

# Committee of the Parties



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

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**Implementation report submitted  
by Denmark on the conclusions adopted  
by the Committee of the Parties  
on 7 December 2021**

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Secretariat of the monitoring mechanism of the Istanbul Convention  
Att: Ms Elif Sariaydin  
Strasbourg  
France FR

Ministry of Justice

Date: 8 December 2023  
Office: Criminal Law  
Contact: William Erik Kragh  
Halling  
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### **Comments of the Government of Denmark on the Conclusions on the Implementation of Recommendations in Respect of Denmark Adopted by the Committee of the Parties to the Istanbul Convention**

The Danish Government is pleased to report back to the Committee of Parties to the Istanbul Convention (“CoP”) on the measures taken to implement the conclusions adopted by the CoP on 7 December 2021, under the baseline evaluation procedure.

The Danish Government is pleased to note that the CoP welcomes the measures taken and progress already achieved by Denmark in the implementation of the CoP’s recommendations for the implementation of the Istanbul Convention, including our positive legislative developments and close cooperation with civil society.

The Danish Government also takes note of the further measures that the CoP encourages to Denmark to take (B 1 through 5), to which the comments below have been addressed. The comments have been prepared with contributions from relevant ministries and authorities.

#### **The Danish Government’s comments to B 1**

Since 2002, Denmark has had national action plans for the prevention of violence against women and violence in intimate relationships. These national action plans complement the permanent measures already in place in social services, the healthcare system and in the judicial system. In the development of these action plans, civil society organisations, including those representing women’s rights and empowerment, are invited to take part in the dialogue and to share their suggestions and input.

Slotsholmsgade 10  
DK - 1216 København K.

Phone +45 7226 8400

[www.justitsministeriet.dk](http://www.justitsministeriet.dk)  
[jm@jm.dk](mailto:jm@jm.dk)

On 27 June 2023, a new National Action Plan to Combat Intimate Partner Violence and Intimate Partner Killings was launched, which consists of 26 initiatives. The national action plan underlines that women are more exposed to partner violence and partner killings than men are. The national action plan includes data to underline this point. The national action plan references several forms of violence against women, including physical, psychological, sexual, digital and honour-based violence. The national action plan is partly based on and refers to Jane Monckton-Smith's research on intimate partner femicide (Intimate Partner Femicide: Using Foucauldian Analysis to Track an Eight Stage Relationship Progression to Homicide).

In support of the initiatives in the action plan, the government has reached a political agreement allocating 136.1 million DKK in 2023-2026. As part of the political agreement regarding the Finance Act for 2023, the parties to the agreement further allocated 19.6 million DKK in 2024, 36.2 million DKK in 2025 and 2026 and 36 million DKK permanently from 2027 to the national action plan.

An abbreviated version of the action plan has been attached for your convenience.

Furthermore, the Minister of Gender Equality is obligated to coordinate with the rest of the government, and develop an annual Report/Perspective and Action Plan for gender equality, and hold a debate on the action plan in the Danish Parliament. These action plans form the framework for the Government's gender equality efforts in the coming year. One of the focus areas in the annual plan is gender-based violence

### **The Danish Government's comments to B 2**

The Minister of Gender Equality is by law tasked with developing and coordinating the government's equality policy, including taking initiatives to promote equality between women and men. Since 2002, Denmark has had national action plans for the prevention of violence against women and violence in intimate relationships. The Minister of Gender Equality has been responsible for coordinating these plans, which are developed in an inter-ministerial working group for the prevention of violence against women and violence in intimate relationships. The inter-ministerial working group was established in 2000, and it is supported and facilitated by staff from the Department of Gender Equality. The working group was established with the aim of ensuring a strong coordination and sharing of knowledge between

the relevant ministries, as well as to evaluate the need for additional initiatives by evaluating Denmark's implementation of international conventions, standards etc. regarding violence against women.

Also, the Danish Institute for Human Rights is a publicly funded institute that monitors Danish legislation and evaluates whether it is in accordance with human rights. The Danish Institute for Human Rights monitors Danish legislation by drafting legal briefs, wherein they estimate whether a specific suggestion is in accordance with human rights, and produce suggestions to how it may be changed along with other recommendations. They also monitor and produce legal briefs regarding gender equality, with a focus on gender-based violence.

### **The Danish Government's comments to B 3**

With respect to data collection in law enforcement agencies, the government wants to emphasise that the Danish National Police is focused on combatting violence against women, domestic violence, and intimate partner violence. Valid and reliable data on the prevalence of domestic and intimate partner violence can support the development of new responses and interventions to combat these types of crimes by the police and by other government agencies. The Danish National Police is presently working with the Danish Statistics Office on making disaggregated data available. The project will generate a new type of data on crime, which will make it possible to document types of relationships between victim and perpetrator for specific types of crime (e.g., domestic violence and intimate partner violence), as well as data about the age and nationality of the victims and perpetrators.

The Danish National Police is focused on developing and supporting methods for identifying cases of intimate partner violence and domestic violence reported to the police. Danish police use so-called "search-keys" to tag and track instances of intimate partner violence and domestic violence. "Search-keys" are part of the police's master data on domestic violence and intimate, and are collected in a shared database that displays relevant cases. With search-keys, it is possible to track cases involving the same perpetrator. Search-keys are used primarily for investigation and prevention work related to domestic violence, but they are also used to generate data-driven analyses and threat assessments.

However, as there are no system-based procedures that make the use of these search keys mandatory, data based on search keys is primarily suitable for investigative purposes.

In 2022 an IT-based tool was introduced in the police. It had been developed for the systematic retrieval of cases of domestic violence and intimate partner violence. The purpose is to ensure that relevant cases of domestic violence are identified swiftly, which allows the police to take the necessary precautions and for instance ensure that protective measures are initiated promptly.

With respect to data collection in the judiciary, the government can inform that the Danish courts' practice is to register information on how the cases are conducted and concluded. The courts do not register information on the content of the rulings nor the parties involved in the cases.

With respect to data collection in the social services, the government wishes to note that the following answers are based on the data that is collected at a national level. The local sectors of the administration record and collect further information on domestic violence. This information is however not structured and shared on a national level.

Since 1 January 2017, The Ministry of Social Affairs, Housing and Senior Citizens, together with Statistics Denmark, has collected comparable data from the shelters for battered women in annual statistics. The statistics include data about *when* and *for how long* the women and children stay at the shelters. Furthermore, the names and the social security number of the women and their children are registered. The social security number allows authorities to derive information about the sex, age and residency of the victim. Additionally, the social security number supports a more comprehensive analysis by integrating data from other relevant databases, such as the upcoming police database that records the relationship between victims and perpetrators. However, the citizens can choose to remain anonymous and therefore refuse to register with a social security number.

In addition to the annual statistics regarding women staying at a shelter for battered women, The Ministry of Social Affairs, Housing and Senior Citizens, together with Statistics Denmark, has since 1 July 2021 collected data on inquiries made to shelters for battered women. The statistics includes data on citizens who contact a shelter for guidance or requests for

a stay at one of the shelters etc. The statistics include data on the type of request, and outcome of the inquiry.

The collected data may only be used for statistical purposes. It is possible for strict statistical purposes to link the social security-registered data from the women's shelters to other social security-registered data collected by Statistics Denmark. This enables researchers, the government and others to perform analyses on e.g. the characteristics of the women such as educational background, medical history, whether they receive other interventions concerning the Act on Social Services etc.

The Danish Authority of Social Services and Housing publishes a biennial report containing gender-specific target group analyses, analyses of violence-specific data and in-depth analyses combining violence-specific data. The first report was published on the website of The National Board of Social Services in 2022. The report is based on a survey that contains information about i.e. the type of violence the victim has experienced and type of relationship between perpetrator and victim. As with the annual statistics regarding women, staying at a shelter for battered women it is possible to link the survey data to other data collected by Statistics Denmark and perform analyses on e.g. the characteristics of the respondents.

Main results from the survey are published on the Board's website. Upon request from the Danish government, further analysis of the data can be acquired. The report is called "Survey on Violence in Close Relations" (UVNR: "Undersøgelse om vold i nære relationer").

The Ministry of Social Affairs, Housing and Senior Citizens collects data on where the shelters are placed on a regional and municipality level. The data is available on a quarterly basis, and is from Tilbudsportalen, which is a nationwide platform that gathers and presents information on inter alia services for individuals with a disability or a social issue. Tilbudsportalen is primarily utilized by caseworkers for the purposes of identifying suppliers of social services relevant for the citizen's specific issue or concern. Both caseworkers and the Ministry of Social Affairs, Housing and Senior Citizens has information on the women's latest registered address before staying at the shelter.

If a member of a family applies for custody through The Agency of Family Law, information on risk factors in the family are recorded at the time of

application, including domestic violence. Reports of domestic violence will determine how the case is processed in the Agency of Family Law and the judiciary. Data on all known risk factors at the point of entry is shared with the Ministry of Social Affairs, Housing and Senior Citizens.

Since 2011 Statistics Denmark has in collaboration with the Ministry of Social Affairs, Housing and Senior Citizens collected comparable data from all municipalities on children and young persons placed outside of own home. The municipalities can record several reasons for the placement, including domestic violence between parents and violence against the child. The municipalities also collect data on preventive measures for children and young persons, and from 2024 the municipalities can record several reasons for the preventive measures, including cases of domestic violence between parents and violence against the child.

Furthermore, comparable data is collected on notifications of concern for children to the administrative municipality. The municipalities can record several reasons for the notification, including domestic violence between parents and violence against the child. Everyone can notify the municipality.

With respect to data collection in the public health sector, the government can inform that the data suggested in measure B 3 is already being collected. In 1977, the Danish National Patient Registry was established covering discharges from all hospitals in Denmark. Reporting data to the registry is mandatory and the required data covers diagnoses, procedures etc., and also information on external causes of injury, including assault and violence events. From 1995, the registration also included outpatients and emergency department contacts.

The data reported includes:

- Sex and age (can be extracted from patient data)
- Injuries, including with violence as external cause, is mandatory to report from all hospitals
- Type of violence, can be extracted by the 'mechanism of injury', supplemented by reported diagnosis. Examples of mechanisms of injury are pushing, punching, stabbing, strangulation.
- Type of perpetrator is voluntarily reported. It includes spouse/partner, family member, acquaintance, among others.

- Location, or place of occurrence, is mandatory to report. It includes residential area, commercial area, park area, open nature, among others.

The registration of violence events is based on the Nordic "NOMESCO Classification of External Causes of Injuries". The Danish National Patient Registry has undergone several updates and technical improvements over the years. The collection of causes of injury has remained at a constant and high level throughout.

All residents in Denmark have a civil registration number (CPR), making data collecting quality and coverage very high in international comparison. All citizens have access to their own medical journal (sundhed.dk), where they can see their own data, control who has access to their data and see who has accessed their data.

#### **The Danish Government's comments to B 4**

The Danish police have the opportunity to undertake a range of measures, if the police assess that citizens who have been subject to partner violence are at imminent risk of revictimization, escalating violence, or homicide. These measures include, among others:

- Restraining orders, immediate restraining orders, residence bans, and expulsion
- Secret address
- Issuance of panic alarms
- Activation of a data marking indicating that a victim is particularly threatened
- Advice and guidance on personal security, such as technical and tactical protection

In cases of suspected domestic or intimate partner violence, the Danish police assess whether there is an urgent need to issue a protection order. For this purpose, the police consider relevant risk factors to make a quick and structured assessment of any urgent need for help and protection. Depending on the characteristics of the case, the police can make use of the measures listed below:

- A restraining order entails that the person against whom the order is issued, is not allowed to contact, pursue, or harass the victim.



Restraining orders can be issued for up to five years. A restraining order is not a prerequisite for the prosecution of a person for stalking.

- The Danish police can also issue an immediate restraining order. An immediate restraining order can be issued quickly and serves as temporary protection for the victim, lasting until a final decision is made.
- The police can also issue a residence ban if there is suspicion that a person has committed a serious personal offence against the victim (such as violence), or in cases of repeated violations of a restraining order, instances of harassment, and/or stalking. A residence ban is issued in cases where the police assess that a restraining order is not sufficient. It can be in effect for up to a year.
- The police can also use eviction. If the perpetrator is over the age of 18 and lives with the victim, but has been violent or is suspected of intending to commit violence, the police can evict that person from the residence. Eviction can be combined with restraining orders and restraining bans for added protection. It can be in effect for up to four weeks.

The State Prosecutors regularly conduct supervision of the police handling and enforcement of emergency barring orders and protection orders. Recently (May 2023), the State Prosecutors have made recommendations to the police districts to strengthen the exchange of best practices relating to the use of emergency barring orders (“strakstilhold”).

Furthermore, the Danish Prosecution Service has a particular focus on the enforcement of the new provision in the penal code regarding the crime of “stalking”. As from January 2022, when the provision entered into force, Stalking (Section 242 of the Danish Criminal Code) has been appointed as a specific focus area within the prosecution service. This means that all cases regarding a possible violation of Section 242 must be submitted by the police districts to the State Prosecutor before a charge is made. Cases must also be submitted to the State Prosecutor after the judgment to resolve the question of appeal. The aim of the focus area is to ensure that the provision is properly implemented in the prosecution service and to qualify the scope and penalty level of the new provision.

## **The Danish Government's comments to B 5**

The Family Courts were established in 2019 as part of a new, unified and coherent Family Law System with comprehensive and systemic processes for the families involved and with the child at the centre of procedures.

The Family Court has a local department in each judicial district and is part of the Danish Courts of Justice. Family Court proceedings are adapted to ensure that children's issues are addressed in a relevant and considerate manner. Family Court judges are used to understanding and deciding on cases that are sensitive and difficult for the parties involved and where children are at the centre of the conflict.

The procedural rules of the Family Court differ from standard civil procedural rules in a number of ways. Inter alia, if the Family Court finds that it is not possible to handle a case in a proper manner without the defendant having legal counsel, the court may appoint a lawyer for the party concerned. Also, the Family Court may invite a party to give evidence and may order a party to give a statement, and court hearings are, contrary to normal procedure, not public. The state treasury bears the costs for the presentation of evidence, the participation of a child expert in the case preparation, interviews with children and the appointment of a person to assist the child.

With the new family law system, cases regarding enforcement of decisions on custody, the child's residence, and contact rights were moved from the bailiff's court to the Family Court.

When establishing the Family Law Agency and the legislation on the Family Law System, the key principles as set out in paragraph 160 of the GREVIO baseline evaluation report were taken into account.

Thus, the Family Law System is based on close cooperation between the Family Law Agency and other relevant authorities, including social welfare authorities and the police.

The parties in a case on parental responsibility have access to the case file, except when the information may jeopardize the safety of the child or other persons involved in the case. The parties are free to submit evidence, including witness statements and expert reports, and they may challenge expert reports.

According to the Act on Parental Responsibility, all decisions must be made according to the best interest of the child, and all decisions shall aim at securing the wellbeing of the child and also aim at protecting the child from violence and harm, including being witness to violence.

The cases are investigated by the Family Law Agency, but the decisions are made by the Family Courts with the right to appeal to the High Courts. The Family Law Agency only makes decisions on some issues on parental responsibility, mainly interim decisions and decisions in minor cases on contact rights. These decisions may be appealed to the Family Court.

It also follows from the Act on Parental Responsibility that when a parent is convicted of having committed an act of violence it is at the outset not in the best interest of the child that this parent has custody over or residence or contact with the child. The Government has decided to expand these rules with convictions of minor offences of domestic violence. A proposal to this effect is expected to be submitted to Parliament in 2024.

In cases where there is a suspicion of violence, including domestic violence, a thorough investigation of the best interest of the child is carried out. If in a case of domestic violence, it is – based on thorough investigations – in exceptionally situations found to be in the best interest of the child to have contact with the perpetrator, the decision on contact must be drafted aiming at securing the safety of the child and the victim parent. The contact may be supervised or the child may be transferred to the other parent for contact on neutral ground.

Finally, parental responsibility is only enforced by the Family Courts if it is in the best interest of the child. The court may refer the case to the Family Law Agency for a re-evaluation of the best interest of the child.