

**Report to The Committee of the Parties to the Istanbul Convention
by the Danish National Observatory on Violence Against Women**

Submitted 30 September 2021

Introduction

The following is a shadow report on Denmark's implementation of the Istanbul Convention submitted by the National Observatory on Violence Against Women (VAW). The National Observatory on VAW brings together 30 Danish experts and practitioners covering all types of gender-based violence. Our mission is to identify burning issues and monitor progress in combatting gender-based in Denmark. The National Observatory on VAW was established in 1997 by the Women's Council Denmark, with re-appointments every third year. The National Observatory on VAW is affiliated with the European Women's Lobby's Observatory on Violence against Women.

The shadow report follows the situation in Denmark, per 2021.

Globally, Denmark is perceived to be a leader in gender equality, and it is true that we have reached many milestones when it comes to equality between genders. But there is still a lot of work to do, especially concerning the most vulnerable women in society, such as women with a migrant or refugee background or women subjected to domestic violence. Another persistent worry is a lack of strong data concerning violence against women, which complicates the work done politically and by civil society.

The National Observatory on VAW welcomes recent developments in Denmark introducing consent-based rape legislation, increased penalties for digital sexual violence, criminalization of psychological violence and an upcoming law criminalizing stalking, yet worry that insufficient training of law enforcement will delay the active use of the legislation on the ground.

All this means that while Denmark has ratified the convention, there is still a lot to be done before we are fully compliant.

Comments to the report by the state party

Section	Subsection	Recommendation by GREVIO	Response
I. Purposes, definitions, equality and non-discrimination, general obligations	B. Scope of application of the Convention and key definitions (Articles 2 and 3)	1. GREVIO strongly encourages the Danish authorities to increase the level of attention paid to women victims of gender-based violence in policy documents and funding choices and to ensure the full recognition of the different forms of violence against women covered by the Istanbul Convention as gender-based violence (paragraph 10).	<p>The National Observatory on VAW supports the recommendation by GREVIO.</p> <p>Whilst policy documents related to domestic violence mention the fact that women are disproportionately affected in comparison to men, they do not mirror a comprehensive understanding of the gendered dimensions and dynamics of the forms of violence that affect women disproportionately to men. Consequently, authorities and professionals involved in handling cases and supporting victims lack a gendered understanding of domestic violence.</p> <p>The National Observatory on VAW welcomes the amended legislation on rape placing a lack of consent at the center. Yet, we are concerned about the lack of a definition on consent in the law, which ultimately may leave a <i>de facto</i> implementation of the law difficult, when a shared societal understanding of the meaning of consent is missing.</p> <p>We welcome the increased priority given to rape, intimate partner violence, stalking and honour related crime in the agreement on the economy of the police and the public prosecutor. However, it is not clear whether the involved authorities are paying attention to the gender-based nature of the crimes.</p> <p>We worry about the increasing opposition to the notion of gender, which is applied in the convention, undermining the human rights of women and LGBT+ persons. This constitutes a barrier to new ratifications of the convention.</p> <p>Recommendations</p> <ul style="list-style-type: none"> To comply with article 18 section 3, the government should take measures to make sure that support for victims is based on a gendered understanding of violence against women and domestic violence.

			<ul style="list-style-type: none"> • The police should involve civil society organizations and experts to inform the ongoing organizational changes with a focus on the gender-based nature of rape, intimate partner violence, stalking and honour related crimes. • To vocally counter the so-called “anti-gender” movement, the government should wholeheartedly include gender terminology in its policies on violence against women.
	<p>C. Fundamental rights, equality and non-discrimination (Article 4)</p>	<p>2. GREVIO urges the Danish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3 (paragraph 12).</p>	<p>The National Observatory on VAW agrees with GREVIO.</p> <p>We would like to point to fact that court rulings regarding domestic violence are still generally lower than the penalties sentenced for similar acts of violence exercised in other relationships, such as at work or in the nightlife. This puts women (who are the majority of the victims in cases of domestic violence) at a particular disadvantage compared with men (who are more often victims in cases of violence outside of the home). This constitutes indirect discrimination against women.</p> <p>We welcome the initiatives listed in the reporting form such as legislative measures criminalizing psychological violence and the amendments in the criminal law that criminalizes “sex” without consent. However, these measures do not automatically ensure a non-discriminatory practice in relation to the grounds listed in article 4, paragraph 3. In practice, intersecting social dimensions of women’s identity and lives such as age, disability, citizenship, mental health, ethnicity and so forth can hamper <i>de facto</i> equal access to social support and legal services.</p> <p>Some groups have complex vulnerabilities. Not only are they exposed to domestic violence, but they also have other vulnerabilities, including disabilities, drug abuse, mental illness, homelessness, or migrant background. Today, these groups do not have equal access to help and support. The State is urged to take the necessary measures to ensure that these groups receive tailored support, while at the same time ensuring that they have access and right to the same help and support as most violence survivors.</p>

Recommendations

- The government should develop new guidelines for courts clarifying, that offences committed in a domestic context should be regarded as equally serious as offences committed in a non-domestic context. Thus, the starting point for sentencing should be the same irrespective of whether the perpetrator and the victim are known or unknown to each other.
- The government should take measures to ensure that judges and public prosecutors are aware of the fact that the number of aggravating circumstances often arise by virtue of the offence being committed in a domestic context, that these will increase the seriousness of such offences, and that they therefore must be taken into consideration appropriately.
- A comprehensive national mapping must be carried out to identify where the current provisions are insufficient in meeting the needs of victims, survivors, and perpetrators of violence as well as where and under what circumstances discrimination is experienced by women. This mapping ought to include all forms of violence against women both within and outside the domestic sphere, to map all services available and to point at the gaps in the current service provisions both structurally (e.g. legal framework) and in practice.
- It is recommended that the government conducts an analysis of whether there is a need for specialized services, support, and counselling for LGBT+ persons, including transgender women, who are exposed to domestic violence.
- Women whose asylum cases are being processed, women with temporary residence permits and women whose residence permits are being processed are facing many barriers, when seeking protection at a shelter in Denmark. In addition, these women are in a particularly vulnerable situation, as their legal, economic, and social status often depends on their violent partner. They generally have limited network and knowledge about the support system. Often this group goes under the radar of the support system. As per the Istanbul Convention, Denmark is obliged to provide protection to violence survivors no matter their residency basis (opholdsgrundlag).

			<p>It is recommended that the government meets the needs of this group by 1) ensuring that immigration authorities will fast track the cases of women who are exposed to violence, by 2) ensuring that women whose residency is dependent on their violent partner is not at risk of deportation if seeking divorce, and by 3) ensuring that women exposed to domestic violence can seek protection at a shelter no matter their residency basis.</p> <ul style="list-style-type: none"> • <u>Women with disabilities</u> are more exposed to violence and sexual assaults than women in general. The State is recommended to ensure that violence and abuse against women with disabilities is duly reported and investigated; that the necessary support for victims is available, including accessible hotlines, shelters, services, and complaints mechanisms; and that the issue is addressed in national training courses for personnel working in health and medical care, schools, the police force, and the judiciary. The government is also recommended to collect disaggregated data and statistics on the reports of abuse, exploitation, and violence by persons with disabilities, and on their outcomes. In addition, the government is strongly encouraged to ensure an equal judicial protection of women with disabilities in relation to sexual exploitation. The maximum penalty for crimes committed under §218 in the criminal law should be raised from four to eight years, so that it is leveraged with the penalty on rape (§216 art. 2). • The government should initiate campaigns, information/trainings on gender-based violence and domestic violence among frontline staff in the health service and among all municipality frontline staff, who may have contact with women and children living with domestic violence. Knowledge about domestic violence should also be included in the curriculum of the police school.
II. Integrated policies and data collection	A. Comprehensive and co-ordinated policies (Article 7)	3. GREVIO strongly encourages the Danish authorities to develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women. GREVIO encourages the Danish authorities to ensure that the gendered nature of all forms of violence	<p>The National Observatory on VAW agrees with GREVIO.</p> <p>Although the civil society welcomes the government’s previous national action plans (NAPs), they do fall short in comparison to NAPs presented by our Nordic neighbours</p>

		<p>against women, including those perpetrated within migrant communities, receives the necessary policy attention (paragraph 19).</p>	<p>Norway and Sweden.¹ The current Danish NAP is short of a comprehensive understanding of the individual, relational, and socio-cultural factors that are conducive to violence against women and gender-based violence. This shortcoming further influences the understanding of what measures to address in society to prevent violence. Violence against women cover phenomena cutting across contexts such as family, workplace and the public domain including the digital online society.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • NAPs should outline the causes and mechanisms leading to the gender disparities with reference to national statistics, research and practice and mention the gendered consequences of violence affecting women disproportionality to men as a societal group. • Moreover, the NAP needs to: 1) link the abovementioned understandings to clear goals* on how to combat all forms of violence against women, 2) specify initiatives on how to reach these goals, 3) outline who is responsible for the initiatives on a governmental level, 4) outline who is responsible for the execution of the initiatives in practice (e.g. health care, education system, social services, law enforcement), 5) specify the budget allocated to implement the initiatives, and 6) describe how the progress of the NAP-initiatives is monitored. • We recommend that the government develops a long-term plan of action e.g. 10 years. The NAP may build on results from the suggested comprehensive national mapping (Chapter 1, article 4) • The government should assign a national research center on gender-based violence to ensure an independent monitoring and evaluation of the NAP as per recommendation of GREVIO. The civil society finds that research in Denmark on interpersonal violence hereunder VAW and domestic violence more narrowly is
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¹ *En nationell strategi för att förebygga och bekämpa mäns våld mot kvinnor*. Utdrag (kapitel 5, sid 109-155) ur *Makt, mål och myndighet – feministisk politik för en jämställd framtid*, Skr. 2016/17:10; *Et liv uten vold - Handlingsplan mot vold i nære relasjoner 2014–2017*

			<p>often carried out by individual researchers, which makes the development of the research field very vulnerable. As of today, no national research center on gender-based violence exists.</p> <ul style="list-style-type: none"> • However, to further our understanding of the causes behind violent behaviour, the gendered dynamics as well as new forms of violence we are deeply dependent on a national research environment, who will be able to develop methodological and theoretical expertise and carry out monitoring of the initiatives in the NAP <p>* specific and measurable goals should include but are not limited to: 1) Early detection of violence and prevention using validated tools to screen for domestic or other forms of violence exposure and to assess risk of revictimization, 2) ambulant services for victims, survivors and perpetrators as part of The Danish Social Service Law ('Serviceloven') and 3) strengthening victim-survivor/perpetrator/family-centered cooperation across fields such as social services, health services and criminal services and across municipalities.²</p>
	<p>B. Financial resources (Article 8)</p>	<p>4. GREVIO strongly encourages the Danish authorities to ensure that appropriate funding for state-wide effective policies and measures for women victims of violence are available and that they reflect priorities set out in a comprehensive and co-ordinated approach that addresses all forms of violence covered by the Istanbul Convention as gender-based violence against women. Appropriate long-term and sustainable funding for specialist</p>	<p>Funding is also an area of concern for the National Observatory on VAW.</p> <p>The extent of domestic violence has remained the same over the past twenty years. Along with the recent EIGE study³ (2021) on the costs of gender-based violence, this fact illustrates that far too little is done to truly prevent and stop domestic violence.</p> <p>Investing heavily in preventive measures would change this development.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • Funding for more/other perpetrator treatment programs. Currently, Denmark has only one provider of perpetrator programs. The program, which builds on a

² Oldrup et al. (2019), Partnervold – kommunernes praksis og indsats, Frederiksberg: Lev Uden Vold

³ [Gender-based violence costs EU €366bn a year \(the-parliament-magazine.eu\)](https://the-parliament-magazine.eu/en/gender-based-violence-costs-eu-366bn-a-year/)

		<p>support services needs to be provided to serve women victims of any form of violence covered by the Istanbul Convention and their children. This should include funding for immediate, short- and long-term support services and would entail strategic funding choices in favour of measures that have been tried and tested as effective, such as the above-mentioned pilot projects (paragraph 27).</p>	<p>family-oriented framework, provides psychological treatment and has a long waiting list due to lack of capacity.</p> <p>It is a challenge that perpetrator programs in Denmark do not work preventively in terms of addressing the structural root causes of men’s violence against women. In addition, it is a challenge that there is only one provider of perpetrator programs.</p> <p>The government should allocate funds to increase the capacity of perpetrator treatment programs, so perpetrators can get immediate treatment. However, just as violence survivors need differentiated support services, the government should ensure that a differentiated service is available for perpetrators. In addition, the government is recommended to conduct an independent analysis of what works for which perpetrators; if the security of women and children is ensured at existing programs; which forms of violence are prevented; and whether a gendered perspective on perpetrator programs would have better effect on high-risk perpetrators. The government is also recommended to draw from experiences in Norway, Canada, and the UK.</p> <ul style="list-style-type: none"> • Outpatient counselling services for women and children. Moving to a shelter has high costs for the individual and for society. Women and children at shelters have lived with domestic violence for far too long (the majority for more than five years), and many women exposed to violence never seek help at a shelter, despite facing a high risk. The government is recommended to invest in early and less intrusive interventions for women and children. Outpatient programs show good effect at a lower cost than shelters. Any investments in support for children who have witnessed violence should be regarded as prevention efforts.
	<p>Non-governmental organisations and civil society (Article 9)</p>	<p>7. To ensure diversity and to build policies around the experiences of all women in Denmark, including those of migrant and refugee women, GREVIO strongly encourages the Danish authorities to step up action to recognise, encourage and support,</p>	<p>The National Observatory on VAW supports the observation made by GREVIO.</p> <p>In general, women’s NGOs receive very little financial support from the government. In fact, most women’s NGOs operate without any funding from the government whereas NGOs with a gender-neutral approach to combatting violence both in terms of funding and resources are far bigger.</p>

		<p>including financially, a greater variety of women's NGOs, including through supporting community-based and grassroots activism of black and brown women's groups and movements in Denmark (paragraph 33).</p>	<p>We welcome a government initiative to combat negative social control in January 2021, allocating 3,8 mio. DKK (in three years) to a community-based women's NGO representing minority women combatting gender-based violence.</p> <p>Recommendation</p> <ul style="list-style-type: none"> The government must ensure that women's NGOs and NGOs with a gendered perspective on violence against women and domestic violence preferably are supported, also financially.
	<p>D. Co-ordinating body (Article 10)</p>	<p>8. GREVIO strongly encourages the Danish authorities to assign the role of co-ordinating body to one or more fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities. GREVIO also encourages the Danish authorities to set up separate bodies for, on the one hand, the co-ordination and implementation of policies and measures, and for their monitoring and evaluation, on the other hand in order to ensure objectivity in the evaluation of policies (paragraph 39).</p>	<p>The National Observatory on VAW agrees.</p> <p>Today, it is the mandate of an inter-ministerial working group to coordinate policies and data collection. However, its mandate does not include implementation of policies, monitoring and evaluation of policies and measures and analysis of data and dissemination of results as required by article 10. Furthermore, the working group only coordinates at the state level, even though many responsibilities are with municipal and regional authorities. This limits the scope of the body and the information available to it when developing new policies.</p> <p>Recommendations</p> <ul style="list-style-type: none"> To comply with article 10 section 1, the government should either expand the mandate of the inter-ministerial working group to include implementation of policies, monitoring and evaluation of policies and measures and analysis of data and dissemination of results OR designate another body with a stronger mandate these tasks. The government should extent the mandate of the co-ordinating body to facilitate coordination and cooperation between state, regional and municipal authorities involved with victims of gender-based violence.

			<ul style="list-style-type: none"> • The government should establish a website where the co-ordinating body can disseminate administrative data, evaluation results and research about gender-based violence. • The government should designate an external body to monitor and evaluate policies and measures to prevent and combat all forms of violence covered by this Convention. This would involve allocating adequate funds for the body to operate. The Danish Institute for Human Rights and the National Observatory on VAW would be relevant options.
E. Data collection and research (Article 11)	9. GREVIO strongly encourages the Danish authorities to ensure more disaggregated data is collected by the State Administration that would show to what extent reports of domestic violence and abuse are taken into account, and how the safety of all family members is ensured. Such steps would allow the Danish authorities to assess the effectiveness of the system of deciding on custody/visitation/residence of children by the State Administration in families affected by domestic violence. GREVIO strongly encourages the Danish authorities to engage in such an assessment and to identify possible avenues for policy improvement (paragraph 50).	The Agency of Family Law deals with many cases, where domestic violence is an issue. In all family law cases, both parents must indicate in writing, whether they are experiencing violence from their ex-partner. This means that the Agency has a unique access to data about violence among a wide group of families.	<p>Recommendation</p> <ul style="list-style-type: none"> • The Agency is encouraged to collect and publish information annually about how many of their citizens express to be exposed to domestic violence by their intimate partner. And to make public to what extend domestic violence influences the Agency's and the Family Court's decisions on child custody.
	11. GREVIO strongly encourages the Danish authorities to:	The National Observatory on VAW agrees.	

		<p>a) introduce harmonised data categories such as the sex, age, type of violence, and type of relationship of the perpetrator with the victim to be collected at regular intervals by all sectors of the administration, including the law enforcement agencies, the judiciary, the relevant social services (including public specialist services), the State Administration, the public health sector, the Immigration Service and other relevant services;</p> <p>b) ensure that these and any other data categories in use make the gendered nature of domestic violence against women and other forms of violence more visible;</p> <p>c) ensure that such data informs policy-making and strengthens the effectiveness of prevention, protection and prosecution measures;</p> <p>d) make it a central obligation of any future co-ordinating body to co-ordinate and improve the collection of data as required under the Istanbul Convention;</p> <p>e) ensure that the process of collecting, storing and transforming collected data complies with standards on data protection as</p>	<p>Recommendations</p> <ul style="list-style-type: none"> • As stated in 1.C. we encourage the government to carry out a comprehensive national mapping to identify where the current provisions are insufficient in meeting the needs of victims-survivors and perpetrators of violence and where and under what circumstances discrimination is experienced by women. This mapping ought to include all forms of violence against women both within and outside the domestic sphere, map all services available and point at the gaps in the current service provisions both structurally (e.g. legal framework) and in practice. • In order to ensure that data informs policy-making and strengthens the effectiveness of prevention, protection and prosecution measures, the government should e.g. establish a website where the coordinating body can disseminate administrative data, evaluation results and research about gender-based violence. • The coordinating body should take measures to harmonise data categories and initiate data collection on types of violence not previously covered.
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		<p>contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved (paragraph 54).</p>	
		<p>12. GREVIO encourages the Danish authorities to carry out (gender-sensitive) surveys on all forms of violence against women, bearing in mind that previous surveys using the method of selfreporting resulted in lower prevalence rates than surveys based on face-to-face interviews such as the FRA survey in 2014. All surveys should be conducted with the use of methods which allow women to feel safe and free to disclose incidents of violence (paragraph 60).</p>	<p>The National Observatory on VAW support this.</p> <p>The government commission national representative surveys on some forms of violence covered by the convention (physical, sexual and psychological violence and stalking) other forms are not included (e.g. female genital mutilation and digital violence). Nor are groups who may be particularly vulnerable to gender-based violence and known to be difficult to target in surveys represented. This may include elderly, ethnic minorities, people with disabilities and who may have difficulty accessing an online questionnaire.</p> <p>Recommendation</p> <ul style="list-style-type: none"> • In order to comply with article 11 section 2, the civil society urges the government to fund a research-based survey on all forms of GBV including sexual harassment, female genital mutilation, forced marriage and online and digital forms of violence.
		<p>13. GREVIO encourages the Danish authorities to carry out research, on forms of violence against women such as female genital mutilation and forced marriage, sexual harassment or other forms of violence against women not previously covered, to assess their prevalence and gendered dimension.</p>	<p>See above.</p>

		GREVIO also encourages the Danish authorities to continue to evaluate existing policies and legislative measures to assess their level of implementation, efficacy and victim satisfaction (paragraph 63).	
V. Substantive law	3. Custody and visitation rights (Article 31)	31. GREVIO urges the Danish authorities to promptly complete its overhaul of the nature and organisational structure of the entity in which to vest decision-making power on custody and visitation of children. Furthermore, GREVIO urges significant amendments be made to the Act on Parental Responsibility without undue delay (paragraph 159).	<p>While the Agency of Family Law has prioritized to strengthen the capacity of staff in relation to knowledge about domestic violence, several cases at Danish shelters indicate that the level of knowledge about violence is still not sufficient. Many child specialists affiliated with the Agency of Family Law do not have the necessary knowledge about partner violence and how the child can be severely affected by coercive control against his/her parent.</p> <p>In addition, the waiting lists are unacceptably long even for highly complex family cases, where violence is present. This constitutes a major burden for the child, and in some cases, the long waiting time can compromise the safety of the woman and the child.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • The government is encouraged to ensure that all family cases, where domestic violence is suspected, should have highest priority and must be fast tracked. In addition, knowledge about domestic violence is critical. All staff in the Agency of Family Law, who have contact with so-called high conflict-cases must have knowledge about: The dynamics of domestic violence and in particular coercive control; how to spot violence and how to ask; how to ensure the protection and safety of the violated party while the custody case is being processed; how the trauma from violence can affect the violated party; how a child can be traumatized when witnessing violence against one parent; how the child can be used by the violent parent as a means to violate the other parent; how to avoid a re-traumatization of the child and the violated party, while processing the case and during meetings. • Shelter statements must be seen as a professional assessment based on specialized knowledge, which describes the violence the mother or child has

			<p>been exposed to and provides an assessment of the mother-child relationship and the need for intervention. However, in the family court, there are several examples where the court views the women’s shelter statements as an allegation about violence, rather than a professional contribution to the decision on child custody.</p>
		<p>32. In more detail, GREVIO urges the Danish authorities to ensure that the following key elements are reflected in the new approach:</p> <p>a. National policies and guidelines that:</p> <ul style="list-style-type: none"> I. recognise the need for protection and safety of victims of domestic violence in all child custody arrangements; II. ensure that victims of domestic violence need to be supported to negotiate an agreement with violent ex-partners; III. recognise that children witnessing abuse of one parent by another are as affected as if they had experienced it themselves; 	
		<p>b. The obligation of the future decision-making entity (State Administration or other) to:</p> <ul style="list-style-type: none"> IV. allow parties to call or submit statements from witnesses of fact; V. have powers to obtain disclosure of reports written by 	

		third parties such as the health authorities, law enforcement agencies etc.;	
		c. The introduction of an appropriate screening process for the suitability of joint meetings on the basis of information received from both parents and relevant entities including, but not limited to, law enforcement agencies, municipality, health, education and domestic violence shelters;	
		d. In cases where parents have nonetheless reached an agreement about custody, visitation or residence with the assistance of the decision-making entity (State Administration or other) there should be a risk assessment to determine that the agreement is in the best interests of the child and that the safety of the woman and her child are protected.	
		e. Effective co-operation between the Child Protection Services of the municipality and the future decision-making entity (State Administration or other) to establish the best interests of the child. There should be free transference of information and evidence between the two bodies, in particular information-sharing about	

		victims of domestic violence and referrals from third parties;	
		f. Reports of violence should set in motion child expert consultations with the child concerned to ascertain the effect of the reported violence on the child and the child's expressed wishes and feelings. Women victims of violence should have the possibility, within reason, of refusing a chosen child expert and of challenging the results of the psychological assessment in a swift procedure;	
		g. The future decision-making entity (State Administration or other) should have the power to withdraw the parental rights of the abusive parent as provided for by Article 45, paragraph 2 of the Istanbul Convention in cases where the best interests of the child, which may include the safety of the victim/parent, requires it;	
		h. The enforcement of visitation decisions should be removed from the Bailiff's Court. Should this not be an option, the Bailiff's Court should be mandated to carry out an investigation into the reasons for not handing over a child and the requirement of a welfare-based decision in terms of the best interests of the child before enforcing decisions shall be set. The Bailiff's Court	

		should also have the power to send any case for enforcement back to the future decision-making entity (State Administration or other) for re-consideration of the original decision if it is in the child’s best interests or safety to do so;	
		i. Any appeals from a decision on custody and visitation should lie to a court and legal aid should be available to all parties in all appeals of both custody and visitation decisions.	
		j. All children involved in custody and visitation decisions should be granted the right to legal representation (paragraph 160).	
	Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	39. GREVIO urges the Danish authorities to recognise the power imbalances in relationships marred by violence and to ensure that parents with a history of abuse are granted separate meetings with the State Administration in order to reach a decision in the child’s best interests on child custody/residence/visitation which does not jeopardise the rights and safety of the mother and her children (paragraph 186).	
VI. Investigation, prosecution,	C. Emergency barring and protection	44. GREVIO urges the Danish authorities to step up efforts to implement the full range of emergency barring and protection orders available under the	In accordance with Article 78, paragraph 3, Denmark has reserved its right to provide for non-criminal sanctions for article 34 on stalking. In August 2021, the Danish government publicly declared the will to criminalize stalking by introducing a new section in the Danish criminal code as an <i>adjunct</i> to the Act on Restraining Orders.

procedural law and protective measures	orders (Articles 52 and 53)	Act on Restraining Orders and to ensure their vigilant enforcement (paragraph 211).	<p>Recommendations</p> <ul style="list-style-type: none"> Despite the forthcoming new law on stalking, the government should (still) step up the efforts to implement the full range of emergency barring and protection orders available under the Act on Restraining Orders and ensure their vigilant enforcement. The government should ensure a sufficient implementation of the forthcoming new law on stalking.
		45. To this extent, GREVIO further urges the Danish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practice. Moreover, GREVIO strongly encourages the Danish Authorities to end the practice of allowing for exceptions in prohibitions on contact (paragraph 212).	<p>Despite GREVIO's recommendation to Denmark to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles, a legal extended essay⁴ on Danish case law regarding breaches of restraining orders has established that perpetrators often breach restraining orders, often multiple times, and that despite a high number of breaches, perpetrators are sentenced low penalties (see e.g. the court rulings U2019.1968H regarding 19 breaches of restraining orders and 33 breaches of exclusion orders and U2019.2402H on 500 breaches of restraining orders). The essay also shows that stalking is not seen as an aggravating circumstance as intended in the Act on Restraining Orders. Based on the essay, it is apparent that since GREVIO's 1st Baseline Report on Denmark, the requirements to use non-criminal sanctions have not been met.</p> <p>Recommendation</p> <ul style="list-style-type: none"> In order to comply with articles 34, 52 and 53 the government should assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practice. The same applies for the forthcoming new law on stalking once it has been adopted and entered into force.

⁴ »Stalking i en strafferetlig kontekst« by Ditte Kathrine Jehn, 2019

Other recommendations

Article 14 – Education

Comprehensive sexuality education plays a key role in teaching young people about non-stereotyped gender roles, consent, mutual respect and the right to personal integrity, and in preventing sexual violence. While sexuality education is technically mandatory in Danish schools, it is not prioritized sufficiently. Unlike other subjects, it is not specified how many lessons students need, and most teachers teaching the subject are not qualified.

Recommendations

- The government should set a number of mandatory lessons in sexuality education in schools.
- The government should consider introducing mandatory courses on gender, sexuality and diversity in education and training for schoolteachers to provide them with the competences to address gender stereotypes and prevent gender-based violence.

There is a lack of trained professionals among social workers, in the health sector, at police departments, among schoolteachers, lawyers etc. on the character and effects of intimate partner violence and effective response mechanisms. This lack of knowledge on violence and its consequences entails a risk that women victims are re-victimised within the system.

Recommendations

- The government should include mandatory modules on gender-based violence and domestic violence in the education programmes of social workers, lawyers, health care professionals, police officers and schoolteachers.

Article 17 – Participation of the private sector and the media

Even though The Danish Union of Journalists has published guidelines for journalists about how to report on sexism and sexual harassment, and Everyday Sexism Project Denmark has published guidelines on how to report on gender-based violence, Danish media is still prone to gender stereotypes, victim blaming and trivialization when it comes to the way they portray cases of gender-based violence.

Recommendation

- In order to comply with article 17 section 1, the government should encourage media to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

Article 36 – Psychological violence

There is need of better implementation of §243 in the Criminal Law Act (psychological violence). Authorities lack knowledge on how to use and understand §243, therefore greater efforts must be made to educate professionals and authorities, including the police. The Danish NGO Danner has published a report with recommendations that should be included in the follow-up and implementation of §243.⁵ Some of the recommendations are listed below.

Recommendations

- The police districts should implement the Director of Public Prosecutions' communication on psychological violence, which was first issued on 1 April 2019 (updated March 2021).
- The Minister of Justice should set up a permanent multidisciplinary committee to evaluate and oversee the provision on psychological violence.
- New approaches and methods of investigation and evidence in cases of psychological violence need to be developed and strengthened. The identification of patterns of psychological violence must be investigated in a way that is not only based on finding physical evidence, but also on finding characteristics or patterns in the behaviour of the perpetrator that are controlling the other. Documentation of psychological violence must never be the responsibility of the victim, and the reporting procedure must take this into account. The victim's entourage must always be questioned, even if they have not witnessed specific incidents of violence. Questioning witnesses such as family and colleagues can help describe the victim's change in behaviour over time.

Article 36 – Sexual violence, including rape

The recent change to the criminal code criminalizing intercourse without consent is a landmark. However, the criminal code still includes §221, which criminalizes getting intercourse with someone who confuses the perpetrator for someone else, but does not define this as rape and penalizes it less than rape.

Recommendation

- The government should amend the criminal code to define all penetration without consent as rape.

⁵ See a full list of Danner's recommendations in the report "To år med strafbar psykisk vold", page 33: [To år med strafbar psykisk vold.pdf \(danner.dk\)](#)

Article 40 – Sexual harassment

While sexual harassment is subject to legal sanctions, these have not been effective in tackling the problem, which is still prevalent in all sections of society. It is only possible within the Danish Equal Treatment Act to prosecute the employer, who is typically somebody else than the harasser. The employer can plead that he did not have any knowledge of the sexual harassment perpetrated by a manager and can thereby not be prosecuted.

Research shows that in most cases, sexual harassment in workplace ends up causing the victim to quit her job. However, the level of compensation awarded is lower than that of wrongful dismissal.

Recommendations

- The government should amend the Act on Equal Treatment to include a provision about an indirect objective employer responsibility for sexual harassment, obliging the employer to prevent and counteract sexual harassment.
- The government should increase compensation for victims of sexual harassment in the workplace, so it reflects the level of wrongful dismissal.