



**March 2024**

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# Comments on State Report of 4th of July

*“Report submitted by Denmark pursuant to Article 68, paragraph 4 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (1st thematic evaluation round)”*

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*By the non-profit organization, Stop Violence against Children  
[www.stopviolenceagainstchildren.com](http://www.stopviolenceagainstchildren.com)*

## **1. Introduction**

Stop Violence against Children was founded in May 2018 as part of an art presentation on violence and abuse against mothers and children in the family court system. The organisation quickly experienced a massive interest from mothers who had suffered intimate partner violence (IPV) and subsequently lost custody of their children or who were in danger of losing custody and contact to their children.

The organisation reviewed a significant number of cases and found that victims of IPV were at high risk of losing contact to their children. It seemed to be a systemic trend which involved Family Courts, The Agencies of Family Law as well as the Child Protective Service (municipalities).

Particularly a pattern involving regulated psychologists emerged suggesting that the majority of the psychologists lacked knowledge of IPV as well as abuse/violence against children herunder especially the harm to children witnessing domestic violence. It seemed that most of the psychologists used in cases involving custody and IPV pushed the concept of parental alienation instead of protecting the victims of IPV together with the children.

In April 2019 a revised Parental Responsibility Act was introduced into Danish law prioritising the safety of the child. However, at present, five years later, we have not observed an amelioration of the systemic failure to protect children and mothers from abuse, violence, and IPV.

Some mothers report that the Agencies of Family Law have protected their children via temporary decisions on ceasing visitation with the violent father. However, most of these decisions are reversed by the Family Court facilitated by court-appointed psychologists.

Generally, we refer to our report from September 2021 and our mail from the 12<sup>th</sup> of March 2024, however, we found it relevant to make a few comments on Denmark's answers to GREVIO's questionnaire.

### **Comments to the questionnaire submitted by the Danish state.**

#### **Article 7 Q:1 p.4:**

Although some initiatives have been taken to decrease men's violence and murder of women, we have not seen any of these initiatives implemented in the family court system and we are very sceptical that it ever will.

Most notably the latest action plan from 2023 to reduce partner violence and partner killing is the absence of any mentioning of prevention against non-fatal strangulation. Non-fatal strangulation is one of the most dangerous and common forms of violence we see in the cases we have reviewed.

Although the UK and Australia have criminalized non-fatal strangulation and it is among the most used methods in partner killings, it is entirely omitted from the action plan. We are very concerned about this omission in the 2023 action plan as non-fatal strangulations are not considered as serious

violence in the Family Court system or Social Service. We have access to cases dating back 25 years up to present day where the mother experienced non-fatal strangulation and the child witnessed it without any expert or professional in the family court system expressing concern.

It is our opinion that Denmark does not prioritize domestic violence and partner killing sufficiently, and refer to our explanation in our report from 2021 p. 16 and 17 regarding national action plans for the prevention of violence against women:

***In 2013 Rambøll evaluated the national action plan on combatting domestic violence here under also the inter-ministerial working group [24] and found that lack of central governing and lack of mandate within the inter-ministerial group to govern was negatively affecting the efficiency of the group. The evaluation revealed difficulties with meeting deadlines and that the working group lacked an overall strategy for combatting domestic violence.***

***Rambøll recommends involving social service units in the municipalities in the strategies to combat domestic violence. Further Rambøll recommends that the inter-ministerial working group acknowledge that social service plays a major part in creating change for victims of domestic violence and therefore, the inter-ministerial group should explore the social service units need for knowledge about domestic violence.***

***The working group is not visible on any of the ministries websites and there is a lack of transparency making it difficult to identify the aim and objectives of the group.***

***The group was established in 2002 and according to the sparse information online about the inter-ministerial working group representatives from each ministry meet up every six months. It is the Ministry for Equality which hold the coordinating function but without mandate to govern the group. Although Rambøll in 2013 recommended that the group ceased to work in decentralised manner it has not led to any change. The lack of governing may be the reason why such an essential recommendation as involvement of the social service in the process of changing circumstances for victims of domestic violence and child abuse has been ignored.***

***In 2019 Lev Uden Vold analysed the social service units approach to domestic violence and found that zero municipalities and social service units had strategies to support and help victims of domestic violence [25]. Had the inter-ministerial working group followed up on the recommendations from Rambøll in 2013 it is likely that the municipalities by now would have developed and implemented strategies.***

***We suggest that a domestic violence commissioner for the inter-ministerial working group is appointed and that the inter-ministerial working group also focus on the family court system, The Agency of Family Law and social service specifically in regards to specialised education of staff, hereunder also psychologists.***

#### **Article 7 Q:2 p.10:**

Despite psychological violence being criminalized under § 243 in the criminal law, there have been only a few convictions under § 243. Today the legal system and legal advisors are still debating how it can be proved if there has been psychological violence suggesting that the law came into practice without a deeper understanding of the issue. Hence, we suggest that the preparatory work for § 243 is being explored and developed further with the intent to increase the adaption of § 243 within the court system.

In addition to § 243, we suggest that witnessing violence i.e. children witnessing one parent's violence against the other parent be criminalized under this section (§243) as a subsection only pertaining to children.

**Article 7 Q:3 p.11:**

We propose that children are not protected against psychological violence under the section 154 of the Danish Consolidation Act on Social Services and Children's Houses. This is because our members have reported several instances where Social Services have obstructed the potential use of the Children's Houses in cases where there is suspicion of violence and sexual abuse. Although the suspicion of violence or sexual abuse against the child was established in reports from the health care system and psychologists from women's shelters it was ignored by the Social Service.

The mothers experienced that Social Service obstructed any investigation in the Children's Houses by claiming that the child was only suffering because there was a "high parental conflict" thus rejecting highly trained professionals.

By obstructing preliminary investigations in the Children's Houses Social Service decreases the possibility of protecting children from psychological and physical violence, sexual abuse etc.

We emphasize that psychological violence hereunder witnessing violence must be placed under the criminal law in order to optimize the protection of children in Denmark.

**Article 11 Q:6 p.16:**

We suggest research to be initiated to understand the consequences for children who by the Family Court or the High Court are separated from their mother when the mother or the children have claimed to be victims of domestic violence. As of yet, there has not been conducted any research on the well-being of children after they are removed from their protective mother.

As previously described in our report from 2021 it is not uncommon that a mother loses custody and even visitation rights when she claims to be a victim of intimate partner violence from the father of her children. Further, the mother may also lose custody if her child expresses resistance to being with the father due to causes such as witnessing of the intimate partner violence or direct violence towards itself.

Since Denmark continues to understand that it is the child's obligation to have contact with both parents is in the child's best interest we highly recommend that research will be conducted immediately or that Denmark be obliged to integrate international research into the practice of family law.

**Article 31 Q:32 p.45:**

We are generally concerned about the Family Court System which includes the Agency of Family Law, Family Courts, and Social Service. Since we finalized our last report in 2021 to GREVIO we have not observed any amelioration of the discourse of taking children away from their mothers in cases where the mother and/or the child have experienced violence. Quite the opposite.

a): Despite the changes in the Parental Responsibility Act in 2019 cases involving domestic violence, witnessing violence, and violence against children are still evaluated according to the principle of the "child's obligation to two parents" and the basic principle of "cooperation skills of the parents". In their answer, Denmark refers to §4 and §4a in the Parental Responsibility Act from 2019, however, it is not our understanding or experience that the Danish Family Court values these §§ significantly over the principles of "cooperation" and "the child's obligation to two parents".

b): § 4 in the Parental Responsibility Act acknowledges witnessing violence is harmful to children, however, the principles of “cooperation” and “the child’s obligation to two parents” succeed protection of children witnessing violence. It is further our experience that court-appointed psychologists ignore the seriousness of children witnessing violence.

c): We are deeply concerned that Denmark ignores this question. We still experience that the authorities place children in foster care instead of protecting them with their protective parents in cases where there is domestic violence and abuse of the child. If GREVIO wants to receive a relevant example hereof we are happy to send you the documentation.

A recent case involves a 12-year-old girl who was placed in foster care by the social services in Copenhagen because she did not want to participate in visitation with her father. There are several statements from psychiatrists and psychologists validating that the girl is telling the truth about the violence she has experienced from her father. Nonetheless, the Family Court decided to give the father full custody, and when the child continued to refuse visitation Social Services decided to place the child in an institution. The Social Services in Copenhagen have decided the child must be in the institution until she accepts a visitation plan of 50/50. The child has now been in the institution for 9 weeks and her health and well-being are declining rapidly. Her mother has been granted 3 hours of supervised visitation per week. The child still refuses visitation with her father whom she is terrified of.

d): N/A

e): The judges in Family Court and Higher Courts may be generalists however it is our opinion that domestic violence and cases pertaining to abuse and violence against children require special educated judges.

**Article 31 Q:33 p.47:**

We sincerely hope Denmark included the guideline which is utilized by the Agency of Family Law to set the framework in cases where there is concern of domestic violence or violence against the child. The guidelines have not been made public hence we cannot comment on it.

It is correct that there is established a child unit in the Agency of Family Law, however, it is the child’s obligation to reach out to the “contact person” and there are no regulations about the education of the contact person.

a) We refer to the enclosed addition to Appendix 4. Further, the guidelines regarding appointing psychologists to cases in the Agency of Family Law state that if there are any concerns about domestic violence or abuse of a child it is preferred that the psychologist have knowledge about these issues. It is not a requirement which is concerning as the lack of extensive knowledge on domestic violence, witnessing violence, and abuse among psychologists may be the reason why the principle of cooperation and the child’s obligation to two parents dominate the system.

c) We refer to our mail with the attached agreement paper and translation hereof on integrating the term parental alienation into the Parental Responsibility Act from the 12<sup>th</sup> of March 2024.

**Article 31 Q:35 p.48:**

It is correct that The Agency of Family Law conducts separate meetings if there are suspicions of violence, however, it is still the mother's responsibility to bring the child to and make sure the child participates in visitations as well as supervised visitations. This also includes visitation in the Agency of Family Law where the parents may have separate meetings but nonetheless, the mother is forced to bring the child to the supervised visitation. Often decisions about supervised visitation explicitly state that the mother must bring the child, even enter the visitation room, and entertain the child and father during visitation.

If the child refuses to participate in the visitation the mother is accused of not supporting the best interest of the child. This will be used against her in Family Court.

We strongly suggest that the Agency of Family Law with immediate effect stops this practice as it is not and never can be a mother's responsibility to cater for visitation if the father has been violent towards her.

**Appendix 4:**

When we sent our report in September 2021, we had not received a response from the Danish Supervisory Board of Psychological Practice (Psykolognævnet) to the questions enclosed in Appendix 4.

We hereby enclose the response from the Danish Supervisory Board of Psychological Practice (Psykolognævnet) from the 29<sup>th</sup> of October 2021. The answer confirms that the 3-year authorization education for psychologists does not include any requirements for the psychologist to specialize in any topic. Hence authorized psychologists do not necessarily have any knowledge of domestic violence, abuse of children, etc.

## SV: Fwd: Att: Psykolognævnet

Ankestyrelsen <ast@ast.dk>

Fre 2021-10-29 12:50

Til: hjertestilhed@hjertestilhed.dk <hjertestilhed@hjertestilhed.dk>

Kære Malou

Psykolognævnet kan ikke afgive et decideret responsum på baggrund af de stillede spørgsmål.

Nævnet kan dog oplyse følgende:

Ad 1-2)

Den praktiske uddannelse til autorisation er en bred efteruddannelse. Efter Psykolognævnets gældende retningslinjer for uddannelsen stilles der ikke krav om erfaring inden for specifikke fagområder.

Ad 4-5)

Psykolognævnets virksomhed er baseret på psykologlovens regler, og de særlige forpligtelser, der gælder for autoriserede psykologer, fremgår af psykologloven (lov om psykologer m.v., jf. lovbekendtgørelse nr. 1534 af 1. juli 2021).

Efter denne lov har en autoriseret psykolog blandt andet pligt til at udvise omhu og samvittighedsfuldhed ved udøvelsen af sit virke.

Der er ikke efter psykologloven et specifikt krav til autoriserede psykologer om at garantere individers eller gruppers ytringsfrihed.

Der gælder heller ikke efter loven en *"særlig forpligtelse for de autoriserede psykologer til at beskytte børn mod alle former for vold, herunder også den af Socialstyrelsen definerede voldstype "overværelse af vold".*

Psykolognævnet henviser i den forbindelse til, at servicelovens regler om underretningspligt, herunder den skærpede underretningspligt efter § 153, også gælder for autoriserede psykologer.

Psykolognævnet beklager det sene svar.

Med venlig hilsen

Trine Langberg Pedersen  
Fuldmægtig  
Sekretariatet for Psykolognævnet

På vegne af Psykolognævnets formand Sanne Bager



Psykolognævnet

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