the case: www.nytimes.com/2018/01/15/world/europe/denmark-child-pornography-video.html.

8. DR, “Kunstig intelligens klæder danske kvinder af på nettet: ‘Det er jo alt, der bliver blottet på én’”, 2021, available at: www.dr.dk/mitliv/kunstig-intelligens-klæder-danske-kvinder-af-paa-nettet-det-er-jo-alt-der-bliver-blottet-paa.

9. See a news article on this: www.berlingske.dk/samfund/kriminelle-afpresser-ofre-for-seksuelle-billeder-eller-penge-internetet.

10. According to information provided by the Danish authorities, this figure includes the increase in reported cases of sextortion involving male and female victims.

11. “Statsrevisorerne, Rigsrevisionens beretning afgivet til Folketinget med Statsrevisorernes bemærkninger. Politiets efterforskning af digitale seksualforbrydelser og økonomisk it-kriminalitet”, 2023: www.ft.dk/da/statsrevisorerne/nyheder/2023/06/beretning_20_2022.

12. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe, 2021, available at: <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

13. “Doctors fitted a contraceptive coil without my consent”, BBC News: www.bbc.com/news/world-europe-63863088; “Inuit Greenlanders demand answers over Danish birth control scandal”, BBC News: www.bbc.com/news/world-europe-63049387, www.justiceinfo.net/en/103874-denmark-greenland-traumatic-birth-control-campaign.html.

7. GREVIO recognises the challenge of ascertaining whether recent reported incidents of forced contraception occurred in Denmark or Greenland, the latter of which has enjoyed home rule since 1979. GREVIO further welcomes the efforts made by the Danish authorities to establish the full extent of the Coil Campaign and the impact it has had on Greenlandic women. Acknowledging Denmark's declaration, made upon ratifying the Istanbul Convention, that the convention does not apply to Greenland and the Faroe Islands, GREVIO points to the fact that medical professionals in Greenland are predominantly trained in Denmark. GREVIO considers it necessary that authorities assess to what extent the legacy of the Coil Campaign is impacting on the medical training, as cases of IUDs administered without women's consent reportedly persist. GREVIO points to the calls made by the United Nations Special Rapporteur on the Rights of Indigenous Peoples to extend the investigation to encompass cases beyond the year 1991.¹⁴

Eroding victims' trust through the application of the concept of collaborative harassment in proceedings related to custody and visitation¹⁵

8. Following GREVIO's grave concern about the Act on Parental Responsibility in force at the relevant time, its implementation by the State Administration and the use of bailiffs courts to enforce decisions of the State Administration, the Danish authorities reformed the custody and visitation system by replacing the State Administration with the Family Law Agency and establishing family courts. Despite these developments, GREVIO has observed a worrying trend manifesting itself in the discrediting of reports of domestic violence by women, on the ground of "collaborative harassment". This term specifically pertains to situations wherein one parent consistently disrespects the visitation schedule, deliberately impeding access to the child with the intent to harass and vex the other parent, and is codified in the Ministry of Social Affairs, Housing and Senior Citizen's Guidance on "parental authority, the child's place of residence and contact".

9. In practice, GREVIO has observed the frequent application of this notion against women who are victims of domestic violence and who voice concerns about their safety and that of their children when seeking restrictions on the access of the violent father to their children. Women's and children's rights organisations maintain that the use of this concept by both the Family Law Agency and family courts increased particularly following a judgment by the Supreme Court on 8 September 2020. In this judgment, the parental rights of a mother were revoked due to her repeated refusal to surrender the child for visitation on the grounds of prolonged domestic violence she had suffered during the relationship and the assertion that the father lacked the capacity to adequately care for the child and that the child did not feel secure in the father's presence. GREVIO also observed with concern that the growing lack of trust in women's accounts of violence coincided with a rising scepticism towards the efforts of women's shelters and specialised services. GREVIO reiterates that women's rights organisations have first-hand experience of working with victims of violence against women and play a vital role in documenting the violence experienced by victims and its impacts on children who have witnessed such incidents. GREVIO stresses that such evidence should not be discredited and any developments to the contrary should be viewed in the context of the growing influence of the men's right movement.

www.lemonde.fr/en/m-le-mag/article/2022/07/14/denmark-to-open-inquiry-into-campaign-that-saw-women-in-greenland-fitted-with-iuds-without-consent_5990137_117.html.

14. Report of the United Nations Special Rapporteur on the Rights of Indigenous Peoples on Denmark, 2023, p. 17, available at: www.ohchr.org/en/documents/country-reports/ahrc5431add1-visit-denmark-and-greenland-report-special-rapporteur-rights.

15. This issue is examined more in detail under Article 31, "Custody, visitation rights and safety".

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

10. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, 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 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 into the implementation of the convention and the evaluation of its impact. 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. Definitions (Article 3)

11. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur 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”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

12. At the outset, GREVIO recognises that Denmark has consistently been one of the top-ranking countries in both the European Union’s Gender Equality Index and the World Economic Forum’s Global Gender Gap Report. For instance, in 2022, with 77.8 out of 100 points, Denmark ranked second in the EU on the Gender Equality Index. However, GREVIO stresses the importance of continuing to address violence against women and domestic violence as a gendered phenomenon as it has had occasion to note previously that gender is a primary motive of gender-based violence against women and, consequently, policies and measures that are gender-neutral will not effectively respond to the specific experiences of women and girls.¹⁶ In its baseline evaluation report, GREVIO had observed that despite the great strides made in Denmark in achieving equality between women and men in law and in practice, there was still a real need to continue to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. While GREVIO had acknowledged that the policy documents in force at the relevant time made references to women’s over-exposure to such violence compared to that of men, it had nonetheless noted a shift to a gender-neutral approach in policy making. GREVIO had noted in this respect that the use of concepts such as “family violence” or “violence in intimate relations” had failed to recognise the gendered nature of violence against women and domestic violence as rooted in women’s historical inequality with men.¹⁷

13. The current legal and policy framework governing violence against women in Denmark operates on the basis of the concept “violence in close relationships”. While there is no definition of this term enshrined in policies, its application is sufficiently broad in terms of the types of relationships it covers, such as former and current partners and spouses, regardless of shared

16. Mid-term Horizontal Review of GREVIO baseline evaluation reports, p. 16.

17. GREVIO’s baseline evaluation report on Denmark, paragraphs 6 and 7.

residence or children. However, it reflects a gender-neutral understanding of this form of violence with women and men considered as both victims and perpetrators. On a more general note, GREVIO regrets to note that in the period following the adoption of the baseline evaluation report, the gender-neutral approach to policy frameworks on the different forms of violence covered by the Istanbul Convention has been pursued, if not reinforced. For example, the last policy document that addressed the gendered dimension of domestic violence dates back to 2005.¹⁸ Since then, the successive policy approaches, concepts and theoretical underpinning of the national response to domestic violence have gradually created a situation in which the gendered nature of this type of violence has become less visible, and in which more and more resources are directed towards women's perpetration of intimate partner violence.¹⁹ The two most recent policy documents in this context, while an important contribution to a sound response to intimate partner violence, operate on concepts and contain measures that do not place sufficient attention on women's specifically gendered experience as the predominant group of victims and on compounding factors related to their migrant status, health or disability, sexual orientation and gender identity, belonging to a national or ethnic minority, etc.²⁰ Although both documents formally acknowledge women's over-exposure to intimate partner violence, stalking and online harassment, the measures proposed do not sufficiently address these and do not seek to garner a gendered understanding of domestic violence among all those that form part of a comprehensive system of protection and support that includes, among many others, social services, law enforcement and the family law sector.²¹ While of the introduction of policies offering protection and support to male victims of domestic violence in itself do not run counter to the Istanbul Convention, GREVIO recalls that Article 2, paragraph 2, of the Istanbul Convention emphasises that in doing so, "Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention", as women are disproportionately affected.

14. The diminished focus on women's specifically gendered experiences of domestic violence is exacerbated by the absence of a comprehensive policy document that defines violence against women at national level and that offers a comprehensive understanding of the different forms of violence against women as a social mechanism that keep women in a subordinate position compared to men, rooted in deep-seated gender stereotypes and bias.

15. Reiterating the concerns expressed in its baseline evaluation report in respect of Denmark,²² GREVIO considers the policy choices made by the Danish authorities in recent years to run counter to the obligations set out in Article 2, paragraph 2, and Article 3 of the convention, and do not lay the foundation for women's and girls' trust in the delivery of support, protection and justice for experiences of gender-based violence. GREVIO recalls the Concluding observations of the CEDAW Committee on the ninth periodic report on Denmark in which the committee called upon the Danish authorities to strengthen the legislative and policy framework on domestic violence, with a special focus on women who are victims of violence and by avoiding the use of gender-neutral terms, in accordance with the Istanbul Convention.²³

16. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to embed in any definitions of the forms of violence against women covered in the Istanbul Convention in use in Denmark an adequate understanding of violence against women as a human rights violation and a form of discrimination against women, as well as recognition of their gender-based nature.

18. Ibid., referring to the National Action Plan to stop men's domestic violence against women and children adopted in 2005.

19. For example, the national action plans (NAPs) on violence in the family and intimate relationships covering the periods 2008-2013 and 2014-2019 respectively both addressed domestic violence as a gender-neutral phenomenon. Another example is the NAP on "honour-related conflicts and negative social control", covering the period 2017-2020, which was not based on a gendered understanding of "honour-related conflicts".

20. See the National Action Plan for the Prevention of Psychological and Physical Violence in Intimate Relationships, implemented in the period 2019-2022, and the National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings covering the period 2023-2026, discussed under Comprehensive and Co-ordinated Policies (Article 7).

21. See Chapter V, Custody rights, visitation and safety, as well as Chapter VI, Emergency barring orders and restraining and protection orders.

22. GREVIO's baseline evaluation report on Denmark, paragraph 9.

23. Concluding observations on the ninth periodic report on Denmark, p. 9.

B. Comprehensive and co-ordinated policies (Article 7)

17. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,²⁴ in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among all women and girls.

18. In its baseline evaluation report, GREVIO had welcomed the strong tradition of evidence-based policy making through national action plans in Denmark and the willingness of the Danish authorities to recognise emerging forms of violence such as dating violence and the digital dimension of sexual violence. On the other hand, it had noted the absence of a wider programme to prevent and combat violence against women as a form of gender-based violence against women and a certain fragmentation across various strategic documents on different forms of violence such as domestic violence, “honour-related conflicts”, stalking and rape. In the current Danish policy landscape, the only strategic document that tackles certain aspects of violence against women is the National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings covering the period 2023-2026. While this action plan addresses both physical and psychological aspects of intimate partner violence and, to a certain extent, stalking, GREVIO regrets that other forms of violence against women covered by the Istanbul Convention are not currently reflected in strategic documents. According to the authorities, this choice stems from the fact that measures addressing other forms of violence are effectively integrated into existing legal and institutional frameworks and services, eliminating the need to introduce specific strategies in this respect.²⁵ While GREVIO acknowledges the specific nature of national action plans in Denmark that are intended to build on top of existing services and measures, it recalls the obligation to ensure a holistic and co-ordinated response to all forms of violence covered by the Istanbul Convention. In particular, GREVIO identified a clear need to address sexual violence through comprehensive policy measures following the introduction of a consent-based definition of rape into the criminal legislation as reports indicate an important gap in society’s understanding of the concept of consent and what the new criminal provision entails.²⁶

19. As for the implementation of existing policies on domestic violence, GREVIO notes that an interministerial working group headed by the Ministry of Digitalisation and Gender Equality is tasked with co-ordinating the implementation of the National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings. Women’s rights organisations report in this respect that the working group has no cross-sectoral mandate, which weakens its capacities to provide a holistic strategic response to issues arising from the implementation of the national action plan.²⁷ The national action plan introduces certain promising initiatives to improve the co-ordination of responses to domestic violence, such as setting up a new partnership to place violence in intimate relationships and domestic homicide on the agendas of all relevant parties, putting in place an early intervention model that requires a collaboration between the police, municipalities and NGOs, and establishing the Alliance on Preventing Sexual Harassment between the social partners and the government. However, GREVIO notes that these initiatives are still in their early days.

24. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

25. Information obtained during the evaluation visit.

26. See for example the section on legislative changes under Emerging trends in the areas of violence against women and domestic violence.

27. Written submission by the Danish National Observatory on Violence against Women, p. 5, and the written submission by Stop Violence against Children, p. 2.

20. The efforts at the national and local level to prevent and combat violence committed in the name of “honour” are mainly co-ordinated by the National Centre against Honour-based Conflicts within the Danish Agency for International Recruitment and Integration operating under the Ministry of Immigration and Integration. The ministry leads a national co-ordination group across authorities and municipal networks against “honour-based violence”. GREVIO notes that the 2016 national strategy against “honour-related conflicts” has not been renewed after the expiry of its implementation period on the ground that measures addressing the issue of combating “honour-related violence” are considered integrated into mainstream services, thus rendering the necessity for strategic documents redundant. While some of the municipalities have action plans to prevent and combat “honour-based violence” as required by the Act on Social Services, GREVIO notes that the absence of an overarching strategic framework presents a fragmented approach that impedes the ability of the Danish authorities to demonstrate a clear vision of how they perceive this form of violence or how they aim to harmonise the measures to combat it.

21. Last but not least, as regards women and girls exposed to intersecting forms of discrimination, GREVIO notes that the Action Plan LGBT+ People covering the period 2022-2025 introduces initiatives aimed at preventing and combating intimate partner violence affecting LGBT+ individuals. Furthermore, GREVIO notes that the National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings includes measures for the protection of pregnant women, with some provisions directed towards women from national or ethnic minorities. However, GREVIO regrets that this action plan, as the primary policy framework for addressing domestic violence in Denmark, does not adequately consider the experiences of other groups of women who are or may be exposed to intersectional forms of discrimination, nor are there individual strategies or action plans that target the challenges faced by these groups of women. GREVIO welcomes the information provided by the Danish authorities regarding their intention to establish a working group to address the living conditions of individuals in prostitution. However, it remains unclear whether this group will specifically address the issue of gender-based violence experienced by these individuals.

22. GREVIO urges the Danish authorities to ensure that the gendered nature of all forms of violence against women and domestic violence, including those perpetrated against women who are or may be exposed to intersectional discrimination, such as women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LBTI women, women from rural areas, women in prostitution and women with addiction issues, receives the necessary policy attention.

23. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Danish authorities to develop a long-term national strategy that aims to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention, giving due importance to all forms of violence against women and extending to all relevant entities and policy sectors, including social services, the healthcare sector, law enforcement and the judiciary as well as the family law sector. This strategy should be evaluated regularly on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data.

C. Financial resources (Article 8)

24. Article 8 of the convention aims to ensure the allocation of appropriate financial and human resources both for activities carried out by public authorities and by relevant non-governmental and civil society organisations.²⁸

25. In its baseline evaluation report, GREVIO had welcomed the amount of funds allocated to combating violence against women annually as well as the legal obligation placed on municipalities to provide shelters for victims of domestic violence. It had, however, expressed concerns about

28. Explanatory Report to the Istanbul Convention, paragraph 66.

certain funding decisions in relation to violence against women, such as one-off, project-based funding of measures on “honour-related conflicts”, discontinuation of successful pilot projects due to lack of funding and the diminished resources of LOKK (the National Organisation of Women’s Shelters). GREVIO had further noted the concerns voiced by women’s rights NGOs about the demand for specialist services exceeding the capacities of existing providers.²⁹

26. Since the baseline evaluation report, the resources allocated to the implementation of policies on domestic violence have been significantly increased, which GREVIO commends. Accordingly, a total of 136.1 million Danish krone (DKK) (€18.25 million) was allocated to the implementation of the National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings covering the period 2023-2026. This has been welcomed by women’s rights NGOs as the largest allocation of funds for an action plan to date.³⁰ Furthermore, an additional DKK 19.6 million (approximately €2.63 million) has been allocated for 2024; DKK 36.2 million (approximately €4.85 million) for 2025 and 2026 respectively; and DKK 36 million (approximately €4.82 million) from 2027 onwards permanently for the implementation of the action plan.

27. While GREVIO welcomes such increases, it notes that the press release issued by the Danish Ministry of Digitalisation and Equality regarding certain initiatives outlined in the Finance Act 2023 links the allocation of additional funds to the need to increase services catering to male victims of intimate partner violence.³¹ This decision is seemingly supported by statistics provided in the national action plan estimating that 5.5% of women and 4% of men over the age of 16 have been exposed to physical and/or psychological partner violence in 2021 and that every year, an average of 12 women and three men are killed by their partner or ex-partner.³² Furthermore, according to the information provided in the national action plan, at the relevant time, there were no domestic violence shelters in Denmark that accepted male victims of domestic violence; instead, they were accommodated in “hostels” established under Section 110 of the Act on Social Services, to which they were not permitted to bring their children.

28. On 4 April 2024, the Danish Parliament passed an amendment to Section 109 of the Act on Social Services, aimed at addressing some of the aforementioned issues. This amendment ensures that all individuals, regardless of their sex, have the right to seek assistance at domestic violence shelters if they have been subjected to violence in close relationships. Notably, the law grants men who experience domestic violence the same access to shelter services as women, including the right to bring their children, receive counselling services provided by municipalities, and access up to 10 hours of free psychological treatment for both themselves and their children. The amendment entered into force on 15 April 2024, after which all new and existing temporary accommodation facilities became eligible to apply for approval as domestic violence shelters for men.

29. GREVIO notes that the representatives of women’s shelters in Denmark expressed concerns that the increasing focus on the need for services for male victims will lead to the shrinking of resources allocated to services for women, despite the assurances of the Danish authorities to the contrary.³³ In response to these concerns, the explanatory note accompanying the amendment enabling the establishment of domestic violence shelters for men clarified that “the enhancement of services for men subjected to violence must not come at the expense of services provided for women who experience violence.”³⁴ The note further acknowledges the gender dimension of domestic violence and the differing protection needs of male and female victims, which GREVIO notes with satisfaction. Moreover, that the National Action Plan to Combat Intimate

29. GREVIO’s baseline evaluation report on Denmark, paragraphs 16-20.

30. Written submission from the Danish National Observatory on Violence against Women, p. 6.

31. Available in Danish at: <https://digmin.dk/ligestilling/nyheder/nyhedsarkiv/2023/apr/regeringen-og-aftalepartierne-bag-finansloven-vil-sikre-voldsudsatte-maend-den-samme-hjaelp-som-kvinder>.

32. National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings covering the period 2023-2026, p. 9.

33. Information obtained during the evaluation visit.

34. The Proposal for Law amending the Act on Social Services and various other laws and the Explanatory notes to the bill is available for download in Danish at: www.ft.dk/ripdf/samling/20231/lovforslag/1104/20231_1104_som_fremsat.pdf.

Partner Violence and Intimate Partner Killings for the period 2023-2026 explicitly allocates additional permanent funding to cover the costs associated with providing men access to domestic violence shelters and that this additional funding ensures that the financial resources allocated to women's domestic violence shelters will remain unaffected. Against this backdrop, GREVIO recalls the importance of tools such as gender impact assessments and gender budgeting across all public bodies to plan, monitor and evaluate the allocation and execution of public funding, including that directed towards the establishment and operation of domestic violence shelters for both women and men.

30. As for general services, representatives of various women's rights NGOs and specialist services in Denmark also stated a concern about the increasingly strained budgets of public institutions in the social welfare, healthcare and education sectors, which in turn has hindered the services provided to victims of violence against women and children at the municipal level.

31. Last, GREVIO notes that many important support services provided by NGOs still continue to be funded by short-term grants, which hampers their capacity for long-term strategic planning and the sustainability of their services. In this regard, GREVIO welcomes the information provided by the Danish authorities regarding their plans to explore a new model to ensure stable funding of civil society organisations in the social and health sectors. This model, which will be based on transparent criteria, aims to enable NGOs to plan their activities for the long term and thereby ensure their sustainability.

32. GREVIO strongly encourages the Danish authorities to pursue and step up efforts to implement gender-responsive budgeting with the aim of ensuring appropriate allocation of funds and enabling the monitoring of public expenditures, including resources for domestic violence shelters serving both women and men. These initiatives should take into account the gendered differences in the prevalence of violence, as well as the different reasons for which men and women may seek accommodation in such shelters.

D. Data collection (Article 11)

33. 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.

1. Law-enforcement agencies and the justice sector

34. In its baseline evaluation report, GREVIO had welcomed the efforts made by the Danish authorities to collect data for the purpose of shaping evidence-based policies on violence against women, noting, however, the absence of specific data categories concerning the relationship between victims and perpetrators. Combined with the limited disaggregation by sex, this posed challenges in identifying cases of intimate partner violence against women. The inadequacy of data related to emergency barring and protection orders, lacking any breakdown by sex or relationship, had further compounded the issue. Within the justice sector, the data-collection systems had not enabled the comprehensive tracking of cases of violence against women across the criminal justice system. GREVIO had further highlighted the absence of data on violence against women in the crucial aspects of the justice sector, such as custody decisions, the use of special measures in court, compensation claims, legal aid and post-sentence programmes. In GREVIO's view, this lack of information masked the challenges women encounter in accessing protection and justice, prompting GREVIO to emphasise the need for systematic sex-disaggregated data collection in Denmark.

35. In the notable absence of steps taken to improve the data-collection systems employed by law enforcement, prosecutors and the judiciary, these needs persist and have become more of a necessity in order to address the lack of specific policy attention paid to the experiences of women victims of intimate partner violence and other forms of violence covered by the convention.

Criminal justice professionals primarily rely on case-management systems, which regrettably are not well suited for statistical purposes. As part of the Danish authorities' efforts to enhance data collection on domestic violence, GREVIO welcomes that a flagging-up system is in place that allows for data on general offences to be marked when committed in an intimate partner context, facilitating the identification of offences including those related to physical and psychological violence, stalking and rape as instances of domestic violence. According to information provided by the Danish authorities, while the case-management systems employed by law-enforcement and prosecution services operate independently from those of the judiciary, information regarding the courts' processing of cases is relayed to the prosecution office once the criminal proceedings are finalised. The prosecution office subsequently records details of the case outcome, including the reasoning and imposed sanctions in their case-management system. This method ensures the tracking of cases, including those involving domestic violence, across different stages of the criminal justice system. GREVIO notes, however, that certain factors hinder this data collection system from reaching its full potential. Specifically, cases flagged as domestic violence are limited to instances where the victim and perpetrator share the same address, thereby excluding instances of post-separation violence and domestic violence within relationships where the partners do not cohabit. GREVIO further notes that the crucial disaggregation of data based on the relationship between the perpetrator and the victim as well as age remains absent, which hinders the ability to distinguish between cases of inter-generational violence and intimate partner violence. Regrettably, the authorities have indicated to GREVIO that these shortcomings are unlikely to be rectified, attributing it to the inherent limitations of the existing systems used by those in the justice sector, which do not readily accommodate the introduction of new data categories.³⁵

36. GREVIO further notes that the inadequacies identified in the baseline evaluation report regarding data collection in civil proceedings, specifically concerning instances when the Family Law Agency considered domestic violence in custody and visitation procedures, have not demonstrably improved.

37. On a positive note, GREVIO notes with satisfaction the modifications made in recent years to the questionnaire of the national crime victim survey (CVS) conducted by the Ministry of Justice. Notably, the questionnaire has undergone significant improvements to encompass crucial inquiries about various forms of violence against women. Specifically, in 2019, questions addressing sexual offences other than rape or attempted rape were introduced, followed by the incorporation of questions on psychological violence in 2020. These additions include essential factors such as the sex and age of both the victim and perpetrator, the nature of the relationship, the form of violence, the victim's perception of severity and whether the incident was reported to the police. In the latest iteration of the survey in 2023, a specific question regarding the sex of the perpetrator in rape cases was included, alongside the introduction of inquiries about physical violence perpetrated by an intimate partner. GREVIO welcomes these developments with the firm belief that the updated CVS will provide invaluable insights into the prevalence of violence against women in Denmark.

2. Healthcare sector

38. In Denmark, data pertaining to domestic violence and sexual violence are systematically gathered by public healthcare institutions and services, as well as specialist sexual assault centres located within hospitals and maternity clinics. The collected data in cases of rape and sexual assault encompass a range of details, including the referring agency (police, general practitioner or emergency services, for example), demographic information about the victim such as sex, age, residence and occupation, historical instances of prior violence and information concerning the nature, location and time of the violence. Moreover, some form of information about the perpetrator, such as sex and relationship to the victim, is documented. The dataset includes information on the use of force, instances of threats, resistance exhibited during the assault, the potential influence of substances and whether the incident was reported to law-enforcement authorities.

35. Information obtained during the evaluation visit.

39. Moreover, the National Patient Register contains information about all examinations and treatment in domestic violence cases in Danish hospitals in the past four decades. It registers data on the treatment provided in both outpatient and emergency services based on the NOMESCO classification and includes details such as sex and age of the victim, as well as specific data related to injuries resulting from violence. Additionally, the registry includes information about perpetrators, distinguishing between former partners and current partners. Citizens can access their own data within the registry and have the option to share it as needed. Subject to certain conditions, the data may be accessed by researchers for research projects or clinical trials. According to the information provided by the Danish authorities, in the year 2021, Danish public hospitals recorded 2 844 instances of contact involving 2 682 women seeking assistance for incidents of violence. In 2022, there were 3 031 instances involving 2 856 women.³⁶ These figures reveal that multiple women sought support from the health system for violence on multiple occasions. GREVIO regrets however that the data are not disaggregated based on the specific forms of violence, whether physical or sexual violence or another form. GREVIO welcomes the detailed data-collection efforts in the healthcare sector; however, it lacks any information on the extent to which these data feed into evidence-based policy-making processes.

3. Social services

40. In its baseline evaluation report, GREVIO had identified significant shortcomings in the data-collection practices of the State Administration, such as the absence of data on the number of women seeking separate meetings in custody and visitation procedures due to safety concerns, as well as the lack of information on reported cases of violence or abuse between parents. Additionally, GREVIO had noted a lack of data concerning child welfare consultations and expert opinions sought by the State Administration, hindering a comprehensive understanding of the adequacy of investigations into the impact of domestic violence on children. The absence of data on subsequent incidents of violence or the removal of rights due to domestic violence had posed further challenges, preventing a thorough assessment of the system.

41. GREVIO observes that despite the restructuring of the State Administration into the Family Law Agency in 2019, notable progress in data collection has not been evident. GREVIO also notes with concern 37 instances of data security breaches occurring between 2021 and 2022, in which the Family Law Agency inadvertently shared protected information about one party in separation proceedings with the other party. The affected individuals had chosen to safeguard their contact details precisely to prevent the other party from discovering their whereabouts, often due to concerns about issues like child abduction or violence. According to the Danish Data Protection Agency, the predominant cause of the security breaches was identified as human errors occurring during various stages of the procedure, including responses to information access requests, information letters, party hearings and decision transmissions. The Danish Data Protection Agency emphasised that the Family Law Agency's substantial caseload might have contributed to the occurrence of these human errors, underscoring the challenges associated with managing a large volume of cases and maintaining meticulous data security practices. GREVIO welcomes the information provided by the Danish authorities regarding the measures being implemented to prevent such breaches in the future, including by upgrading their IT system to a new platform that enables the marking of cases for address protection or stays at domestic violence shelters.

42. In the broader domain of the social welfare system, the Ministry of Social Affairs, Housing and Senior Citizens, in collaboration with Statistics Denmark, has undertaken data collection from domestic violence shelters since 2017. This initiative focuses on gathering information on the duration and timing of women and children staying at these shelters. In 2021, this data-collection effort was expanded to encompass details about inquiries made to shelters, including requests for guidance or stays. Based on this data collection, statistical information is published annually regarding the number of women staying at domestic violence shelters, their ages, and their geographical distribution. On an ad-hoc basis, additional factors can be included in data analysis to support policymaking efforts, such as the analysis of the social background of women staying in shelters and their accompanying children conducted in 2021.

36. See the state report submitted by the Danish authorities, p. 45.

43. According to information provided by the Danish authorities, an upcoming change in the data collection system of the Ministry of Social Affairs and Housing for domestic violence will alter the data collection and reporting requirements for shelters. As of 1 July 2025, reporting by shelters, which has been voluntary since 1 July 2021, will become mandatory. GREVIO notes that the data collected by shelters and transmitted to the Ministry of Social Affairs and Housing includes the names and social security numbers of victims and their children residing in the shelters. However, victims may choose to remain anonymous during their stay if they so wish. GREVIO appreciates the Danish authorities' efforts to collect data from shelters and specialist services; however, it emphasizes the need to implement appropriate safeguards when handling personal data, in compliance with Denmark's obligations under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)³⁷, while ensuring that victims are fully informed of their right to anonymous shelter accommodation.

44. GREVIO notes that, while data is collected regarding the reasons for notifications made to child protection services regarding concerns about child welfare, including instances of domestic violence experienced or witnessed by children, there is no indication as to whether these data-collection efforts extend to monitoring municipal services offered to victims of violence against women and to what extent they inform evidence-based policy making. This includes aspects such as women's access to housing and other social welfare benefits.

45. Bearing in mind the need for data-collection efforts to apply to all forms of violence covered by the Istanbul Convention and recalling the findings issued in the GREVIO baseline evaluation report, GREVIO strongly encourages the Danish authorities to:

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, and health and social services) are disaggregated with regard to sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location as well as other factors deemed relevant", and that information on the presence of child witnesses and victims is also included;**
- b. extend data collection in the healthcare sector in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation;**
- c. 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.**

37. Article 5 of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data sets out the obligation to ensure that personal data undergoing automatic processing shall be obtained and processed fairly and lawfully, stored for specified and legitimate purposes and not used in a way incompatible with those purposes and preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored. Article 6 explains that personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards.

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

46. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made with regard to the adoption of the more specific preventive measures provided under this chapter in the area of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.³⁸ In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

1. General obligations (Article 12)

47. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocating equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

48. GREVIO welcomes the importance placed on the prevention of violence against women by the Danish authorities, including by enshrining preventive measures in the policy framework. The most recent National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings covering the period 2023-2026 contains a number of such measures, which, for instance, envisage an information campaign designed to heighten awareness about intimate partner violence, which, while acknowledging the increased vulnerability of women, appears to target both male and female victims. Offering guidance on available services is also among the aims of this campaign, but its launch date and time frame are unclear.

49. GREVIO also notes the existence of a yearly campaign led by the Ministry of Digital Government and Gender Equality, in collaboration with certain civil society organisations. The primary aim of this effort is to stimulate reflection and dialogue within schools on how to prevent violence. However, GREVIO has not received information detailing the extent of coverage within this campaign regarding the types of violence against women specified in the Istanbul Convention. Additionally, there is a lack of information on whether the campaign integrates a gendered approach to challenge stereotypical views on gender roles among young people.

50. GREVIO notes with satisfaction the efforts undertaken by the Danish authorities to align sexual violence legislation with the principles outlined in the Istanbul Convention, notably through the adoption of a consent-based definition of rape. The legislative changes have been complemented by the implementation of the "Sex? Only with consent" campaign, specifically

38. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, by 38 member states of the Council of Europe.

targeting individuals aged 18-30. This campaign employs films and social media platforms to educate the target demographic about consent and disseminate information about the new legislation. Additionally, there is an upcoming initiative by the Alliance on Preventing Sexual Harassment, focusing on sexual harassment among young people, with particular attention on the vulnerability of young women.

51. Furthermore, the project “Is it Stalking?” conducted from 2020 to 2022 aimed to raise awareness about stalking through various initiatives, including outdoor and social media campaigns, professional conferences, expert webinars and an edited handbook for professionals. The goal was to enhance knowledge about stalking, enabling more people to recognise and respond to this form of violence.

52. While GREVIO acknowledges the aforementioned prevention measures taken by the Danish authorities and, to a certain extent, their acknowledgement of women’s increased exposure to certain forms of violence compared to men, it observes an overall lack of a gendered and integrated approach to tackle the root causes of violence against women and girls. Specifically, there is a notable absence of measures addressing societal attitudes, cultural norms and gender stereotypes rooted in the perceived inferiority of women. In this respect, GREVIO draws the attention of the Danish authorities to Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, which can provide guidance on raising awareness of gender-based prejudices and stereotypes. GREVIO also did not obtain any information on to what extent these campaigns sought to involve men and boys in the prevention of gender-based violence against women. Compounded by the overarching gender-neutral tone prevalent in national policy making, GREVIO considers that the prevention efforts of the Danish authorities run the risk of neglecting the unique experiences encountered by women in cases of violence.

53. Last, GREVIO stresses the importance of assessing the impact of various awareness-raising efforts on society’s perceptions and views about the roles of women and men and gender stereotypes. Such evaluation exercises would ensure that awareness-raising campaigns are effective in meeting their objectives and would provide the authorities with the opportunity to readjust them if necessary.

54. GREVIO urges the Danish authorities to prioritise a gendered approach in their initiatives aimed at preventing all forms of violence against women covered by the Istanbul Convention, including by promoting the understanding within society of the gendered nature of violence against women and by advocating changes in the mentalities and attitudes that inadvertently support and perpetuate such violence.

55. GREVIO further encourages the Danish authorities to regularly evaluate the impact of awareness-raising campaigns and other measures to prevent violence against women.

2. Education (Article 14)

56. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents on the content of related courses, the qualifications of the persons providing the courses; and to whom any questions can be directed.

57. In its baseline evaluation report, GREVIO had welcomed initiatives to integrate education on gender equality, certain forms of violence against women and sexuality into the school system while also noting that gender roles, stereotypes and the gender dimension of violence against

women, as well as the specific situation of children witnessing domestic violence, were not sufficiently reflected in the teaching material. GREVIO had also found that the use of available teaching materials largely depended on the choices of teachers. However, GREVIO had noted with satisfaction the increasing rates of notifications submitted to municipalities by schools about suspected domestic violence and abuse. In light of these, GREVIO had encouraged the Danish authorities to include women's rights and the topic of gender-based violence in the curricula for primary and secondary schools and to monitor the use of teaching materials by teachers.

58. Since the baseline evaluation report, the Danish education system has not undergone a major reform. All Danish compulsory education institutions, which cover primary and lower secondary education, have common objectives that is based on the Danish Folkeskole. The common objectives defines the general framework that the education institutions must comply with; however, each education institution and teachers have a margin of discretion in choosing the teaching materials and methods.

59. According to the Danish authorities, the common objectives for the curricula of primary, secondary and vocational education include topics related to equality between women and men, mutual respect and sexuality education that are mandatory. However, they acknowledge that gender-based violence is not a topic that the curriculum specifically addresses.³⁹ Regarding the practical application of the curriculum, women's and children's rights organisations alerted GREVIO to the fact that while sexuality education became mandatory in secondary schools in 2023 and in certain vocational educational programmes in 2022 and there is an increased focus on consent-based sexuality as well as prevention of non-consensual sharing of intimate images, its content and manner of delivery is not defined. Often these topics are covered in a dedicated sexuality education week where civil society organisations working on this issue visit schools and explain a select topic, often without touching upon the gendered aspects of non-consensual relationships and what consent means in that context.⁴⁰ GREVIO welcomes the information provided by the Danish authorities that there are plans to develop guidance material on sexuality education that will touch upon subjects such as gender norms, consent, boundaries and prevention. The material will also provide guidance to teachers on how to deal with reactions from parents to mandatory sexuality education in schools. Following the introduction of a consent-based rape definition in the Danish legal system, GREVIO observed a number of news articles revealing that young people, especially boys, do not have a sufficient understanding of consent.⁴¹ This finding is supported by a survey commissioned by the Danish Crime Prevention Council, which revealed the prevalence of strongly stereotyped and erroneous notions about rape among young people, especially men aged 16 to 20.⁴²

60. In its baseline evaluation, GREVIO had noted the obligation on teachers to report to the municipalities any cases of suspected violence, whether experienced or witnessed by a child. This not only includes sexual and domestic violence but also female genital mutilation (FGM) and violence committed in the name of "honour". While GREVIO welcomes the responsibility placed on teachers, who are often on the frontline of identifying child abuse and neglect, accounts shared by civil society organisations point to a need to increase their knowledge and awareness of these issues.⁴³ A particular focus was placed on the lack of cultural sensitivity of teachers when dealing with suspected cases of FGM, forced marriage or other forms of "honour-based violence". In Denmark schools with more than 30% of students with "non-western" backgrounds are under enhanced supervision by the National Agency for Education and Quality as a part of the country's measures against the formation of "parallel societies".⁴⁴ GREVIO recalls in this respect the dangers of discussing "honour-based value systems" and their implications for girls and boys as a cultural

39. See the state report submitted by Denmark, p. 23.

40. Information obtained during the evaluation visit.

41. See for example the news article from *Berlingske*, "She has investigated 500 rape cases since the Consent Act and can see a pattern repeating itself": www.berlingske.dk/samfund/hun-har-undersoegt-500-voldtægtssager-siden-samtykkeloven-og-kan-se-et or "She is a lawyer for young boys who are accused of something they had no idea they had done": www.berlingske.dk/samfund/hun-er-advokat-for-unge-drenge-der-bliver-beskyldt-for-noget-de-ikke-anede.

42. Sarah van Mastrigt and Terese Hartmann, Unges stereotype holdninger til voldtægt, Det Kriminalpræventive Råd, 2021.

43. Information obtained during the evaluation visit.

44. Information obtained during the evaluation visit.

problem rather than aiming to identifying children who might be confronted with violence and control regardless of their ethnic or cultural identity.⁴⁵ While GREVIO notes the importance of preventing violence against girls and women resulting from restrictive views on their autonomy, in particular in relation to their choice of intimate partners and spouses, GREVIO thus cautions against discussing “honour-related value systems” and their implications for girls and boys as exclusively foreign-bred phenomena. Civil society organisations representing and working with women from ethnic and religious minorities in Denmark expressed concern that the current preventive efforts to identify victims in the school system single out migrant communities by focusing on their membership of a collective rather than being embedded in a more encompassing attempt at identifying children who might be confronted with violence and control, for example as victims or witnesses of domestic violence, among other forms of violence.⁴⁶ GREVIO highlights that such measures would risk stigmatising girls and boys from certain communities in the school system, which would add to the barriers that hinder integration. Instead, emphasis should be placed on the underlying principles that all forms of violence against women share: the power and control over a girl/woman – her body, her mind, her economic situation, her sexuality or her reproductive functions.

61. As for preschool education, it is governed by the Day Care Act, which GREVIO notes with regret does not contain any references to equality between women and men. In the context of “social development”, which is one of the six curriculum themes, teachers are encouraged to use concepts of equality and gender roles as a way to challenge children’s play. However, a survey of diversity and gender equality in preschool carried out in 2020 revealed that only 20% of the preschools had such activities.⁴⁷ Concerns are raised in this respect by civil society organisations about research revealing that children are often exposed to rather gender-stereotypical views and practices by the preschool staff, who often do not have the necessary training and are responsible for a large number of children.⁴⁸

62. 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.

63. GREVIO further encourages the Danish authorities to ensure that specific forms of violence against women and girls are addressed in the school system without stigmatisation of and discrimination against women and girls exposed to them.

3. Training of professionals (Article 15)

64. Building society’s trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. 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.

65. In its baseline evaluation report, GREVIO had observed a mixed picture regarding the level of such specific training for the various professions in Denmark, pointing towards high levels of training among specialist support services and healthcare professionals while finding law-enforcement officers and social services and immigration and asylum staff in need of further training initiatives. As regards law-enforcement agencies, this has been responded to with a comprehensive initiative to ensure trauma-informed police responses, which GREVIO welcomes.⁴⁹

45. See, for example, GREVIO’s baseline evaluation report on Sweden, paragraph 85.

46. Information obtained during the evaluation visit.

47. Mangfoldighed og ligestilling i dagtilbud, Padovan-Özdemir and Hamilton, 2020, available at: https://bupl.dk/sites/default/files/2022-05/Mangfoldighed%20og%20ligestilling%20i%20dagtilbud_delrapport1_maj2020_forsk55.pdf.

48. The written submission from the Danish National Observatory on Violence against Women, p. 11.

49. GREVIO’s baseline evaluation report on Denmark, paragraphs 77-86.

66. With the introduction of specialist teams in each police district in 2021 to deal with cases of violence against women, which GREVIO welcomes, systematic trauma-informed training of police officers on gender-based violence was rolled out throughout the country. This training is carried out by civilian experts, referred to as “key persons”, employed at police districts who have a background in sociology, psychology, social work, criminology or related fields and are specialised in trauma-informed responses to violence against women. The importance given to continuous training of law-enforcement professionals is also enshrined in the Financial Framework for the Danish Police and Prosecution Service covering the period 2021-2023, which provides for redoubling training efforts as well as the development of technical guidance on trauma-informed practices in order to ensure the broader dissemination of knowledge about trauma reactions and vulnerability. The permanently employed key persons in the police districts also serve as resources for providing continuous support and knowledge to the investigators working on cases of violence against women. These initiatives are complementary to the initial training for police officers provided by the Police Academy on dealing with victims of violence against women and domestic violence, stalking and psychological violence as well as using the risk tools employed by the Danish police. A number of new in-service training initiatives have also been carried out in the last few years by the National Danish Police College, focusing on “honour-related violence” as well as trauma in complex cases of domestic violence, stalking, rape and “honour-related violence”. GREVIO welcomes the contribution of the women’s rights organisation Danner and the Danish Stalking Centre to the development of the latter course.

67. GREVIO commends the Danish authorities for systematically establishing specialised and multidisciplinary police teams to respond to cases of violence against women, which is a significant step towards building victims’ trust in police responses. However, it nevertheless considers it necessary to expand training efforts on sexual violence and rape.

68. As for the prosecution authorities and the judiciary, while there have been individual e-learning initiatives to train public prosecutors on communicating with victims and trauma-informed practices, GREVIO identified an overall need to systematically extend trauma-informed response training to all justice system professionals on the basis of a gendered understanding of violence against women. In this respect, GREVIO notes with concern that the Danish Court Administration’s mandatory initial training for assistant judges does not cover gender equality and violence against women issues.⁵⁰ The need to provide systematic training to judges and prosecutors became all the more important with the introduction of new provisions into criminal law for ensuring their consistent application in practice. Regarding the justice system, concerns were also raised by women’s rights organisations about the knowledge of gender-based violence against women among lawyers providing free representation for victims.⁵¹

69. As regards the training of professionals in the social welfare system, such as municipal workers in charge of social work and housing and to some extent the employees of the Family Law Agency, GREVIO notes a number of in-service training efforts that address “honour-based violence”, and the use of the PATRIARCH risk-assessment system. Participation in this training appears to be voluntary. GREVIO notes with concern the lack of systematic training provided in the social welfare field on other forms of violence, including domestic violence and its impacts on child witnesses.⁵² An issue of particular concern in this regard is the level of training provided to professionals working at the Family Law Agency. While GREVIO could not obtain information on the initial and in-service training provided to the staff members of the newly established agency, reports by women’s and children’s rights NGOs reveal a lack of knowledge and awareness of domestic violence, child abuse, coercive control or stalking among in-house and external experts hired by the agency.⁵³ According to civil society organisations, this lack of training manifests itself

50. Information obtained during the evaluation visit.

51. Written submission from the Danish National Observatory on Violence against Women, p. 20.

52. *Ibid.*, p. 12.

53. Stop Violence against Children, “The social service and family court system in the Kingdom of Denmark: domestic violence towards mothers and abuse of children”, 2021, p. 6.

in misclassifications of cases of violence and coercive control as conflict or the unwillingness of the child to be handed over to the violent parent as manipulation by the other parent.⁵⁴

70. Last, GREVIO notes with concern the information indicating that the most common form of violence children witness is non-fatal strangulation.⁵⁵ Strangulation is a particularly dangerous form of physical violence, as research indicates that victims of prior strangulation are seven times more likely to later become victims of murder⁵⁶ and that strangulation is one of the most common methods of killing in domestic violence settings.⁵⁷ Strangulation – the obstruction of blood vessels and/or airflow by external (often manual) pressure to the neck – causes decreased oxygen supply to the brain and can lead to unconsciousness and the loss of bladder control within 7 to 15 seconds.⁵⁸ If not fatal, it is likely to cause serious permanent injuries, such as brain damage, as well as extreme distress to victims, who commonly feel like they are about to die.⁵⁹ As manual strangulation leaves few marks on the victim's body, healthcare professionals and law-enforcement officers need to be specifically trained on how to recognise symptoms, including blood-red eyes, petechiae (tiny red spots on the neck and face) and involuntary urination. Furthermore, training is needed for legal professionals, in particular public prosecutors and judges, in order to raise their awareness of the seriousness and lethal risk of non-fatal strangulations.

71. Recalling the findings issued in the GREVIO baseline evaluation report, GREVIO urges the Danish authorities to ensure the provision of systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, including its digital dimension. Such training should focus on the victims' human rights, safety, individual needs and empowerment, and the prevention of secondary victimisation and be provided to all professionals in the justice system, to municipal social welfare officers and to employees of the Family Law Agency as well as external experts they rely on. GREVIO further urges the Danish authorities to maximise the impact of such training efforts by drawing on the expertise of women's rights organisations and providers of specialist services.

72. GREVIO further encourages the Danish authorities to accompany the recent amendments made to the Criminal Code, aligning it with the requirements of the Istanbul Convention, with systematic training initiatives to ensure their harmonised and effective implementation in practice with the ultimate goal of enhancing victims' trust in the legal system.

4. Preventive intervention and treatment programmes (Article 16)

73. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural strategies. Making the safety of support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety

54. Ibid., p. 9.

55. Ibid., p. 18.

56. Nancy Glass, Kathryn Laughon, Jacquelyn Campbell, Carolyn Rebecca Block, Ginger Hanson, Phyllis W. Sharps and Ellen Taliaferro, "Non-fatal Strangulation is an Important Risk Factor for Homicide of Women", *The Journal of Emergency Medicine*, Volume 35, Issue 3, 2008, pp. 329-335, available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC2573025/.

57. See, for example: www.femicidecensus.org/reports/ for data from the UK.

58. These time spans are commonly accepted in the medico-legal field and were first examined in a study from 1943: Kabat H. and Anderson J. P., "Acute Arrest of Cerebral Circulation In Man: Lieutenant Ralph Rossen (Mc), U.S.N.R.", *Arch Neuropsych.*, 1943; 50(5): 510-528, available at: <https://jamanetwork.com/journals/archneurpsyc/article-abstract/649750>.

59. Catherine White, Glen Martin, Alice Martha Schofield and Rabiya Majeed-Ariss, "I thought he was going to kill me": Analysis of 204 case files of adults reporting non-fatal strangulation as part of a sexual assault over a 3 year period", *Journal of Forensic and Legal Medicine*, Volume 79, 2021, available at: www.sciencedirect.com/science/article/abs/pii/S1752928X21000135.

from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

a. Programmes for perpetrators of domestic violence

74. In its baseline evaluation report, GREVIO had observed that the existing capacities of perpetrators' programmes offered by the NGO Dialogue against Violence fell short of responding to the actual need, noting the long waiting lists. GREVIO had further found that the referral of perpetrators to the programmes by the courts as well as other authorities was insufficient and that communication between providers of perpetrator programmes and women's specialist services was lacking, which in turn undermined the safety of victims.

75. Since the baseline evaluation report, GREVIO notes with satisfaction the increased investment by the Danish authorities in improving the capacity and availability of perpetrator programmes. For instance, GREVIO welcomes the fact that DKK 48 million was allocated in the period 2020-2023 and DKK 18.7 million in annual funds permanently thereafter⁶⁰ to Dialogue against Violence, the main provider of perpetrator programmes in Denmark. GREVIO was informed that these funds would be used to open two new departments and to address the current waiting lists and that an evaluation of the existing programmes is underway.⁶¹

76. However, the shortcomings noted by GREVIO in its baseline evaluation in terms of low referral rates by courts as part of a suspended sentence appear to persist, which is also acknowledged by the Danish authorities.⁶² According to the information provided by civil society organisations, only 15% of perpetrators who benefit from treatment programmes are referred by courts.⁶³ GREVIO also notes that the current capacity of existing perpetrator programmes responds to around 30% of the need.⁶⁴ Greater efforts are therefore needed to enable adequate work with perpetrators in order to achieve lasting behavioural change and to instil women's trust in the system by actively breaking the cycle of domestic violence.

77. Representatives of women's shelters also informed GREVIO that referrals of perpetrators by municipal authorities remained sporadic and depended on individual municipalities' practice and the level of co-operation with NGOs providing specialist services in the field.⁶⁵ Standardising practices based on the recognition of the important contribution perpetrator programmes can make to victims' safety and to reducing re-victimisation, coupled with an increase in the number of available programmes, are vital elements in a comprehensive approach to domestic violence that provides effective protection and support.

78. A promising initiative in this area is the "Early intervention for victims of violence and perpetrators of partner violence" programme, which aims to provide an early and preventive response to domestic violence through a co-operation between the police, the municipalities and NGOs. Accordingly, when law-enforcement forces respond to a case of domestic violence, they will actively inform and encourage the perpetrator to attend a treatment programme. While the initiative appears to be still in its early stages of implementation, evaluations of this model showed that this approach was helpful in securing an immediate response to domestic violence.⁶⁶

79. In addition to the well-established psycho-social treatment programmes provided by Dialogue against Violence, the national unit "Live without Violence" offers phone counselling services for perpetrators who wish to change their behaviour under the initiative "Slip Volden" (Let go of violence). The service caters for both men and women perpetrators of intimate partner violence and can consist of up to five phone sessions. GREVIO notes that a total of DKK 3.2 million was allocated to the Slip Volden programme and welcomes the provision of this

60. See the state report submitted by Denmark, p. 25.

61. Information obtained during the evaluation visit.

62. Information obtained during the evaluation visit.

63. Information obtained during the evaluation visit.

64. Information obtained during the evaluation visit.

65. Written submission from the Danish National Observatory on Violence against Women, pp. 13-14.

66. See the state report submitted by the Danish authorities, p. 13.

service, which complements in-person treatment programmes; however, GREVIO does not have enough information on the number and profile of perpetrators making use of this possibility to assess its efficiency.

80. Last, GREVIO notes with interest that the Danish Correction and Probation Service is in the process of implementing a cognitive programme (PREDOV) against intimate partner violence in three prisons.⁶⁷ This programme, which was developed by the Swedish Correction Service, was rolled out in Denmark during 2024. PREDOV is available nationwide in the prison system for inmates convicted of intimate partner violence or homicide who are not permitted unsupervised leave to attend treatment at Dialogue against Violence, which remains the provider of psychological treatment for perpetrators on probation and inmates with unsupervised leave.

81. GREVIO encourages the Danish authorities to continue their efforts to expand the outreach of all available perpetrator programmes and use all available means to ensure that such programmes are widely attended, including by a more consistent application of existing referral mechanisms.

b. Programmes for perpetrators of sexual violence

82. In Denmark, as also noted in the baseline evaluation report, a programme for convicted perpetrators of sexual violence is provided in the Herstedvester Institution, where treatment is provided as a supplement to the imposed prison sentence. Additionally, three specialist hospital units in Denmark provide treatment outside of the prison system as an alternative to a prison sentence for perpetrators who receive suspended sentences. To GREVIO's knowledge, treatment programmes for perpetrators of sexual violence outside prison settings do not exist in Denmark. GREVIO highlights the added value of such outpatient, preventive treatment programmes, which can also be customised to the needs of boys and younger men, who, according to reports in the media, represent a significant share of perpetrators of sexual violence.⁶⁸

83. GREVIO encourages the Danish authorities to expand the intervention and treatment programmes for perpetrators of sexual violence to voluntary settings in line with the requirements of Article 16, paragraph 2, of the Istanbul Convention.

B. Protection and support

84. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance in overcoming the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

1. General obligations (Article 18)

85. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency

67. *Ibid.*, p. 27.

68. See Article 14, Education.

co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim to ensure the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

86. In its baseline evaluation report, GREVIO had observed that services for women victims of violence operated in isolation rather than providing co-ordinated support. In this respect, GREVIO had pointed to the lack of standardised procedure for communication between domestic violence shelters, municipalities and law-enforcement agencies. Insufficient screening and risk-assessment processes, along with limited information exchange in custody and visitation procedures, had been particularly emphasised. GREVIO had strongly encouraged the Danish authorities to adopt a holistic, multi-agency approach to improve victim safety, empowerment, law enforcement, child welfare and psychological support.

87. GREVIO notes at the outset a number of good examples of one-stop-shop models implemented in Denmark. These are the Barnahus, which provide child-friendly services under one roof to ensure access to justice and quality care for child victims and witnesses of violence, and sexual assault centres, which aim to provide a holistic and multidisciplinary response to victims of sexual violence.⁶⁹

88. Despite the existence of these services, GREVIO notes with regret that the shortcomings in providing comprehensive and co-ordinated support services for all forms of violence against women as identified in the baseline evaluation report have not been addressed. The central role assigned to municipalities in the provision of specialist services establishes a *de facto* connection between social services and specialist services, which GREVIO welcomes. However, no formalised co-operation mechanisms seem to have been put in place subsequent to the adoption of the baseline evaluation report to enhance the exchange of information and referral of victims among different services and institutions, including the law-enforcement and healthcare sectors. Combined with the lack of holistic approaches to risk assessment and management,⁷⁰ and the limited number of one-stop-shop approaches, the present situation falls short of providing prompt and comprehensive responses to the diverse and complex needs of victims of violence against women, placing the burden on the victim to navigate a network of various institutions with different tasks and responsibilities.

89. Recalling the findings issued in GREVIO's baseline evaluation report, 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, including the healthcare sector, 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.

90. GREVIO further encourages the Danish authorities to increase the number of "one-stop shops" providing a range of protection and support services to cater for victims of forms of violence against women other than rape and sexual violence.

69. See Article 25, Support for victims of sexual violence.

70. See Article 51, Risk assessment and risk management.

2. General support services (Article 20)

91. General support services, such as social services, health services and housing or employment services, must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the convention requires states parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and are able to respond to victims in a supportive manner, in particular those that women and girls turn to first (health and social services). Their interventions are often decisive for victims' onward journey towards a life free from violence and thus a core element of a trust-based system of protection and support.

a. Social services

92. In its baseline evaluation report, GREVIO had welcomed the wide variety of social services provided in Denmark to women victims of violence, which include housing, finances, employment, education, childcare and healthcare. This includes, for example, the scheme put in place by the Act on Social Housing that facilitates access to affordable housing for individuals with relatively low incomes, including women with children in socially vulnerable situations. Accordingly, the municipalities are authorised to allocate 25% of the available social housing stock for socially vulnerable citizens, with the possibility of increasing this percentage at the initiative of the local council. GREVIO welcomes further positive developments in this regard, as can be seen in the recent initiative that involves "halfway housing", where municipalities contribute half of the rent for women transitioning into private accommodation after a shelter stay. However, GREVIO observed challenges for victims in securing long-term housing after departure from a shelter, particularly when the shared residence is registered under the perpetrator's name.

b. Healthcare services

93. In the area of healthcare services, in its baseline evaluation on Denmark, GREVIO had welcomed the provision of free and quality healthcare to victims of violence against women in Denmark, while also expressing concern that pregnant migrant women with irregular status seeking emergency healthcare were subsequently subjected to deportation.

94. GREVIO welcomes the initiative by the Danish Health Authority, in collaboration with the Danish Agency for International Recruitment and Integration, to introduce a screening system for the prevention and detection of domestic violence during pregnancy and the child's first two years of life. Accordingly, guidelines and a screening tool for use in prenatal care and public health nursing will be developed and the impact of these measures will be evaluated.⁷¹ GREVIO notes, however, that no systematic screening procedures seem to be in place for non-pregnant women or for forms of violence other than domestic violence in the healthcare system. In this respect, GREVIO considers that systematic screening for all forms of violence against women by health professionals is essential to enhance the trust of the victims to disclose violence and to provide them and their children with the necessary support, guidance and protection.

95. GREVIO encourages the Danish authorities to pursue their efforts to implement standardised care paths in the public and private healthcare sectors in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence and the violence suffered and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries.

71. See the information available on the Danish Health Authority's website: https://sundhedsstyrelsen.dk/-/media/Udgivelser/2023/Vold-i-naere-relationer/OPSPORING-AF-VOLD---GRAVIDE_ENG_v2-2-_002_.ashx?sc_lang=da&hash=157755053E3033FA4AF718FD7B53916B.

3. Specialist support services (Article 22)

96. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

97. In its baseline evaluation report, GREVIO had welcomed the variety of specialist services catering to victims of different forms of violence against women, including stalking, "honour-related violence" and negative social control, as well as the efforts of community-based NGOs working to support women from migrant backgrounds. It had however noted the insufficiency of services providing non-residential mid to long-term counselling and legal advice to victims of violence against women, including domestic violence and rape, especially in smaller cities.

98. As for shelters, GREVIO had pointed to the need to increase the number of shelter places to ensure that all victims are accommodated in domestic violence shelters without being directed to other emergency accommodation facilities, such as homeless shelters. This, GREVIO notes with satisfaction, has been addressed, and the number of domestic violence shelters for women set up in accordance with Section 109 of the Act on Social Services has nearly doubled, rising from 46 during the baseline evaluation to 86 in October 2023, with a combined capacity of around 878 shelter spaces.⁷² This complies with the guiding objective of one family place per 10 000 head of population, as referred to in the Explanatory Report to the Istanbul Convention.⁷³ Moreover, 23 shelters have the necessary facilities to accommodate women with physical disabilities and six shelters have the expertise and in-house trained personnel to accommodate women with varying degrees of addiction issues.⁷⁴ GREVIO welcomes these developments, which were also praised by the Committee of the Parties in its Concluding Observations on Denmark, but also highlights the fact that some women with intellectual and psycho-social disabilities may still find it difficult to access the existing shelters.⁷⁵

99. GREVIO notes, however, that in practice discrepancies exist in the quality of the services provided. According to representatives of women's shelters run by women's rights NGOs, recent years have seen an increase in the number of shelters operated by profit-driven private enterprises. GREVIO notes that out of the existing domestic violence shelters for women, nine are run by municipalities, 47 are run by specialist women's rights NGOs and 30 are run by private entities. While the Social Supervision Authority formally approves the establishment of new shelters and monitors their compliance with the required quality standards, GREVIO has received indications from civil society organisations that the vagueness of the standards enables the prioritisation of financial gain over the needs and well-being of victims by certain providers. Some of these shelters, driven by profit motives, operate as wellness centres rather than providing specialist services on the basis of a gendered understanding of domestic violence. Such an approach undermines the fundamental purpose of domestic violence shelters, which should place the respect for the human rights and safety of all victims and their specific needs above anything

72. Information provided by LOKK, the national network of shelters, during the evaluation visit.

73. Article 23 of the Istanbul Convention requires parties to ensure that there are appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for women and children. Paragraph 135 of the Explanatory Report to the Istanbul Convention provides guidance to parties on how to assess whether the current number of shelters is sufficient. More specifically, it refers to the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6), which recommends that there should be one family place per 10 000 head of population. A "family place" is defined in the Council of Europe publication "Combating violence against women: minimum standards for support services", EG-VAW-Conf (2007) Study rev., as "an adult plus the average number of children". This notwithstanding, it is important to note that the Explanatory Report clarifies that the number of shelter places should be adapted to the actual need/demand in the country.

74. According to the information provided by LOKK, the national network of shelters, there is a high demand for places in shelters for women with addiction issues.

75. Conclusions on the implementation of recommendations in respect of Denmark adopted by the Committee of the Parties to the Istanbul Convention, IC-CP/Inf(2021)6, adopted on 7 December 2021.

else. It is therefore essential to re-evaluate and clarify the quality standards that all shelters must comply with.

100. Furthermore, GREVIO stresses the continuing need for measures to ensure long-term psychological support for victims of violence against women apart from the 10-hour psychological counselling provided at the shelters. GREVIO notes with concern information provided by representatives of women's domestic violence shelters that many shelters lack the resources to provide follow-up counselling once the women leave.⁷⁶ In this respect, GREVIO notes with interest the "Sig Det Til Nogen" (Tell Someone) network, which was established by five NGOs to provide free counselling courses for women and relatives of women who live with psychological violence, physical violence or other forms of violence in close relationships.⁷⁷ The network has centres in five cities, Copenhagen, Randers, Ringsted, Kolding and Holstebro. GREVIO was informed about the long waiting lists for this service and that it is operated on the basis of temporary funding with the hope that it will become permanent.⁷⁸ The NGOs RED and RED+ also operate a counselling centre that caters for women and men victims of "honour-related violence". As for digital manifestations of violence against women, GREVIO welcomes the establishment, following a project carried out in 2017, of the counselling service "StopChikane", for victims of online and technology-facilitated violence, including harassment, image-based abuse and online sexism, over the age of 18.

101. As for legal advice, GREVIO welcomes the news that since the baseline evaluation report the national Lev Uden Vold (Live without violence) unit has been fully institutionalised and now provides free legal advice to victims of domestic violence, in addition to some shelters that also provide this service to their residents.

102. GREVIO was also made aware of ongoing plans to amend the funding scheme for shelters. These discussions seem to have been prompted by a notable increase in the financial expenditures for women's shelters observed over the last five years, a surge that aligns with an increased number of women seeking refuge.⁷⁹ A working group established by the government and the National Association of Municipalities has proposed the establishment of a standardised tariff designated for shelters. Women's rights NGOs view this proposal as the municipalities' attempts to exert control over the daily operations of shelters, aiming to restrict costs for women's shelters and highlight the associated dangers.⁸⁰ The regulation of tariffs can have a detrimental impact on the quality of specialist services provided.

103. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to take measures to:

- a. ensure that victims of all forms of violence covered by the Istanbul Convention have access to long-term psychological counselling in outpatient settings;**
- b. set and enforce stringent quality standards for domestic violence shelters dedicated to women and their children while ensuring the financial sustainability of shelter provision, including on the basis of self-referrals;**
- c. improve the availability and accessibility of domestic violence shelters to all women victims of gender-based violence, including women with psycho-social and intellectual disabilities.**

76. Written submission from the Danish National Observatory on Violence against Women.

77. See the website of Tell Someone: <https://sigdettilnogen.dk/>.

78. Information obtained during the evaluation visit.

79. According to the 2022 Social Policy Statement published by the Ministry of Social Affairs, Housing and Senior Citizens, from 2018 to 2021 costs incurred by shelters (also including shelters for the homeless) increased by DKK 500 million. Available in Danish at: <https://sm.dk/publikationer/2023/jun/socialpolitisk-redegoerelse-2022>.

80. Written submission by the Danish National Observatory on Violence against Women, p. 19.

4. Support for victims of sexual violence (Article 25)

104. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.⁸¹

105. Services for victims of sexual violence and assault exist throughout Denmark, and the nine existing sexual assault centres offer immediate medical examinations, pregnancy tests, injury treatment, infection screening and forensic procedures such as DNA sampling and evidence documentation for victims of sexual assault who arrive at the centre within a month of the violent incident. While commending these services, in its baseline evaluation report GREVIO had expressed concern about the limited provision of psychological treatment sessions and strongly encouraged the Danish authorities to ensure comprehensive, mid and long-term psycho-social support for women victims of rape and sexual assault. This situation seems to persist, and although sexual assault centres strive to offer counselling and psychotherapy to victims of rape and sexual assault, including to those who arrive at the centres more than one month after being subjected to sexual violence, waiting times seem to be increasing.⁸² In the general healthcare system, while victims of sexual violence occurring within the past year have the possibility to obtain a referral from a general practitioner for 12 sessions with a private practice psychologist, GREVIO notes that 40% of the associated costs are to be borne by the victim.⁸³

106. These issues have been brought to the attention of the Ministry of Health through two open letters issued by sexual assault centres in 2022 and 2023. They stress the increasing number of victims and the contrast with the limited resources made available for psychotherapy. Additionally, certain centres conveyed their incapacity to fulfil other core aspects of their mandates, such as providing social and sexual counselling services to victims due to the insufficiency of resources.

107. Recalling the findings issued in GREVIO's baseline evaluation report, 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.

C. Substantive law

108. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent further victimisation of women and girls and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

1. Custody, visitation rights and safety (Article 31)

109. 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 convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights

81. Explanatory Report to the Istanbul Convention, paragraph 142.

82. Written submission from the Danish National Observatory on Violence against Women, p. 28.

83. Ibid.

does not harm the rights and safety of the victim or children. This provision contributes directly to their trust in the authorities because it offers essential protection from post-separation abuse.⁸⁴

110. In its baseline evaluation report, GREVIO had expressed its pressing concerns about the Act on Parental Responsibility and its interpretation by the State Administration, which has since been replaced by the Family Law Agency, in parental separation cases involving a history of domestic violence against women. GREVIO had noted in this respect that the mechanism in place did not enable conflicts about custody and visitation to be resolved in an adversarial procedure by a neutral judge but had rather been built on a system of joint meetings between the two parents, co-ordinated by the State Administration and with limited possibilities to appeal against its decisions.

111. In response to the wide range of serious concerns raised by GREVIO, the Danish authorities carried out in 2019 a reform of the family law system, revising the Act on Parental Responsibility and abolishing the State Administration, which GREVIO welcomes. Consequently, the family law system, once comprised of the State Administration, the Danish Appeals Board and the courts, underwent a transformation to a more streamlined structure. This revised system now features an administrative authority, namely the Family Law Agency, alongside family courts. While the amendments to the Act on Parental Responsibility aimed to prioritise the right of the child to be protected from violence and abuse⁸⁵ and the reform of the State Administration removed its competence to issue legally binding decisions on custody and visitation, the shortcomings identified by GREVIO in procedures related to child custody and visitation proceedings in its baseline evaluation report seem to persist under the Family Law Agency.

112. Under the current system, separating or divorcing parents who wish to have a decision on custody and visitation submit a request to the Family Law Agency by filling out an online form. Once a request is received, the Family Law Agency carries out an initial screening to classify the case as simple cases where parties reached an agreement on the custody and visitation scheme (“section 5”), less simple cases where parties have disagreements but do not doubt each other’s parenting capabilities (“section 6 cases”) or complex cases (“section 7 cases”). Based on the categorisation of the case, the Family Law Agency proposes one of two different procedures: family mediation (familiemægling) or family law investigation (familieretlig udredning). Accordingly, if the initial application discloses elements of physical and psychological violence, harassment, substance abuse problems or mental illness, the case is classified as a “section 7 case” and parties are directed to family law investigation. The investigation is carried out by child experts and specialised lawyers. According to the information provided by the Danish authorities, if a case reveals a history of domestic violence, separate meetings with the parties are organised automatically.⁸⁶ This is enshrined in Section 10, paragraph 2, of the Act on the Family Law Agency, which provides that the parties may not be summoned to a joint meeting if one of the parents or the child has been exposed to violent behaviour from the other parent, or if there is suspicion in that regard. However, reports from civil society organisations indicate that separate meetings are not systematically offered.⁸⁷ Moreover, according to information provided by civil society organisations, the invitation letter sent by the Family Law Agency states that attendance is required by law

84. It is noteworthy that in the case of *Bizdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment made by the domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

85. Article 4 of the Act on Parental Responsibility, which originally held that “Decisions by the act should be based on the best interest of the child”, was amended to read “the [Family Law Agency] and the Family Court shall focus on measures to ensure that decisions contribute to safeguarding the wellbeing of the child and to protecting the child from acts of violence or other treatment that exposes the child to harm or danger, including witnessing violence”.

86. Information obtained during the evaluation visit.

87. Written submission from the Danish National Observatory on Violence against Women, p. 31.

without informing the invited party of their right to a separate meeting.⁸⁸ There does not seem to be a thorough risk-assessment mechanism for the detection of domestic violence cases and the assessment is only based on the statements of the party lodging the application.⁸⁹ While the information obtained from the Danish authorities indicates that the classification of a case may be changed during the proceedings if new information emerges, GREVIO notes with concern that this practice may result in the erroneous initial classification of “section 7” cases as low risk if the application is lodged by the violent partner, who would naturally omit to disclose the history of violence. According to experts in the field, the electronic application and case allocation system introduced in 2019 to replace in-person applications also hinders the accurate classification of cases.⁹⁰ According to the Guidance on the Family Law Agency, if the agency has difficulties in deciding whether the case falls under section 6 or section 7, it has the opportunity to obtain information from municipal authorities. In section 7 cases the Family Law Agency cannot issue final decisions and must direct the case to the family courts. However, pending the courts’ decisions, the agency can issue temporary decisions on custody and visitation schemes. Similarly, in section 5 and 6 cases, if the parties do not reach an agreement before the Family Law Agency, they may request the agency to forward the case to family courts no later than four weeks after the closure of the case.⁹¹

113. Notwithstanding the correlation between experiences of physical, sexual and psychological violence and substance use among women,⁹² GREVIO notes with concern the categorisation of cases involving domestic violence together with those involving addiction, mental health issues or other situations that may lead to a high-conflict separation. No clear guidance appears to be provided to professionals working at the Family Law Agency on how to identify the presence of mental health problems and addiction issues and distinguish these situations from domestic violence. GREVIO stresses that domestic violence situations are marked by an imbalance of power, unlike high-conflict scenarios where both parties contribute to the conflict and have an equal standing. Furthermore, research shows that domestic violence intensifies after separation and that child contact arrangements (including court-ordered contact) are a significant cause of the perpetuation of physical and emotional abuse towards children and women, even where there are high levels of supervision; that child contact often replaces the intimate relationship as the avenue for men to control women, so that child contact can become a form of post-separation violence, and can make it difficult for women and children to establish safe and independent lives.⁹³ The failure to acknowledge or investigate allegations of domestic violence may lead to situations where the victim feels pressure to make decisions or reach agreements that are detrimental to their safety and well-being. In this respect, experts in the field, including providers of women’s specialist services and lawyers, report instances where women victims of domestic violence often choose to enter into agreements with their violent ex-partners in order to avoid being regarded by the Family Law Agency as “unco-operative” or being accused of “collaborative harassment”, even when they have well-founded concerns for their or their children’s safety.⁹⁴ In this respect, GREVIO reiterates its position that separate meetings should be regularly offered based on a risk assessment and made mandatory if requested by a victim of domestic violence.⁹⁵

88. Written submission from Litehouse Consult Aps, p. 4.

89. Ibid.

90. Information obtained during the evaluation visit.

91. The competence of family courts in custody and visitation matters are regulated by Chapter 42 of the Administration of Justice Act and by Chapter 13 of the Act on the Family Law Agency.

92. According to the Council of Europe Pompidou Group’s handbook for practitioners and decision makers, “Implementing a Gender Approach in Drug Policies”, women who report drug-related issues are more likely to be coping with an experience of violence than men. For instance, a cross-sectional study covering five European countries/regions (Austria, Catalonia, Italy, Poland and Scotland) showed that 68% of women who inject drugs had experienced interpersonal violence in their current or most recent intimate relationship. The handbook is available at: <https://rm.coe.int/2022-ppg-implementing-a-gender-approach-in-drug-policies-a-pg-handbook/1680a66835>.

93. For an overview of research, see for example Thiara and Harrison (2016), “Safe not sorry: Supporting the campaign for safer child contact – Key issues raised by research on child contact and domestic violence”: www.womensaid.org.uk/wp-content/uploads/2016/01/FINAL-Safe-not-sorry-FOR-WEB-JAN-2016.pdf.

94. Written submission from the Danish National Observatory on Violence against Women, p. 31.

95. GREVIO’s baseline evaluation report on Denmark, paragraph 151.

114. Section 4(a) of the Act on Parental Responsibility stipulates that when a parent is convicted of committing an act of violence, it is deemed not to be in the best interest of the child for that parent to have custody, residence, or contact with the child.⁹⁶ GREVIO, however, considers the overall approach to custody and visitation decisions in Denmark to continue to unduly centre on the notion of parental collaboration, even in cases involving domestic violence, and apart from the consideration of domestic violence as a factor in the initial categorisation of cases, the legal framework does not place an explicit requirement on family law practitioners to duly take into account incidents of domestic violence, before a conviction, in the decision-making process. This is evident in the guidelines from the Ministry of Social Affairs, Housing and Senior Citizens on the Act on Parental Responsibility, which stipulates under the sub-heading “Collaborative Harassment” that “the parents’ ability to co-operate about the child is an important element in the assessment of the child’s best interests and therefore a factor that can be given considerable weight in decisions about parental authority, the child’s place of residence and contact”. It is also evident by the lack of effort to investigate allegations of violence and to fully assess the reasons why women and children express fear of engaging with the other parent. Reports from women’s and children’s rights NGOs point to cases where the Family Law Agency granted temporary full custody to the father despite allegations of violence and to the pressure exerted on mothers who withhold their children from their violent ex-partners by the agency and the courts. According to these reports, mothers are being arrested and charged with child abduction if they refuse to comply with the temporary visitation decision by withholding the child for as little as four days.⁹⁷ Indeed, GREVIO observes a worrying trend in Denmark about the minimisation of women’s and sometimes children’s claims of domestic violence in parental separation cases based on ill-founded concepts similar to what is called “parental alienation”. In one of the reported cases, the Family Law Agency decided to inform the social services about the suspected manipulation of a child by the mother when a 7 year old did not wish to visit his violent father.⁹⁸ In other instances, the reports of violence made by women in the course of parental separation proceedings were discredited by the Family Law Agency or family courts on the basis of post-partum depression or mental health issues.⁹⁹ Representatives of women’s shelters and specialist services also alerted GREVIO to an increasing distrust in their work by state authorities, including the Family Law Agency, on the ground that some women may seek their services only to support their false claims of domestic violence with the ultimate goal of taking revenge on their ex-partners in custody and visitation proceedings.¹⁰⁰

115. These concerning practices persist as the case progresses to family courts. GREVIO expresses concern over information indicating that the courts exhibit a tendency to consider violence seriously in custody and visitation decisions only if it has resulted in a conviction.¹⁰¹ Accordingly, the group of court-appointed psychologists, comprising a limited number of individuals, appears to consist of professionals with shared biases and a lack of understanding about domestic violence and coercive control. According to civil society organisations, these psychologists seem to demonstrate an inclination towards harsh treatment of victims of domestic violence, with instances of substantial abuse reported during assessments and court proceedings.¹⁰² In light of the 2020 decision by the Danish Supreme Court,¹⁰³ wherein joint custody was granted on the grounds of “collaborative harassment” committed by the mother, despite the children’s refusal to maintain contact with their father, GREVIO observes a worrying pattern of scepticism by those in the family law system towards women’s assertions of domestic violence and a serious lack of investigation into such allegations.

96. According to the information provided by the Danish authorities, the Government is planning to put forward a legislative proposal in autumn 2024 to extend this provision to include convictions for minor domestic violence offences.

97. Stop Violence against Children, “The social service and family court system in the Kingdom of Denmark: domestic violence towards mothers and abuse of children”, 2021, p. 5.

98. *Ibid.*, p. 9.

99. *Ibid.*, p. 6.

100. Information obtained during the evaluation visit.

101. Stop Violence against Children, “The social service and family court system in the Kingdom of Denmark: domestic violence towards mothers and abuse of children”, 2021, p. 7.

102. *Ibid.*, p. 20.

103. See a summary of the Supreme Court’s decision on case BS-20880/2020-HJR, September 2020: www.domstol.dk/hojesteret/aktuelt/2020/9/om-foraeldremyndighed.

116. In connection with the above, GREVIO notes with grave concern that in November 2023 the Danish Government entered into an agreement with all political parties represented in the parliament (the Folketing) about “strengthening the child’s right to both parents and to take preventive action against collaborative harassment and parental alienation in matters of custody, the child’s place of residence and contact”.¹⁰⁴ On one hand, this agreement foresees the allocation of DKK 129.5 million to strengthen the work of the Family Law Agency, reduce long processing times and improve the child-friendliness of the facilities where supervised visitation and interviews with children take place, which GREVIO welcomes. On the other hand, the agreement calls for the inclusion of the “parental alienation” in the Act on Parental Responsibility and emphasises the need to train professionals working at the Family Law Agency to detect parental alienation.¹⁰⁵ The agreement defines parental alienation as “one parent’s deliberate use and manipulation of the child in relation to the other parent with the aim that the other parent loses contact with the child”. GREVIO reiterates that the frequent recourse to concepts such as ‘parental alienation’, ‘hostile or unco-operative mothers’, or the positioning of protective mothers as employing coercive control or suffering from mental health issues in family court result in insufficient investigations into the level of abuse and risks of harm emanating from the abusive parent, and ultimately, in unsafe contact decisions. GREVIO strongly warns against the inclusion of “parental alienation” or similar concepts in national legislation in Denmark, stressing that these notions are widely employed as strategies by domestic violence perpetrators and their legal counsel to undermine mothers’ and children’s allegations of domestic violence. GREVIO is thus gravely concerned that such a step could further disempower women victims of violence seeking safe custody and visitation arrangements.

117. Women’s and children’s rights organisations have also expressed concerns about the lack of training provided on domestic violence, child abuse, coercive control or stalking to the professionals working at the Family Law Agency as well as external psychologists who are called as experts in custody and visitation cases.¹⁰⁶

118. As regards supervised visitation, according to the guidance on parental authority, the child’s place of residence and contact issued by the Ministry of Social Affairs, Housing and Senior Citizens, supervised contact can be used in cases where one parent has committed violence against the other. According to the guidance, depending on the circumstances of each individual case, supervised contact can take place in private residences in the presence of family members or other persons trusted by the child or at the Family Law Agency in the presence of a child welfare expert. According to information provided by civil society organisations, in many cases mothers are expected to participate in supervised visitations for example by accompanying the child to and from the visitation or sometimes even by actively attending the visitation.¹⁰⁷ Moreover, they often have to interact with the perpetrator in the course of these visitations as a result of the practical shortcomings on the premises, for instance the absence of separate entry and exit doors.¹⁰⁸ GREVIO also notes with concern the breaches in the processing of personal data by the Family Law Agency, where personal and contact information of one party of the proceedings were disclosed to the other.¹⁰⁹

119. The information available to GREVIO points to a need to overhaul the existing parental separation mechanisms in Denmark as they fall short of providing the required support and protection to victims of domestic violence and their children. Contrary to the obligation set out in Article 31, paragraph 1, of the convention, they do not ensure a system in which a history of

104. <https://sm.dk/nyheder/nyhedsarkiv/2023/nov/ny-aftale-styrker-indsatsen-til-boern-i-brudte-familier>.

105. Aftale mellem regeringen og Socialistisk Folkeparti, Danmarksdemokraterne, Liberal Alliance, Det Konservative Folkeparti, Enhedslisten, Radikale Venstre, Dansk Folkeparti, Alternativet og Nye Borgerlige om et forbedret familieretligt system, 2023, available in Danish at: https://sm.dk/Media/638369321309768802/Aftale%20om%20et%20forbedret%20familieretligt%20system_UA.pdf.

106. Stop Violence against Children, “The social service and family court system in the Kingdom of Denmark: domestic violence towards mothers and abuse of children”, 2021, p. 6, and the written submission from Litehouse Consult Aps, p. 6.

107. Written submission from Stop Violence against Children, pp. 9-10.

108. Written submission from the Danish National Observatory on Violence against Women, p. 31.

109. See a news item on the data breach at: www.dataguidance.com/news/denmark-datatilsynet-criticises-processing-personal.

domestic violence may duly be considered. In this regard, GREVIO notes that a satisfaction survey conducted in 2020 by the Danish Centre for Social Science Research (VIVE) showed a rise in parents' dissatisfaction with the Family Law Agency. The survey revealed that parents in high-conflict cases, including cases of domestic violence, were less satisfied than other parents with the work of the agency. Just over half (51%) of the parents strongly disagreed that the agency had helped them to co-operate, compared to 41% of the participants who responded positively. A 7% rise was observed from 2019 to 2020 in parents who strongly disagreed that the agency had helped their children to have a better day-to-day life, with a total of 36% of parents sharing this view.¹¹⁰

120. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to take the necessary measures to ensure that both the Family Law Agency and the family courts:

- a. always take the negative impact that violence against women has on children into account and recognise it as jeopardising their best interests;**
- b. take measures to incorporate a systematic screening and risk-assessment process in cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship;**
- c. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including but not limited to law-enforcement agencies, health and education authorities and, in particular, women' shelters and specialist support services;**
- d. ensure that only those professionals, particularly psychologists and child psychiatrists, who are trained in violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;**
- e. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of re-victimisation;**
- f. amend any existing guidelines that make reference to concepts which unfairly portray women involved in domestic violence cases as unco-operative parents, such as the term "collaborative harassment". These guidelines should be replaced with ones designed to raise awareness among the professionals concerned of the harmful effects of violence on children, including child witnesses, and to familiarise them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. Implementation of these measures should be supported by comprehensive retraining initiatives aimed at all participants within the family law system.**

121. GREVIO further urges the Danish authorities to refrain from legitimising "parental alienation" or similar concepts by including it in the Act on Parental Responsibility, and ban its use as well as the use of any other approach or principle that tends to consider mothers who invoke the violence as "unco-operative" and "unfit" as a parent by all professionals working in the justice system, including the Family Law Agency and family courts.

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

122. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a

110. The Danish Centre for Social Science (2020), Parents Satisfaction with the family law authorities: www.vive.dk/media/pure/15220/4508432.

manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal law provisions.

123. In its baseline evaluation report, GREVIO had observed two forms of mediation in existence in Denmark: mediation between victims and perpetrators in criminal law proceedings and mediation facilitated by the State Administration to resolve child custody disputes.

124. In criminal law, mediation is a voluntary process that supplements the formal criminal justice system, providing victims and perpetrators with the opportunity to reach closure without affecting the legal outcome. It is not a mandatory process and no particular issues have been observed by GREVIO.

125. However, worrying practices in relation to mediation in family law as identified by GREVIO in its baseline evaluation seem to persist and have, in some instances, worsened. Despite the State Administration's replacement by the Family Law Agency, women victims of domestic violence are accepting unsafe parenting agreements because of the strong emphasis placed on co-operation between parents and the fear of punitive responses to those unable to co-operate in mediated processes geared towards reaching agreement. Shelters report instances where women victims of domestic violence opt to enter into agreements with their abusive ex-partners, driven by the desire to avoid being deemed "unco-operative" by the Family Law Agency.¹¹¹ Additionally, the growing use of the term "collaborative harassment" by the Family Law Agency and family courts to categorise women raising safety concerns in custody and visitation proceedings has a disheartening impact on women victims of violence, who fear losing access to their children.¹¹² While GREVIO notes that certain measures to provide systematically separate mediation meetings for applicants alleging violence have been taken by the Family Law Agency, civil society organisations assert that these are not applied as consistently as claimed.¹¹³

126. GREVIO therefore notes with concern that the practice of *de facto* mandatory mediation persists, with non-attendance of joint meetings with the abusive ex-partner or non-compliance with temporary visitation arrangements out of fear resulting in women's punitive loss of custody. Concepts such as "alienating parents" or "collaborative harassment" readily applied in Denmark further compel women to agree to arrangements proposed without any regard for their or their children's safety concerns. In view of the above, women victims of domestic violence separating from their abuser are confronted with a family law system that does not instil a sense of trust and support because it fails to give due regard to the widespread nature of domestic violence and post-separation control, including through child custody and visitation proceedings, and their impact on the safety and well-being of women and children.

127. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to take adequate measures to move away from practices that amount to mandatory mediation in parental separation proceedings initiated on the basis of violence and towards a thorough understanding of the power imbalances created by domestic violence and the frequent use of family law proceedings for post-separation abuse in all processes carried out by the Family Law Agency.

D. Investigation, prosecution, procedural law and protective measures

128. 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 criminal investigations, prosecutions

111. Ibid.

112. See Article 31, Custody, visitation rights and safety.

113. Written submission from the Danish National Observatory on Violence against Women, p. 31.

and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

1. General obligations (Article 49) and immediate response, prevention and protection (Article 50)

129. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Those in law enforcement or the judiciary often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is "acceptable" in society.¹¹⁴ A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims' sense of support, protection and justice.

a. Reporting to, immediate response and investigations by law-enforcement agencies

130. In its baseline evaluation report on Denmark, GREVIO had welcomed the endeavours of the Danish authorities to enhance the police response to violence against women. This included the adoption of guidelines for handling cases of domestic violence, rape and sexual assault, as well as the establishment of specialised units in certain police districts. It had noted, however, that their implementation and level of trauma-informed responses to victims and subsequent charging decisions varied. Greater standardisation had therefore been called for, which the Danish authorities are now aiming to achieve through various means.

131. In this regard, a significant measure undertaken by the Danish authorities to enhance the law-enforcement response is the systematisation of specialised units dedicated to addressing violence against women within the Danish police throughout the country in 2021. The purpose of these teams is to provide various departments of the police and the prosecution services with interdisciplinary knowledge on how to handle cases related to domestic and sexual violence, including rape, stalking and "honour-related violence". Central to these teams are the civilian experts recruited by police districts, commonly referred to as "key persons". These individuals possess professional backgrounds in psychology, sociology, anthropology, criminology or other related fields, along with specialised expertise in trauma-informed responses to violence against women. In addition to providing training for investigating officers responsible for handling cases of violence against women, key persons actively participate in the management of individual cases. This involvement includes tasks such as screening cases, proposing protective measures and referring both victims and perpetrators to relevant support services. The primary objective of these teams is to ensure a trauma-informed response to victims and prevent their re-victimisation, grounded in a comprehensive understanding of the trauma reactions of victims, the patterns of behaviour exhibited by perpetrators and the dynamics of violence. Presently, all police districts in Denmark have successfully incorporated a key person and have established specialised interdisciplinary teams.

114. Explanatory Report to the Istanbul Convention, paragraph 255.

132. GREVIO commends the establishment of specialised teams dedicated to handling cases of violence against women as a significant step in improving victims' trust in the justice system. This initiative signifies a proactive effort to understand and respond to the specific needs and vulnerabilities of victims of violence against women, thereby sending a powerful message that their experiences are being treated with utmost seriousness. GREVIO expresses the hope that the presence of these specialised teams will encourage more victims to come forward and report the violence they have experienced. In this regard, GREVIO notes the information provided by the public prosecution office, indicating that they have observed an improvement in the quality of investigations since the establishment of the specialised teams.¹¹⁵ Additionally, women's rights organisations have reported that this step demonstrates an enhanced understanding and competence within the police force to handle complex cases.¹¹⁶

133. In addition to the efforts of specialised teams, GREVIO notes with interest the possibility of appointing a designated contact person for victims within the police. The objective is to offer guidance and support to the victim consistently throughout the criminal justice process, spanning from the investigative stage to court proceedings.

134. Another significant development is the amendment to the Administration of Justice Act to permit the video recording of the initial interview of victims of sexual violence by the police, which is subsequently admissible during criminal proceedings, with a view to preventing the re-victimisation and re-traumatisation of the victim in the courtroom.¹¹⁷ GREVIO also appreciates the availability of online reporting for victims of rape.

135. A number of initiatives have been undertaken to investigate the factors contributing to the under-reporting of cases involving violence, including physical and psychological domestic violence, rape and sexual assault. In this context, GREVIO notes with particular interest the research project initiated by the Copenhagen Police in 2023, which aims to examine the factors influencing the reporting of psychological violence. Additionally, GREVIO takes note of the Ministry of Justice's inquiry into the reasons why citizens refrain from reporting violence in this regard. GREVIO anticipates that the outcomes of these initiatives will be utilised for evidence-based policy making.

136. GREVIO welcomes these advancements, considering them indicative of the Danish authorities' commitment to fostering trust among victims of violence against women in law-enforcement institutions. Nevertheless, it highlights certain drawbacks in their execution. First, although the specialised teams dedicated to addressing violence against women share a common objective of enhancing trauma-informed responses, GREVIO observes that the working methods among police districts in Denmark has not been harmonised, impeding a cohesive approach, as pointed out by civil society organisations.¹¹⁸ Regarding the use of video-recorded testimonies, GREVIO observes that victims and their legal representatives have not fully embraced this practice. This is because victims are still required to participate in court proceedings and respond to supplementary questions in person.¹¹⁹

137. GREVIO further notes with concern the reported delays in the appointment of contact persons by the police, particularly in larger cities, including the greater Copenhagen area, as highlighted in accounts provided by civil society organisations.¹²⁰

138. Finally, GREVIO was informed by the authorities that although efforts are made to accommodate requests by victims for same-sex officers, it is not always guaranteed, particularly during night shifts when the availability of female officers may be limited.¹²¹ Repeating its findings in respect of Denmark in its baseline evaluation, GREVIO stresses the importance of the presence

115. Information obtained during the evaluation visit.

116. Written Submission from the Danish National Observatory on Violence against Women, pp. 33-34.

117. See Article 56, Measures of protection.

118. Ibid.

119. See Article 56, Measures of protection.

120. Information obtained during the evaluation visit.

121. Information obtained during the evaluation visit.

of same-sex police officers for victims in situations involving sensitive and personal matters, such as sexual or domestic violence, as victims who have experienced gender-based violence may have traumatic experiences that could be exacerbated by interacting with male authorities. Having the option to interact with a female police officer can help mitigate potential re-traumatisation.

139. GREVIO acknowledges the progress made in enhancing the police response to violence against women by integrating a trauma-informed approach into law-enforcement practices and invites the Danish authorities to ensure the systematic implementation of guidelines by the specialised teams and to increase the number of female police officers and designated contact persons.

b. Effective investigation and prosecution

140. In its baseline evaluation report, GREVIO had welcomed the fast-track procedure to issue indictments in domestic violence cases within 30 days of reporting, while also noting a trend of exceeding the 30-day time frame. This trend has since continued. Although these cases remain a priority, GREVIO notes that the agreement on the Financial Framework for the Danish Police and Prosecution Service now establishes the objective of filing charges within 85 days in a minimum of 50% of cases and within 170 days in a minimum of 70% of cases. Information from practitioners in the field indicates that, on average, cases of violence against women are formally indicted within a time frame ranging from 30 to 60 days.¹²²

141. As GREVIO has had the opportunity to note, the effective prosecution of rape, including consent-based rape, requires adequate resources and increased skills for case-building in terms of collecting evidence. As for the recently criminalised psychological violence, civil society organisations have voiced concern about the infrequent prosecution of this offence, citing the difficulty in meeting evidential criteria as a primary obstacle.¹²³ These concerns were echoed by practising law-enforcement and prosecutorial authorities in the field, particularly in cases involving psychological violence and instances of rape that do not involve the use of force. The challenge arises when the withdrawal of the victim's testimony impedes the ability to meet the evidentiary threshold. While law-enforcement and prosecutorial authorities take additional precautions to prevent over-reliance on the victim's testimony, incorporating measures such as obtaining witness testimonies, video recording the victim's initial statement in rape cases and collecting photographic evidence, they nevertheless acknowledge that the withdrawal of a victim's testimony constitutes a significant factor contributing to attrition rates.¹²⁴ Although GREVIO has not been afforded with data on the number of reports and prosecutions related to psychological violence prior to 2023, information provided by the authorities indicates that in 2023, 541 cases were reported. Of these, 79 resulted in prosecution, leading to 44 convictions. These figures suggest a low prosecution rate relative to the number of reported cases. As for sexual violence, GREVIO observed certain obstacles that hinder the use of video-recorded testimonies to its full potential.¹²⁵ In terms of analysing the implementation of the newly introduced stalking offence, GREVIO notes that in 2022 and 2023, there were 1,693 and 349 reported cases of stalking, respectively. While GREVIO does not have information regarding the reasons for the decrease in reports between these two years, it notes an increase in convictions from 12 in 2022 to 52 in 2023. This is an indication of the active utilisation of this newly criminalised offence by prosecution services and the courts. As emphasised in GREVIO's baseline evaluation report this is an important step in enabling access to justice for women victims of stalking. However, it is also important to investigate the reasons behind the decline in reported cases between 2022 and 2023.

142. GREVIO notes with interest that some of the above-mentioned forms of violence are receiving increased attention by prosecution services. Since 2022, the Danish Ministry of Justice has prioritised psychological violence consent-based rape, sextortion, grooming, and stalking by

122. Information obtained during the evaluation visit.

123. Information obtained during the evaluation visit.

124. Information obtained during the evaluation visit.

125. See Article 56, Measures of protection.

analysing relevant case law, during which the scope and conditions of these criminal offences, as well as the corresponding sanctions, are discussed and evaluated. Such analysis can contribute to the Danish authorities' evidence-based policymaking efforts to enhance the criminal justice response to different forms of violence against women, which GREVIO welcomes.

143. As for the digital manifestations of violence against women, GREVIO notes with satisfaction that the Danish authorities stepped up their efforts in 2018 to convey the gravity of this form of violence to society through extensive prosecutions. Nevertheless, despite evidence pointing to the rapid expansion of this phenomenon, its prosecution appears to have stagnated in recent years.¹²⁶

144. GREVIO encourages the Danish authorities to ensure that prosecution services enhance their efforts regarding case building for all forms of violence covered by the Istanbul Convention, including digital manifestations of such violence. To this end, GREVIO encourages the timely collection of evidence, including evidence beyond the victim's statement in sexual assault and rape cases, especially in the context of the newly introduced consent-based legal provision. Moreover, GREVIO strongly encourages the Danish authorities to take measures to allow, in conformity with Article 55, paragraph 1, prosecution to continue in cases where victims withdraw their statement in such cases.

c. Conviction rates

145. GREVIO's baseline evaluation report on Denmark observed high conviction rates but raised concerns about a potentially restrictive approach to prosecution, as evidenced by a significant number of reported incidents not reaching criminal courts, especially in rape cases. The baseline evaluation report also welcomed the 37-day target for swift court proceedings in rape cases but expressed concern over a slight drop in compliance with it. Finally, GREVIO acknowledged the end of lenient sentencing for intimate partner killings but found that remnants of such practices persisted in domestic violence cases that did not result in death.

146. GREVIO notes the information provided by civil society organisations that the recent criminalisation of psychological violence in 2019 and stalking in 2022, as well as the adoption of a consent-based definition of rape, has led to a considerable rise in the number of police reports.¹²⁷ According to information provided by the authorities, in 2021 and 2022 there were 694 and 1 016 reports, respectively, of incidents of physical violence in a domestic setting, and 1 774 and 1 977 reports of instances of rape. Within the reported cases of physical violence, a total of 274 and 358 indictments were issued in these two years, with 1 195 and 1 223 resulting in the conviction of the perpetrator.¹²⁸ Regarding rape cases, a total of 547 and 550 indictments were issued in 2021 and 2022, respectively and 189 and 692 convictions were handed down. GREVIO notes a significant increase in convictions for consent-based rape offences between the two years, despite the number of reports remaining relatively at the same level. According to Danish authorities, this rise in convictions is attributed to cases in 2022 that involved either multiple counts of rape or multiple perpetrators. GREVIO stresses that it would be important to study whether the shift from a force-based definition of rape to the consent-based approach had an impact on this steep rise in convictions.

147. GREVIO further notes that the absence of data pertaining to prosecution and conviction levels of other forms of violence stipulated by the Istanbul Convention, such as forced marriage, FGM and forced sterilisation and abortion, further complicates the comprehensive understanding of the judiciary's response to all forms of violence against women covered by the convention.

148. GREVIO strongly encourages the Danish authorities to step up their efforts to raise awareness among those in the criminal justice system about new criminal legislation to ensure its effective implementation.

126. See the sub-section on the digital dimension of violence against women in section I, Emerging trends in the areas of violence against women and domestic violence.

127. Written submission from the Danish National Observatory on Violence against Women, p. 34.

128. Information provided by the Danish authorities during the evaluation process.

2. Risk assessment and risk management (Article 51)

149. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension of such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

150. In its baseline evaluation report, GREVIO had noted the systematic use of various risk-assessment tools by the Danish authorities, specifically the Spousal Assault Risk Assessment (SARA-SV) for domestic violence, the Stalking Assessment and Management for stalking and the Assessment of Risk for Honour-Based Violence (PATRIARCH) for "honour-related violence". However, GREVIO had stressed the need to improve the management of identified risks through the co-ordination and collaboration with all relevant stakeholders, with a specific focus on specialised women's support services.

151. In the period following the baseline evaluation report, GREVIO observed the inclusion of new entities in the risk-assessment efforts beyond law-enforcement authorities. Specifically, social welfare departments in certain municipalities have incorporated the use of SARA and PATRIARCH tools, supported by corresponding training initiatives. Specialist services like RED and RED+, offering shelter and assistance to victims of "honour-related violence", have also become involved in the use of the PATRIARCH system. Within the police sector, upon determining the risk level as low, medium or high, a tailored safety plan is formulated to address the individual needs of the victim. This plan may encompass actions such as relocating the victim to a shelter, referrals to other support services, providing attack alarms or issuing protection orders. GREVIO was also informed of some interesting initiatives underway within individual police districts. For instance, the East Jutland Police district has plans to establish a screening unit for prevention. This project's objective is to implement a screening mechanism for incidents of violence against women that do not currently meet the threshold for a criminal investigation. The aim is to identify potential risks and subsequently engage in outreach efforts towards victims and abusers. The outreach includes informing them about their rights, facilitating the option to file a report on the incident if desired or if the incident recurs in the future, and providing information about available support services.¹²⁹

152. While GREVIO welcomes these developments, it notes persistent shortcomings in multi-agency co-ordination concerning both the identification and management of risks. In this respect, concerns were raised by civil society organisations that in conducting risk assessments, the police predominantly rely on their own data and do not engage in collaboration with other bodies, including social welfare services, health authorities or specialist services. As the police generally engage with victims of gender-based violence when the situation has escalated to a certain degree, earlier contact by other authorities provides vital indications of risk factors essential for conducting a precise assessment and ensuring the safety of the victim. The lack of a formalised co-operation mechanism between the police and other pertinent stakeholders in utilising risk assessment tools, as pointed out by civil society organisations, results in inconsistencies across the approaches adopted by different police districts.¹³⁰ GREVIO further emphasises the significance of multi-agency co-operation during the risk-management stage. While the measures provided by the police contribute to immediate security, the sustained safety and well-being of the victim depend equally on information provided by other parties who are in contact with the victim and her children and who can promptly identify changes in the risk level or indicate any breaches of protection orders.

129. Information obtained during the evaluation visit.

130. Written submission from the Danish National Observatory on Violence against Women, p. 35.

153. **Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to ensure that risk assessment and management are conducted in a manner that involves and is co-ordinated with all relevant agencies and entities involved in providing services to the victim and her children, including law enforcement, social welfare services, the healthcare sector, women's specialist services and education facilities.**

3. Emergency barring orders (Article 52)

154. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.¹³¹ They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application of the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

155. In its baseline evaluation report, while recognising that emergency barring orders ("expulsion orders" in the Danish legal system) within the meaning of Article 52 of the Istanbul Convention are available in Denmark, including in cases of psychological violence, GREVIO had expressed serious concerns about their insufficient use, the absence of a multi-agency approach in their implementation and the law-enforcement professionals' lack of awareness of the importance and positive effects emergency barring and protection orders can have. GREVIO had pointed out the possibility of using electronic monitoring systems to ensure compliance with expulsion orders and urged the authorities to take measures to make use of the full range of emergency barring and protection orders available in the national legislation and assess the level of their implementation.¹³²

156. GREVIO notes with regret that no significant steps have been taken to address the aforementioned concerns. The number of expulsion orders issued annually are still extremely low. GREVIO notes in this respect that 13, 22 and five such orders were issued respectively in 2021, 2022 and 2023.¹³³ Compared to the number of reports received of domestic violence,¹³⁴ GREVIO considers these figures worryingly low. According to the Danish authorities, this is partly due to the lack of available accommodation for evicted perpetrators, as the hostels established under Section 110 of the Act on Social Services are often not deemed appropriate by law-enforcement officers.¹³⁵ GREVIO regards placing the safety considerations of the victim on an equal footing with the accommodation needs of the perpetrator as a manifestation of the broader gender-neutral approach adopted by the authorities in policies related to domestic violence. It stresses the importance of emergency barring orders in protecting victims and preventing violence from escalating with irreversible consequences on the physical and psychological health of the victim and maintains that their application should not depend on whether the perpetrator has alternative accommodation. Information received from civil society organisations also indicates a reluctance to issue expulsion orders where the victim and perpetrator share children. GREVIO reiterates that emergency barring orders are short-term protection measures aimed at defusing an immediate threat. It recalls that Article 52, paragraph 2, specifically requires that priority be giving to the safety of victims or persons at risk. Considerations for the safety of victims and children should thus take precedence over contact with children until safe and durable solutions such as

131. See GREVIO's baseline evaluation report on Denmark, paragraph 207, and on Malta, paragraph 218.

132. See GREVIO's baseline evaluation report on Denmark, paragraphs 204-212.

133. See the state report submitted by the Danish authorities, p. 72.

134. While information on the ratio of domestic violence reports in this total is not available, in 2021 and 2022 the number of reports received by the police regarding physical, psychological and sexual violence was 7 548 and 10 099.

135. Information obtained during the evaluation visit. See also the written submission from the National Observatory on Violence against Women, p. 37.

supervised visitation can be arranged.¹³⁶ It is therefore necessary to transition to a police practice that prioritises the safety of women and their children at risk of further violence at the hands of their abuser in order to increase their level of trust in the authorities they seek help from.

157. As a positive development, GREVIO was pleased to learn that the Ministry of Justice has been considering expanding the use of electronic ankle tags, which are currently used in house arrests, to monitor compliance with emergency barring and protection orders.¹³⁷ In this respect GREVIO welcomes the information from the Danish authorities that the Ministry of Justice is currently drafting a bill proposing a framework for the electronic monitoring of protection orders. This legislative proposal is expected to be submitted to parliament in January 2025.

158. Recalling the findings issued in GREVIO’s baseline evaluation report, GREVIO urges the Danish authorities to step up efforts to make use of emergency barring orders more frequently, in order to protect the right to safety of women victims of domestic violence and their children, and to illustrate to the perpetrators the seriousness of their behaviour under the law.

159. GREVIO further strongly encourages the Danish authorities to rigorously monitor compliance with emergency barring orders, for example by the use of electronic monitoring systems.

4. Restraining or protection orders (Article 53)

160. Restraining and protection orders are designed to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without undue financial or administrative burden being placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

161. GREVIO had observed in its baseline evaluation that Denmark lacked domestic violence intervention centres to provide necessary follow-up counselling for victims once an emergency barring or protection order was issued. In-residence counselling provided by shelters had not been regarded as adequate to fill this gap, as the situations of women in shelters do not align with those living under protection orders. GREVIO in this regard had expressed regret about the discontinuation of the successful East Jutland pilot project that aimed to establish intervention centres for more widespread collaboration between victim support services, law enforcement and child-protection agencies. Furthermore, GREVIO had noted with concern the exceptions to protection orders allowing communication around shared children, emphasising the need for these orders to be absolute as temporary measures to ensure the safety of victims from abusive partners.

162. Since the baseline evaluation report, Denmark’s legal framework governing protection orders has largely remained the same. Accordingly, the Danish Act on Restraining Orders provides for the application of two forms of protection orders in addition to expulsion orders mentioned above. These are “restraining orders”, which prohibit the perpetrator from contacting another person, and “exclusion orders”, which prohibit the perpetrator from moving within a particular area such as the home, place of work, study or childcare or any other place the protected person regularly frequents. Both of these measures can be issued by the police director when “there is reasonable suspicion that a person has committed a violation of the provisions of the Criminal Code on murder, robbery, deprivation of liberty, violence, arson, rape or other crime of immorality or an attempt to commit one of the aforementioned crimes”. While GREVIO could not obtain confirmation regarding the applicability of this provision to instances of FGM, the wording of the law

136. Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence, 2017, p. 25.

137. Information obtained during the evaluation visit.

suggests that such cases would also fall within its purview. The law also allows for the issuance of restraining and exclusion orders provisionally (“immediate restraining order”) if a person is reasonably suspected of infringing another’s peace by stalking or by persistently contacting them and if there are reasons to assume that the perpetrator will continue his conduct. The issuance of these orders is subject to review by the public prosecutor.

163. A positive development in this regard is the criminalisation of stalking in 2022 under the Danish Criminal Code, an offence that was previously dealt with under the scheme of immediate restraining and exclusion orders. Sanctioning the act of stalking depended on whether the perpetrator breached the issued protection order. According to this new provision, anyone who systematically and persistently contacts, pursues or otherwise harasses another person in a way that violates another person’s privacy shall be punished with a fine or imprisonment for a term not exceeding three years for committing the offence of stalking.

164. Despite the overall compatibility of the Danish legal framework on protection orders with the Istanbul Convention, GREVIO notes with regret that these measures are not sufficiently made use of in cases of domestic violence. For example, women’s rights organisations pointed out that, in 2021 and 2022, immediate restraining orders were issued in just four out of 12 police districts. At the national level, only 13 immediate restraining orders were issued in 2021 and 24 in 2022.¹³⁸ The total number of restraining and protection orders issued is also low: 483, 517 and 91 respectively in 2021, 2022 and 2023.¹³⁹ Conversely, the number of breaches of protection orders is strikingly high, with 5 046, 7 327 and 219 breaches in these three years respectively.¹⁴⁰

165. The data point to the insufficient enforcement of protection orders and the lack of dissuasive sanctions imposed for their breaches. The Act on Restraining Orders provides that the violation of a restraining, exclusion or expulsion order shall be punished by a fine or imprisonment for up to two years. While GREVIO was not provided with data on the number and nature of the imposed sanctions, information provided by women’s rights experts and lawyers in the field indicates that only persistent violations were punished with a prison sentence.¹⁴¹

166. While the enforcement of restraining and exclusion orders can be supported by the provision of personal alarms to victims in high-risk cases, indications from women’s specialist services point to an insufficient number of available personal alarms in bigger cities, as GREVIO has heard of instances where women could not obtain an alarm even though their situation warranted one as alarms were out of stock at the relevant time.¹⁴²

167. GREVIO also notes that the shortcomings identified in the baseline evaluation report about the extension of restraining and exclusion orders to children of the victim persist. Section 6 of the Act on Restraining Orders provide that “[a] restraining or exclusion order can be extended to include a member of the aggrieved party’s household if it is deemed necessary for the purpose of the order”. However, according to indications from civil society organisations, children are rarely included in the protection orders issued in respect of their mothers. Meanwhile, exceptions are often invoked in parental separation procedures where the restraining orders may include provisions for communication related to the well-being and contact arrangements for the shared children.¹⁴³ It is not clear what measures are taken by the authorities in those cases to ensure that the perpetrator’s communication rights do not perpetuate the pattern of abuse against the mother, through the childcare arrangements. In view of the pressure exerted on mothers to be co-operative in custody and visitation arrangements, GREVIO is concerned that abuse continued via communication rights could go unreported as women may fear losing their children. It stresses the obligation imposed by the Istanbul Convention to ensure a comprehensive set of measures for

138. See the written submission from the Danish National Observatory on Violence against Women, p. 38.

139. See the state report submitted by the Danish authorities, p. 72. It must be noted that these figures concern the total number of protection orders issued in Denmark; thus, the number of orders issues in violence against women cases would be even lower.

140. Ibid.

141. Information obtained during the evaluation visit.

142. Information obtained during the evaluation visit.

143. Information obtained during the evaluation visit.

the protection and support of women victims of any of the forms of violence it covers. This would require that all measures taken in its implementation prevent their re-victimisation and that all relevant agencies and bodies unite around the aim of prevention, protection and accountability for perpetrators.

168. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to step up their efforts to offer women victims of domestic violence, rape, FGM and stalking adequate protection in line with Article 53 of the Istanbul Convention, notably by:

- a. making better use of the range of protection measures provided in the Danish legal framework, including restraining and exclusion orders and immediate restraining orders;**
- b. ensuring the effective monitoring and enforcement of protection orders, including through protocols, training efforts and the use of technical means, such as electronic tags;**
- c. holding perpetrators accountable for violating such orders through the imposition of dissuasive and proportionate sanctions.**

169. GREVIO also strongly encourages the Danish authorities to ensure that exceptions in prohibition on contact envisaged in Section 15 of the Danish Act on Restraining Orders do not run counter to the principle of victims' safety, as set out in the Istanbul Convention.

5. Measures of protection (Article 56)

170. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

171. In its baseline evaluation report, GREVIO had highlighted the presence of various protective measures aimed at ensuring the safety of victims during court proceedings, such as concealing personal information, holding hearings in camera and providing support through a designated contact person, as well as notifications to victims about the release or escape of perpetrators convicted of certain offences. GREVIO however had raised concerns about the lack of information on their actual implementation and usage and strongly encouraged the Danish authorities to ensure their effective implementation while also stressing the importance of regular data collection and research to assess their effectiveness.

172. GREVIO observes that the protective measures outlined in the baseline evaluation report remain in effect. These measures include notifying the victim upon request, as outlined in the Danish Administration of Justice Act concerning the release or escape of perpetrators and their appearance on a radio or television program, or if they are interviewed for a feature in a Danish publication. Other measures involve the removal of the perpetrator from the courtroom during the victim's questioning, non-disclosure of witness information and the option to conduct court proceedings in camera. Furthermore, in addition to the aforementioned measures, trained volunteers from Victim Support Denmark offer complimentary free-of-charge assistance, providing confidential conversations, information on police and court procedures, guidance on compensation and insurance, referrals to relevant support resources and accompaniment to court proceedings for the victim. Furthermore, under Section 741(a) of the Administration of Justice Act, victims of crimes are offered support lawyers that can be appointed from a roster in each district during criminal proceedings, unless the victim waives this right.

173. While GREVIO welcomes the availability of these measures, it expresses serious concern about their lack of implementation in family court proceedings. Shelter representatives have brought to GREVIO's attention that, in practice, there are instances where victims are not adequately notified about the perpetrator's temporary leave of absence from prison or release.¹⁴⁴ Moreover, as per indications provided by civil society organisations, despite well-documented cases of domestic violence and coercive control, numerous perpetrators persist in displaying intimidating and threatening behaviour in courtrooms, and judges exhibit reluctance to intervene. The reported behaviours include gestures such as simulating firearm use or decapitation, intense staring, eye rolling and verbal threats. Furthermore, mothers with children from different fathers report that family courts allow the simultaneous presence of both fathers or schedule hearings on the same day, resulting in prolonged court sessions for mothers. GREVIO has also received concerns about psychologists in the courts lacking specialisation in victim-focused communication, often contributing to the re-traumatisation of women.¹⁴⁵ Finally, GREVIO stresses that the recurrent instances of data breaches, wherein the Family Law Agency has inadvertently disclosed the addresses of individuals under address protection to perpetrators, pose a significant threat to the safety of the victims and their children.

174. Another important development that took place subsequent to the adoption of the baseline evaluation report is the amendment to the Administration of Justice Act at the beginning of 2022, which allows for the initial police interview with victims of sexual violence to be recorded on video and the ensuing use of this recorded testimony in criminal proceedings as evidence. This interview is conducted in a pedagogically designed room to enhance the victim's comfort and is facilitated by specially trained police officers. The victim's support lawyer and, if already identified, the perpetrator's defence lawyer are located in a separate room and may relay additional questions to the interviewing officer. During the subsequent court proceedings, the victim will not be required to reiterate her initial testimony as recorded in the video but will only address any supplementary questions. GREVIO welcomes this as a crucial initiative to enhance the trust of rape and sexual violence victims in the justice system. However, it has been made aware of certain obstacles in the practical implementation that impede its full realisation. In this regard, GREVIO was informed that support lawyers for victims often choose not to avail themselves of this option. One cited reason is their reluctance to be in a separate room from their clients during the initial police interview. Another reason is that victims will, in any case, be required to provide in-person testimony in court, as judges consider such statements to be more credible and impactful. Finally, in many instances during the initial police interview, either the perpetrator is not identified, or if identified, their defence lawyers intentionally withhold their questions during the video recording, reserving them for the courtroom to potentially unsettle the victim.¹⁴⁶ GREVIO notes that an evaluation of the system of video-recorded testimonies is planned within 2024 and it expresses the hope that the Danish authorities will seize this opportunity to identify and remedy any shortcomings, with the aim of improving its implementation. Inspiration may be drawn from the practice of using video-recorded testimonies of children within the Barnahus system, where such recordings are admitted as evidence in court without necessitating additional in-person responses to supplementary questions.

175. GREVIO further notes that the Danish Administration of Justice Act puts in place certain measures to enable access to justice for women who are at risk of intersectional discrimination, such as women with disabilities or women whose native language is not Danish. Accordingly, interpretation, including in sign language, is provided when needed. Women with severe hearing loss and women with intellectual disabilities may benefit from the assistance of a specially trained consultant during court hearings.¹⁴⁷

144. Written submission from the Danish National Observatory on Violence against Women, p. 39.

145. Stop Violence against Children, "The social service and family court system in the Kingdom of Denmark: domestic violence towards mothers and abuse of children", 2021, pp. 19-20.

146. Information obtained during the evaluation visit.

147. Section 149 of the Administration of Justice Act.

176. **Recalling the findings issued in GREVIO's baseline evaluation report, 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 Istanbul Convention, including in family court proceedings and administrative procedures on custody and visitation decisions.**

177. **GREVIO further encourages the Danish authorities to take the necessary measures, including legislative, to increase the use of audiovisual testimonies for victims of sexual violence, beyond the initial interview by the police, in order for them to be used as evidence in court.**

Appendix I

List of proposals and suggestions by GREVIO

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

A. Definitions (Article 3)

1. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to embed in any definitions of the forms of violence against women covered in the Istanbul Convention in use in Denmark an adequate understanding of violence against women as a human rights violation and a form of discrimination against women, as well as recognition of their gender-based nature. (paragraph 16)

B. Comprehensive and co-ordinated policies (Article 7)

2. GREVIO urges the Danish authorities to ensure that the gendered nature of all forms of violence against women and domestic violence, including those perpetrated against women who are or may be exposed to intersectional discrimination, such as women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues, receives the necessary policy attention. (paragraph 22)

3. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Danish authorities to develop a long-term national strategy that aims to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention, giving due importance to all forms of violence against women and extending to all relevant entities and policy sectors, including social services, the healthcare sector, law enforcement and the judiciary as well as the family law sector. This strategy should be evaluated regularly on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data. (paragraph 23)

C. Financial resources (Article 8)

4. GREVIO strongly encourages the Danish authorities to pursue and step up efforts to implement gender-responsive budgeting with the aim of ensuring appropriate allocation of funds and enabling the monitoring of public expenditures, including resources for domestic violence shelters serving both women and men. These initiatives should take into account the gendered differences in the prevalence of violence, as well as the different reasons for which men and women may seek accommodation in such shelters. (paragraph 32)

D. Data collection (Article 11)

3. Social services

5. Bearing in mind the need for data-collection efforts to apply to all forms of violence covered by the Istanbul Convention and recalling the findings issued in the GREVIO baseline evaluation report, GREVIO strongly encourages the Danish authorities to:

- a. ensure that data collected by all relevant stakeholders (namely law-enforcement agencies, judicial authorities, and health and social services) are disaggregated with regard to sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location as well as other factors deemed relevant", and that information on the presence of child witnesses and victims is also included;
- b. extend data collection in the healthcare sector in relation to all forms of violence against women, including female genital mutilation, forced abortion and forced sterilisation;

- c. 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. (paragraph 45)

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

1. General obligations (Article 12)

6. GREVIO urges the Danish authorities to prioritise a gendered approach in their initiatives aimed at preventing all forms of violence against women covered by the Istanbul Convention, including by promoting the understanding within society of the gendered nature of violence against women and by advocating changes in the mentalities and attitudes that inadvertently support and perpetuate such violence. (paragraph 54)

7. GREVIO further encourages the Danish authorities to regularly evaluate the impact of awareness-raising campaigns and other measures to prevent violence against women. (paragraph 55)

2. Education (Article 14)

8. 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 62)

9. GREVIO further encourages the Danish authorities to ensure that specific forms of violence against women and girls are addressed in the school system without stigmatisation of and discrimination against women and girls exposed to them. (paragraph 63)

3. Training of professionals (Article 15)

10. Recalling the findings issued in the GREVIO baseline evaluation report, GREVIO urges the Danish authorities to ensure the provision of systematic and mandatory initial and in-service training on identifying and responding to all forms of violence against women, including its digital dimension. Such training should focus on the victims' human rights, safety, individual needs and empowerment, and the prevention of secondary victimisation and be provided to all professionals in the justice system, to municipal social welfare officers and to employees of the Family Law Agency as well as external experts they rely on. GREVIO further urges the Danish authorities to maximise the impact of such training efforts by drawing on the expertise of women's rights organisations and providers of specialist services. (paragraph 71)

11. GREVIO further encourages the Danish authorities to accompany the recent amendments made to the Criminal Code, aligning it with the requirements of the Istanbul Convention, with systematic training initiatives to ensure their harmonised and effective implementation in practice with the ultimate goal of enhancing victims' trust in the legal system. (paragraph 72)

4. Preventive intervention and treatment programmes (Article 16)

a. Programmes for perpetrators of domestic violence

12. GREVIO encourages the Danish authorities to continue their efforts to expand the outreach of all available perpetrator programmes and use all available means to ensure that such programmes are widely attended, including by a more consistent application of existing referral mechanisms. (paragraph 81)

b. Programmes for perpetrators of sexual violence

13. GREVIO encourages the Danish authorities to expand the intervention and treatment programmes for perpetrators of sexual violence to voluntary settings in line with the requirements of Article 16, paragraph 2, of the Istanbul Convention. (paragraph 83)

B. Protection and support**1. General obligations (Article 18)**

14. Recalling the findings issued in GREVIO's baseline evaluation report, 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, including the healthcare sector, 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. (paragraph 89)

15. GREVIO further encourages the Danish authorities to increase the number of "one-stop shops" providing a range of protection and support services to cater for victims of forms of violence against women other than rape and sexual violence. (paragraph 90)

2. General support services (Article 20)**b. Healthcare services**

16. GREVIO encourages the Danish authorities to pursue their efforts to implement standardised care paths in the public and private healthcare sectors in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence and the violence suffered and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries. (paragraph 95)

3. Specialist support services (Article 22)

17. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to take measures to:

- a. ensure that victims of all forms of violence covered by the Istanbul Convention have access to long-term psychological counselling in outpatient settings;
- b. set and enforce stringent quality standards for domestic violence shelters dedicated to women and their children while ensuring the financial sustainability of shelter provision, including on the basis of self-referrals;
- c. improve the availability and accessibility of domestic violence shelters to all women victims of gender-based violence, including women with psycho-social and intellectual disabilities. (paragraph 103)

4. Support for victims of sexual violence (Article 25)

18. Recalling the findings issued in GREVIO's baseline evaluation report, 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. (paragraph 107)

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

19. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to take the necessary measures to ensure that both the Family Law Agency and the family courts:

- a. always take the negative impact that violence against women has on children into account and recognise it as jeopardising their best interests;
- b. take measures to incorporate a systematic screening and risk-assessment process in cases concerning the determination of custody and visitation rights to establish whether violence has been an issue in the relationship;
- c. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including but not limited to law-enforcement agencies, health and education authorities and, in particular, women' shelters and specialist support services;
- d. ensure that only those professionals, particularly psychologists and child psychiatrists, who are trained in violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;
- e. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of re victimisation;
- f. amend any existing guidelines that make reference to concepts which unfairly portray women involved in domestic violence cases as unco-operative parents, such as the term "collaborative harassment". These guidelines should be replaced with ones designed to raise awareness among the professionals concerned of the harmful effects of violence on children, including child witnesses, and to familiarise them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. Implementation of these measures should be supported by comprehensive retraining initiatives aimed at all participants within the family law system. (paragraph 120)

20. GREVIO further urges the Danish authorities to refrain from legitimising "parental alienation" or similar concepts by including it in the Act on Parental Responsibility, and ban its use as well as the use of any other approach or principle that tends to consider mothers who invoke the violence as "unco-operative" and "unfit" as a parent by all professionals working in the justice system, including the Family Law Agency and family courts. (paragraph 121)

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

21. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to take adequate measures to move away from practices that amount to mandatory mediation in parental separation proceedings initiated on the basis of violence and towards a thorough understanding of the power imbalances created by domestic violence and the frequent use of family law proceedings for post-separation abuse in all processes carried out by the Family Law Agency. (paragraph 127)

D. Investigation, prosecution, procedural law and protective measures

1. General obligations (Article 49), immediate response, prevention and protection (Article 50)

a. Reporting to, immediate response and investigations by law-enforcement agencies

22. GREVIO acknowledges the progress made in enhancing the police response to violence against women by integrating a trauma-informed approach into law-enforcement practices and invites the Danish authorities to ensure the systematic implementation of guidelines by the

specialised teams and to increase the number of female police officers and designated contact persons. (paragraph 139)

b. Effective investigation and prosecution

23. GREVIO encourages the Danish authorities to ensure that prosecution services enhance their efforts regarding case building for all forms of violence covered by the Istanbul Convention, including digital manifestations of such violence. To this end, GREVIO encourages the timely collection of evidence, including evidence beyond the victim's statement in sexual assault and rape cases, especially in the context of the newly introduced consent-based legal provision. Moreover, GREVIO strongly encourages the Danish authorities to take measures to allow, in conformity with Article 55, paragraph 1, prosecution to continue in cases where victims withdraw their statement in such cases. (paragraph 144)

c. Conviction rates

24. GREVIO strongly encourages the Danish authorities to step up their efforts to raise awareness among those in the criminal justice system about new criminal legislation to ensure its effective implementation. (paragraph 148)

2. Risk assessment and risk management (Article 51)

25. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO strongly encourages the Danish authorities to ensure that risk assessment and management are conducted in a manner that involves and is co-ordinated with all relevant agencies and entities involved in providing services to the victim and her children, including law enforcement, social welfare services, the healthcare sector, women's specialist services and education facilities. (paragraph 153)

3. Emergency barring orders (Article 52)

26. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to step up efforts to make use of emergency barring orders more frequently, in order to protect the right to safety of women victims of domestic violence and their children, and to illustrate to the perpetrators the seriousness of their behaviour under the law. (paragraph 158)

27. GREVIO further strongly encourages the Danish authorities to rigorously monitor compliance with emergency barring orders, for example by the use of electronic monitoring systems. (paragraph 159)

4. Restraining or protection orders (Article 53)

28. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the Danish authorities to step up their efforts to offer women victims of domestic violence, rape, FGM and stalking adequate protection in line with Article 53 of the Istanbul Convention, notably by:

- a. making better use of the range of protection measures provided in the Danish legal framework, including restraining and exclusion orders and immediate restraining orders;
- b. ensuring the effective monitoring and enforcement of protection orders, including through protocols, training efforts and the use of technical means, such as electronic tags;
- c. holding perpetrators accountable for violating such orders through the imposition of dissuasive and proportionate sanctions. (paragraph 168)

29. GREVIO also strongly encourages the Danish authorities to ensure that exceptions in prohibition on contact envisaged in Section 15 of the Danish Act on Restraining Orders do not run counter to the principle of victims' safety, as set out in the Istanbul Convention. (paragraph 169)

5. Measures of protection (Article 56)

30. Recalling the findings issued in GREVIO's baseline evaluation report, 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 Istanbul Convention, including in family court proceedings and administrative procedures on custody and visitation decisions. (paragraph 176)

31. GREVIO further encourages the Danish authorities to take the necessary measures, including legislative, to increase the use of audiovisual testimonies for victims of sexual violence, beyond the initial interview by the police, in order for them to be used as evidence in court. (paragraph 177)

Appendix II

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

National authorities

- Inter-ministerial working group on violence against women
- Ministry of Children and Education
- Ministry of Digital Government and Gender Equality
- Ministry of Health
- Ministry of Justice
- Ministry of Social Affairs and Housing
- National Institute of Public Health
- Family Law Agency
- Aarhus City Council
- East Jutland Police

Public bodies

- The Danish Institute for Human Rights

Non-governmental organisations

- Kvinderådet (Women's Council Denmark) - non-governmental umbrella organisation, Copenhagen
- LOKK (National organisation of women's shelters), Copenhagen
- Lev Uden Vold (National Unit Live Without Violence), Copenhagen
- Center for Seksuelle Overgreb (Centre for victims of sexual assault), Frederiksberg
- Center for Voldsramte (Centre for victims of violence), Copenhagen
- Danner – women's rights organization and women's shelter, Copenhagen
- Dansk Kvindesamfunds Krisecentre - women's shelter, Frederiksberg
- Dialog Mod Vold – treatment programme for perpetrators of domestic violence, Copenhagen
- Joan Søstre (Joan Sisters), women's rights organisation, Copenhagen
- Kvindehjemmet, women's shelter, Copenhagen
- RED Centre and RED+, counselling service and safehouse for victims of "honour-related" violence, Frederiksberg
- Reden International – women's rights organisation, Copenhagen
- Søstre mod vold og control - women's rights organisation, Copenhagen

Civil society and other organisations

- Caroline Adolphsen, Aarhus University
- Niels-Erik Hansen, Attorney at law
- Trine Baumbach, University of Copenhagen

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.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice by any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

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All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.