
Mom Network, Denmark

Letter to the UN about implementation of international human rights, public awareness of human rights, cooperation with human rights mechanisms in Denmark.

The Mom Network is a network comprising hundreds of mothers in Denmark. We are daily in close contact with the Danish understanding of human rights. We all have experience with partner violence, including physical, psychological, material, sexual, financial or latent violence or a combination hereof. We also all have children, who have extensive experience with the partner violence.

It has proven impossible for us to communicate through the Danish Institute of Human Rights, the State Administrations and former Minister of Social Affairs Manu Sareen, since they all cooperate closely with the Association Dad.

In Denmark, all parties deny the existence as well as the nature of partner violence and consistently define it as an equal relation, for which both parties bare equal responsibility.

The State Administration

The Danish Social Services are organised in the municipalities. They have no jurisdiction over the State Administration and there is no cooperation between these units. This renders the system fragmented and prolongs cases unreasonably, whereby the traumatization of mothers caught in the system deepens, becomes chronic and almost impossible to treat. Many are traumatized for life.

A small sample assessment in the Mom Network showed that cases on custody and visitation last in average 5,4 years, at which time 80% of the mothers have all or almost all symptoms of PTSD and 80% are unemployed and on welfare. 85% of these mothers are well educated and had good jobs with good incomes at the time of the separation.

The Danish model means that an administrative unit – The State Administration – has the jurisdiction to decided visitation cases. Matters of visitation CANNOT be taken to court.

Custody is an independent matter from visitation. Even if a parent has full custody, visitation is still decided solely by the State Administration. Matters of custody and registered address can be taken to court, but the case must start in the State Administration first.

The parties are invited to a so-called dialogue meeting. If they do not agree, the State Administration make the decision.

The caseworkers are legal personnel – often only one person, but sometimes accompanied by a ’child expert’, normally a social worker. All decisions are made on interpretations and estimates.


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The standard norm in Denmark is to prioritize mandatory visitation ABOVE the child's right to protection. This is done using a local definition of what the "child's best interest" is: In Denmark, visitation is established at any cost. In practice, it is not possible to protect children against physical or psychological violence or sexual abuse.

An access to records shows that in 2014, only app. 330 cases ended with termination of visitation. This is very far below how many cases of violence, neglect and sexual abuse we can estimate from research there is in Denmark annually. In other words, research shows that the number of terminated visitations should be much higher if children were to be protected.

Further, victims of violence are forced to take part in meetings with their perpetrator, because the State Administration does NOT offer separate meetings, thus violating the Istanbul Convention. And neither does Social Services. Thus, victims of violence are constantly exposed to retraumatization through the Danish system.

In the State Administration, there is no access to justice. The parties do not speak under oath. Thus, the caseworker has no way of knowing who is telling the truth. The parties cannot be cross-examined, they cannot present evidence and they cannot require that the State Administration gather specific evidence. Certain statements require both parents to approve before it can be gathered even if the statement is critical. Often, one parent simply does not approve and nothing can be done about that.

Finally, one cannot have a lawyer appointed in the State Administration. This impacts the case hugely, as one parent is often financially superior to the other.

If a mother has been subjected to violence and the child has witnessed this, this is not defined as a traumatization of the child.

Decisions made in the State Administration can be executed with force through the socalled "Execution Court". This is not a real court, as it does not necessarily allow the parties to present evidence or to cross-examine. Also, one can apply for an appointed lawyer, but this is often denied.

The Execution Court is the same court, which is used to execute the payment of debt. And forcefully picking up the children follow the same rules as when the judge and the police go to pick up old furniture or valuables in the home of someone, who owes money.

The Execution Court is obliged to pick up the children and hand them out to visitation unless there is "severe" danger to the child. If the is only "ordinary" danger, the child will be handed out using force.

If the mother has hidden the children and still refuses to hand them out, the Execution Court can send her to “holding/custody” in a prison up to 6 months even if the case never saw any access to justice.

We often experience that the roles are reversed so that it is the victim of violence who must prove that there has been violence and during the assessment of the case, Danish authorities do nothing to protect the victim. This goes for state, region, municipality and State Administration. Thus, mothers and children are constantly retraumatized; often for many years, because the cases keep circulating between the fragmented systems.

When it comes to lifting the burden of proof, it is apparent from the Convention on Human Rights (Istanbul Convention) that suspicion is enough that the victim must be protected. In the Danish State Administration, not even proof of violence is taken into account and visitation is established and forcefully executed even when there is proof of violence.

The State Administration was contacted with a request that they ought to screen for violence. However, they answered that this was not possible. This is a clear violation of the Istanbul Convention.

Even when a mother has a restraining order against a violent ex-partner, the State Administration does not respect this. The parties must show up for meeting together anyway. In Denmark, it is very difficult to get a restraining order on a former partner. The State Administration decides on visitation agreements independently of the restraining order. And it is up to the mother to figure out how she picks up the children from visitation, even if the restraining order says that if she goes close to the father or even contacts him, she will loose the restraining order.

Because the case does not offer access to justice as in courts and no evidence can be presented, there is no possibility for lifting the burden of proof. This goes both for partner violence and for sexual abuse of children. Children are forced to visitation even with paedophile fathers. If the mother does not “cooperate” in handing out the children to abuse, she can loose her part of custody as well as the right to see the child.

Social services in Denmark are increasingly using the expression “anti-social behaviour” of mothers who refuse to hand out children to violence or abuse, because these mothers are breaking the law. Yet, it is stated in another Danish law – the Law on Service – that any parent has a duty to protect children against violence. Thus, a protective mother is caught between two laws and we have seen cases where children are removed from the mother, because she failed to protect them against damage during visitation decided by the State Administration.


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A parent who does not hand out a child to visitation is automatically labelled as “harassing”.

Matters of custody can be taken to court, but here, we don’t have normal access to justice either. One cannot present witnesses in family matters and one cannot cross-examine professionals who have given statements in the case. Further, custody cases are decided on so-called “future perspective” meaning that the judge has to estimate whether or not there is “cooperation potential” between the parents. In other words, the judge has to guess, because if there is any “cooperation potential”, custody must be shared regardless of what happened previously – even in cases involving violence or abuse.

Custody is given to the parent, who seems to be best at “cooperating”, but the term “cooperation” is not defined anywhere in the law. This means that who ever presents him- or herself best in court, will win the case. And that is rarely a scared and traumatized victim of violence. This is especially true because she has to go to court meeting with her violent ex-partner and is not offered a separate meeting. This way, victims of violence are deeply retraumatized and feel they have to defend themselves against violence again and again.

The courts

The courts also do not regard suspicion of violence as relevant. They decide on shared custody even if there is suspicion of violence or the conflict level is very high. They too do not do anything to protect victims of violence against the abuser. You cannot present witnesses even in custody cases where there has been violence.

Danish custody law – the Parental Responsibility Act

When the Parental Responsibility Act was passed in 2007, it was agreed to follow up closely with statics on the development. This information has never been gathered. Denmark has never followed up on the consequences of the law.

If the sample assessment showing a traumatization degree of 80% PTSD in mothers in high conflict divorces, we are facing a national disaster. We do have the consequences to assess this in further detail, but we don’t have the necessary resources.

Before the law was passed, a group of specialist gave their recommendations. All of their recommendations were ignored. And the government passed a law directly opposite of the recommendations in cooperation with the Association Dad.

The Danish custody law has an article on the co-called 6-weeks notice. The 6 weeks notice means that the parents must notify each other in writing 6 weeks in advance of moving stating the new address. Whenever the 6 weeks notice is given, this alone is

justified reason to start up a court case on registered address of the child as well as on custody. So moving always involves a risk that the authorities will move the child to the other parent.

In practice, this means that resident parents are geographically enslaved. No one will move because you can loose your child. It is said that it is legal to move within the country, but in effect, this is a myth. There is no way of moving without risk of loosing the children.

Due to waiting times, the case is not settled until long after the move, so there is also no way of knowing in advance if your move will mean that you loose the children. It is irrelevant if one moves in order to take up work in another part of the country.

To victims of stalking, this rule is very damaging because they are obliged to hand out their address to the other parent. Again, victims of violence – all kinds of violence – are not protected.

Even if a parent is among the few who have sole custody, the 6-weeks notice still applies.

Even if it is legal to leave the country if a parent has full custody, the 6-weeks notice is designed like a maze to prevent parents from leaving the country. If a parent gives 6-weeks notice, the State Administration can give temporary custody to the other parent – this goes both in case of national and international moves. And the process only takes a few hours. So if a parent with full custody follows the law and gives the 6-weeks notice that they intend to leave the country, the State Administration will often give temporary custody to the other parent, thus preventing the move.

This cuts off especially women from benefitting from the open labour market within the EU.

In some cases, a child expert psychologist is used in order to make a child assessment or an assessment of parent abilities. This can be initiated either by courts or by the State Administration or by Social Services. Sometimes, they are asked to assess whether or not a parent has a personality disorder using only 2x2 hours of observation of supervised visitation. And often, mothers experience that grounded suspicion of personality disorder in the father is not found relevant to conduct an assessment. Thus, they reserve neither the necessary ressources nor the relevant competencies (psychiatrist) to conduct relevant assessments in cases where there is violence or abuse.

Psychologists making assessments for the State Administration or for the courts do not work for the courts. They are normally independent contractors. A complaint over a psychologist is decided in the “Board of psychologist”, which refers to the Minister of Social Affairs – the same ministry, which is responsible for the law. Their statements to a court or

to the State Administration do not mean that they are held responsible within the court system. These are two independent processes.

When the Board of Psychologists handle a complaint, it normally takes at least one year. Even if the complaint is sustained and the psychologist is criticised, the court case cannot be re-opened. This goes even if the statement from the psychologist was the reason a parent lost custody.

A psychologist, who has been criticized by the Board of Psychologists, continues to practice for the Danish courts. Critique has no consequences.

Even very skilled psychologists are often not aware of the consequences of violence and PTSD-problems. Even if the mother has PTSD, this is often interpreted as a lack of parental ability.

In Denmark, we have seen an increase in homicide of women – and mothers – since the Parental Responsibility Act was passed in 2007. The law passes full custody to the killer.

There has been no information campaign on this law. No one knows that if they have a child in Denmark – or if a foreigner brings children to live here and the country of origin signed the Hague Convention – then they cannot leave the country. This has a huge impact on especially educated women, as they cannot work internationally and they cannot even have a normal work life within Denmark with occasional moves due to the 6-weeks notice. Many professions require regular moves, such as priests or doctors.

It should be mandatory to inform people of this. This goes also for foreigner, who have no clue what happens to them, when they enter Denmark to live with children.

Fathers' Righs Groups

The State Administration and the former Minister of Social Affairs have never tried to hide that they had a close cooperation with the Association Dad. This seems to be the cause that Danish politicians have changed the definition of "the best interest of the child", so that mandatory visitation is now prioritized above the child's right to protection.

Naturally, we are available with further information and specific sources to the information we provide you with.

On behalf of women who are victim of violence in Denmark

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