



Copenhagen; September 9 2021

Dear Francesca Montagna, Secretariat of the Istanbul Convention monitoring mechanism

Dear Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and the Committee of the Parties

Thank you for the kind invitation to let us – the association Joan-Søstrene (the Joan-Sisters) - share what we find most relevant regarding the reporting form submitted by the Danish authorities about GREVIO's recommendations addressed to Denmark.

Before getting into areas that might be challenging, we would like to express our gratitude for the Istanbul Convention and the attention it has created by being a platform for substantial discussions about how violence against women can be more effectively prevented.

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

##### **Background and challenges**

It is a fundamental principle of Danish law that everyone is equal before the law, and thus entitled to the same protection and respect for human rights. And it is correct that the government has launched a national action plan (NAP) covering 2019-2022 against violence in family and close relationships now encompassing a broader range of the different kinds of violence against women. The initiatives are important and valuable initiatives.

However, the NAP is not an articulated set of national cross-sectoral policies aimed at primary prevention of violence including sexual violence and domestic violence i.e., preventive measures set in before violence has occurred. Not even for disadvantaged groups, for whom the risk of violence – as a victim, as a perpetrator or as a family member - is documented to be higher.

##### **Recommendations**

Establish general public health based cross-sectoral policies and aims of primary prevention of violence including sexual and domestic violence, and also including special efforts for vulnerable groups where there is a higher risk of becoming a victim and/or a perpetrator of violence.

Implementation of- and systematic monitoring of general policies of primary prevention of violence including sexual and domestic violence.

Establish research-based cross-sectoral knowledge of primary prevention and the effect of various possible primary prevention strategies, e.g., in child daycare age, school age, etc.

Mapping the psychological profiles and life experiences of perpetrators of violence, including sexual and domestic violence with a view of investigating possible prevention measures.

Ensure that public school curriculum for sexual education has its focus on children's and young people's perspectives and experiences, not least gendered experiences.

## **Sexual violence and rape (Article 36)**

### **Background and challenge**

The political attention on sexual violence and rape has been high during the recent years. Not only regarding the legislation itself. The political attention on the police' practice when rape cases are reported has been sustained and most recently a political agreement has improved the legal assistance provided for victims of rape.

And as from 1 of January 2021 the Danish legislation on sexual violence is based on the notion of freely given consent as required by Article 36, paragraph 1 of the Istanbul Convention. It is an important step towards holding perpetrators of rape accountable and it can be an important platform for stronger public information and prevention of rape.

The consent-based legislation on sexual violence will be a challenge for the police, prosecution and not least the courts to implement in a way in which the change in legislation will be reflected in practice.

We know from experience that bias and use of stereotypes regarding gender and sexuality is widespread when it comes to sexual violence. There is a risk that patriarchal norms and stereotypes regarding gender and sexuality continue to play a central role in the judiciary practice, despite the changed legislation.

### **Recommendations**

Close follow up on how the consent-based legislation on sexual violence is implemented by the police, prosecution and by the courts.

Research on the practice of rape cases in the Danish legal system, especially on bias and use of stereotypes regarding gender, violence and sexuality in the judiciary practice.

## **Emergency barring and protection orders (Articles 52 and 53)**

### **Background**

The Danish police have been entitled to expel the violent part from the household where there is domestic violence as a preliminary measure since 2004, following the Austrian model.

Unfortunately, the entitlement was introduced in Denmark without any cross sectorial supporting setup and the police has been reluctant to use it since its introduction.

A pilot-project however, has been implemented with success in the East Jutland police district for a two years period from 2012-2014, covering cases of police reported domestic violence. Despite of proven positive outcomes the initiative was closed down when the project period ended instead of being rolled out to national coverage.

GREVIO expressed the following recommendations in the Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) for Denmark in 2017:

211. GREVIO urges the Danish authorities to step up efforts to implement the full range of emergency barring and protection orders available under the Act on Restraining Orders and to ensure their vigilant enforcement.

212. To this extent, GREVIO further urges the Danish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practice. Moreover, GREVIO strongly encourages the Danish Authorities to end the practice of allowing for exceptions in prohibitions on contact.

We note that the government as part of the national reserve for social, health and labor market measures for 2021-2024, has the initiative “Early intervention for victims of violence and perpetrators of partner violence”, with a model consisting of a collaboration between the police, the municipality and an NGO.

## **Challenge**

The police remain reluctant to implement the full range of emergency barring and protection orders available under the Act on Restraining Orders. The experience from our counselling is that women often are not protected properly when they need protection from the police. The total number of barring orders issued in Denmark in 2020 was two (2). ([REU Alm.del - endeligt svar på spørgsmål 1222 : REU alm. del - svar på spm. 1222.pdf \(ft.dk\)](#))

The explanations on why it is like that from the police are various: the suspected perpetrator has been arrested and put in custody, has been hospitalized or has left the place, the victim has been brought to a crisis shelter or has been brought to stay with family members. (<https://www.ft.dk/samling/20191/alm-del/REU/bilag/349/2177978.pdf>)

We believe it is important here to note the unsaid, which is the fact that the supporting setup after the police has issued the barring order is not-existing in Denmark except for geographically specified short-term projects.

Moreover, when the police are asked how often there will be an investigation of the case and/or any other act by the police when they know about a violent threat in a domestic setting (including

reported cases), they are not able to respond. ([REU Alm.del - endeligt svar på spørgsmål 1586 : Besvarelse REU 1586.pdf \(ft.dk\)](#))

## **Recommendations**

Ensure that all victims of domestic violence are met with proper protection, dignity and standards of professional practice by the police and other relevant public service authorities.

Follow up of GREVIO's recommendations from 2017 regarding the implementation of the full range of emergency barring and protection orders available under the Act on Restraining Orders and to ensure their vigilant enforcement.

Establish Intervention Centers in all Police districts following the Austrian Model to ensure proper practical and social support and follow up for all members of the family

Mapping the extent of police-reported domestic violence, the police response, and the extent to which legal assistance is appointed in cases of police-reported domestic violence.

The police's preventive and helpful assistance to victims of domestic violence is followed closely, regardless of whether the victim stays in a shelter or not.

Launching a reporting campaign by the Police on domestic violence.

Launching a public information campaign about the police's obligations under the Act on Restraining Orders

The association Joan-Søstrene (The Joan-Sisters) is a feminist group dedicated on a voluntary basis to work for an improved legal status of women who have been exposed to sexual violence, domestic violence, incest and/or sexual harassment. Our recommendations are based on experiences from counselling for women. Unfortunately, it has not been possible for us to coordinate our response amongst relevant NGOs active in this field.

We have made our best efforts to explain ourselves the best that we can. However, please do not hesitate, if you have any further questions.

Kind regards,

Joan-Søstrene /The Joan-Sisters

[Mail@joan-soestrene.dk](mailto:Mail@joan-soestrene.dk)

T: +45 3314 7484