Recipient
Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)

Shadow report on the Istanbul Convention submitted by Litehouse Consult Aps on 10 March 2024

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1. The Family Law Agency

All cases are initially screened and sorted into case 'tracks' of either "§ 6", which is low conflict and no known risk factors or "§7", which is either very high conflict or known risk factors, such as violence, sexual abuse, mental illness or substance abuse.

The Family Law Agency may make decisions on visitation in § 6-cases, if the change of frequency is low. If the change is more than 2 days, the decision must be made by the courts.

In § 7-cases the Family Law Agency examines the case and then passes it to the courts, where the final ruling is made. The Family Law Agency may make interim decisions.

When a parent initiates a case, they fill out a screening questionnaire, which is used to screen for risk factors such as violence. This questionnaire determines whether the case is screened to the § 6- or the § 7-track.

If the case is a recurring case, the Family Law Agency will also screen previous case files.

1.1 Failures in the legal track sorting-process

1.1.1 Procedural failures

The non-applicant parent is not included in the screening process. When the applicant parent is a violent father, he will normally state that there is no history of violence. As a result, the victimized parent first learns about the case upon receiving an invitation letter to a joint meeting in a § 6-case.

The invitation letter states that attendance is required by law. The letter neither informs of the rights to separate meetings, nor of the option of having the case changed to a § 7-case.

Further, the letter doesn't specify whether the case is on a § 6-track or a § 7-track, as the Family Law Agency uses other terms (§ 6 is called 'family mediation' and § 7 is called 'family law examination'). The lack of transparency in terminology makes it impossible for the parties to research their rights on their own.

The case may be changed to another track. However, the decision on whether a case is a § 6- or a § 7-case is not a formal decision. Thus, it cannot be appealed. It is difficult to have the track changed after the invitation letter is received even when providing relevant information.

When a case recurs, the history of violence is not always found relevant. Thus, a case may be a § 7-case the first time and conducted with separate meetings. But when the case recurs, it may become a § 6-case leading to mandatory 'family mediation' in the Family Law Agency.

Upon recurrence, the case is screened again previous to involving the non-applicant parent. Thus, they are not asked to provide arguments relevant for rejecting the case on the grounds of lack of new information. Once the letter of invitation has been sent out, the case is

considered accepted and at that stage, it is nearly impossible to have a case rejected pursuant to the Act on Parental Responsibility § 39, which allows for rejection due to lack of new information.

The high frequency of recurrence provides the violent father with a motive to continue to harass the victim in ways that are not identified as part of the violence such as sending frequent notifications of concern to the municipality and spreading rumours.

1.1.2 Case story: The 'milking game'-case

The 'milking game'-case
A father applied for increased visitation. The mother as the non-applicant then applied for suspension of visitation due to concern for sexual transgressive behaviour towards her son. During an interview in the municipality the child had shared examples of such behaviour including [redacted].

The father explained it as a 'game'. This was not identified as grounds for concern even though the game was continuous.

There was also a history of severe psychological violence towards the mother.

The case was screened to § 6 and the mother was required to attend a joint meeting. She filed a complaint stating her right to separate meetings pursuant to the Law on the Family Law Agency, § 10 (2). This was rejected, and she then did not appear at the meeting. The case was later changed to § 7, but she was still denied a separate meeting and ended up not having a meeting at all, so her perspective was not included in the case.

In court, the judge specifically scolded the mother for not appearing at the meeting and labelled her as non-cooperative. The visitation was increased.

1.1.3 Consequences for victims of violence

When the process of sorting cases into the rights procedural track fails, victims of violence are involuntarily subjected to mandatory 'family mediation' in the Family Law Agency. These meetings are conducted with no attention to violence. In our experience the case workers do not have the professional competences to identify symptoms of violence during the meetings, in which focus is purely on cooperation between the parties as well as lectures on children's need for visitation.

Not being included in the initial process of screening and sorting cases into the rights track signals to victims of violence that their perspective is not relevant, and that their government is not diligent in the effort to protect them. From this point forward, victims feel exposed legally as well as emotionally.

This experience followed up by a mandatory joint meeting, in which violence is not included as relevant, severely retraumatizes victims. This then becomes a basic premise for them in the experience of family law in Denmark.

To a victim of violence, the Family Law Agency as well as family law in general is associated with fear, disbelief, retraumatization and feelings of powerlessness.

1.1.4 Summary

- ☛ The non-applicant parent is not included as a party to the screening process. Violence is overlooked and cases are sorted to the wrong track resulting in lack of procedural rights to protection, risk of re-traumatization and lack of examination of risk factors as a result.
- ☛ The track-sorting process is not decided by formal decision so it cannot be appealed.
- ☛ 'Old violence' is not always considered relevant for screening to the § 7-track in recurring cases.
- ☛ Cases are rarely barred from recurring leading to a high frequency of recurrency in the most complex cases.

1.2 Failures in the examination process

1.2.1 The meetings

The remaining part of this report concentrates on the § 7-cases (cases with risk factors).

After having sorted a case to the right procedural track, the parties attend a mandatory meeting in the Family Law Agency. The purpose of the meeting is to examine the case by interviewing the parties, and then decide on how to examine the case further. Pursuant to the Law on the Family Law Agency, art. 10 (2), victims have a right to separate meetings, but only in § 7-cases and only when they succeed in presenting relevant arguments.

After revising the law in 2019, the Family Law Agency hired a large number of new case workers, and many of these demonstrated the necessary trauma-focused approach. This was the first time ever clients would leave meetings not feeling severely traumatized with physical nausea. However, during 2020 many of these case workers seemed to leave the job again.

Currently, it is rare to have a case worker qualified to assess violence. All case workers have received some training in violence, but as a general rule the meetings are still conducted in ways that severely retraumatizes victims of violence. There is no empathy, no trauma-focused approach, no knowledge of the various types of violence. This is revealed in the interview technique and types of questions asked. The meetings are time pressured and conducted as question-answer sessions, in which the Family Law Agency solely choose which questions they want answered. Victims of violence are at times actively prevented from sharing their relevant experiences with violence.

If the victim of violence tries to share information on violence, it is still a common experience that case workers will answer: "Well, you both say that" or "You still need to cooperate", and move on to the next topic.

It also remains most common that case workers urge the parties to 'cooperate' defining this as the best interest of the child. 'Cooperation', thus, is still the main focus also in cases with information about domestic violence.

It is also most common that case workers try to dissuade victims of violence from trying to get full custody. This is done under a label of 'legal guidance' and 'the child's best interest'.

In a recent meeting in a recurring case the lack of qualifications became apparent, when the question-answer session was finalized with the following question: "As a final question, I just need you to give me a run-down of the violence you experienced while living together."

My client had lived in very severe physical violence for 12 years, and since fleeing in 2012 the family law-cases has kept on recurring and due to shared custody and visitation, periods without no active case was filled with other forms of psychological violence by proxy. The client never had time to heal.

Upon getting this question, she instantly went into an acute flashback reliving the violence in front of our very eyes. She screamed so loud, the guard came running to the room, and the meeting had to be terminated. I spent a long time gently getting her focus back to the present moment and then had to send her to a doctor.

The incident exemplifies the lack of understanding of violence in one of the institutions where these competences are most needed. And this lack of competences leads to severely under-examined cases in cases with domestic violence.

1.2.2 Case story: The 'violence disappearance meeting'

The 'violence disappearance meeting'

[redacted]

These summaries are later transferred to the court where they make up the court's first impression of the case.

Similarly, we saw cases where recounts of violence were omitted in the request of a psychological assessment whereas the father's counter-allegation of mental illness were included although the mother had documented that she was not mentally ill.

1.2.4 Gathering information

After the initial meeting with the parties, the Family Law Agency will gather information by requesting statements. The respondents normally include kindergartens/schools and the municipality. It may also include the parties' personal doctor or the police as well as other relevant parties.

The parties have no rights to have a particular respondent included. This decision is made solely by the Family Law Agency and it cannot be appealed. Thus, the personal doctor or the police are not always included as respondents. Also, private therapists are considered biased.

The respondents receive no guidance on what to focus on or how to pick out relevant information. It has become common practice that such statements primarily provide information on the parties' abilities to 'cooperate'.

Cases are *never* examined using standard assessment or screening tools such as the SAM-assessment (Stalking Assessment Management) or the SARA-assessment (The Spousal Assault Risk Assessment).

As the various statements arrive in the Family Law Agency, they are sent to the parties for remarks. The entire process is lengthy, and provides violent fathers with an opportunity to spread false information about the mother. False claims about the mother being mentally unstable or mentally ill or 'over involving' the children is not considered a part of the psychological violence and is not recognized as a type of violence particular to family law cases. Therefore, nothing is done to stop it; the victim simply has to endure but also to spend significant resources documenting that these claims are false.

As for violence typology, the understanding of psychological violence in particular is still low. This is especially true for the specific kind of psychological violence occurring as part of the family law case including rumour-spreading, continuous false claims about the victim and instrumentalizing the children as a mean of continuing psychological violence.

1.2.5 Child interviews

As part of the examination of the case the Family Law Agency also conducts child interviews.

Most interviewers have relevant formal qualifications. However, interviews are normally interpreted in the light of an ideal that visitation is paramount to a child's development.

Over the past 3-4 years it has become a general rule of interpretation that if the child expresses mostly negative experiences with their visitation-parent and mostly positive experiences with their resident-parent, it is interpreted as a form of inner polarization within the child, which is considered harmful for their development.

The result is that the more strongly a child expresses their desire to *not* have visitation with an abusive father, the more certain it is that the final decision will be to continue visitations as this is considered a cure for the said 'polarization'.

On the other hand, if a child gives reports of being subjected to violence by their father but at the same time expresses that they do miss him and wish things were different, then this is interpreted as a 'loyalty conflict'. And the cure for this is also continued visitation.

The result is that it is extremely difficult and, in some cases, almost impossible to have visitation terminated even in cases where children report being subjected to violence or being a witness to violence during visitation with their fathers. This goes even in cases where we have explicitly quoted that girls under 18 years of age are included in the scope of the Istanbul Convention (art. 3 (f)).

To mothers who are victims of violence, this situation is experienced as a form of violence towards them - psychological violence particular to family law cases - and they are severely traumatized by the experience. The traumatization is caused both by having to witness their children's' suffering due to visitation but it is also caused by the ideology behind the decisions, in which their concerns are twisted in the interpretation and turned against the mother herself. She is always blamed if the child is either considered to have "inner polarization" or to be in a "loyalty conflict", as this is seen as a result of the mother not being supportive enough of visitation and not 'cooperating'.

To the victims, this is experienced as a particular form of psychological violence against them, for which we do not yet have a label.

1.2.6 Mandatory participation in supervised visitation

When supervised visitation is established, it takes place in the Family Law Agency whether it was established by the Family Law Agency as a part of the examination of the case or it was established by the courts as a final judgement or it was established as a part of a settlement.

The supervision is handles by a special unit in the Family Law Agency called the Child Unit.

Supervised visitation is legally the *child's* right. The legal decision, thus, does not involve the mother, only child and father are to be in the room with the supervisor. There are no provisions in the law requiring the mother's participation in supervised visitation.

Nevertheless, it has been a widespread practice of the Family Law Agency to pressure the mother to take part in the visitation. This has been especially pronounced when the child is infant or still very young or if the child has been very frightened.

The said pressure is first executed during an initial meeting for the parties in the Child Unit as preparation for the supervised visitation. Any attempt at arguing against participation on the part of the mother is countered with an argument that the child expert does not handle legal aspects of the case and thus will not discuss legalities. And that it is their professional opinion if the mother refuses to participate, they need to express concern for her parental abilities as her decision to not participate is against the best interest of the child.

This will lead to a notification to the municipality and it will be noted in the files giving the father a strong argument in court.

The pressure is then continued every time the mother takes the child to the supervised visitations. If she sends someone else with the child, these deputies will be coerced into participation stating that unless they participate, the mother has not succeeded in choosing a competent deputy and this reflects negatively on her parental abilities. The Child Unit will then also try and call the mother even if this means circumventing her representative.

When mothers have given in to the pressure and taken part in the supervised visitations, they have consistently not been allowed to 'sit in a corner'. They are guided in a very detailed manner by the child expert on how to sit close to the father, how to smile to him, how to hand him things the child is playing with and so on in order for her to make the child feel safe with the father and support the establishment of a bond between the two.

If the child still does not feel safe with the father, this will normally reflect badly on the mother in the report as a lack of ability on her part to support the bond between father and child. If she is not comfortable in the situation, the report will state that she is overly concerned, rigid and that it is due to her lack of ability to support the child, that the child doesn't thrive during visitation and rejects interacting with the father. They express concern that the mother has transferred her traumas to the child, so they recommend treatment of her with the specific purpose of her becoming able to support visitation.

Although there is no formal way of appealing such behaviour, we have done it anyway and requested management opinions. The management confirmed the practice more than once.

The management of the Family Law Agency states that they have authority to request the mother's participation from a legal delegation to the Minister of Social Affairs stating that the Minister may arrange the 'circumstances' surrounding the supervised visitations. This in turn has then been delegated to the Family Law Agency.

In our opinion this delegation has been stretched beyond the limits of its legal scope. We have also argued that mandatory participation is a circumvention of art. 10 (2) in the Law on the Family Law Agency stating the rights to separate meetings when there has been violence. None of this changed the practice of the Family Law Agency, which still goes on.

In one final case we did succeed in getting a response from management stating that there is no legal basis for requesting the mother's participation. This did correct the practice in that particular case. However, the practice has continued in other cases.

1.2.7 Case story: The hair deputy-case

The hair deputy-case

In one case there had been honour violence, death threats, social control and drug abuse. When having to give a hair follicle drug test, the father reported to the Family Law Agency that he had no hair. However, two days later a person appeared at the clinic with 4 cm of hair and delivered a negative test. The burden of proof was not lifted in the criminal case. And the trick with sending a 'deputy' to take the test had no consequences...

1. The Family Law Agency

...The mother had a statement from a national NGO specializing in honour violence and related conflicts and social control ('the RED centre'). This statement was not given any weight.

Appearing before the court, the judge advised the mother to settle the case so the father would at least have supervised visitation, as she would otherwise judge in his favour. The mother agreed under pressure. She trusted that the Child Unit would guard the interest of the boys. However, they feared the father so much that she could hardly get them to go to the Family Law Agency.

She herself feared the father so much that she asked her mother to deliver the boys. The grandmother was then put under strong pressure to take part in the supervised visitations, which she refused.

The children first refused to enter the room and later refused to enter the building. The child expert attempted to convince them, but they kept refusing. In one attempt they tricked the boys to say 'hello' by stating that they would not be allowed to leave until they did. This only made their resistance stronger, so they psychically held on to the grandmother.

The father had to provide monthly drug tests before supervised visitation, but on one occasion, the Family Law Agency forgot to collect this.

The boys appeared at the Family Law Agency *nine times.* On each occasion the child expert put significant pressure on the boys as well as on the grandmother. In the end, this took place in the parking lot as the boys finally refused to get out of the car, where they hid under blankets.

In this case, management did finally concede that there existed no requirement for the mother or her deputy to participate in the supervised visitations. Whereas the child expert did deliver an oral apology, the Family Law Agency never wrote this in the report.

In the end, the Family Law Agency repealed the visitations. The case is a recurring case; it began in 2020 when the children were born. This time it lasted since December 2022, and it has only just now been sent back to the courts for a new judgement.

The report from the Family Law Agency stresses that the father showed excellent cooperation whereas the grandmother has not cooperated by participating in the supervised visitations. So even though there is no formal requirement to participate in supervised visitations, it is still paramount to the conclusion from the child expert that one does participate as it will otherwise reflect negatively in the report.

The report is unconclusive regarding the boys' reactions, as they refused to talk to the supervisor. This conclusion, mentioning only the 'level of cooperation' will now constitute the basis for the court's judgement.

1.2.8 Case story: The traumatized infant-case

The traumatized infant-case

In this case, the mother had experienced severe levels of psychological violence and reported that her infant daughter had experienced the same. She had seen the father throw her before she could hold her own neck and also throw toys at her when she wasn't playful. In order to calm her down when changing her diaper, he would read out loud from books on how to calm a child.

The nurse supervising the child's development with home visits had stated that it would be a disaster, if the child had visitations with her father. The father issued a complaint, and the nurse was pressured to change her statement, as she had not met the father. This left the mother without documentation.

The procedures in the Family Law Agency were extremely complicated, and they ended up determining both supervised visitation as well as non-supervised visitation one hour every Sunday at a library. The girl was 6 months old, when the case started.

During the non-supervised visitations, the girl would cry so hard the whole time that upon return she could hardly breathe for many hours. She showed many signs of panic attacks and shock. And when it was time for her to start eating solid food, this was not possible due to the level of traumatization.

The mother then tried not delivering the child. This led to an enforcement case, which she lost despite documentation that mother and child were so pressured that the breast feeding had stopped. It was appealed to the High Court, which confirmed the decision. There was later another execution case, which she also lost; she did not appeal the second case fearing she would lose again.

The authorities - both the Family Law Agency and the court - refused to stop the unsupervised visitations. And they subjected the mother to extreme pressure to participate in the supervised visitations, which she continued to refuse.

At this point I send a briefing to the Minister of Social Affairs and to the Social Committee as it was my assessment the girl would be permanently damaged due to the process. There was no reaction, although the Ministry does have the power to intervene being ultimately responsible for the Family Law Agency.

Shortly after, at paediatrician stated that the child had now been traumatized in direct continuation of the visitations.

The mother finally moved from Zealand to Jutland, which stopped the unsupervised visitations. The second enforcement case had granted the father 3 supervised visitations as replacement for the missed unsupervised visitations.

The mother sent a deputy with the child for these visitations, and the 3 meetings have all been recorded. They all ended up in absurd situations. On the second occasion, the deputy refused to be in the visitation room with the father, but the child expert tried to refuse her the right to leave. Shortly after, the Family Law...

...Agency sent a letter, in which they required participation on the third occasion expressing concern for the mother's parental abilities.

The Family Law Agency also advised the father to start up an enforcement case as they considered the child 'non-delivered' in accordance with the judgement when the deputy would not participate. They also sent a notification to the municipality with concern for the mother's lacking ability to support visitation naming this a lack in her parental abilities.

On the third occasion another deputy delivered the child and participated under the threat that the mother could otherwise loose the child to the father. The deputy was guided in detail to where to sit, what to do, how to interact closely with the father in order to support the relation between father and child. Both deputies later reported psychological reactions to the experience.

After the third supervised visitation, the case was sent to the court for final judgement. During the court meeting, the judge and the court's psychologist encouraged a settlement, in which there would be no more attempts at visitation *for the time being* in return for the mother withdrawing her request for full custody.

The final report from the supervised visitations stresses the father's ability to 'cooperate' and the mother's lack of same.

The case was settled as advised by the court. The mother has later had to accept that she cannot take the child on holidays outside the country, as the father still refuses to sign a passport. She is also reluctant to let the child be examined psychiatrically, because the father will have access to the process due to shared custody.

The court case ended in November of 2022 after 18 months of legal procedures, and the child has not yet recovered. She is still so traumatized that despite several attempts of therapy from the municipality, she is still not able to be in her kindergarten a full day; often less than an hour. She counts as 3 children in the kindergarten due to her need for constant support.

1.2.9 Consequences for victims of violence

Victims of violence often experience the entire process in the Family Law Agency as a particular form of psychological violence against them as mothers. When they try to turn the attention towards the violence, this information is twisted and turned against them.

Meetings are used to 'advise' them on the importance of 'cooperation' and 'support' for visitation and the need to put own feelings aside. If they do focus on violence, they are perceived as non-cooperative and non-supportive of visitation and thereby as acting against the interest of the child. When violence is recognized, the requirement of cooperation and support for visitation is still underlined, the lack of which is construed as the actual problem.

Children's various reactions to visitation are consistently interpreted as symptoms of a 'loyalty conflict' or as a result of the mother's lacking ability to support visitation. It is normally not recognized that children may be reacting to violence in itself unless to some degree when the burden of proof has been lifted in a criminal case.

Victims are left severely exhausted with increased feelings of hopelessness and complex traumatization as the cases progress through the system - often resulting in leaves from the labour market or with a need to simply stop working - due to the procedural effects on them.

Summaries handed over from the Family Law Agency to the courts still often lack information on violence and this experience leaves victims of violence feeling legally exposed.

1.2.10 Summary

- Mandatory meetings in the Family Law Agency overlook violence and ignore its relevance.
- Case workers retraumatize victims of violence with their interview methods.
- Examination of cases still focuses on the mother's ability to 'cooperate' with the other parent and to support visitation despite a history of violence; 'ability to cooperate' is the main factor of relevance.
- There is a practice of mandatory participation in supervised visitation. Refusal is interpreted as lack of ability to act in the best interest of the child.
- When children ask for decreased or terminated visitation due to physical or psychological violence, this is often interpreted as either 'inner polarization' or as a 'loyalty conflict' caused by either lack of support for visitation or lack of ability to cooperate by the mother.
- Even for infants, visitation may not be terminated until there is severe traumatization.
- The ideology behind family law in Denmark is in itself experienced as a particular form of psychological violence towards women; its effect is traumatizing.

2. The Family Court

The legal main rule for custody is that custody is shared. This legal arrangement leaves it up to women who are victims of violence to lift the burden of proof for why they need to have full custody, as full custody is the exception to the main rule.

Visitation has the same legal organization that as the main rule, there will be visitation.

As for the amount of visitation, this depends primarily on the child's age. Infants will have a few hours at the time. It is an unwritten rule of thumb that children may have the same number of overnight stays as their number of years of age. Children of 1 years of age will have 1 overnight visitation, children of 2 years will have 2 nights, etc. Children under the age of 6 years will normally also have afternoon visitations in the opposite weeks of overnight visitation, so when the number of days is low, the frequency is increased. This gradual increase of overnight stays will continue until it either reaches 7/7 or the victim of violence lifts the burden of proof to establish an exception to the main rule.

Thus, the unwritten main rule of visitation is not only to establish it but also to gradually increase it as much as possible. This is part of the reason for why family law cases in Denmark are continuous and the rate of recurrence in complex cases is high.

The access to terminating shared custody is narrow and terminating visitation relies on the victim of violence to lift the burden of proof for why this is in the best interest of the child. The access to succeed is narrow, as any failure to thrive for the child is considered a result of lack of cooperation on the part of the mother.

To this day, we have never seen a mother from another country getting full custody.

At the same time, it is still rare for us to have a family law case, in which the burden of proof is lifted in a criminal case leaving the history of violence defined as a 'perspective' on the part of the victim. And this 'perspective' is almost never considered relevant in family law.

2.1 The reform of the family law system of 2019

2.1.1 The development after the reform of 2019

After the reform of the Act on Parental Responsibility in 2019, mothers who were victims of violence did experience a milder practice in judgements. The access to getting full custody was eased and courts were more careful when deciding visitation arrangements. Further, they were now allowed to talk about the past when giving statements in court giving them a chance to even talk about the violence they experienced.

In the spring of 2020, a series of judgements from the High Court turned the new practice around. These judgements specifically disregarded recounts of violence and either denied full custody to the mother or they increased visitation. Denmark does not have a tradition for comprehensive or detailed reasons in judgements. A judgement in a case where violence is only documented by a shelter declaration could be phrased as follows:

> "The school reported that the girl was thriving, and the municipality assessed that the girl didn't need supportive action. On these grounds as well as the impression of the parties, the Court has not found any concrete reasons for terminating joint custody. For the same reasons, visitation is increased from 10/4 to 8/6-visitation."

Following the spring of 2020, we saw a rapid decline in practice in all cases and the ease of access to getting full custody or limiting visitation was repealed in practice. Violence as a 'perspective' of the victim again appeared to be irrelevant in family law cases.

This development was further cemented by a judgement from the Supreme Court from September 2020 (case no. BS-20880/2020), in which full custody of a young boy was given to the father despite never having had much visitation with him and despite the mother having recounted many claims of violence, threats and harassment towards her.

The primary reason for the judgement was "visitation harassment" meaning that the mother had not respected previous decisions on visitation. A partly finished parental ability assessment had been conducted but other than not being completed, it was also not conducted by a psychologist; this apparently did not interest the Supreme Court, as the reason is based on the counts of 'harassment of visitation'.

The reason from the Supreme Court specifically cited the Act on Parental Responsibility's travaux préparatoires from 2007, which is focused on the parties' abilities to 'cooperate'. Cooperation is partly defined by the parties' abilities to secure the child's contact to both parents. With this judgement, the Supreme Court specifically ignored the significance of the reform of 2019 and its travaux préparatoires and prioritized the law as it was originally written and intended.

In Denmark, the preparatory work is an expression of intention of the law makers, and it is a binding source of interpretation for the courts. The judgement from the Supreme Court was significant as it set the precedence for interpretation method and the choice of legal source.

The 2019-reform was initially ranked higher due to the principal of lex posterior, but following the judgement from the Supreme Court, the 2019-preparatory work was now deemed secondary to those in the original law. The prejudicial effect of this judgement in effect repealed the significance of the 2019-reform, as most of it is found in the preparatory work.

2.1.2 The nature of the reform of 2019

Following GREVIO's examination of Denmark in 2017, Denmark delivered a final state report detailing how GREVIO's recommendations were implemented. Denmark's answer appears in the report of 20 January 2021 under section VI, art. 22.

The answer is given with reference to the reform of the family law system in 2019 guaranteeing that recounts of violence are now "taken into account" by the judicial authorities when determining custody and visitation cases.

It could appear from this answer that the reformed law entailed significant material changes in family law with the purpose of increasing protection of women who are victims of violence and party to a custody or visitation case in the judicial system.

Later in 2021 the Social Committee posed a number of questions to the Minister of Social Affairs about the nature of the reform of the family law system of 2019. The Minister of Social Affairs replied on 18 August 2021 (case no. 2021-3970) that the reform of 2019 did *not* entail significant material changes in the family law system. Thus, the reform of 2019 was primarily a reform of procedural structure.

Such legal post-processes may also be used as a source of interpretation by the courts. This answer in our experience became the final nail in the coffin of the 2019-reform leaving mothers who are victims of violence worse off than before 2019 because judgements fall harder on their reality than administrative decisions.

2.1.3 Consequences for victims of violence

The conditions for women who were victims of violence involved in a custody or visitation case were severe before 2019 leaving them for the most part entirely without protection.

In 2019 victims of violence trusted the legal improvements expecting that violence would count as a deciding factor and that the end result would be one that protected the victim and child from further harm including the psychological harm of recurrency of cases.

These hopes were disappointed following the change of legal practice in 2020. Victims now have little trust in the legal system as the rights they expected turned out to be illusory.

The consequences of Supreme Court case no. BS-20880/2020 to women who are victims of violence and part of a custody or visitation case were that they were yet again subdued to the guiding principle of having to 'cooperate' and that 'supporting visitation' was yet again considered a crucial part of their parental ability. In other words, if they do not 'cooperate' the way this is understood and if the children resist visitation, the mother who is a victim of violence risks losing custody of the children to the other parent.

The current law not only lacks predictability but seems to promise the opposite of what it delivers. This lack of transparency adds to the psychological harm. Victims often experience the cases as more harmful than the initial violence and many wish they had never left their violent ex-partner as during the relationship they felt they could at least protect the children.

The European Court of Human Rights established a principle of *real* rights:

> "The Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective." (Airey v. Ireland, 1979, § 24)

Victims of violence who are involved in custody and visitation cases in Denmark are now in dire need of such *real* rights.

2.1.4 Summary

- The legal main rule of shared custody and the practiced main rule of maximum visitation favours violent fathers as it is up to the victim of violence to lift the burden of proof.
- The practiced main rule of gradual increase of visitation encourages constant recurrence.
- The access to getting full custody is now so narrow that it is almost an illusory right keeping in mind that most domestic violence never ends with a criminal conviction.
- The effect of the reform of 2019 was quickly repealed in practice.

2.2 Current practice of the courts

The Family Court is a part of the City Court. Thus, it is not a special court as special courts are prohibited in the constitution. The judges are generalists but in many city courts they have an organization allowing for particular judges to work mostly with family law cases.

The Family Courts normally don't have full-time employed psychologists. They use external private psychologists who are normally chosen from a list of approved psychologists and due to the courts' constitutional independence, each court district has its own list. However, the lists have significant overlaps and some psychologists appear in in up to six court districts. Therefore, there is a fairly small community of psychologists working for the courts.

The role of psychologists is described separately in section 4 of this report.

2.2.1 Court district lottery

No judges seem to have received significant training in the understanding of violence. If they do have such training, it appears to be superficial. Therefore, the level of proficiency in understanding violence in the various court districts varies significantly and appears to result from a coincidence rather than from a systematic training of judges.

In one case where the victim recounted the psychological violence, she had experienced, the judge presumably responded: "You don't know what psychological violence is." The judgement was continued shared custody and a 7/7-visitation arrangement.

As we have cases in the whole country, we are able to track practice in the various districts. On that background, we know the differences between the districts, and we can clearly identify certain districts where it is almost impossible for a victim of violence to achieve protection through full custody and termination of visitation.

We know of only a few districts where the courts are more careful in their practice.

To our knowledge, there are no court districts where victims of violence are sure to be protected. Even in careful districts, if they do suspend visitation, they tend to decide on continued shared custody. It appears to be a desire to give both parents something.

We have seen victims in severe cases who have lost several times in one district and then move to other parts of the country in order to achieve a more careful judgement next time the case recurs. This planning has been successful for them.

The court districts lottery testifies to the fact that judgements are still too dependent on the individual judge and their personal understanding of the nature of violence, and which legal consequences violence should have in family law. This is never to the advantage of the victim.

2.2.2 The 6-week's rule of notification

The Act on Parental Responsibility requires a parent to notify the other parent of intentions to move registered address 6 weeks prior to moving. The purpose is to give the other parent a chance to initiate a case in order to prevent the movement of the children. The children's address can then be moved to the other parent by a temporary decision or verdict.

The rule is in effect whether or not the other parent has visitation or part in the custody over the children. The rule also requires the moving parent to inform the other parent of which municipality one moves to.

The 6 week's rule makes it difficult for victims of violence to maintain a truly confidential address, as the other parent will always retain the right to know the municipality.

In one case, a mother who had experienced severe violence moved and did not inform the other parent of her new place of resident. The father then sent notifications of concern to the municipalities in Denmark one by one. He kept sending these until one of them sent him a mandatory receipt thereby confirming that the mother now lived there.

Once the children have turned 6 years old and have started school, it is quite difficult to move without losing the children to the other parent. This is due to a tradition, in which it is considered more important for the children to remain in their schools and if there is visitation for them to keep their current visitation schedule than it is for them to follow their primary caretaker.

A mother who is a victim of violence, thus, will run a large risk of losing the children to the other parent if she does move. This is also true when the motive is safety concerns.

2.2.3 Meeting models and forced reconciliation

When the reform of the family law system of 2019 came into force, the courts established new procedural rules and traditions for family law cases. One of these was the tradition of choosing between three meeting models: Model A, B and C. Each of these models define a set of procedures for the case.

Model A:
In model A, the court meeting is presided over by a psychologist in the presence of a judge. The meeting is held as a dialogue between the parties under the guidance of the psychologist, who tries to reconcile the case and make the parents reach a voluntary settlement. The psychologist has interviewed the children and will present their opinion on the best interest of the child. This opinion is the guideline for the parents' settlement.

Model B:
In model B, the court meeting is conducted as a regular court meeting. Only the judge is assisted by a psychologist who advises the judge during the court meeting. Also, the judge and the psychologist will conduct the child interview during a recess in the court meeting and then present their findings once the court meeting is resumed.

Model C:
In model C, the court meeting is held as a regular court meeting without a psychologist present. The child interview takes place in the presence of a psychologist and may be conducted on another day separate from the court meeting.

The main difference between the three models is the degree to which a psychologist is present and the degree to which they affect the outcome of the case.

The challenge with these meeting models is that it is entirely up to the judge to decide which meeting model they want in each case. The parties get to express their opinions, but they have no right to reject a particular meeting model.

Model B is addressed in section 4 on psychologists.

Model A is in in reality forced reconciliation, and it is popular among those judges and psychologists who still understand violence as a 'conflict' to be mediated. Thus, victims of violence are in reality forced to settle their cases if they are granted a model A-meeting. Any resistance to participate will be used against them if the model is changed to a model B, as the judge remains the same. Even in model B, hidden forced reconciliation is common.

These forced settlements never provide the safety needed by victims and their children.

2.2.4 Judgements disappearing violence

In the Family Court they may choose to examine the case further. This will normally include an updated statement from the child's kindergarten or school, if long time has passed since the Family Law Agency gathered the same. As a general rule, the child's it also interviewed again by the judge and a psychologist. The court may also initiate a psychological assessment.

Other than that, the case builds on the information gathered by the Family Law Agency, the pleadings and the statements by the parties given during a court meeting. Most domestic violence doesn't lead to conviction, and it is therefore up to the victim to give a statement about the violence in court. This may be supported by a declaration from the shelter, but not all women have been to a shelter.

No courts use screening tools for detecting violence or for mapping its impact. The level of traumatization in victims is not assessed. When privately documented, it is not found relevant other than a cue to initiate 'treatment' with the purpose of the victim becoming able to support visitation. The initial screening is never used in court.

Regardless of how well violence is documented, all cases still focus on cooperation between the parties and on the victim's ability to support visitation. If the children react negatively to visitation, it is mainly regarded as a loyalty conflict or as an effect of lack of support for visitation by the victim. This goes even when other risk factors are present such as mental illness or substance abuse on the part of the violent father. These may be examined further, but once that assessment has been made, the court puts it aside and revert to talking about the need for cooperation.

Thus, regardless of the information in the case, the victim is expected to make the children want visitation and there are consequences if they don't. These are described below in the sections on the municipality and in the section on psychologists.

As mentioned above, there is not a tradition for comprehensive written reasons for judgements in Denmark. Reasons are mostly written in a brief manner, and they rarely mention violence but will normally refer to "an overall assessment". It will often state that there has not been found any grounds for deviating from the main rule, which is shared custody and establishing visitation as "an overriding consideration".

Thus, the violence disappears from the written judgements making it impossible to develop and calibrate court practice across the country in cases where there are recounts of violence.

2.2.5 Case story: The caged crib-case

This case is called the caged crib-case because the violent father rebuilt the crib of one of the small children by putting a lid on the crib, so the child could be locked in it like in a cage. He himself admitted this later when questioned by the municipality.

The caged crib-case began in 2015 when the mother fled to a shelter. It has recurred many times since then being constantly active in at least one authority.

A case summary was sent to GREVIO in July 2020. This summary has been updated and is enclosed with this report, as the case is still active.

I kindly refer you to the appendix with the case summary.

The case summary details both the irrelevance of violence in judgements and the lack of understanding of violence including the particular kind of psychological violence, which unfolds as an integrated part of the complex family law cases.

Further, the case demonstrates the disproportionate extent of recurrency in some cases. The high level of recurrency is caused by two conditions. The first cause is the level of complexity involved in finding the *real* best interest of the child. In Denmark, the definition is traditionally understood as a moving target requiring new assessments to be conducted continuously and thereby new judgements. The moving target-definition undermines the predictability intended in any court system leaving victims in constant uncertainty about tomorrow.

The second cause of recurrency is the lack of provisions in the law preventing violent fathers from periodically reapplying for changes in either custody or visitation. Pursuant to art. 39 in the Act on Parental Responsibility, the Family Law Agency "may" reject an application, but this is rarely done. The victim has no rights in this regard and thus is forced to constantly submit themselves to new cases; the power remains entirely in the hands of the violent father.

As demonstrated in the caged crib-cage, visitation is not terminated until perhaps after a child has already been documented traumatized. The effect of this practice on the mother is equal to that of psychological violence towards herself.

Some victims of violence are extraordinarily resilient, so the following does *not* refer to the mother in the caged crib-case.

The consequences of many years of procedural stress at the level seen in Denmark for victims of violence in custody and visitation cases whose children fail to thrive year after year resemble the effect of torture. It causes complex traumatization at a level, for which there simply is no cure. Many of these victims will never recover from their encounter with the Danish family law system.

2.2.6 Consequences for victims of violence

In custody and visitation cases with a history of violence towards the mother the court practice is now worse than before the reform of 2019. The courts build on the same ideology as the Family Law Agency, which is in essence an ideology of reunification at all costs.

The 6 week's rule of notification prevents victims access to changing court district. It also severely limits mothers in seeking out a new non-disclosed address once the current one has been discovered.

Further, it does severely restrict mothers from benefiting from the labour market in professions that require regular moves, such as researchers, doctors, priests, leadership, etc. This also goes for access to the labour market in the EU, which is practically *inaccessible* to divorced mothers due to shared custody confining a significant and very competent part of the work force to Denmark.

Finally, it makes it almost impossible for women who are victims of violence to emigrate. Thus, they are barred from seeking shelter in other countries as the law limits the extent of their autonomy.

Since most address-parents are women, the 6 week's rule of notification must be assumed to disproportionally affect mothers. And it does affect their options for establishing safe living conditions in cases with a history of violence.

The victim is regarded without rights of her own, as her rights are subsidiary to the rights of the child. She is therefore expected to subdue even her needs for safety to this project.

Victims experience that all focus is turned towards the object of violence rather than the agent of said violence. This is evident in the courts' assumption that therapy can remove the mother's fear with the same healing precision as when we plaster a broken bone. However, the soul doesn't heal in the same way as the body and therapy doesn't remove the damage done. It also doesn't provide the safety needed.

Nevertheless, judgements are passed causing further harm on the assumption that the damage done can be removed in therapy. It is left up to the victim to agree to such therapy or suffer the consequences.

2.2.7 Summary

- The effects of the reform of the family law system in 2019 was quickly repealed in practice,
- The level of training of judges is coincidental; most judges appear with little or no training,
- The courts still regard violence as a 'conflict' to be mediated,
- No screening tools are used to identify violence and its impact,
- The 6 week's rule of notification in practice prevents mothers from moving, excluding them from a number of important rights including effective access to the labour market,
- Shared custody is almost mandatory and prevents access to the labour market in the EU for divorced mothers thus confining significant competences to Denmark,
- Using the child as a mean to control the mother is not recognized as continued psychological violence specific to custody and visitation cases,
- Recounts of violence and the fear and traumatization of victims is predominantly irrelevant to judgements on custody and visitation; these are not included in the courts' reasoning,

2. The Family Court

- Access to getting full custody is extremely narrow also for victims of violence; it will rarely be given the first time a case goes to court,
- The child's right to visitation overrides the mother's need for safety; the victim has no legal rights of her own relevant to family law,
- The definition of the child's best interest is understood as a moving target causing high frequency of recurrency with a gradual increase in visitation,
- The rate of recurrency in family law leaves victims with no legal predictability and thereby without the normal guarantees and effects of access to justice,
- The rate of recurrency as well as being regarded as an object of therapy *with the specific purpose of being able to support visitation and to 'cooperate'* is traumatizing in itself,
- The ideology of courts is that of reunification at almost all costs.

3. The Municipalities

In all § 7-cases (cases with known risk factors) the Family Law Agency sends a notification of concern to the municipality. This is mandated by law as the child's welfare is automatically considered at risk when there is no cooperation between the parents. When the case goes to court and the children are interviewed there again, the court's psychologist will normally also send a notification of concern.

The practice leads to a minimum of 3 child interviews in each § 7-case: An interview in the Family Law Agency, an interview in the Family Court and an interview in the municipality. However, it also leads to a double procedural pressure to victims of violence who are automatically always a part of at least two cases: One in the family court system and one in the municipality.

As a consequence of the reform of the family law system in 2019, more information is now shared between the family law-authorities and the municipalities. However, this doesn't reduce the procedural stresses to the victim of violence as the municipality now shares the reunification ideology and takes an active role in it.

3.1.1 The role of the municipality

According to the Child's law (previously the Service Law) the municipality must identify children with a need for support and must offer such support to these children. When they receive a notification of concern, they screen the case in order to identify if there are grounds for concern, which then leads to further examination of the child's needs.

As a main rule, if a victim of violence is reluctant to "cooperate" with the other parent or is concerned for the visitation arrangement, the municipality will examine the case further by gathering information about the child from relevant sources such as kindergartens or schools as well as conducting interviews with the parents.

Even if schools report a child to be thriving, the municipalities may keep a case open due to *expected* failure to thrive, which is the main rule when the parents cannot 'cooperate'.

The municipalities never conduct risk assessments to uncover various forms of violence. They also appear to have received no relevant training in the understanding of violence as being more than physical violence. Even when they do acknowledge recounts of violence, their focus remains on the child's needs for their parents to 'cooperate'. Therefore, the mandatory offer of support for the child is often given in the shape of family therapy for the parents.

The municipalities have no formal competences regarding custody and visitation and therefore will not discuss the impact of shared custody or of visitation. Recounts of violence is understood as a 'perspective' and most violence is understood as 'conflict'. Even in cases where there has been a relevant conviction in a criminal case, focus remains on the need to 'cooperate' and to support the child in having visitations. Reactions in the child are mostly understood as a lack of support from the victim. And reluctancy to 'cooperate' by the victim is understood as lacking ability to 'mentalize', which leads to a concern for their parental ability.

3.1.2 No rights to separate meetings

With the reform of the family law-system in 2019, a formal right to separate meetings in the Family Law Agency was introduced in the Law of the Family Law Agency, art. 10 (2). No similar law has been passed covering the municipalities. When they receive a notification of concern, they automatically require the parents to attend a joint meeting.

Many municipalities now voluntarily offer separate meetings but only if the victim requests it. It is automatically considered an increased cause for concern. This concern is directed *towards* the victim and its aim is to correct the behaviour of the victim until they accept 'cooperating' with the violent father including accepting joint meetings. Many municipalities will now keep cases open until this aim has been reached.

3.1.3 Schools and kindergartens

Shared custody makes life difficult for divorced mothers who are victims of violence as it significantly reduces their participatory rights and possibilities in their children's kindergartens and schools. Shared custody means that all meetings are joint meetings; almost no schools or kindergartens offer separate meetings.

Even though victims have the formal right of participation, they don't have *real* rights. This is caused by their traumatization being of such nature that even safety measures do not enable them to attend joint meetings due to the retraumatization of joint meetings.

It is now very common that these mothers have to refrain from attending any meetings and social gatherings at their children's kindergartens and schools. This makes them appear disinterested in their child's development and cuts them off from ordinary participation in their child's life. And it may hurt their case in the family law system, when the case recurs.

Those who do participate in joint meetings experience these as an arena for the violent father to continue 'chasing' the mother with continuous unfounded concerns for her parental abilities, her mental state, her ability to cooperate, her ability to support visitation, etc.

For the kindergartens and schools, it becomes almost impossible to keep their focus on the child. And it often leads to new notifications of concern meaning that the case in the municipality reopens due to these continuous notifications.

Kindergartens and schools have not received training in identifying neither violence nor the particular kind of psychological violence seen in custody and visitation cases. Even when they do identify violence, they don't appear to understand its relevance.

Therefore, they primarily observe the victim being reluctant to 'cooperate'. They do not identify the cause of this reluctancy as continued psychological violence. The reluctancy to cooperate then becomes their focus of concern as well as the aim when sending notifications of concern as cooperation is regarded as a primary need of the child.

The ideology of reunification is widespread and appears to now include most schools. Even when they don't send notifications of concern, many actively reprimands victims for not 'cooperating' and not 'supporting' visitation, if the victims express any concern.

3.1.4 Family therapy with the purpose of reunification

Since the fall of 2021 we have experienced an increasing number of cases in the municipalities being referred to family therapy. This refers to complex family law-cases where the mother recounts a history of violence. Today, this has become common practice in most municipalities.

Some family therapists offer the victim to initially have separate meetings, but with the aim of the victim becoming able to participate in joint meetings in time. Since 2021, we have only seen one single case in which a family therapist refused to conduct joint meetings due to a history of violence. In that case the client was a man.

Family therapists may have a variety of professional trainings from almost no training to high levels of formal educations. Some family therapists are authorized psychologists. The ideology, though, remains the same regardless of the formal training of the therapist.

The aim of family therapy is to support the child's continued visitation or to reunify children whose visitation has been terminated by the courts. In essence it is reunification therapy.

In the reunification ideology, violence is understood as a product of a dysfunctional dynamic between the parents, the healing of which is a shared responsibility. There is no recognition of coercive control.

When children resist having visitation, it is understood as the victim transferring their own fear and their own 'negative emotions' to the child. This is considered harmful for the child as it is assumed to prevent them from developing their own relation to the perpetrator. This also goes for cases when children recount being subjected to violence.

We have seen examples where the victim may have removed their name tag on the front door for safety reasons. The family therapist has interpreted this as psychological transfer of own fear to the child. If the victim tries to quote their rights to safety in family therapy, this is understood as an overly preoccupation with legalities and a conflict-focus at the expense of focusing on the needs of the child.

The reunification ideology leads to a variety of methods to coerce the victim into sharing in the responsibility for healing the relation, while no measures are taken to neither identify the nature of the violence nor to protect the mother towards its effects.

Even when the victim tries to cooperate in "parallel parenting" meaning parenting with no joint meetings and no direct contact, this is understood as a lack of mentalization on the part of the victim. This assumed lack of mentalization is defined as a lack in parental ability, the report of which supports the violent father in winning the next custody or visitation case.

Family therapy currently continues until the victim surrenders to its aim: Victims of violence must cooperate and they must emotionally support visitation.

3.1.5 'The Children's house' assessing need for reunification

When children are subjected to violence, they are immediately referred to one of the regional 'Children's Houses', which are organized as a one-stop office for both criminal investigation, psychological examinations of the needs of the child and recommendations for relevant initiatives of support or treatment.

Once the interrogation has been finalized, a team of psychologists will meet with the child up to several times in order to assess their needs going forward. They also conduct meetings with both of the parents. The process is finalized with a report containing recommendations, which is then handed over to the municipalities to follow up on.

As a part of the examination of children, the Children's House uses psychological assessment tools for documenting the level of trauma as well as the nature of these traumas. Supposedly, these tests can identify whether the traumas are related to the said violence or whether it is related to more unspecific causes. This unspecific cause is then interpreted to be related to witnessing 'conflict' between the parents.

Even in cases where the mother has also been a victim of violence from the father, the Children's House specifically names this a 'conflict'. In these cases, they conclude that beside any violence targeted at the children, the children's reactions are also caused by the 'conflict' between the parents and therefore, they recommend therapy for the parents in order to mediate and treat this 'conflict'.

Using this method of interpretation the Children's House may recommend contact between the children and their violent parent. This includes cases where the mother also recounts a history of violence. The recommendation is not a decision or a verdict, but it ends up having that nature as the courts as a main rule will follow the recommendations of psychologists.

When the report from the Children's House is handed over, the municipalities initiate family therapy for the parents. This therapy must be considered mandatory, as any refusal to take part in it will be regarded as ignoring the best interest of the child. All victims fear the consequences of such refusal.

It has not been possible to initiate dialogues with any municipality about this practice. Whereas they may listen to arguments, trying to communicate with them only causes their concern to grow more serious, as it is considered to be an expression of resistance to act in the best interest of the child. To victims, silence is the effect.

3.1.6 Consequences for victims of violence

Mothers who are victims of violence and part in a custody or visitation case widely experience that their recounts of violence are disregarded in the municipalities. Violence is understood as 'conflict' and remedied by a form of mediation now called family therapy.

Even when violence is acknowledged and the victim is offered help, the consequence is still mandatory family therapy with the aim of enabling the victim to 'cooperate' with the father.

Decline to participate in joint meetings with the violent father, is interpreted as lacking ability to mentalize. Some victims take part in family therapy for years.

Family therapy in cases with recounts of violence is severely traumatizing for victims of violence as is the practice of interpreting children’s negative reactions to visitation as a result of the mother's transfer of her own emotions.

We have received cases where victims have previously taken part in family therapy during several years. As soon as family therapy is discontinued, the violence reoccurs. This includes

violence against the children. In our experience, the experience of family therapy in these cases leads to even higher and more complex levels of traumatization in the end.

Victims often feel treated as appendices to their child's assumed need for visitation. And the interpretive practice is experienced as belittling of the victim and as discrimination of women.

Mandatory shared custody means that many victims in practice are prevented from taking active part in their children's school life. Although this participation is extremely important to them, they still have to decline participation due to the level of retraumatization caused by joint meetings. This causes great feelings of loss for them.

It is very common that the perpetrator continues to express unfounded concern for the victim's parental abilities and mental state also in kindergartens and schools. Victims find this haunting and feel that they cannot find peace from these allegations anywhere, and it does tend to cause teachers to view them in a negative light.

Whether victims take part in family therapy or not, the outcome is often a recurring case. If cooperation is said to be established, this may be cause for a new custody or visitation case. If it is *not* established, it is cause for concern for the victim's parental abilities, which also may cause a recurring case.

Lack of cooperation thus may keep cases ongoing in the municipality until such cooperation is established. There is simply no way for victims to avoid it.

Many victims now aim to be as silent as possible about their real concerns both in the municipality and at schools and kindergartens, as any expression of concern is used against them.

The system is experienced as a complete system of behavioural correction of victims of violence supporting the ideology of reunification with mandatory re-education of the victims all the while the violence they experience is rarely regarded as relevant.

3.1.7 Summary

- Municipalities perceive of recounts of violence as a ‘conflict’ between the parents,
- Municipalities do not screen for violence and have no understanding of the psychological violence, which continues as part of custody cases as well as no gender-based understanding of violence,
- Kindergartens and schools do not offer separate meetings often causing the victim to have to cease participating in their children's school life; there is no understanding of the victim's fear,
- The Children's House has also taken up a practice of reunification focus; they also use the term 'conflict' in cases with a history of violence,
- Municipalities now widely offer family therapy in complex custody and visitation cases with the aim of reunification and cooperation; therapy tends to continue until the aim is reached,
- Decline of joint meetings is interpreted as a lack of mentalization and as a deficit in parental ability; it will almost certainly lead to family therapy.

4. Child psychology experts

Child psychology experts may assist in examining custody and visitation at the behest of the Family Law Agency or the family court. They also assist during court meetings (as described in art. 2 of this report). However, this work remains almost unregulated.

4.1 The backdrop of psychologists' work in custody and visitation cases

Psychology is a pluralistic science. Two child psychology experts may therefore reach opposite results when assessing a case on custody or visitation.

Psychologists also have methodological freedom when assessing cases. This follows from the administrative guidance no. 9256 on child psychological assessments (used only in custody and visitation cases), art. 4.2 and from no. 10267 on indicative guidelines for authorized psychologists art. 6.1.5. This allows for psychologist to freely choose their theoretical points of view when examining cases.

These facts cause the results of psychological assessments of custody and visitation cases to be random.

The particular form of psychological assessments used in custody and visitation cases have never been scientifically validated, so there is no known reliability or validity of these particular approaches. No tests are used to ensure equal treatment across cases as in forensic assessments, which build on diagnostic criteria.

No process has been put in place to ensure the quality of psychological assessments in custody and visitation cases. Psychologists are authorized, but the authorization process in Denmark is not achieved through having reached defined formal competences. Pursuant to the Board of Psychologists authorization code for psychologists, authorization is based on having worked full time as a psychologist for 2 years and during those 2 years to have completed a certain number of hours of various kinds practice (intervention, assessment, etc.) and a certain number of hours of receiving supervision. This experience-based authorization code does not ensure a certain level of competence and authorization does not require passing an exam.

There is not complaint board. The Board of Psychologists does not handle complaints. It is only a supervisory board. They do not supervise the professional conclusion of assessment reports but only check if the report states which information the conclusion is based on.

Psychologists participating in court meetings are not under the supervision of the Board of Psychologists; this was mentioned in the yearly report from the Board of Psychologists of 2020, p. 17. Thus, they are not under any supervision.

Understanding this backdrop of lack of regulation of authorized psychologists is paramount to understanding their role in custody and visitation cases as it makes it possible for psychologists to counsel the court with distorted normativity. One never knows which moral standards psychologists base their advice on.

4. Child psychology experts

4.2 The practice of psychologist experts in custody and visitation cases

Most psychological assessments in custody and visitation cases are made in the form of a 'child expert assessment' ("børnesagkyndig undersøgelse").

4.2.1 Child expert assessments in custody and visitation cases

A child expert assessment normally consists of the following:

- an initial meeting with both parents,
- two interviews with both parents separately,
- a child interview,
- two interaction observations in each household,
- a final meeting in which the report is presented.

Tests are never used unless specifically required by the Family Law Agency or the family court. There are no provisions in place to prevent the psychologist from requiring that the initial meeting is held as a joint meeting. Even when they do recognize art. 10 (2) in the Law on the Family Law Agency, they still request that parents show good will and trust in the psychologist by attending the initial meeting together. Rejection to do so may be interpreted as lack of will to cooperate or as a stress response afflicting their parental ability.

The psychologist work on the basis of the order from the Family Law Agency or the family court, and this order contains the background for the assessment as well as the specific themes of the case they want examined.

Recounts of violence are normally only mentioned in the text on the background for requiring an assessment and rarely mentioned as a theme to be examined further. Therefore, they are not considered as a required part of the assessment by the psychologist.

During the past number of years, we have seen a significant increase in the use of 'psychological observation reports'. These are unregulated psychological assessments resembling the child expert assessment only no interviews are conducted. Still, the psychologist may conclude on much more themes than can be observed. It is my opinion that these assessment formats are used partly because they are cheaper and perhaps also because they are not regulated by an administrative guideline.

Parents are never given a full briefing of their rights when an assessment is initiated.

4.2.2 Examinations without risk assessments

We have never experienced child psychology experts conducting risk assessments during a child expert assessment.

When violence is considered as a part of the assessment, it is almost always regarded as mutual violence for which both parents must explicitly take responsibility. When violence is recognized as mutual violence, it is not regarded as pointing to a need for protection for the mother.

Even in cases where there has been severe violence against the mother, the child psychology experts never identify challenges in the father's parental ability. If a child shows symptoms of concerns during an observation assessment, these may be attributed to the mother not having supported the child to meet the father. This goes even for children who scream.

4.2.3 Dominant theory

Although it is required in the administrative guideline no. 9256 art. 4.2 and no. 10267 art. 6.1.5 and 6.1.6.5, an articulation of the psychologist's method is almost never included in the report. Therefore, we cannot prove which psychological methods are used, but we deduce that almost all psychologists appointed by the Family Law Agency or the courts use an underlying theory of parental alienation and of reunification as the main understanding of the child's best interest.

This means that they regard establishing visitation as more important than protecting mother or child against violence or providing the victim with circumstances in which she can feel safe and recover. It also means that most of a child's negative reactions to visitation are interpreted as a reaction to either lack of support for visitation by the mother or as her transferring her own emotions to the child, both of which lead to a concern for her parental ability as well as a conclusion that it is paramount to the child that visitation is established.

This is said remembering that the burden of proof has almost never been lifted in our cases. Or the relevant kind of violence is not included in criminal law.

The term parental alienation (PA) is sometimes used during assessments when talking to the victimized mother. We have heard several recordings of interviews or have witnessed these as legal assistances partaking in order to support our client, in which psychologists explain to victims that in their view they are committing PA if they refuse to attend joint meetings, if they fear the father, if they do not support visitation, etc. This is rarely written directly in any report using the term *parental alienation*, but this theory permeates all reports.

4.2.4 Common complaint themes

We assist in many cases with drawing up letters of complaint to the Board of Psychology (though not being a complaint body they may initiate an examination of the psychologist).

The following are the major complaint themes corresponding to requirements in administrative guidance no. 9256 on child psychological assessments and no. 10267 on indicative guidelines for authorized psychologists. Each complaint normally includes a large number of the following themes:

- The report lacks the required care and impartiality,
- The letter of request, defining the framework, has not been respected or the required themes of this request have not been assessed,
- There is no articulation of the psychological method applied,
- Insufficient scope of assessment or lack of reporting of the scope,
- Insufficient reporting of case files received or case files used,
- Reprehensible reporting of the child interview,
- Reprehensible reporting of the interaction observations,
- Conclusions without adequate basis, lack of grounds for conclusions,
- Mix-up of observations and evaluations,
- Partial evaluations,
- Lack of pros and cons analysis,
- Lack of professional knowledge about violence,
- Lack of or insufficient presentation of the report to the parties.

4.2.5 Case story: The hit me-case

A mother who was the victim of several kinds of violence, but who had never reported any violence, applied to have the child's address transferred to her and for the child to have much less visitation than the former 7/7-arrangement. The reason was that the child had made statements about the father's violence throughout several years. His statements were understood as the product of parental conflict.

The family were subjected to a child psychological assessment during which all of her recounts of violence were used against her in the conclusion. It was not the psychologists plan to interview her about violence, because the father was not convicted. When the mother insisted and pointed to various evidence of violence, including having to call the police during hand-over of the child, the psychologists labelled this "triangulation" and attempts at manipulation.

During the child interview, the child told the psychologist about his father hitting him. The psychologist asked the child to demonstrate this by asking him to hit her thus demonstrating the blow. The child was uncomfortable doing this, so he first only hit her very lightly on the arm. The psychologist said that the blow was not very hard, and asked him to hit her harder. When the child refused, she concluded that he was not a victim of violence and therefore he must have been manipulated by his mother to claim that he was.

The father won the case based on the child psychological assessment. The mother's visitation was reduced significantly.

This mother later tried to sue the psychologist to have the psychological report tried separate from the family law case in court. The case was rejected by the court, because in the High Court in the family law case, the report is specifically approved of in the judgement, thus the court considered that it had already been tried.

The High Court thus specifically approved the above-mentioned psychological method of assessing whether or not a child has been the victim of domestic violence.

4.2.6 Case story: The 'gimme the keys'-case

A girl younger than 4 years of age told her mother about experiencing various kinds of sexual abuse during visitation with her father. While being questioned by the police, she did not recount many of the specific incidents but did say that her father and his friend had no clothes on as well as never wanting to see her father again, that she had touched his penis "a lot" and that he had threatened to kidnap her to keep her silent. It was considered indecent exposure not criminalized so the burden of proof was not lifted in the criminal case.

The child failed to thrive and the case lasted for a very long time during which 27 supervised visitations were attempted until the child refused to take part...

...in them. As soon as she was let into the visitation room with her father, she would turn to the supervisor and get her keys in order to lock herself out of the room.

When the case went to court, the judge was assisted by a psychologist who could not identify any supporting evidence in the case files as to why the child was traumatized. She therefore stressed the importance of visitation. It was her assessment that the girl would otherwise grow up without a "proper foundation". When asked what her recommendation had been if there had been sexual abuse. She replied that it would have been the same.

The psychologist also stated that if the child did not have visitations, she would develop "disturbing inner imagery" of her father.

The judge continuously scolded the mother for not wanting to "support" visitation and refusing to "cooperate" in establishing it. Finally, the judge decided not to initiate anymore visitation but specifically said to the mother that she would not "reward" her non-cooperative behaviour by rewarding her with full custody.

We have many more examples of reprehensible behaviour by psychologists conducting assessments. One mother had been raped and was telling the psychologist how the father had pulled out her coil, to which the psychologist replied: "Well, that couldn't have hurt too badly, since you had sex with him afterwards." Another psychologist [redacted]. Both of these conversations were recorded or our clients would most likely not have been believed.

Far from all child psychologists used in family law cases have such openly reprehensible behaviour. But those who carry themselves properly and appear to be very professional will still apply the theory on parental alienation and on reunification, but will rarely say so openly.

4.3 Regulation and supervision

The child expert assessments in custody and visitation cases are regulated by the Law on Psychologists. Art. 12 states that psychologists must demonstrate care and conscientiousness in their work. And art. 16 states that they must demonstrate care and impartiality when writing reports. They are also regulated by two administrative guidelines, no. 9256 on child expert assessments and no. 10267 on indicative guidelines for authorized psychologists. These are not binding sources of law for the psychologist.

4.3.1 The Board of Psychologists

The Board of Psychologists is not a complaint mechanism but an oversight or supervisory board. Thus, a parent issuing a complaint to the Board is not a party to the case. They will not be heard during the case, and they will not be notified about the decision.

The Board may issue ordinary critique, which is not published. They may also issue severe critique, which is published on their homepage.

Before the spring of 2017, when the Law of Psychologists was revised, a parent issuing a complaint was a party to the case, was heard and was notified of the decision. In our experience, when the law was revised, so was the practice of how to distinguish between ordinary critique and severe critique. Now, ordinary critique, which is not made public, seems to be applied much more even in cases, where similar issues used to get severe critique.

Psychologists may get severely criticized by the Board of Psychologists without any consequences for the work for the family courts, who continue to use these same psychologists.

There are no complaint mechanisms aside from the family court itself, and they never criticize a report from a psychologist they themselves have requisitioned. They also very rarely consider critique of the report by one of the parties in their judgements.

We issue many complaints to the Board of Psychologists, and while their waiting time used to officially be 8 months, it has long been 2 years in our cases.

4.3.2 Covert discrimination not possible to identify

In the light of how many complaints we send to the Board of Psychologists, we are concerned with the low number of cases, in which critique is issued. This includes cases in which critique was issued for similar complaint themes in other cases.

As a standard procedure, we apply for access to the files in all cases. We do receive all files including the psychologists' hearing reports. However, since 2018, when the new Law of Psychologists came into force, we have been denied access to the decision in the supervisory case. This has applied to all cases.

We did recently win an appeal case, and we were then given partial access to the decision in the supervisory case pursuant to the Public Access Act ("offentlighedsloven"). However, important information was dedacted, so our client could not use the file to have her case retried. In our opinion, our clients must be given full access to the files pursuant to the Public Administration Act ("forvaltningsloven") as full parties to the case on access to files due to the nature of their legal interest in the case.

It has taken 1,5 years to exhaust the recourse with the Board of Psychologists, but we have recently succeeded and have now filed a complaint with the Ombudsman on the right to full access to the files.

4.3.3 A current dialogue with the Ministry of Justice

In 2023 I posed a number of questions regarding the regulation of child psychology experts to the Ministry of Social Affairs and the Ministry of Justice. The Ministry of Social Affairs referred to the Ministry of Justice.

The Ministry of Justice replied to me referring to the Danish Procedural Code art. 48 on judges' neglect stating that this includes professionals assisting the court. It is solely up to the judge to apply the provision. They also refer to Danish Procedural Code art. 55 according to which a complaint can be files with the President of the court.

We believed this to be the case, so before contacting the Ministry of Justice, we already exhausted these options. We received a decline to process a complaint from a President of a Court, and in another case, we sent a complaint to the Special Complaint Court, which was rejected stating that they cannot process complaints over psychologists partaking in family law cases.

The Ministry of Justice confirms that there is no supervision of psychologists assisting the court in family law cases, so they remain entirely unregulated. And their guidance of the court during court meetings is not written in the summary, so mothers experiencing reprehensible guidance or use of unwarranted theories have no way of lifting the burden of proof as court meetings in family law cases are not open to the public.

4.3.4 Current development

In 2023 it was decided that the Family Law Agency should in-house the work of conducting child expert assessments by employing psychologists themselves rather than use external psychologists as has been the practice.

The consequence has been that even more of the psychologists who used to practice for the Family Law Agency now practice for the courts either taking part in court meetings or conducting child expert assessments in cases, where this has not been done in the Family Law Agency.

Thus, the in-housing this work by the Family Law Agency doesn't prevent the courts' psychologists in assessing a case differently once the cased is passed on to the courts.

4.4 Consequences for victims of violence

It is common to hear psychologists explain to victims that children will develop "disturbing inner imagery" of their father if they do not have visitation. Therefore, especially in cases where children give statements of abuse or violence, the psychologist will conclude that establishing visitation is crucial to the child's development.

All information given to the psychologist is interpreted in the light of the theory of parental alienation and reunification theory. This means that any so-called resistance to visitation on the part of the victim will be used against them as it is interpreted as limitations in their parental abilities. Victims are certainly expected to cooperate with the violent father and to actively support visitation and any sign that they don't, is interpreted to their disadvantage.

The result of the current practice of regulation is that victims of violence may lose custody of their children due to a psychological report, which is flawed in both methodology and theory. In case the Board of Psychologists issues ordinary critique, they will never be informed and are they are thereby deprived of the chance to have the case tried again in a new light.

This means that mothers who are victims of violence will almost always experience that psychological assessments conclude in favour of the violent father and against the victim. In the current situation, having to agree to a psychological assessment is experienced by victims as the worst thing that can happen to their case.

4.5 Summary

- The Board of Psychologists is not a complaint board; the parents are not a party to a case of complaint over a psychologist.
- The Board of Psychologist do not react even when the majority of the administrative guideline is not complied with.
- The lack of regulation of child psychologist experts assessing custody and visitation cases means that their conclusions are random and depend on each psychologist's own preferred theoretical landscape.
- There is no regulation ensuring the quality of the work conducted by psychologists in family law cases.
- There is no science behind the methods used in Denmark; we have no measures of validity or reliability.
- There are no complaint measures in place.
- Even severe critique in the supervisory Board of Psychologists does not mean that a case will be retried; the waiting time is around 2 years and the parents are not a party to the case.
- The Danish authorization code does not ensure the professional level of psychologists as authorization is solely based on proof of experience. No exam is involved.
- Psychologists participating in court cases are not under the supervision of the Board of Psychologists or any other body. Their authorization alone does not ensure their level of competence. There is no limitation on which theories they may apply and they are never required to reveal their preferred theories.
- No proof exists of how psychologists guide the court during court meetings, so a victim cannot lift the burden of proof if unwarranted theories are used.
- Child psychology experts use no risk assessment tools when conducting assessments of family law cases. They use no test tools at all.
- Child psychology experts claim to have knowledge of violence but interpret all violence as mutual violence for which the victim is held equally responsible. They do not consider violence against the mother particularly relevant when assessing visitation.
- Child psychology experts use the term 'conflict' when describing violence.
- The underlying theories of almost all psychologists used by the Family Law Agency and the Family Court is that of parental alienation and of the necessity of reunification regardless of any supporting evidence of violence.
- Victims are almost always described as uncooperative, unsupportive of visitation and this is treated as a lack of parental ability.

5. Inefficient safety measures

The following does not exhaust our clients' experiences with safety measures, but only shares the most common experiences.

5.1.1 Protection orders with exceptions for visitation

In one case there was a history of violence and the mother fled to a shelter. The father found her there, and she had to change shelter. However, he found her again. After leaving the shelter, she moved to a different part of the country.

In family court they established non-supervised visitation, so she had to reveal where in the country she was, so the father could pick up the child in the kindergarten. He then identified her new address and harassed her there too.

Various kinds of harassment continued, and in the end, she was granted a protection order. The father complained, so after rejecting the complaint, the police passed the case to the state prosecutor as appeal body.

Without ever hearing the mother or even notifying her that they had received the complaint, the state prosecutor decided to let the mother keep her protection order but entered an exception for contact related to visitation.

At that time, the court had repealed the right to visitation, but the exception in the protection order was valid *in case visitation was re-established*.

We did complain over this partly because of the safety evaluation, partly because the exception had been applied without hearing the mother. We did not win the complaint case.

We then appealed the case to the Ombudsman, who explained that these exceptions are a result of art. 12 of the Law on Protection Orders, in which it is mandatory to assess the proportionality of protection orders. In the law's preparatory work, in the remarks to art. 12 in bill no. L10 of 9 November 2011, it is stated that using ones right to visitation cannot be construed as a violation of a protection order. Thus, according to the remarks of the committee, all protection orders must be issued under respect for visitation rights.

Therefore, it is up to the police (or state prosecutor) to weigh these interests against each other in a discretionary assessment. However, as the mother was not heard in the process, the decision appeared to be the result of rule-based discretion.

Accordingly, the decision to exclude contact in connection with visitation from the protection order was in accordance with the law. And the district attorney did not have an obligation to hear our client in advance of making the decision.

This balance of interests, in which exceptions in protection orders made for the purpose of visitation and appear to be subject to rule-based discretion, testifies to the value of a mother's safety being subordinate to the right to visitation.

5.1.2 Non-disclosed address not a real safety measure

Mothers who have experienced domestic violence often register non-disclosed address for safety reasons. However, when there is shared custody, a violent father will automatically know, which kindergarten or school the children go to. He will also have access to doctors' files, dentist files, etc. Schools are organized according to district, and people ordinarily choose doctors based on distance from home.

This means that it is almost impossible for victims to keep a non-disclosed address private.

The problem is pronounced both in cases with physical violence and in cases with psychological violence. In our cases on custody and visitation, the burden of proof is rarely lifted in a criminal case, so there is hardly ever a conviction. A conviction may make it easier to attain full custody, but this is not a certain consequence.

In cases with psychological violence, the burden of proof is hardly ever lifted at all. The law criminalizing psychological violence came into force in 2019, and in the period from 2019-2023 only 2.078 cases were reported to the police. Of these, 194 cases went to trial. Of these, 95 cases ended in conviction.

The narrow access to getting full custody in a family law-case means that mothers who are victims of violence are barred from establishing a new life, in which they feel safe.

When mother and child flee to a shelter because of domestic violence, they are rarely given temporary full custody in our cases. This would require particular reasons motivating such decision such as for instance threats of kidnapping. Reporting violence to the police does not in itself motivate giving her temporary full custody immediately when fleeing.

Aside from that, many mothers truly fear even applying for full custody at that point. They are concerned it will be perceived as 'conflict escalation', which could damage a visitation case.

As violent fathers retain custody, they may soon know which shelter the mother and children are at. If the child is taken to a doctor, the father can automatically read about this in the online files. And dentists are obligated by law to send invitation letters to both parents when it is time for a child to come to the dentist. This becomes a problem for those, who have to move their registered address to the shelter, because dentist letters reveal, which city the mother is in and thereby, which shelter she is at.

Even mothers getting full custody are challenged. The visitation-parent retains a right to receive overall information on the child pursuant to the Act on Parental Responsibility, art. 23. This right includes to receive information from the school, kindergarten, municipalities as well as the health care sector.

It is possible to have this right repealed pursuant to art. 23 (3), but we have never succeeded in winning such a case, so the access to this right is narrow. Some mothers have succeeded in getting the various institutions to communicate via the Family Law Agency, so they exempt information, which can reveal their location, but this is not a possibility, which is widely known.

Thus, the whereabouts of the mother may always become known to their perpetrator. And there are no safeguards in the law to protect them from this.

6. Opinion

6.1 Political agreement to sanction parental alienation

Recently, lawmakers adopted a political agreement to pass a law, which will sanction parental alienation. Lawmakers tried to eliminate problems associated with this term by defining it as the conscious influence of a child with the purpose of separating the child from the other parent. However, this does not remove the range of problems with this term, one of those being the gender discrimination it entails in practice.

Danish lawmakers, thus, have ignored the warnings and recommendations put forth in the European Parliament resolution of 6 October 2021 in P9_TA(2021)0406 as well as warnings from other important international bodies.

Due to this development as well as to the general conditions described in this report, I do not expect that conditions for Danish mothers who are or have been victims of violence and are party to a custody or visitation case will improve in the near future.

6.2 Opinion: Doxa in Danish family law

Family law in Denmark appears to have a different nature of legal regulation than found within other areas of law. Rather, family law has developed into a fight on the meaning of words. Thus, words such as 'cooperation' and 'the best interest of the child' are defined and understood in favour of shared custody and visitation even in cases with domestic violence.

The legal norm of 'the best interest of the child' guides all decisions in family law. However, the detailed determination of this norm is decided by psychologists and social workers. The work carried out by these professions remains almost entirely unregulated despite these evaluations being paramount to the outcome of the case. And various authorities only appoint professionals to evaluate cases who adhere to the current tradition of interpretation.

Thus, the provisions of the law may appear to be in perfect harmony with the Istanbul Conventions, but Danish family law cannot be understood from the letter of the law. It can only be understood using the concept of doxa.

Doxa points to the preconditions which are shared and implied; that, which everyone takes for granted in a society. It is the basic assumptions and ideology hidden between the lines. And it is doxa, which defines Danish family law.

As doxa influences moral it guides the professional evaluations, which are the foundation of family law and thereby it influences the law itself. In other words, one may change each provision of Danish family law, but as long as the underlying doxa remains the same, nothing will change for victims of violence.

Denmark has a legal tradition, in which the court's self-perception does not include the regulation of moral, towards which they remain passive. This allows for distorted normativity and distorted morals to enter the courts' work through those professionals appointed to guide the court such as psychologists.

6. Opinion

An example of such distorted normativity and distorted moral is seen in the prevailing theory of children developing "disturbing inner imagery" if they do not have visitation with a violent father, a theory which considers "disturbing inner imagery" as much worse for the child's development than the alternative of not having visitation.

Due to the Danish legal tradition, pseudo concepts such as parental alienation theory and reunification theory are not barred from entering the courts. When it does enter, the courts commit what the Norwegian professor of law Hans Petter Graver calls legal wrong-doing or "tyranny disguised as justice". And this is exactly what mothers who are victims of violence and party to a case on custody or visitation experience the Danish family law to be.

I do not even as a professional have words to describe the severity of the situation for victims of violence. Their experiences with Danish family law are best described as the feeling of terror and the sense that they are being psychologically terrorised by their own country. To them, it is not the initial domestic violence, which is worst. The worst is the meeting with family law - the Family Law Agency, the family court, the municipalities and the child psychologist experts - from which most will never recover.

It is my opinion that provisions of Danish laws will continue to evade the spirit of the Istanbul Convention unless such provisions specifically target the doxa underlying the laws.

Based on the evidence given in this report, I question whether Denmark can be said to have ever interpreted the Istanbul Convention in good faith as is required in art. 31 of the Vienna Convention.

7. Comments to the state report

In the following comments will be made to Denmark's state report of 4 July 2023 insofar as it is relevant to the complex family law-cases. Most points have already been made in this report, so only a few relevant points are selected for further comments.

In general, the report cites formal provisions of the law correctly. However, it fails to give all the relevant information and it fails to report the real practice of the law regarding those parts of it, which leave women and girls unprotected from violence. As these only exist in practice, they cannot be understood from the letter of the law.

7.1 Denmark's answer to question 7b and 8

These questions remain unanswered.

Denmark replies
that high conflict and violence cause notifications of concern.

The answer to question 7b thus bears witness to the continued merge in terminology of 'violence' and 'conflict'. This reflects the current practice is which no distinction is made.

Denmark replies
with quoting the total number of notifications caused by either conflict or violence.

These notifications are mandatory in all § 7-cases. Thus, the number reported is unrelated to the questions. In my experience, it remains nearly impossible to restrict or withdraw parental rights in cases with violence.

7.2 Denmark's answer to question 32

Denmark replies
that all cases are initially screened based on the parents' information.

The reality is that cases are only initially screened based on the applicant's information; the non-applicant parent is not included in the screening. Please see art. 1.1.1 of this report.

Further, the initial screening is only of procedural relevance to sorting the case into the right track. The result of the screening is never referred to during the case or in the final judgement.

Denmark replies
that the Family Law Agency "investigates" all complex cases.

The reality is that they do not "investigate" anything. They "examine" a case. This examination remains superficial and insensitive to violence. Please see art. 1.2 of this report.

Child psychology experts who may examine a case further also explicitly decline to investigate anything. They use existing case files, statements, child interviews and observations as their

main sources of information. They also predominantly retain an ideology, in which the need for establishing visitation is prioritized over the need for protection for victims. Please see art. 4 of this report.

Denmark replies
with reference to art. 4 in the Act on Parental Responsibility on prioritizing the well-being of the child and protecting the child.

The reality is that the well-being of any child is understood in the light of having visitation. This continues in practice to be understood as more important to a child. Further, the need for protecting a child is rarely found relevant unless the burden of proof has been lifted in a criminal case, which we rarely see.

Denmark replies
that child experts participate in court cases in the family court in order to advise on children's needs.

The reality is that these psychologists in our cases normally base their work on parental alienation theory and reunification ideology and that there are no ways to issue complaints over them. The victim is not allowed to reject neither the specific expert nor the participation of any expert. Please see art. 4 of this report.

Denmark replies
that if the parents disagree after the process in the Family Law Agency and the Agency is unable to "settle their dispute", the case will go to court.

This answer confirms that the function of the Family Law Agency in reality is still that of mandatory settling of "disputes". This is also my experience. The terminology also confirms that violence is still perceived as a 'conflict', which both parties are held responsible for settling.

Denmark replies
that it is not elaborated what is meant by violence and that it is therefore assumed to be violence criminalized by criminal law.

We agree to this statement. In our custody and visitation cases, we never see violence taken into account in judgements unless there has been a conviction in a criminal case. Thus, the definition of violence in reality remains narrow where as it is perceived by victims as wide.

Denmark does not reply
to a number of the sub-questions asked.

As for judges, we have never seen a judge conduct a risk assessment. We rarely see recounts of violence being taken into account in judgements. If they are, they are not considered relevant to terminate shared custody or visitation as the main argument for terminating these are still the level of cooperation.

7.3 Denmark's answer to question 33

Denmark replies
that the Family Law Agency has developed a guideline for handling cases with alleged domestic violence taking into consideration the significance of violence for the family.

The reality is that we rarely recognize such guideline applied in our cases. The reality is also that when violence is spoken about during meetings in the Family Law Agency, it is primarily considered to be relational violence, for which both parties is considered responsible, and it is considered only in the light of its significance for the family *as a whole* and never for the victim alone. This leads to significant pressure being put on the *victim* to either resign from such claims for the sake of the family as a whole or to receive treatment with the purpose of becoming able to support the children's contact with the father.

The victim is never considered in her own right. Denmark's answer testifies to this fact.

Denmark replies
that an advisory board has been established in order to assure the quality of the case processing in the Family Law Agency.

The reality is that father's rights groups are represented in this advisory board and that it doesn't in practice influence much. A lawyer previously appointed to this board openly coined it "a chewing gum"-board for the same reason.

Denmark replies
that a Child Unit exists with the purpose of protecting the child.

The reality is that the purpose of this unit is to "support and counsel" the child pursuant to the Law on the Family Law Agency art. 15. The Child Unit's supportive conversations with children are confidential unless the child agrees to make an exception.

We have seen one case in which a child was actually protected by the Child Unit. However, we have had many cases in which children experience being "counselled" to want to have contact with both parents regardless of a case containing recounts of violence towards either the child or the mother. Thus, the confidentiality of these conversations and the actual content of them risk damaging the child's perception of mothers who are victims.

Denmark does not reply
to the main content of this question.

In our experience, judges are not trained for understanding the nature of violence and they rarely take recounts of violence into account in their judgements. Please see art. 2.2 of this report.

7.4 Denmark's answer to question 34

Denmark replies
that information is exchanged with social services.

The reality is that in Denmark, statements from shelters or from other violence treatment programs while admitted in the case are rarely considered in judgements.

Denmark replies
that the purpose of the exchange of information between various authorities is to find holistic solutions for the families.

The reality is that said *holistic* solutions in practice mean that the needs of victims of violence are considered subordinate to the need for visitation.

7.5 Denmark's answer to question 35

Denmark does not reply
to the main content of this question.

The reality is that no procedures are put in place to eliminate the risk of further violence in cases where the victim's recounts are not believed or not considered relevant. We have seen several cases in which mother's while staying at shelters must hand out the children for visitation. The place of exchange is normally a public place considered to be protection enough.

Denmark replies
that victims of violence do not have to attend joint meetings at the Family Law Agency.

The reality is that they are regularly forced to do exactly that. Please see art. 1.1 of this report.

7.6 Denmark's answer to question 36

Denmark replies
with reference to the Act on Parental Responsibility art. 4a on serious crimes.

This provision does not include ordinary violence or psychological violence toward or stalking or hacking of the mother.

As for criminal law, provisions to prohibit contact with children is mainly seen in cases on sexual abuse of children.

7.7 Denmark's answer to question 39

Denmark replies
with reference to art. 10 in the Law on the Family Law Agency on the right to separate meetings and with reference to chapter 27 in the Danish Procedural Code on judicial mediation.

The reality is that the court's use of so-called Model A-meetings in custody and visitation cases is actually mandatory mediation. If this does not succeed, the meeting may be changed into a Model B-meeting using the same judge.

Even Model B-meetings, in which a psychologist is present to guide the judge, are also regularly used to informally pressure the victim to agree to a settlement under the pressure

that a judgement will be worse for them. These pressures are never recorded in the summary of the court meeting. Please see art. 2.2.3 of this report.

The purpose of meetings in the Family Law Agency is also regularly experienced as attempts of reconciling the parties. Please see art. 1.2.1 of this report.

Finally, the initiatives taken by municipalities at the moment almost solely attempt to reconcile the parties through so-called family therapy with the specific purpose of making the parties cooperate. Thus, these initiatives are perceived as mandatory dispute resolutions in disguise. Please see art. 3 of this report.

7.8 Denmark's answer to question 48

Denmark replies
that the Danish police uses the SARA-SV, SAM and PATRIARCH-risk assessment tools.

The reality is that we have never experienced this in any of our cases.

7.9 Denmark's answer to question 49 and 51

Denmark replies
that the police draw up safety plans and consider restraining/protection orders in these.

The reality is that we have never seen such safety plans. And that the law on protection orders specifically allows for exceptions for the purpose of visitation. Please see art. 5.1.1 in this report.

7.10 Denmark's answer to question 53

Please see above regarding exceptions in protection orders.

Denmark replies
that victims can move to another address.

The reality is that when the parents have shared custody, the municipality will be revealed to the other parent as well as information on where children go to school. It is therefore very difficult to keep a non-disclosed address a secret. Please see art. 5.1.2 to this report.