

# Shadowreport to GREVIO about Denmark and the Istanbul Convention

## From the Network for psychopathy- and stalkingaffected

By rev. cand. theol. and stud. jur. Sidsel Jensdatter Lyster, 1st February 2017

**Parallelreport from the 1200 members of The Network for Victims of Stalking and Psychopathy**

Initiators and administrators Sidsel Jensdatter Lyster and Henritte Eiby Christensen.

*Who are we? A group of Danish citizens who, regardless of age, educational level, sex, ethnicity, religious and political convictions try to help each other heal after the meeting with a toxic person in private or working life.*

*All members in the networks are screened, and there is a high level of trust withing the network. Many of our members are also getting help from shelters and established organisations for victims of stalking, violence and child abuse.*

*Most of our members work in jobs that require empathy, like teachers, doctors and nurses. We represent a huge part of the parents in high conflict divorces in Denmark.*

For further information about our work to make Denmark protect battered parents and abused children:

“The secret network” by Irene Noergaard and Kay Brase, Tv2 Oestjylland:  
<https://www.youtube.com/watch?v=5YHyKojH04k&t=10s>

<http://momnetwork.dk/> An information portal in English about the conditions for protective parents in Denmark, especially mothers. And the conditions for abused children in Denmark.

EP Report on the Fact finding visit to Denmark 20-21.06.2013 (English) about discrimination of Danish mothers in Divorce cases: <https://www.youtube.com/watch?v=jE3LpdsO0wE>

EP delegation critical of Danish handling of cross-border custody cases, on forced cooperation between battered mothers and abusive fathers 21.06.2013: <https://www.youtube.com/watch?v=T1suudG-pKo>

Petitioners from our networks, invited by EU to tell about their concerns with children and human rights in Denmark (English): [https://www.youtube.com/watch?v=8pVW\\_zNy37Q&t=2411s](https://www.youtube.com/watch?v=8pVW_zNy37Q&t=2411s)

Consultation report on stalking and family violence in Denmark to UPR:  
<https://webcache.googleusercontent.com/search?q=cache:jmNjL4PyN4YJ:https://uprdoc.ohchr.org/uprweb/downloadfile.aspx%3Ffilename%3D2378%26file%3DCoverPage+%&cd=10&hl=da&ct=clnk&client=firefox-b-ab>

## **About the Preamble and Denmark's Response to Recommendations from the EU and the UN on the Subjects of Family Violence and Child Abuse**

*The preamble recalls the Member States of European Council about the Convention for the Protection of Human Rights, the European Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse, recommendations from the Committee of Ministers on protection of women against violence, recalls the Member States of CEDAW and the United Nations Convention on the Rights of the Child. **Denmark has ignored criticism on these areas for years.***

The Network for Victims of Stalking and Psychopathy would like to remind GREVIO and Denmark, that Denmark in 2013 received sharp criticism from The Committee on Petitions, where all countries with the exception of Denmark voted for a number of recommendations that Denmark should protect abused women and children in high conflict divorces.<sup>1</sup> Danish politicians chose not to follow up on the criticism, and Danish media ignored an invitation to a press conference with the Delegation, and ignored subsequent criticism by the EU. Instead, in 2015 Denmark tightened penalties for the resident parent who refuses visitation with the non-resident parent without distinguishing between harassment of the non-resident parent and child protection.<sup>2</sup>

### **EU report addressing violence against women in Denmark in 2014 ignored and denied by the media**

Likewise, The Network for Victims of Stalking and Psychopathy would like to remind GREVIO and Denmark of reports from the EU that women in Denmark are to a larger extent victims of abuse than women in any other European country. In 2013, 4% of Danish women were victims of spousal abuse, compared to 3% in the EU in general. 32% of Danish women have at some point or another experienced spousal abuse and 52% of Danish women have either experienced domestic abuse or violence in the workplace.<sup>3</sup> Studies showing extreme misogyny in Denmark led to derision of the research instead of action for the benefit of abused women,<sup>4 5</sup> although these studies did however lead to Denmark's accession to the Istanbul convention.

### **Criticism directed from the UN concerning violence and hatespeech against Danish women, has so far led to no action**

The Network for Victims of Stalking and Psychopathy would like to remind GREVIO and Denmark, that the UN has requested that Denmark increase efforts to stop violence and stalking against woman, as well as hatespeech directed towards women in the media. Our network have sent a well documented report on stalking in Denmark to the UN, which pointed out, how poorly conditions are for stalking victims. Particularly in the case of mothers and children, where the stalker is the

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<sup>1</sup> 17.9.2013 "Working Document on the fact-finding visit to Denmark 20-21 June 2013", Committee on Petitions, PE514.768v02-00, <https://www.scribd.com/document/177182989/EU-Parliamentary-Fact-Finding-Visit-to-Denmark-June-20-21-2013>

<sup>2</sup> <https://www.advodan.dk/nyheder/2015/4/skilmissepakke-er-godt-nyt-for-boernene/>

<sup>3</sup> <http://kvinfo.dk/webmagasinet/danske-kvinder-europas-mest-voldsramte>

<sup>4</sup> <http://politiken.dk/indland/art5505347/EU-rapport-viser-kun-at-kvinde-vold-er-f%C3%B8lsomt-emne>

<sup>5</sup> <http://politiken.dk/indland/art5529258/Rapport-Danske-m%C3%A6nd-er-de-mest-kvindehadske-i-EU>

father of the child and gets therefore no restraining order and free access to “his” family.<sup>67</sup> Denmark has so far done nothing to accommodate the criticism from the UN.

#### Criticism by CEDAW of the handling of divorce cases in Denmark ignored by politicians and media

The Network for Victims of Stalking and Psychopathy would like to draw GREVIO and Denmark’s attention to the fact that CEDAW on March 15th 2016 urged Denmark to change the Parent Responsibility Law and protect women and children who are victims of violence.<sup>8</sup> Denmark and the Danish media have totally ignored recommendations from CEDAW to protect women and children.

Denmark ignores international recommendations to protect mothers and children who are victims of violence and stalking, even though women in Denmark are to a larger extent victims of abuse than women in any other European country, there is a strong media exposure on the subject of fathers rights and strict equality, even discussing the rights of fathers to choose a “statutory abort also known as paper abortion or financial abortion” Women who are victims of violence and who are not able to protect their children are not heard in the media but have to use blogging as a means of being heard, since the general public is oblivious about them.

We love our country, but we see no other choice, than to ask GREVIO to use every means available to put a hard pressure on Denmark internationally to fulfill the Convention for Protection on Human Rights, CEDAW and especially the United Nations Convention on the Rights of the Child and the Istanbul Convention.

#### **On the articles in the Istanbul Convention:**

##### **Article 4 – Fundamental rights, equality and non-discrimination**

##### **and Article 12 about eradicating of prejudices against women:**

The Network for Victims of Stalking and Psychopathy has seen neither specific legislation nor other measures in Denmark to prohibit discrimination against women in the private or public sphere. We have also not seen any attempt to promote and protect the rights of women in particular to live free from violence in neither the public nor the private sphere.

"Trine Baumbach, Associate Professor and PhD in criminal law at Copenhagen University, has researched gender discrimination in Danish law. She believes that the reason for the many partner murders of women to be found in a patriarchal culture.

"The majority of these partner murders of women is the culmination of many years of violence, harassment and control, and should be run as cases of violence several years earlier."<sup>9</sup>

*"Lack of implementation of risk assessments in Danish cases of partner violence: "We know from abroad that it takes a long time to incorporate risk assessments in police practices, but when it is*

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<sup>6</sup> "Consultation response on stalking and family violence in Denmark by the parent’s network and the group Trolls", by Henriette Eiby Christensen and Sidsel Lyster, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2378&file=CoverPage>

<sup>7</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DKSession11.aspx>

<sup>8</sup> "Communication no. 46/2012 Marion Weilharter against Denmark <https://drive.google.com/file/d/0B-XGTYWsaTsGMFFpNzUtb1IhaEE/view> or <http://mareridts.blogspot.com/2016/03/breaking-fn-giver-marion-olivia.html>

<sup>9</sup> <https://www.information.dk/indland/2016/06/hvert-andet-kvindedrab-begaet-partneren>

*used systematically, a positive effect can be observed. In USA and Great Britain such risk assessment is well-incorporated in agency practices. A great deal of attention is placed on intervening in violent families at an earlier stage in order to ward off killing," says Nell Rasmussen, "And neighbouring countries - Sweden since the end 1990s, Finland since 2011 and Norway since 2012 - has used risk assessments in cases involving domestic violence."*<sup>10</sup>

Danish women have less freedom of speech than Danish men, less freedom from rape and stalking and less freedom from all kinds of coercive violence and the risk of being killed from a partner or expartner. Speaking publicly about prejudices against women leads to a massive outburst of negative criticism on social media from people with prejudices against women, sometimes leading to threats and stalking. In addition to this, the women's perspectives are rarely in the medias, since fighting prejudices against abused women and especially mothers often leads to troublesome libels and complaints to the Press Council from the men, and is therefore avoided by the Press.<sup>11</sup>

Danish debates are full of misogyny. Instead of reacting to what women say in debates, common reactions include cyberbullying, threats, abusive or condescending comments on the female debaters' body and looks, public accusations of mental illness, ignorance or emotional instability, and being disregarded as "feminist". Having your reputation ruined by hatespeech makes some women withdraw from the public arena, while others are discriminated and verbally abused publicly.

If these threats were posed to politicians or a well-known artists, the person would probably be protected by the police. Yet nobody guarantees the security of women, who use their voice in the medias because they are victims of abuse or spokeswomen/advocates of victims of domestic violence.<sup>12</sup> Nobody is held responsible for stopping the trolls, deleting their abusive comments or helping the victims. Hate speech is a crime free of consequences in Denmark.

The report from 2013 "Stalking in Denmark"<sup>13</sup> explains how no risk evaluation exists but it is the personal experience and ideas of the individual policeman that determines if any action is to be taken when a woman reports harassment and stalking.

Here are a few, but very common, examples on the level of misogyny and hatespeech against Danish women in Denmark (my translation):

*René Jansen - July 19, 2010 18:04 "Single mothers are a miserable business and not good for children."*<sup>14</sup>

*John Laursen – April 12, 2014 20:03 "Women have long since achieved equality and it is good but these officious, ruthless and greedy feminists persist. [...] They live at the bottom of materialism and selfishness of mud."*

*To a professional female writer, by Jesper Tietgen – November 10 2016 "Get a manual job instead of maintaining spoiled privileges and great thoughts about where to drink the next latte. You are a simple, uninformed and solid mudpout".*<sup>15</sup>

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<sup>10</sup> <https://www.information.dk/indland/2016/06/ringede-alarcentralen-sagde-slaaet-ihjel-faa-fred>

<sup>11</sup> <http://mareridts.blogspot.com/2015/11/dr-og-offerudvlgelsen.html>

<sup>12</sup> <https://www.kristeligt-dagblad.dk/danmark/2014-11-04/er-debatkulturen-kvindehadsk>

<sup>13</sup> SFI (the Statel Institute of Public Health) by Katrine Bindesboel Holm Johansen et al: "Stalking in Denmark" [http://www.si-folkesundhed.dk/upload/stalking\\_i\\_danmark\\_rapport.pdf](http://www.si-folkesundhed.dk/upload/stalking_i_danmark_rapport.pdf).

<sup>14</sup> <http://kathrine.blogs.berlingske.dk/2010/07/15/militante-f%c3%a6dre/comment-page-2/#comments>

<sup>15</sup> <https://www.facebook.com/groups/1618433638389892/?fref=ts>

As a spokeswoman for The Network for Victims of Stalking and Psychopathy I am personally affected by this subject, since The Fathers Rights movement contacted my boss repeatedly and asked him to fire me<sup>16</sup>, and exposed my private life in the medias. I finally was eventually made redundant because of stressrelated collapse after years of stalking. I was scared all the time, felt threatened and am relieved that I no longer live in an official, unprotected rectory. The movement of men, who stalked me, are advisors to Danish politicians, the state administration and the Institute of Human Rights. They are really scary for one woman to be up against. The police did nothing.

I finally got one of the trolls from the Fathers Rights movement convicted by suing him, but my finances were not high enough to sue him from the beginning, no free process in the court was given, and the compensation from him was much lower than the attorney fee. Thus Denmark did not live up to art. 29 in the Istanbul Convention.

Here is one of the usual comments from an internet troll, when I raised my voice advocating for a traumatized victim, whom he had been verbally abusing for hours. I never experience comments like this in the media in Sweden, where they have a policies about hatespeech or in the Faroe Islands, where I live now, where the respect of women is much higher than in Denmark. I think hatespeech against women might be a Danish phenomenon:

*“Well done, Sidsel - sitting in the Faroe Islands - have abducted your own children, have been fired from your job as a priest, has been convicted of libel??, and so you intervene in such a thread here? How HYPOCRITICAL is it possible to be ????? How do you think the fathers of YOUR children feel ??? Let's just take your former profession - you have been a priest - and there is probably no proffession in the WHOLE WORLD that has been more affected by paedophile employees worldwide - so what does that say about YOU? In addition, then you're actually a criminal, you have been hospitalized in the psychiatric ward, and you even withhold your kids from seeing one of their fathers (or more?)”<sup>17</sup>*

The “Mans shelter” (Mandecentret) – a Danish organisation, which is sponsored by many social funds in Denmark<sup>18</sup> and is paid 7,5 mio. Danish kroner from the Ministry of Education in Denmark<sup>19</sup> had the following official comment to an article, I wrote about parents exposed to stalking: *“How is the thinking of the priest Sidsel Jensdatter Lyster? You can get an idea by reading her post on “perpetrators” and the Parental Responsibility Act, where she does a huge effort in trying to acquit herself and disparage her former partner”.*<sup>20</sup>

The Network for Victims of Stalking and Psychopathy rarely see personal attacks on men’s private lives in the debate. But even male debaters are attacked and get their computers hacked, if they defend women in family violence cases<sup>21</sup>. We have freedom of speech – but not on all subjects, and especially not on men’s domestic violence against women.

We have prohibitions against hate crimes concerning handicapped, people of colour as well as religious people and people of different sexual orientation (Law: Straffeloven § 266 b). However it is legal to discriminate on basis of a person’s gender.

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<sup>16</sup> <http://mareridts.blogspot.com/2016/03/foreningen-far-gar-aldrig-ind-i.html>

<sup>17</sup> [http://www.dagens.dk/indland/stines-dreng-er-bortf%C3%B8rt-har-du-set-lille-andreas?fb\\_comment\\_id=fbc\\_967944466559327\\_968382869848820\\_968382869848820#fff19c9dc](http://www.dagens.dk/indland/stines-dreng-er-bortf%C3%B8rt-har-du-set-lille-andreas?fb_comment_id=fbc_967944466559327_968382869848820_968382869848820#fff19c9dc)

<sup>18</sup> <http://mandecentret.dk/vision/sponsorer-2/>

<sup>19</sup> [http://mareridts.blogspot.com/2017\\_01\\_01\\_archive.html](http://mareridts.blogspot.com/2017_01_01_archive.html)

<sup>20</sup> [https://www.facebook.com/permalink.php?story\\_fbid=113962365320063&id=220368820864](https://www.facebook.com/permalink.php?story_fbid=113962365320063&id=220368820864)

<sup>21</sup> <https://www.facebook.com/lars.fogt/posts/10155005325889901?pnref=story>

When members of The Network for Victims of Stalking and Psychopathy tell their stories about domestic violence, the perpetrator usually win the debate in the public afterwards:

When Lisbeth Markussen moved to a shelter and later abducted her children out of Denmark in order to protect them from their father, the media and the Danish public agreed on condemning Lisbeths actions *and* mental health! Nobody was concerned about Lisbeths obvious posttraumatic stress reactions; the media undermined her story of psychological violence, physical abuse and stalking. Nobody condemned the father of her children's actions. The public generally agreed on this subject: Lisbeth was not only a dangerous criminal, but also a bad and mentally ill mother, abusing her children and their father by leaving Denmark.<sup>22</sup>

On the other side Marion Weilharters Danish exhusband was given full support from the Danish media, politicians and population, and even given exceptions from the law. CEDAW's critique was ignored, even by Institute of Human Rights.<sup>23</sup>

*I refer to an interview with Jette Hansen, who wrote a book on the subject of hate speech against Danish women: "There is a fierce suspicion and devaluation of the female gender - all under the heading: Nobody ever says anything bad about women, but men are criticized incessantly. "Male criticism" [...] makes attacks on women free game. She points out that men subscribed to the role of victim while accusing women of taking on a fake role as victims.*

*The result is a misogyny so obvious in Denmark that one should look far back in history to find something similar. Men like Ole Birk Olesen, MP for the political party "Liberal Alliance", has on the website damefrokosten.com accused women (collectively) to be "without morality and honor and therefore unable to manage community power" (3 June 2010). Kvinfos director Elisabeth Møller Jensen, is the subject of an extensive smear campaign organized at Manfo [...]*

*Why did the internet flow over with f verbal attacks on the naive 19-year-old celebrity star Amalie Szigethy when she accused her boyfriend and co-star Peter of violence? (Amalie withdrew the accusation, but Peter was convicted on the testimony.)".<sup>24</sup>*

**Article 5, 6, 7, 12, 15, 18, 19, 26, 31, 45, 48, 51 and 53 are consistently broken by Denmark in high conflict divorce cases.**

Our network consists of more than 1000 parents in high conflict divorce cases. All the parents are, regardless of the gender, screened as the nonconflictual parent who has focus on the child. The parents share the same stories repeatedly: having been exposed to domestic coercive violence during the relationship. The parent and the children are exposed to stalking and the children are exposed to child abuse after the divorce. The perpetrators, more than 1000 of them, share the same personality traits. Almost all the victims suffer from posttraumatic stress disorder and their children also suffer from posttraumatic stress disorder with some developing antisocial behaviour during the unsupervised time spent with the perpetrating parent.

In short: Here is the way the law and the Danish authorities handle abused parents and children in divorce cases on custody and visitation:

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<sup>22</sup> <http://www.dr.dk/nyheder/indland/skilsmisse-ender-galt-mor-bortfoerer-tre-boern-og-gaar-under-jorden-i-udlandet>

<sup>23</sup> <http://mareridts.blogspot.com/2016/09/nej-til-fns-kvindekomite-og-marion.html>

<sup>24</sup> <https://www.information.dk/kultur/anmeldelse/2012/03/feministen-straamand>

- *At the start:* The parents must always start the case in the State Administration, not the court. (Foraldreansvarsloven, Law on shared parental responsibility, called FAL § 31). This is a violation of Istanbul art. 29 and 57, since no free legal aid is offered to the victims in the State Administration. When the essence of the “conflict” is domestic violence and fear of child abuse, a lawyer is necessary, but no free legal help is offered, until the case is sent to the court.

Koebenhavns Retshjaelp can help with free legal advice on the phone, and NGO’s like the Moedrehjaepen (Mothers’ Help) can also assist. But unless the victim lives close to Copenhagen or Aarhus, and can turn up in person, nobody helps the parent with writing letters to the State Administration. Devastated by fear, the victim has to do everything alone, not knowing anything about her rights and where to seek help.

Most Danes have no clue about how the system works. They do not know Forvaltningsloven (The Administration Law), and nobody tell them about their rights.

During my second year of the Law Study, I had Administration Law and learned that any citizen can appoint a party representative. I had been served with 52 lawsuits by my ex-partner through seven years, without anyone informing me about my opportunity for sharing the burden with some friends or family members. During those seven years I had founded and participated in The Network for Victims of Stalking and Psychopathy, and nobody in the network knew of the right to appoint a party representative either.

They and I also did not know about Officialmaximen (the authorities duty to disclose a case sufficiently before a decision is made). Not knowing our rights, and not having a lawyer appointed, we have no possibility to complain about the State Administration never disclosing our cases sufficiently.

And many more rights have been lost, because nobody informs the victims. They don’t have money and energy to appeal the wrong decisions of the state administration and court. Therefore the victims miss their chance of trying their cases in the Human Rights Court.

When the battered women and children are victims of fatally wrong decisions from the court or state administration, they don’t have the energy to demand compensation within 3 years. Ruining victims’ lives is therefore without legal or financial consequences for Denmark.

- *Forced meetings between abuser and victim:*  
FAL (the law on parental responsibility) § 31 a prescribes a guidance meeting between the parents in order to inform and guide them with regards to opportunities for counselling and conflict resolution (§ 32) to reach a settlement.  
Before this meeting, no screening for violence and no risk assessment according to Art. 51 is made by the State Administration. The law prescribes separate meetings *if it is unnecessary or inappropriate. This may be the case if the request appears that parents agree on visitation. This can, for example, also be the case if the parents beforehand requested conflict resolution, if there recently has been conducted reconciliation efforts in vain, if there is a risk of abduction of the child, if the child has been abducted, if a parent lives abroad, or if one parent needs a judgment which can be recognized abroad.*  
In our network several of the women have lived in shelters, and sometimes they get separate meetings, if the shelters help them, but usually they are forced to 1) wait in the same room as their abuser and other couples, who are also often victim and abuser 2) go to

orientation meetings with their perpetrator. It sometimes happens, that an abuser attacks his victim, while they both are waiting to attend a meeting. **A restraining order is no guarantee for separate meetings. Usually separate meetings are not given, unless the violence is physical and proven by the victim, e.g. by a hospital report.**<sup>25</sup>

Not attending the meeting has, for some of the abused women, concluded in unfair decisions. I was one of these scared women, who did not show up for one meeting: My ex was awarded visitation rights with our two year old daughter from Monday at 8am to Wednesday at 2 pm. – I had to travel 1½ hours each way with our little girl, even though I held a full time job and was alone with three children. The two sisters, who were 6 and 9 years old at the time, had no nanny to take them to school and pick them up after school. This meant I would have to take my two older children out of school 2 days a week – or refuse to follow the decision. In addition to this it was in the middle of my education Monday 8-10am and Wednesday 1pm to 3 pm. I highly suspect my ex for having checked my schedule before he claimed exactly these times of the day. The Appeals Board upheld the decision.

For not being able to follow this resolution, I was put to prison by the Enforcement court and almost lost custody of my youngest daughter.

I had a friend who could not attend a meeting and was “rewarded” with a resolution in the middle of her working day. She followed the resolution only to be fired from her job.

On the other hands, some mothers from the network tell, they meet up at the State Administration again and again, but when the father does not show up, a new meeting date is set, and the man is not punished for not turning up. Apparently the system is biased against mothers. Or maybe the victims are just not as charming as abusers. After all, the professionals in the State Administration are not trained to recognise domestic violence according to article 15 in Istanbul.

- § 32 in FAL prescribes conflict solving in almost all cases and settlements, which are only concluded, because the abused parent (usually the woman, sometimes the man) is afraid of losing the baby or child. Denmark consequently breaks Article 48, forcing mediation and conciliation, both in the State Administration and in the Enforcement court. Nobody helps the parent protect the child – it is all about the child’s “right” to contact with both parents, as prescribed in the law. Usually the parents in our network cannot sleep before the mediation and conciliation meetings. They take calming pills, have suicidal thoughts and anxiety attacks. Often the meeting with the other parent results in new episodes of psychological violence. The mediator shall “help” the victim to feel comfortable with the cooperation and child visitation with the abuser. The victims generally inform that they feel the mediator is allied with the abuser, and nobody take the victim’s concerns seriously – possibly because the FAL does not take the concerns seriously. Some of the victims inform that the stalking intensifies after the meeting – possibly because the stalker is nurtured by the victims reaction to meeting him.
- § 33 in FAL gives the State Administration (or court) the possibility of launching a child welfare investigation thus illuminating the child's perspective, see. § 34. “*This can be*

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<sup>25</sup> <https://moedrehjaelpen.dk/moder-i-statsforvaltningen-raadgivning/>



*appropriate for cases where the child is in a vulnerable position in the conflict custody cases and in cases where there are serious problems with one or both parents, custody cases. It may also be appropriate in cases where there is a long separation between the child and visiting parent, in cases where there are allegations of violence or cross-border actions and in cases where there are any other major cooperation problems between the parents.”*

The investigations give a false sense of security, since they are very superficial.<sup>26</sup> The result is often wrong – out of more than 200 investigations, only 2 have discovered the abusive behaviour as the cause of the “conflict”. Most of the investigations blame the mother for not being willing to cooperate with the father, and accusations of violence are seen as “lack of ability to cooperate”. Several abused mothers inform that they have lost their child because of this practise.<sup>27</sup> An unknown number of Danish children live with their abusers.<sup>28</sup>

- The Network for Victims of Stalking and Psychopathy is very keen on the possibility of obtaining an expert’s report of the parents’ ability to take care of the child. We have been longing for this possibility, but it is almost never used by the State Administration, because these reports are expensive, a breach on Art. 8 in Istanbul. Besides, the reports are made by psychologists, who are often not experienced in narcissism and other personality disorders – the probable main cause of high conflict divorces, according to the parents’ descriptions of their ex partners’ behavior. The psychiatry was earlier, in the 70s, used by the court in high conflict divorces in Denmark. We deeply regret, this option is not present anymore, since a psychologist can not give a diagnosis. Even if the parent is unfit, the psychologist usually prescribes visitation anyway in order to fulfil the purpose of the law and keep his job, and maybe to keep himself safe from complaints and stalking. We have some mothers in the network, whose ex’es have been described as unfit – but being violent to the other parent and unfit to take care of children is not necessarily enough to stop visitation rights according to the Danish law. Only 800 visitations are stopped in Denmark by the State Administration each year, which is a small number, compared to 29.000 abused women a year and about 100.000 psychopaths and more than 200.000 abusers of alcohol and drugs.
- FAL § 34 allows a hearing with the child. The hearing is often 50 minutes long, and the psychologist does not know the child and therefore does not know it’s normal reactions. Some children find the hearing traumatic, because they reveal that they do not want contact with one of the parents – but yet, right after the hearing, they are returned unprotected to this parent who can read the resumé of the conversation. Other times, the child is under huge pressure from a parent with a disturbed view on the world. These children can be brainwashed and share the world view of the abuser. Even worse are the supervised visitations, where the psychologist does not know the child and it’s normal reactions on comfortness and fear. These children’s reactions are misread very often, mostly in the favour of the abusive parents. A child in kindergarten, who is forcing himself to smile and hug the parent, because he is used to be beaten otherwise, is easy to read for his primary caregivers, but not for a psychologist who meets the child for the first or second time. There are many of these small children, who are “rewarded” for their acting and adaption to the

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<sup>26</sup> <http://www.dr.dk/nyheder/indland/boernesagkyndige-psykologer-dumper>

<sup>27</sup> <http://www.bupl.dk/internet/BoernogUnge.nsf/0/47206ADABA70EFFDC12579120032992A>

<sup>28</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1587366964622757&id=1143609245665200](https://www.facebook.com/permalink.php?story_fbid=1587366964622757&id=1143609245665200)

unfit parent with unsupervised visitation<sup>29</sup>, while the abused parent is blamed for not fully supporting the contact. Thereby it is urgent to investigate if the parents are mentally fit to take care of children. Our experience from the network: if visitation with the abuser is not stopped, the child will often be brain washed at the age of 10 and move to the unfit parent refraining from contact with the fit father or mother.

- § 35 says, a child over 10 years can start his/her own case in the State Administration. Unfortunately, as with adults, there can be up to 10 months waiting time, where the child must remain in the conditions, it wants changed. In the meantime, both parents have been informed of the child's wish, with ample opportunity to punish and put pressure on the child.
- § 40 in FAL: The State Administration can send the case to court, if the parents still disagree and cannot reach a settlement after the conflict resolution meeting, or if one part has participated in a meeting, while the other parent did not show up.

In court it is finally possible to get free legal aid from a lawyer (for a few hours, not necessarily enough to shed light on a complicated case), which is why many abused women wish the cases were not attempted to be settled first, but sent directly to the court. Often the abuser likes violating his victim financially by starting cases in the State Administration over and over again, knowing that here is no free legal help for the victims.

- About the child's right to two parents: In Denmark, decisions on custody, place of residence and visitation rights are described in the Law on Parental Responsibility. The Act provides that children have the right to care and security and must be treated with respect for their person. But this good intention is a non-usable paragraph with no legal implications.

It is a fundamental principle of the Act on Parental Responsibility that, in all decisions, the best interest of the child is of paramount importance and that in all matters relating to the child, the child's own perspectives and views must be taken into consideration, depending on the child's age and maturity. But since "the best interest of the child" is not defined in any way, and assumed to be "two parents", based on the other fundamental principle in the Act, there is no way to protect the child, who has unfit parents. It is up to the child and the concerned parent to lift the burden of proof. Until the burden is lifted, the child often goes on unsupervised visitation with an assumed abuser year after year. No risk assessments are made, which is why several children have been abused and even killed on visitation forced by the Danish authorities.<sup>30</sup>

What hurts protective parents and children a lot, is that we are still called a non-existing myth. See the denial from the Danish government on their official site "Boern i midten" (children in the middle), where it is said to be a myth, that Danish children are forced to visitation by the law.<sup>31</sup>

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<sup>29</sup> <http://www.dfti.dk/-hoejkonfliktskilsmisse.asp>

<sup>30</sup> <http://lokalavisen.dk/socialminister-om-drab-paa-8-aarig-pige-en-dybt-ulykkelig-situation-/20160819/ARTIKLER/308199989/1051>

<sup>31</sup> <http://bornimidten.dk/myter/foraeldreansvarsloven-patvinger-samvaer>

The police does not take any reports on psychological violence –it is not punishable in Denmark<sup>32</sup> – and stalking is almost never punished (only sometimes one or two singular specific criminal incidents)<sup>33</sup> – and violence is also rarely punished.<sup>343536</sup>

Violence against the mother does not stop visitation rights – actually the father can gain full custody over the children after killing the mother, like the famous Hafida-case, but also many others.

When the police refuses to raise charges against the perpetrators<sup>37</sup>, the victim's cases go totally avry, since their concern is seen as "false accusations" and punished by the authorities.

Visitation is almost always granted. If the visitation is supervised, it is just for a short period, as "contact-making". After a few times or a few months, the visitations will be unsupervised. The whole situation for abused mothers and children on forced visitation in Denmark is well proven in scientific investigations:

Ask Elklit, University of Southern Denmark proves<sup>38</sup> that abusive men have approximately 10 days per month with unsupervised visitation, and 20% of the mothers suspect sexual child abuse during visitation (but the police do nothing, since they don't believe women and children after the divorce<sup>39</sup>) while 100% inform that their children are exposed to psychological violence by the abuser.

77% of the women in the report suffer from severe posttraumatic stress, and 69% have stopped working because of stalking, in spite of 4-5 years of tertiary education. Their health and career is ruined.

But in spite of this report from an acknowledged scientist, and in spite of several similar reports, concerned letters and articles from acknowledged domestic violence organisations and child organisations, the Danish government has only strengthened the fathers rights movements agendas since the report – and ignored womens and childrens rights.

- Shared parenting is normal, since singular custody is the exception, most often granted after years of conflict.

If abused parents refuse to hand the child over to visitation with the possibly abusive parents, five things can happen:

- 1) The visitation rights are taken from the abused parent. Often this happens in cases, where the abusive father or mother withholds the child. It means the good parent loses contact with his or her child. Why? Because stalkers want to harm their victims in any way, but victims have usually no wish of harming their ekspartner, even if he is a stalker, and rarely claim the child by any means. Therefore the means of the Enforcement court

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<sup>32</sup> <https://www.information.dk/indland/2016/12/kvinder-boern-maatte-tidligere-finde-maends-overgreb-omfang-laengere-boer-tolereres>

<sup>33</sup> <https://www.dr.dk/nyheder/regionale/syd/anti-stalking-forening-loven-er-ikke-god-nok>

<sup>34</sup> <http://mareridts.blogspot.com/2017/01/politiet-afviser-anmeldelser-om-vold-og.html>

<sup>35</sup> <http://mareridts.blogspot.com/2016/05/rven-vogter-hns-voldsramte-kvinder.html>

<sup>36</sup> <http://www.b.dk/nationalt/anmeldelser-af-haevnporno-forsvinder-hos-politiet>

<sup>37</sup> <http://politiken.dk/indland/art5426383/Kvinde-p%C3%A5-flugt-fra-voldelig-eksk%C3%A6reste-blev-afvist-to-gange-af-politiet>

<sup>38</sup> "With the child as hostage –stalking of mothers" (Med barnet som gidsel – stalking af mødre) ved Ask Elklit og Sille Schandorph, University of Southern Denmark 2012

<sup>39</sup> [http://www.bopam.dk/index.php?option=com\\_content&view=article&id=93&Itemid=102](http://www.bopam.dk/index.php?option=com_content&view=article&id=93&Itemid=102)

taking parents into custody is usually not used against abusers, but against battered parents.

- 2) Periodic penalty payments are settled by the Enforcement court. If they are not paid, the parent can be imprisoned instead. The payments are often huge – from DKK2000 up to 10.000 are sums, I have heard in the network.
- 3) In the report from the University of Southern Denmark, 7 out of 200 women inform, they have been jailed for protecting their children according to Retsplejelovens § 497, stk. 2. The number has doubled since. Technically the women are not “in prison”, but taken into temporary custody by the Enforcement court, until they reveal where the child is.<sup>40</sup>

The abused women are jailed without their children (even babies), but with all kinds of criminals – mostly men – who have appealed their judgment. Which means most often the abused women are the only women in the prison. The conditions are the same as for all other prisoners: Full body search before and after visitors (including the vagina and mouth). Urinating and defecating in the sink, since the prison guards don't come in and take the prisoners to the toilet. 1 hour recreation time outdoors in a cage with the male prisoners. The cells are very small, and lack of fresh air may be a problem in the summer. Some of the women get severely traumatized by the imprisonment (I am one of them). The longest time a Danish woman has been in custody this way is three months – the Enforcement court put the mothers in custody for six months, or until the child is given to the father. Mainly mothers of small children under school age have been taken into custody.<sup>41</sup> The mothers reveal that they could not lift the burden of proof then, but later the visitation rights have been taken from the fathers by the authorities. So, why was it necessary to put the mothers to jail?

As far as we know, no man has been taken into custody by the Enforcement court. Only mothers seem to be punished for withholding their children from visitation.

- 4) If a parents, whose child lives with her, does not give the child to visitation with the other parent, no matter that the reason is the safety of the child, the other parent can file for custody and residence – and often they win. More and more protective mothers lose their children to the abuser, because they try to protect their children.

#### How do you stop a child's visitation with an abusive parent in Denmark?

The Act of Parental Responsibility gives these options in the guidance, chapter 14<sup>42</sup>:

The State Administration can, according to § 21 stk 3, reject the establishment of access rights or cancel an existing agreement or decision on access if the children are vulnerable or very much affected by the parents' conflicts. *It means the child must be very harmed before visitation is stopped. On average in our "Network for psychopathy- and stalkingaffected", it takes five years to stop visitation with the abusive parent. In some cases it has taken 12 years. In a few cases it can happen very quickly - usually if the father is a Muslim immigrant, has a criminal record and the wife lives in a shelter. Unfortunately most of the abusive men, we see in yearlong custody cases are business leaders, engineers, salesman, caucasian, and with no criminal record of violenc. They have no criminal record because the police will never raise charges for psychological abuse and the coercive*

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<sup>40</sup> <http://www.b.dk/nationalt/faengslet-mor-bringer-sag-for-den-europaeiske-menneskerettighedsdomstol>

<sup>41</sup> <http://hvidovre.lokalavisen.dk/moren-kan-faengsles---faren-bestemmer-/20150527/artikler/150529460>

<sup>42</sup>

[https://www.themis.dk/synopsis/docs/Lovsamling/Samvaersvejledningen.html#14.\\_Afslag\\_p%C3%A5\\_og\\_oph%C3%A6velse\\_af\\_samv%C3%A6r](https://www.themis.dk/synopsis/docs/Lovsamling/Samvaersvejledningen.html#14._Afslag_p%C3%A5_og_oph%C3%A6velse_af_samv%C3%A6r)

*violence is psychological without physical bruises. So the victims wait until their children have suffered so much harm so that visitation can be stopped.*

Access rights can also be taken from the parent, according to the guidance on the parental responsibility act 14.1.1.3. if there are serious problems, like psychological problems, family violence and other cross-border behaviour, crime, other social stress problems and impaired parenting skills (lack of empathy and understanding for their own and others' lives).

*In "Network for psychopathy- and stalkingaffected" we have never seen such a permanent stop of visitation. Usually the parental ability is not examined, and lack of empathy is not discovered. Even if discovered, neglect and psychological violence against the children is not taken seriously, so we will not stop or supervise a visitation permanently, just because the parent is a psychopath.*

*We have in the network several examples. When everybody can see the fathers psychopathy – even the psychologists – he is still granted unsupervised time with the children for days. "With the child as hostage" studies from University of Southern Denmark say, the average visitation given to abusive men is 10 days unsupervised.*

*I tried to confront the appeals board, who administrates the law. They wrote to me last week, that they do not go into general discussions about the administration of rules. Those responsible are the politicians, who make the acts.*

*I have talked to the politicians for 7 years. They say the acts are good, and the responsibility lies within the administration*

Finally access to the child can be denied, according to the guidance of the Act of Parental Responsibility 14.1.1.7. in cases where there are allegations of violence or cross-border actions.

*We are deeply shocked that visitation rights continue, even when violent fathers have tried to kill their ex wives<sup>43</sup> and break their neck. The practice is: visitation is usually not stopped because of violence, since the child is assumed by the State Administration to feel comfortable with the perpetrator in spite of the violence against the other parent.. Psychological violence and stalking does not count. Sexual child abuse leads only to temporary visitation stop, until the police has decided not to charge because of lack of proof – most child abuse cases fall on "word against word". Often the police refuse to investigate our cases, simply because we are in a conflicted divorce. The child is therefore assumed to be manipulated by the mother, when it tells about sexual abuse. No psychologist dares to say for sure that there has been sexual abuse when the police refuses to raise a charge. So the child is sent back to unsupervised visitation with the abuser.<sup>444546</sup>*

All these cases can lead to stop of visitation rights. But only 800 parents lose their visitation rights every year, even though one in twenty children in Denmark has experienced domestic violence before its 8th birthday.<sup>47</sup> Visitation usually stops when the children are old enough to go through investigations, questioning by judges and other adults from the "system" and dare to go against the abusive parent. Younger children, who are the most vulnerable, are usually forced to see the abusive parent.

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<sup>43</sup> <http://nyheder.tv2.dk/krimi/2015-03-29-far-draebte-mor-og-saa-fik-han-foraeldremyndigheden>

<sup>44</sup> <http://mareridts.blogspot.dk/2015/10/keep-incest-in-family.html>

<sup>45</sup> <http://mareridts.blogspot.dk/2016/05/retssikkerhed-i-voldsparadiset-danmark.html>

<sup>46</sup> <http://www.b.dk/kronikker/en-vidneberetning-om-overgreb-paa-boern>

<sup>47</sup> <http://politiken.dk/indland/art5809460/Det-skal-v%C3%A6re-ulovligt-at-lade-b%C3%B8rn-v%C3%A6re-vidner-til-vold>

## **Article 5:**

Besides state licensed abuse against divorce children, and besides abused women held in custody in prisons, the main problem is that the different parts of the system is holding everyone else responsible for the bad decisions in divorce cases. I have worked in this area since 2009, and I have written to the politicians and explained that there is a conflict between 1) the rules for the municipalities (The Law of Social Service) which says we must protect the children, and 2) the rules for the state administration (Law of Parental responsibility) which says the best interest of the child is contact with two parents.

I use my own case here, not because it is personal, but because it is officially known and contains a lot of the general problems with conflicting laws in Denmark: In 2010 the state government decided to give my daughter more unsupervised visitation with her father. I went to jail (in custody of the Enforcement court) in order to protect her against the decision, but also because I could not take care of my job and other children, since the resolution was impossible to fulfil.

But in 2012 the municipality put my daughter into foster care by the Law of Social Service, because I did not protect my child against unsupervised visitation.

In 2013 not only the administration, but also the court decided, my daughter could not see her father unsupervised. And since then contact has been stopped at her wish.

The State government followed their rules. The municipality followed other rules. And I, as a parent, could not avoid breaking at least one of these contradicting laws, no matter which law I obeyed.

There is still conflict of rule between the laws, and my daughter is far from the only Danish child suffering because of these conflicting laws. I had to move to the Faroe Islands in order to get her home. By leaving Denmark I escaped the rule conflict. I had sole custody. Other parents with shared custody do not have the same option. They have no choice, but to stay in this crazy, neverending nightmare of court licensed abuse. The victims have no money and no life quality, while the stalkers legally harass them. The techniques used by sophisticated, well educated stalkers are constant accusations of child abuse, mental illness, and at the same time causing mental illness in the victims by permanently stalking them through the system. For a victim with posttraumatic stress, every trial is an inhuman pressure.<sup>48</sup>

The children and women, who have been destroyed by state licenced abuse have no money and generally they have suffered their health and therefore can not raise trials. The victims are exhausted after years of stalking through the courts.<sup>49</sup> I am afraid all of the victims have passed the 3 years deadline for trials for compensation, long before they have recovered enough to complain.

## **Article 6**

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<http://www.domstol.dk/om/Nyheder/oevrigenyheder/Pages/RettenRundtPsykiskelidelserstillerkravtilretterne.aspx>

<sup>49</sup> <https://www.etik.dk/forbrydelse-og-straef/stalkere-misbruger-myndigheder-til-forf%C3%B8lge-ofre>

The Danish act on Parental Responsibility is not focused on the protection of women and children against violence, but on equality between the parents. The Danish Parliament adopted the law in order to ensure the equality of fathers<sup>50</sup>. Unfortunately the politicians forgot the oldfashioned, patriarchal structure in some families, where the father is dominant and abusive. And they forgot that not only the child, but also the protective parent is vulnerable. Even strong, educated parents cannot maintain their health and jobfunction, when their life is made a living hell by a psychopathic expartner for years. Especially women suffer, because they are physically weaker than men and more scared of their expartners.

### **Postscript**

Generally, the Istanbul Convention is our dream about, how Denmark could be. Right now, shelters in Denmark are losing money, and psychological help is going to be taken away from the shelters.<sup>51</sup> At the same time, battered women's economy is being ruined, since the amount of welfare help has been cut severely a few months ago<sup>52</sup>. Since most of them are too stressed to work, it is hard to see, how they shall manage providing for their children AND paying a lawyer in order to protect their children.

Legal help for victims of domestic violence and sexually abused children is a hypothetical right. The women don't get any help to be taken seriously by the police. The abused children must sit alone in a room with a policeman they don't know and tell about the abuse. Requests of bringing a nanny from the kindergarten or another adult, who can comfort the child, is usually denied. Abused children, who feel too ashamed to open up and tell about the abuse to a stranger, don't get a second chance, and the case is dismissed. Victimnes are generally unprepared and generally tell, they get the feeling at the police hearings that they are suspected of lying. And no matter what: The State Administration will not necessarily stop visitation, not even *if* the abuser is convicted.<sup>53</sup>

I have so many more horrible stories from our network to tell. But since I did not hear about this hearing until the beginning of January and had to pass my Law School examins, I have very limited time to prepare this report. I just assumed it was better to write something, than to accept, that our cases, according to the Danish government, don't exist.

Maybe, this time, with the revision of the Law of Parental Responsibility, things might become better. I believe the members of the government seem for the first time interested and understanding.

Several Danish mothers have escaped with their children from their abusers and live in Africa, Asia, Australia and South America. They are "criminals" because of child abduction and can never return to their families in Denmark. Our network wish and hope that GREVIO and Denmark will not forget these mothers. We wish and hope that they will one day be granted a safe return to Denmark with their children, when the law is changed.

We don't approve of murder, but we also don't understand why a broken and depressed grandfather, motivated of protecting child and grandchild against coercive violence, is judged harder (life time) for the murder ind the Enforcement court than the father, who deliberately strangled his

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<sup>50</sup> <http://mareridts.blogspot.dk/2016/03/forldreansvarsloven-er-ikke-lavet-til.html>

<sup>51</sup> <https://www.information.dk/indland/2016/04/slut-gratis-psykologhjaelp-paa-krisecentre>

<sup>52</sup> <https://www.facebook.com/danskkvindesamfund/posts/1334477239918441:0>

<sup>53</sup> <http://www.altinget.dk/social/artikel/2009-9-10-voldsmaend-og-paedofile-maa-se-deres-boern>

ex wife and tried to part her body after years of coercive violence against her (12 years)<sup>54</sup>. Especially we don't understand why the Danish system punishes the whole family for the sins of the grandfather, by taking the grandson into foster care and allowing the mother less visitation than an abusive and violent parent?<sup>55</sup>

Since the Law of Parental Responsibility the cases in the Enforcement court have increased with 50%, and apparently many of the cases in the Enforcement court are abused mothers who wish to protect their children. <sup>56</sup>

I am concerned of all the children, who are now living with the abusive parent. I wish these cases could be re-investigated by good psychiatrists or family houses with a team of experts in domestic violence and child abuse.

Even though the Istanbul Convention is mainly protecting women and children, in our network we want to raise awareness, that sometimes the protective parent is a father and the abuser a mother. Our focus in high conflict cases is on children, personality disorders and domestic violence – not a battle of the genders.

I have seen so many desperate parents in our networks, trying to escape, planning to escape, considering or committing suicide because of stalking. In our network are abused women, who have been unable to say goodbye to dying parents or grandparents and unable to attend their siblings wedding, because they were bound by forced visitation in an inflexible system, and afraid to lose their children in court, if they did not prioritize the child's rights to see the violent and abusive father. I have seen Danish mothers leaving their eldest children with good, caring fathers and escaping, only with their babies, knowing they may not see their other children for a long time. I have seen Danish mothers abducting the children and died or got caught – and the children end up with their fathers every time, in spite of the mothers' desperate attempts to protect them.

Denmark is a horror movie for abused women and children. I escaped from Denmark to the Faroe Islands in 2013 (away from stalking and a system helping the stalker). Therefore I am capable of writing and doing some political work now. But it scares me that so many people's lives are ruined, and that they don't even have the strength to complain.

Regards

Sidsel Jensdatter Lyster

Secret adress, Faroe Islands.

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<sup>54</sup> <http://www.bt.dk/krimi/anders-myrdede-sine-boerns-mor-nu-har-han-faet-sin-dom>

<sup>55</sup> <http://mareridts.blogspot.com/2016/01/linda-saugsted-pressen-kommunen-eksen.html>

<sup>56</sup> <http://omtv2.tv2.dk/nyhedsartikler/nyhedsvisning/da-morfar-blev-drabsmand/>