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**QUESTIONNAIRE ON LEGISLATIVE AND OTHER
MEASURES GIVING EFFECT TO THE PROVISIONS OF
THE COE CONVENTION ON PREVENTING AND
COMBATING VIOLENCE AGAINST WOMEN AND
DOMESTIC VIOLENCE (ISTANBUL CONVENTION)**

9 JANUARY 2017

The Danish Institute for Human Rights (DIHR) – Denmark's national human rights institution is a national human right institution in accordance with the UN Paris Principles and a National Equality Body in accordance with EU equal treatment directives.

DIHR published a judicial analysis of the Istanbul Convention in Denmark in 2014. The analysis examines the implementation of the Istanbul Convention in Denmark along with conclusions and recommendations for ways to improve implementation of the Istanbul Convention in Denmark.

The full thematic report on The Right to a Life without Violence is available in Danish at:

http://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ret_til_et_liv_uden_vold_pdfa.pdf

DIHR would like to contribute to the GREVIO report on a number of issues. DIHR has decided only to address certain points related to the GREVIO questionnaire before the state-report is published.

DIHR would like to note that Denmark has made positive initiatives in regards to the Istanbul Convention. Denmark has since 2002 introduced two roadmaps and one strategy to combat violence against women and domestic violence. Furthermore, DIHR find it positive that Denmark in December 2016 has implemented specific regulations on stalking as part of the government's plan 'Stop Stalking'.

DATA COLLECTION ON PSYCHOLOGICAL VIOLENCE

This relates to // B of the GREVIO questionnaire.

There is currently not sufficient data collection on psychological violence in Denmark.

Statistics Denmark, which is the central authority on Danish statistics, is responsible for collecting data on violence. The data comes from the National Police Board, National Health Board, Social Security Administration. Available statistics include:

1. Criminal statistics on alleged offenders and of victims based on police reporting.
2. National Patient Register on contacts to all hospitals.
3. Shelter statistics on users of regional and municipal shelters for women victims of violence in close partnership.

These statistics include numbers on stalking incidents based mainly on restraining orders. In 2013, the Ministry of Justice published a study on stalking, including estimates on the number of victims of stalking. However, psychological violence is not criminalized individually, but protected by general provisions on violence, coercion and threats, there are no data to show the number of cases of psychological violence or the victims of it. Furthermore, the statistics only includes reported crimes, which leaves dark figures.

To obtain information about the volume of crime not registered, Denmark also collects data through a victim survey. However, this survey does not include psychological violence.

Denmark also collects data about health, the so-called SUSY survey. The survey covers a wide range of health related questions and some years it targets specific health related issues. However, the last survey did not include data on violence. Without continuous data collection, it is impossible to analyse trends in self-reported exposure to violence.

Within the last year, a growing awareness about a phenomenon known as 'revenge porn' has been publicly debated. This includes situations where privately shared pictures of intimate situations are shared through the internet, often by former partners. These cases are dealt with in the judicial system as criminal defamation. By collecting data regarding the handling of revenge porn in the legal system, Denmark can review the legal system's response to this form of psychological violence.

- DIHR recommends that Denmark include questions about psychological violence in the victim survey and/or the SUSY survey to provide specific data on this form of violence.
- DIHR recommends a systematic collection of data on 'revenge porn'.

REGULATION OF DANISH SOCIAL MEDIA

This relates to III H of the GREVIO questionnaire.

The Danish government has recently published a code of conduct to prevent sharing of offending material on the social media. The code of conduct provides guidelines for schools and other educational institutions to prevent offending behaviour on social media. The institute notes that the code of conduct has not entailed any funding to support the institutions on implementing the guidelines.

- DIHR recommends that Denmark in 2018 evaluate the effect of the code of conduct and provides data on the number of schools that have implemented the codex, and data that shows the outreach among students.

DISCREPANCY BETWEEN THE AMOUNT OF EXPERIENCES OF SEXUAL HARASSMENTS AND THE AMOUNT OF REPORTED INCIDENTS.

This relates to III I of the GREVIO questionnaire.

A survey completed by the labour union, 3F, has shown that 20 % of their female members have experienced sexual harassment by a co-worker or a boss within the last year.¹ According to 3F there has been only 33 court-decisions about sexual harassment during the last 10 years. The amount of cases experienced and reported cases therefore seems to differ substantially.²

- DIHR recommends that Denmark investigate possible barriers preventing victims of sexual harassment from taking of legal actions against offenders.

¹ Fagbladet 3F, 'Tema: Sexchikane, Overgreb har inden udløbsdato', available in Danish at: <http://www.fagbladet3f.dk/artikel/overgreb-har-ingen-udloebdato>

² Fagbladet 3F, 'Tema: Sexchikane', available in Danish at: <http://www.fagbladet3f.dk/tema/sexchikane>

RISK ASSESSMENTS LACKS ADEQUATE FOCUS ON PSYCHOLOGICAL VIOLENCE

This relates to *VI A and VI B* of the GREVIO questionnaire.

In 2016 the Danish police have started using the risk assessment SARA:SV. The model requires that cases of physical violence has come to the police's attention before they make a risk assessment. This is problematic, as psychological violence and death threats rarely come the attention of the police. Also some reports regarding psychological violence or death-threats will be disregarded by the police on account of no evidence. Traditionally in these cases, the police do not make a risk-assessment.³

Another model for evaluating risk assessments is the MARAC-model, which enables an earlier assessment than the SARA;SV-model, as any governmental institution, who becomes aware of problem related to domestic violence can apply it. It provides guidelines to ensure a safe environment for the victim to optimize the assessment. However, this model also only allows for risk-assessment if there has been prior incidents of physical violence prior.⁴

- The institute recommends that Denmark consider adopting the MARAC-model, as this can assess risks at an earlier stage.

Yours sincerely,

Ask Hesby Krogh

TEAM LEADER, EQUAL TREATMENT

³ Nell Rasmussen m.fl., 'Forebyggelse af drab og dødelig vold i nære relationer', 2016, available in Danish at:
http://www.kvindaadet.dk/files/Forebyggelse_drab_vold_n%C3%A6re_relationer.pdf.

⁴ Nell Rasmussen m.fl., 'Forebyggelse af drab og dødelig vold i nære relationer', 2016, available in Danish at:
http://www.kvindaadet.dk/files/Forebyggelse_drab_vold_n%C3%A6re_relationer.pdf.