



**FAMILY FORMATION, FAMILY BREAK-UPS AND FAMILY LAW IN THE NORDIC COUNTRIES**

# **REPORT AND RECOMMENDATIONS NORDIC TOUR 2014**

**Conflict Resolution, Knots and Artwork**

**9-19 September 2014**

**nordictour2014.dk**

**An NGO initiative**



A big thank you to Dreyers Fond and the National Organisation of Womens' Shelters in Denmark (LOKK). The donation from Dreyers Fond made it possible to travel to the different destinations on the tour, and we thank LOKK for giving the project wings in a way that made it all possible.

Many people showed up for the events, others participated through e-mail and skype in exchanging experiences and generating ideas. Thank you for that.

Everybody involved in the project have been working without any remuneration to make Nordic Tour 2014 happen. Thank you for the big effort.



## **DK- Frederiksberg April 2015**

### **Pia Deleuran**

Attorney and mediator

Barnetstarv.nu

### **Group of editors**

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# Executive Resumé

**Nordic Tour 2014 focused on** family formation in the Nordic countries with a special attention to cases regarding custody and visitation that also had issues of violence and abuse. Five Nordic countries were visited. This report provides a description of the background for the initiative, glimpses from the atmosphere at the different destinations and, especially, it provides some clear recommendations built on the knowledge gathered during the Tour.

The initiative was inspired by three international events. The first one was “Nordic Forum – New Actions on Women’s Rights” in Malmö, Sweden, June 2014. Here, the leader of UN Women, Phumzile Mlambo-Ngcuka, said that the rest of the world is waiting for us in the Nordic countries to show that it is possible to end violence against women. The other event was that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the “Istanbul convention”, was ratified by Denmark. The convention entered into force on 1st of August 2014. The third event was the publishing of the report from the European Union Agency for Fundamental Rights in March 2014. The report showed that violence inflicted upon women in the home, on the job, in public space and online is still a relevant issue in the Nordic Countries.

The tour visited Denmark, Norway, Sweden, Finland and Iceland in the period 9-19 September 2014. Participants from the Faroe Islands and Greenland were invited to participate at events and in other ways.

## **The experience collection and the discussions showed that there is a need for further investigations of the following 8 issues**

1) the significance of gender-blind legislation 2) the significance of the lack of appropriate screening for violence and abuse in family law cases in certain countries 3) the significance of the lack of knowledge in the case processing regarding the effect it has on children to witness or experience violence and abuse 4) the significance of the lack of consideration for children, if perspectives of equality are used with regards to the law 5) how women’s historical, cultural and biological position influences these family cases 6) the extent of lack of procedural rights, amongst other things in the form of purely administrative processing of cases or in the form of a shallow case processing with a future-oriented perspective, which ignores or minimises former violence against partners or children 7) pros and cons for involving child experts in the cases – sometimes to a degree that makes the child expert have more say than the legal judge 8) discussions to better the possibility of lifting the burden of proof in cases about violence and incest.

**The conclusion is** that since the number of broken relationships and the number of different family forms have increased, the focus of the family law in the Nordic countries have shifted to ‘joint custody’ and “genetic parents” rights to have a relation to the children in broken families. Many factors indicate that this causes a new type of violence, since contact is imposed on the children as a societal demand and as part of an attempt to change the norms, and since the parents are demanded to support the contact in different ways. In some situations, this can mean that some, particularly children and mothers, are exposed to danger. This can be seen as system violence or ‘equality violence’.

## **Recommendations for actionpoints**

**A probe of the family formation and family law in the Nordic countries.** The probe should investigate whether steps taken to insure gender equality have lead to a special kind of violence, including the violence that occurs when children subjected to violence - and their mothers - are forced to have visitation and to cooperate with the violent parent.

**Organising a Nordic conference,** gathering international representatives for a discussion of the family formation, family break-ups and family law in the Nordic countries on a foundation of zero-tolerance for violence and with recognition of and respect for the important role of reproduction. The conference should attempt to compare and uncover whether the same tendencies exist in other countries.

**Establishing a think tank** that can make specific recommendations for how to develop the family formation and the family law in the Nordic countries on a foundation of zero-tolerance for violence and abuse and with a recognition of and respect for the important role of reproduction, and with recognition and respect for the important societal role of children, men and women.

# **INTRODUCTION TO THE TOUR**

# INSPIRATION FOR NORDIC TOUR 2014



## UN WOMEN – Show that we can end violence against women

There were more than one inspiration that lead to the Tour. One of them was the big summit "Nordic Forum 2014 – New Actions on Women's Rights" in Malmö.



During the summit, the leader of UN Women, Phumzile Mlambo-Ngcuka, said: "I need you to be on the front line". UN Women was formed in July 2010 to fight for gender equality and for women's empowerment. The formation was a historical step for the UN towards reaching the organisation's goals on gender equality and the empowerment of women. The focus is on several factors, including:

- The elimination of discrimination against women and girls
- Empowerment of women
- To achieve equality between men and women as partners and as receivers of development, human rights, humanitarian initiatives, peace and security.

With the Nordic Tour, we wished to show Phumzile Mlambo-Ngcuka that we support UN Women and these efforts.



## **THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE – Zero tolerance for violence**

Another inspiration for Nordic Tour 2014 was Denmark's ratification of the "Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence" – the Istanbul convention, which entered into force at the 1st of August 2014<sup>1</sup>.



*The photo collage is created by photographer Sisse Jarner for Nordic Tour 2014*

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<sup>1</sup> See appendix 1

## **THE FRA'S REPORT ON VIOLENCE AGAINST WOMEN IN EUROPE – Violence is an issue**

A third motivating factor in starting the Tour was the newest report on violence from the European Union. It is clear from a report published in March 2014 by the European Union Agency for Fundamental Rights (FRA) that the issue of women being exposed to violence in the home, at the job, in public space and online is still a relevant issue to discuss – also in the Nordic countries. The survey shows that the policy makers have to recognize the extent of the violence that women are exposed to, and make sure that the reactions to the violence meet all the needs and rights of the female victims in reality, not just on paper.

When the report was published, Morten Kjærum, the director of the FRA, stated that:

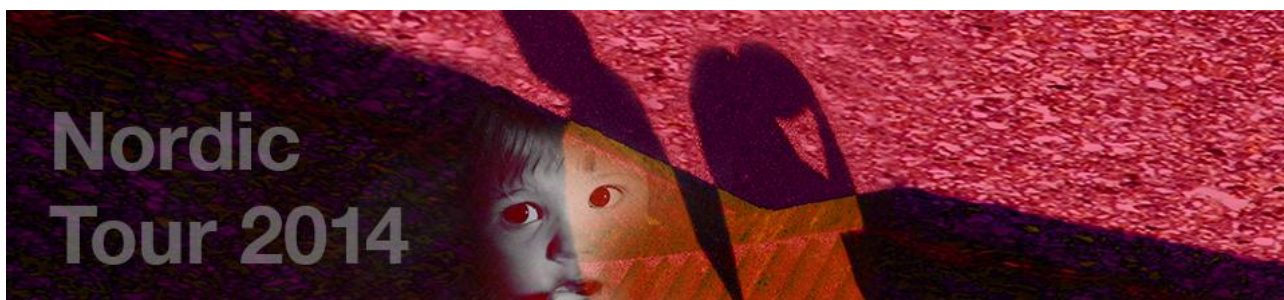
“These survey figures simply cannot and should not be ignored. FRA’s survey shows that physical, sexual and psychological violence against women is an extensive human rights abuse in all EU Member States.”

He also said that: “The enormity of the problem is proof that violence against women does not just impact a few women only – it impacts on society every day. Therefore, policy makers, civil society and frontline workers need to review measures to tackle all forms of violence against women no matter where it takes place. Measures tackling violence against women need to be taken to a new level now.”<sup>2</sup>

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<sup>2</sup> See more about the report in appendix 2





## THEME

The theme of Nordic Tour 2014 was to investigate how the family formation, family break-ups and the family law in the Nordic countries can be based on a foundation of zero-tolerance for violence and abuse and with recognition of and respect for the important role of the reproduction.

Conclusions and recommendations can be found at the end of the report.

### **Nordic Tour 2014 was planned as an initiative that prioritized**

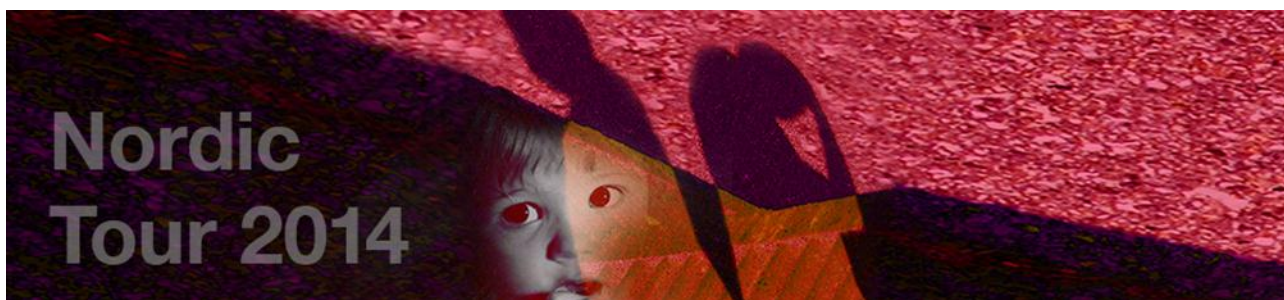
- **Sharing of knowledge** on many different levels
- **Idea generation** from professionals, since many children suffer due to the divorces and break ups of grown-ups
- **Information** about the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the “Istanbul convention”
- **Discussion** of how the Nordic societies can create the best possible framework for communicating and furthering zero-tolerance against violence and abuse of women and children
- **Mutual support** in the work conducted for and with those who have experienced violence and abuse in the relationship with the partner/ex-partner – sometimes even from the system





# **THE EXECUTION OF THE TOUR**

**September 2014**



## GLIMPSES OF THE NORDIC TOUR 2014

Through planned symposiums, meetings and digital contact, attention has been brought to the focus areas of the tour – family formation, family break-ups and family law in cases with violence and abuse. A webpage, [nordictour2014.dk](http://nordictour2014.dk), was made and a press release was issued about the initiative. At the end of the tour the press was informed about the results in another press release<sup>3</sup>.

On the following pages it will be possible to see visual impressions from the tour and read reports from the symposiums and meetings held in the five Nordic countries, who acted as hosts during the tour period 9th-19th September 2014 under the theme

### Conflict Resolution, Knots and Artwork

**Conflict resolution** has changed and the judicial solutions in the Nordic countries needs to be supplemented, and in some instances replaced, by new dispute resolution mechanisms – including court mediation, mediation and counseling.

**Knots** are uncovered as the new and diverse forms of families are gaining territory and the nuclear family is no longer the social frame of society. This has had the effect that the focus is on the individual's rights and duties - not on community and solidarity. In relation to family break-ups, the challenges connected to this is growing in both extent and seriousness, which all too often leads to the feeling of powerlessness and desperation.

**Art** can provide icons for recognition and reflection. Since many of the problems mentioned above can be overwhelming and affect people personally, images are used as a help to maintain the focus on the theme as well as contribute with new dimensions. The collages that were brought on the tour gave a visual expression to the topics that were controversial and sometimes outright scary to discuss, thereby relieving the conversation.



<sup>3</sup> See appendix 3.

# GLIMPSES OF THE TOUR: Denmark

**Tour location no. 1: Roskilde 09.09.14**

**RUC, Roskilde University**



## SYMPOSIUM

### Program

**Welcome address** by attorney and mediator Pia Deleuran

As a prelude, it was announced that a working group in the EU in the autumn of 2013 had directed some harsh criticism at Denmark in terms of the Danish family law. Amongst other things, the working group stated that the Danish Parental Responsibility Act sometimes creates perverse effects and puts more emphasis on the interests of parents than on the interests of children<sup>4</sup>.

**Presentation of pictures** by photographer Sisse Jarner

**Talk on the handling of family cases with issues of violence and abuse in Australia** by Adjunct Associate professor Dale Bagshaw, AU

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<sup>4</sup> [b.dk/nationalt/eu-slagter-dansk-skilsmisselov/](http://b.dk/nationalt/eu-slagter-dansk-skilsmisselov/)

**Presentation** by writer Iris Garnov. Iris Garnov has, amongst other things, written the book “All children are everyone’s children”, focusing on the work of professionals with children who are at risk

### **The film “The Child’s Best Interests”, 2012**

produced by the Norwegian Court Administration

by the psychologists Judith van der Weele and Stig Torsteinson

**Statement** by head of the National Organisation of Women’s Shelters in Denmark (LOKK), Birgit Søderberg

**Presentation** by midwife and Master of Arts, Jytte Aa. Møller

### **The film “I said I had a bad dream”**

– a drawn documentary by producer Annika Ernst

**Recitation** by writer Vibeke Vasbo

As a surprise, there was a **performance** by royal operasinger Gitta-Maria Sjöberg accompagnied on piano by royal répétiteur Carol Conrad with several songs during the evening. Arranged by Anne-Grethe Lassen

The evening ended with a **debate and experience collection**

### **Use of WORDS**

To include UN Women in the program, the Nordic representative, Asger Ryhl, was given the Danish word for “NOW”, “NU”, on a silk ribbon. As a reminder that the need for improvements is urgent. Asger Ryhl was not able to attend the symposium, but he received the word in a little box together with the Istanbul collage.





# GLIMPSES OF THE TOUR: Norway

**Tour location no. 2: Oslo 10.9.2014**

**Hotel Grand in Oslo**



## MEETING AND VISIT TO LOVISENBERG

**Meeting** with psychologist Judith van der Weele. Judith van der Weele and Stig Thorsteinson have helped the Norwegian Court Administration produce the educational movie “Child’s Best Interest” and the written material that comes with the movie.

Furthermore, the two psychologists have organised a course for the Norwegian courts.

This is the introduction to the film, which can be found on DVD:

*“Domestic violence and allegations of abuse pose challenges in cases concerning Child Welfare.*

*This concerns violence and abuse suffered by children as well as domestic violence between the children’s parents or caregivers which affects these children. Domestic violence and abuse can be difficult to determine. Equally it is hard to assess the influence these issues should have on a given case.*

*The target groups for this film are judges, solicitors and psychologists who act as expert witnesses. The purpose of the film is to supply relevant psychological expertise and to contribute to an increased understanding of what constitutes good practice between the involved parties, it is underpinned throughout by the cases’ focus always being to meet the child’s best interests.”*

The feature article by attorney, specializing in children’s rights, Thea W. Totland, “The children without legal rights – children exposed to abuse don’t get basic procedural rights”<sup>5</sup>, printed in the Norwegian newspaper “Dagbladet”, was discussed and put into perspective together with another article about the problems.

**Visit to Lovisenberg Diaconal Hospital** that has a department for those exposed to abuse. Here we saw the facilities and learned about the professional treatment philosophy within the hospital. The

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<sup>5</sup> See appendix 4 for more information on the feature article

department also focuses on how professionals are affected by the work. This is apparent from the following text:

*"For the last 20 years we have also gained a better insight into people's experience with violence and sexual abuse from entrusted caregivers.*

*The meeting with other people's traumatic experiences with violence and sexual abuse can have a strong impact and result in oneself carrying some of the symptoms and obtaining a secondhand trauma. Becoming burned-out is also a part of the issue. Both secondhand trauma and being burned-out can be prevented.*

*We want to establish solidarity, respect and understanding for the individual experiences and build a network across the church communities and the churches where the individuals have their bases.*

*Professionals from different professional backgrounds are invited to contribute to the church work with the necessary knowledge, approaches and solutions that could help the continued efforts of the church workers."*

In Norway, the press has highlighted the murders of women by their partners and ex-partners<sup>6</sup>.

In the book "Convention on the Rights of the Child, Children's Rights in Norway" from Universitetsforlaget **2012, 2nd edition** by Njål Høstmælingen, Elin Saga Kjørholt and Kirsten Sandberg (eds.), Trude Haugli writes in chapter 3, regarding the principle of "The Child's Best Interests":

*"Even though it is extraordinary that almost all of the nations of the world support the child's best interest as a fundamental consideration regarding all actions that concern children, the principle has also received criticism.*

*A central question is whether the fundamental need for the principle disappears when the Convention recognises children's rights, not just their interests.*

*What a child's best interests are is not defined in article 3 and is not further defined anywhere else in the Convention. Neither has the Committee established criteria for evaluating whether the states are implementing the principle. If it is used in a way that is too general and with an indeterminate content, there is a risk that the principle becomes so open to interpretation that it becomes optional and thereby loses its value (...)"<sup>7</sup>*

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<sup>6</sup> See appendix 5 for more information on the press projects.

<sup>7</sup> See appendix 8 for a full excerpt.



# GLIMPSES OF THE TOUR: Sweden

**Tour location no. 3: Lund 12.9.2014**

**Lund University, Sociology of Law Department, via contact with Professor Håkan Hyden**



## MEETING

In Lund the Tour group met up with researchers from the Sociology of Law Department to **discuss the themes of the tour.**

Amongst other things, the **chosen collages were installed** and presented.

**Unizon (formerly known as Sveriges Kvinno- och Tjejjourers Riksförbund, SKR),** the umbrella organisation for different organisations including more than 120 women's shelters that works for an equal society free of violence, states in connection with Nordic Tour 2014:

*"Unizon believes that*

*- Someone who murders their (ex)partner should automatically lose the custody of any common children they might have*

*- Children's rights to grow up without violence must weigh heavier than the perpetrator of violence's wish to have visitation*

*Unizon welcomes the fact that it is now sufficient to have the approval of one out of two legal guardians in order to offer the children support- and protection activities.*

*However, it is a problem that mothers and children always have to be on standby when the fathers want to do something at a planned visitation, and the mother can be penalized if she and the child are not available, while the father can choose to not show up without any consequences at all.*

See more about the legislation regarding custody, residence and visitation on our website  
<http://www.kvinnojouren.se/fakta/varnad-boende-och-umgange>"

Unizon have also contributed to Nordic Tour 2014 with the movie: "I said I had a bad dream" – a drawn documentary about children's experience of violence.

This is the introduction for the film:

*"Thousands of children in all countries grow up with their fathers beating and threatening their mothers. In Sweden around 200.000 children have this experience. This is an estimate by Statistics Sweden, but nobody knows the real figures as there is a large number of unrecorded cases.*

*In this film we meet five children, aged between three and a half and eight, who have all witnessed their mothers being beaten. Through stories and drawings, these children share their experiences and emotions."*

The film is available with subtitles and a leaflet in a number of different languages.

In Sweden, like in Norway, the press has focused on women who were murdered by their partners and ex-partners<sup>8</sup>.

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<sup>8</sup> See appendix 5 for more information about Sweden and Norway's press projects

# GLIMPSES OF THE TOUR: Finland

## Tour location no. 4: Helsinki 15.9.2014



## VISIT TO A LAW FIRM, TO THE COURTHOUSE AND TO A SHELTER

In Helsinki, attorney and managing director **Veronica Dalenius**, the company Fredman & Månsson, invited the Tour group inside and **recounted her experiences** in the field, from the work in Finland as well as from her practice in Sweden. As in the other countries there were problems with the processing of the family law cases, particularly in cases with issues of violence and abuse. Amongst other things it was discussed how a screening tool for violence is now used in Finland.

Afterwards, a visit was paid to a **shelter** outside of the city of Helsinki. There was information about the background for Nordic Tour 2014 and the shelter received a collage with the motive from the Istanbul convention that was given to the child expert.

A visit was also paid to the **district court of Helsinki**, where information was given about the tour and contact established regarding the theme.

# GLIMPSES OF THE TOUR: Iceland

**Tour location no. 5: Reykjavik 17.9.2014**



## SYMPOSIUM

### Program

**Welcome address** by attorney and mediator Pia Deleuran

**Presentation of pictures** by photographer Sisse Jarner

**Talk on the handling of family cases with issues of violence and abuse in Australia** by Adjunct Associate professor Dale Bagshaw, AU

**The film "I said I had a bad dream"**

– a drawn documentary by producer Annika Ernst

### Debate and experience collection

Collecting knowledge and ideas for building up a new structure in the family field based on zero tolerance for violence. Right now a revision of the family law is being considered in Iceland. It was discussed how the current system works and what role the professional experts play. The current system in custody cases that go to court in Iceland is that several child experts assist with the processing of the case. This was found to be a satisfactory system.

# **GLIMPSES OF THE TOUR:**

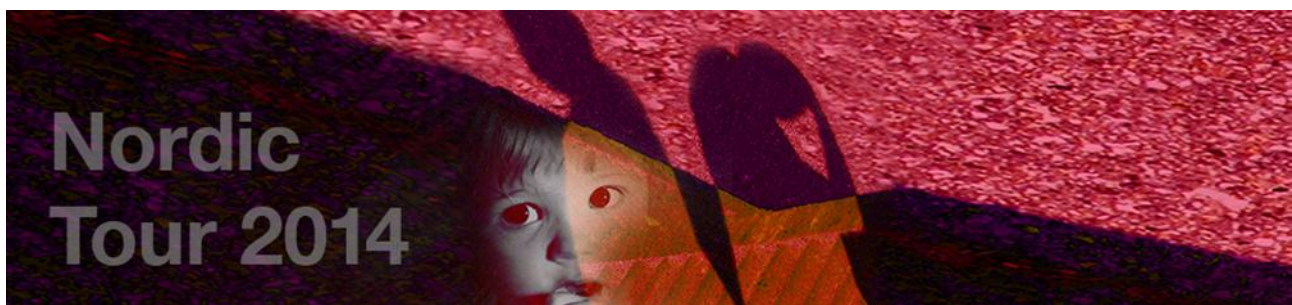
## **Greenland and the Faroe Islands**

were invited to participate in symposiums and meetings at other destinations, and when representatives participated during the event "Nordic Women against Violence" in Copenhagen, November 2014, collages from the tour were given as an inspiration.



# **CONCLUSIONS AND RECOMMENDATIONS**





## CONCLUSIONS

### The overall picture

In all countries visited the messages were similar: that the 'best interests', welfare and safety of the child are often forgotten or ignored in family law cases, in particular where there are allegations of family violence.

Instead, the focus of decisions tends to be on the rights of parents, in particular on the rights of fathers.

Since the focus of family law in each country has shifted to 'shared parental responsibility', many cases involving violence against children and mothers have not been adequately investigated and in some cases mothers and children have been put at risk by the decisions made.

### Recurring issues

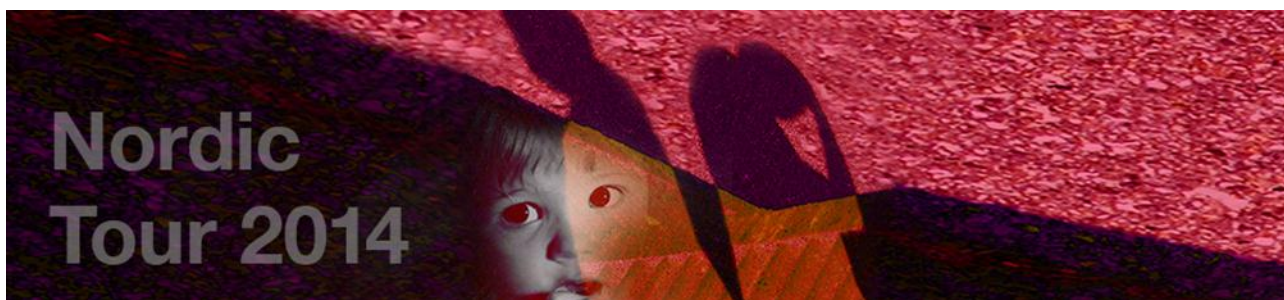
In many countries, the following issues were found:

- 1) *gender neutral legislation*
- 2) *failure to adequately screen for and respond to violence,*
- 3) *failure to acknowledge the effect of witnessing violence on children*
- 4) *failure to adequately address attachment issues for children, particularly with regard to the child's current needs*

### Fair trial

There were also examples of failures to provide access to fair and just court procedures. Some cases are only processed administratively despite the central significance they have for the lives of parents and children. Many times, the case processing is only future-oriented, resulting in the factual grounds for the case being diminished. The relation and history between the child and the parents are not fully considered as grounds for the case, which is problematic. Situations with violence and abuse can be overlooked, rejected or minimized as a result.





## RECOMMENDATIONS

After the completion of Nordic tour 2014, it is recommended that a focus on the ongoing problems regarding violence towards women and children is established on a Nordic level and through cooperation with the international society. During the Tour, reports were given about violence on many levels. Since the Nordic countries are often used as role models for many other areas of the world, there is a need to pay special attention to this area if we are to live up to the ambition of the leader of UN Women, Phumzile Mlambo-Ngcuka, and prove to the rest of the world that violence against women can be eliminated.

### Suggestions for actionpoints

**Action 1: A probe of the family formation, family break-ups and family law in the Nordic countries with a special focus on whether steps taken to insure gender equality has lead to a special kind of violence.** During the tour, a new type of violence against women and children were mentioned, a violence that consists of citizens being forced to cooperation and contact by laws and authorities, even in cases where violence and abuse has been proved. Some name this equality violence. Furthermore, it does not appear as if women's special role in the reproduction has been taken into consideration when making the current rules – particularly not the small children's attachment to their mother. The probing of these circumstances could be done with a reference to the areas of special priority in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul convention.

**Action 2: Organising a Nordic conference**, gathering international representatives for a discussion of the family formation, family break-ups and family law in the Nordic countries on a foundation of zero-tolerance with regards to violence and with recognition of and respect for the important role of reproduction.

**Action 3: Establishing a think tank** that can make specific recommendations for how to develop the family law in the Nordic countries on a foundation of zero-tolerance with regards to violence and abuse and with a recognition of and respect for the important role of reproduction.



## The participants in the Tour visiting the Nordic countries were

### Initiator and moderator

Pia Deleuran, Danmark  
*Attorney and mediator*

### Speaker

Dale Bagshaw, Australien  
*Adjunct Associate Professor at University of South Australia*

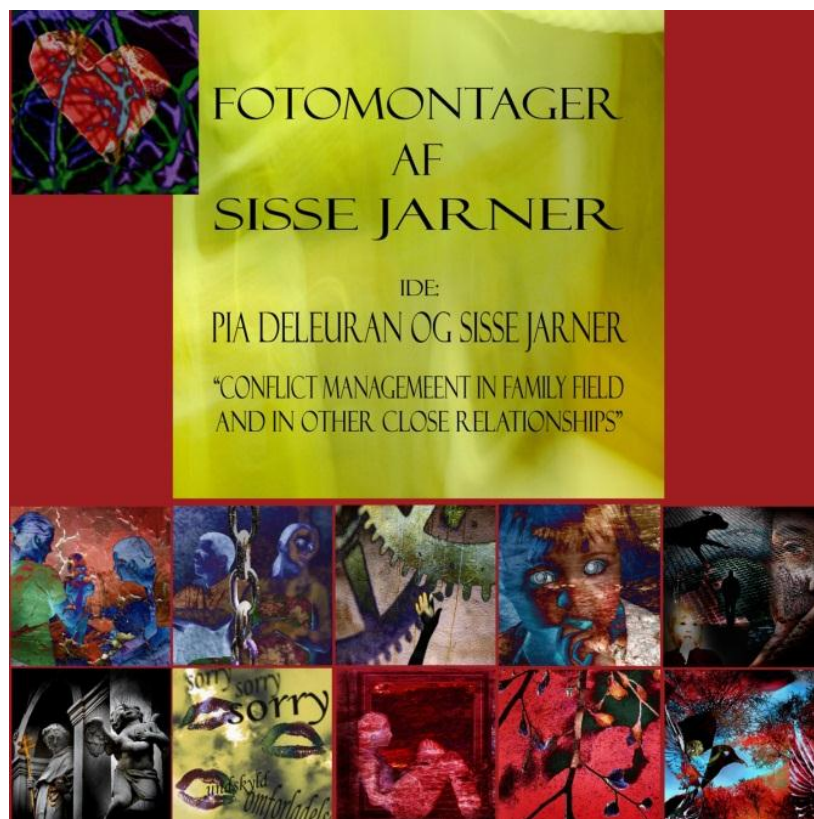
### Photographer

Sisse Jarner  
*Responsible for icons for recognition and reflection and for the collages that provided the inspiration during the tour*

Furthermore, the participants also include a large number of hosts, organisations, speakers, artists and conversational partners, both at the specific events and through e-mails and skype before, during and after the completion of the Nordic tour.

Afterwards, the pictures from the tour were put together to form tourstrips for the website [www.nordictour2014.dk](http://www.nordictour2014.dk) and for this report with recommendations.

A part of the exhibited pictures were originally part of the project "Mediation as a way forward", a project focusing on advanced dispute resolution with four anthologies and a travelling exhibition. Those parts of the travelling exhibition that regarded family matters were brought on the tour.



## **Appendix 1-6**

**Appendix 1.** Information about the Istanbul convention - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

**Appendix 2.** Report on violence against women published on March 2014 by the European Union Agency for Fundamental Rights (FRA)

**Appendix 3.** Issued press releases

**Appendix 4.** Feature article and article by the Norwegian attorney Thea Totland

**Appendix 5.** Press initiatives from Norway and Sweden focusing on women murdered by their partners or ex-partners

**Appendix 6.** Feature articles about problems in Denmark

**Appendix 7.** Call for action in relation to the child's perspective in Swedish legislation from a group of professionals

**Appendix 8.** Excerpt from Trude Haugli's comment on the principle of "the best interest's of the child" in the book on children's rights "Convention on Children's Rights – Children's rights in Norway"



# Appendix 1

## Information on the Istanbul convention - Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

The convention entered into force on the 01.08.14.

The convention has a broad aim to:

- Prevent violence
- Protect against violence
- Punish
- Integrate different methods to combat violence
- Monitor the compliance with the convention

The purpose of the convention can be found in article 1(1) that states that the purpose is to:

- a. protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
- b. contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
- c. design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
- d. promote international co-operation with a view to eliminating violence against women and domestic violence;
- e. provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

In article 1(2) of the convention it is described that the convention will establish a special monitoring system in order to ensure an effective implementation. The monitoring will be implemented through a “two pillar-system”.

**Pillar 1** – is called GREVIO. It is an independent group of experts whose purpose it is to monitor the implementation of the convention. GREVIO has the possibility to adopt reports, conclusions and recommendations in relation to the fields and terms of the convention, if it finds such measures helpful in the situation.

**Pillar 2** – “the Committee of the Parties” is a political organ that will follow up on GREVIO reports and conclusions and issue recommendations to state parties. The Committee will be responsible for electing members for GREVIO.

The two pillars are separate, but are expected to interact.

# Appendix 2

## **Report on violence against women published on March 2014 by the European Union Agency for Fundamental Rights (FRA)**

The report and the relevant press releases can be found at: [http://ec.europa.eu/danmark/eu-politik/alle\\_emner/juridiske/2014/140305\\_kvinde-vold\\_da.htm](http://ec.europa.eu/danmark/eu-politik/alle_emner/juridiske/2014/140305_kvinde-vold_da.htm)



# Appendix 3

## **Issued press release for Ritzau.dk at the beginning of Nordic Tour 2014**

**[www.nordictour2014.dk](http://www.nordictour2014.dk) – starting today.**

### **Conflict Resolution, Knots and Artwork in the Nordic Countries.**

Nordic Tour 2014 starts this evening at a meeting in Denmark. The three activists and professionals travel the Nordic Countries during the next 10 days.

It is:

Professor and researcher Dr. Dale Bagshaw, Australia

Attorney and mediator Pia Deleuran, Denmark

Photographer Sisse Jarner, Denmark

They say: “We are following up on the Nordic Forum, Malmö, Sweden in the summer 2014 where the head of UN Women – the relatively new Womens’ section for equality and empowerment for women, Phumzile Mlambo-Ngcuka said:

“The Nordic countries have to eliminate violence against women and prove to the rest of the world that this can be done.”

She is backed up by the head of the Nordic section, Asger Ryhl.

The group behind the Nordic tour initiative is Barnets Tarv NU that has advocated for a new Act concerning custody, residence and visitation in Denmark.

They want to gather experiences in the Nordic countries to see if the UN’s ambition in this field can be accomplished.

Denmark was severely criticized in an EU fact-finding paper this year.

Now when the Istanbul convention has entered into force from the 1<sup>st</sup> of August, the Danish state has to take action.

The Bar and Law Society has stated that they have no resources to look into the matter for the time being.

For more information please contact Pia Deleuran [pd@deleuran](mailto:pd@deleuran) 0045 30246803.

## **Issued press release for Ritzau.dk at the end of Nordic Tour 2014**

The Nordic Tour 2014 - "Conflict resolution, knots and artwork" (9th to the 19th of September) is about to come to an end.

Attorney and mediator Pia Deleuran (Deleuran law firm, Denmark), Associate Professor Dale Bagshaw (School of Psychology, Social Work and Social Policy, University of South Australia), and photographer and artist Sisse Järner, Denmark, have toured most of the Nordic countries to investigate custody and visitation issues in the family law field in each country. They report that:

"in all countries visited the messages were similar: that the 'best interests', welfare, safety and the rights of the child are often forgotten or ignored in family law matters, in particular where there are allegations of family violence (domestic violence and child abuse). Instead, the focus of decisions tends to be on the rights of parents, in particular on the rights of fathers. Since the focus of family law in each country has shifted to 'shared parental responsibility', many cases involving violence against children and mothers have not been adequately investigated and in some cases mothers and children have been put at risk by the decisions made. The impact of gender neutral legislation, the failure to adequately screen for and respond to violence, and the failure to acknowledge the effect of witnessing violence on children, or to adequately address attachment issues for children, urgently need further investigation. We also detected failures to provide access to fair and just court and administrative procedures. For example, in some countries we visited, the law makes it almost impossible for professionals with appropriate expertise to thoroughly investigate allegations as there is an emphasis on focusing on the future."

Much needs to be changed for the Nordic countries to live up to the Istanbul Convention on Violence Against Women and Children, which was enforced on August 1st this year.

The three investigators will send their report in pictures and words to the Administrative Director of the UN section for the Equality and Empowerment of Women, Phumzile Mlambo-Ngcuka, and to the Nordic division, which is lead by Asger Ryhl. It is anticipated that they will develop further initiatives to ensure that policies and practices in the Nordic countries lead to zero tolerance for violence against women and children.

The full report is expected to be online within two weeks: [www.nordictour2014.dk](http://www.nordictour2014.dk)

The three investigators thank the Dreyer Foundation and the National Organisation of Women's Shelters in Denmark - LOKK - for having made the Nordic Tour 2014 possible by offering various kinds of support.

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Associate Professor Dale Bagshaw – email: [dale.bagshaw@unisa.edu.au](mailto:dale.bagshaw@unisa.edu.au) (available for @ interviews via skype)

# Appendix 4

## Feature article by and article about Thea Totland

**Feature article** by attorney Thea Totland from 01.06.11 that is introduced with the words:  
"IT HAS HAPPENED again: A man is suspected of abusing children without any disturbances for years, with child authorities and police as observers. The explanation is ignorance, cowardice and a lack of competence in the support systems as well as in the police. Unfortunately it doesn't stop there. The lack of rights of the victims of abuse follow them at the courts (...)"

<http://www.dagbladet.no/2011/01/06/kultur/debatt/kronikk/overgrep/14967102/>

**Article** published by the Norwegian newspaper VG 21.09.13 by Therese Ridar and Wenche Lie Giæver

"**Believe that children are misunderstood in abuse cases** – Attorney Thea Totland calls for the courts to investigate cases on children and abuse"

<http://www.vg.no/nyheter/innenriks/mener-barn-misforstaas-i-overgrepssaker/a/10135593/>

# Appendix 5

## **Press initiatives from Norway and Sweden focusing on women murdered by their partners or ex-partners**

### **1. Swedens newspaper project focusing on men's (partners' and ex-partners') murders of women and on what happens to the bereaved children**

Link: [www.aftonbladet.se/nyheter/article17895295.ab](http://www.aftonbladet.se/nyheter/article17895295.ab)

### **2. Article on the report from the Accident Investigation Board 2014**

Link: [dodadekvinnor.aftonbladet.se/2014/02/fiasco-for-nya-haverikommissionen/](http://dodadekvinnor.aftonbladet.se/2014/02/fiasco-for-nya-haverikommissionen/)

### **3. Norwegian newspaper project on men's (partners' and ex-partners') murders of women**

Link: [www.vg.no/nyheter/innenriks/drept-av-sine-menn/vg-har-kartlagt-alle-kvinnedrap-siden-2000/a/184087/](http://www.vg.no/nyheter/innenriks/drept-av-sine-menn/vg-har-kartlagt-alle-kvinnedrap-siden-2000/a/184087/)

Link: [www.vg.no/nyheter/innenriks/kvinnedrapene/](http://www.vg.no/nyheter/innenriks/kvinnedrapene/)

*72 murders in 7 years – from the year 2000 until 2007*

# Appendix 6

## Feature articles about problems in Denmark

**Feature article** published in the Danish newspaper Kristeligt Dagblad on the 5th of March 2007

“There’s always exceptions to the main rule”

<http://www.kristeligt-dagblad.dk/kronik/der-er-altid-undtagelser-fra-hovedregelen>

by attorney and mediator Pia Deleuran and Associate Professor in family law by the University of Copenhagen Annette Kronborg

**Feature article** published in the newspaper Politiken on the 4th of August 2008

“A scandal with consequences for the children”

<http://politiken.dk/debat/kroniken/ECE546671/en-skandale-med-konsekvenser-for-boernene/>

by attorney and mediator Pia Deleuran

**Feature article** published in the newspaper Politiken on the 25th of August 2014

“The Parental Responsibility Act harms children”

<http://politiken.dk/debat/kroniken/ECE2375592/foraeldreansvarsloven-nedbryder-boern/>

by attorney and mediator Pia Deleuran and Associate Professor, Master of Arts and author Lone Nørgaard

*Cosignatories*

M.D. Bente Holm Nielsen

Midwife and Master of Arts Jytte Aa. Møller

Head of the National Organisation of Women’s Shelters in Denmark (LOKK), Birgit Søderberg

Attorney and mediator Vivian Jørgensen



# Appendix 7

## Call for action in relation to the child's perspective in Swedish legislation from a group of professionals

**Article** published in the newspaper *Dagens Nyheter* on the 17th of August 2007

“Get better at listening to the children who are killed by domestic violence”

<http://www.dn.se/debatt/lyssna-bättre-på-barnen-som-drabbas-av-familjevald/>

By

Kjerstin Almqvist

*Child psychologist*

Anders Broberg

*Professor in clinical psychology*

Carita Carlsson och Gunilla Antonsson

*BIM and BIP's Activities for Children and Teenagers*

Inger Ekbohm

*Center for children and youth in crisis, Save The Children*

Carina Eliason

*Utväg Skaraborg*

Maria Eriksson

*Researcher at Uppsala University*

Anna Georgsson

*Psychologist*

Karin Hagerell och Agneta Riddersporre

*Trappan, Uppsala*

Britt-Marie Holm och Eva Bladini Amborn

*Grinden, Gävle*

Ingela Karlsson och Anna Dingizian

*Social workers, Malmö*

Carina Kristiansson och Barbara Wredberg

*Lysmasken, Lund*

Anne-Marie Larsson

*The foundation Allmänna barnhuset*

Lotta Molander

*Alla kvinnors hus, Stockholm*

Anna Norlén

*BUP Bågen, Stockholm*

Anna Pallarp och Susanne Ericson

*Bojen, Göteborg*

# Appendix 8

## **Excerpt from Trude Haugli's comment on the principle of "the best interest's of the child" in the book on children's rights "Convention on Children's Rights – Children's rights in Norway"**

*Excerpt from the book on "Convention on Children's Rights – Children's rights in Norway" from Universitetsforlaget 2002, 2nd edition, by Njål Høstmælingen, Elin Saga Kjørholt og Kirsten Sandberg (eds.), chapter 3, p. 55-56, by Trude Haugli*

"Even though it is extraordinary that almost all of the nations of the world support the child's best interest as a fundamental consideration regarding all actions that concern children, the principle has also received criticism.

A central question is whether the fundamental need for the principle disappears when the Convention recognises children's rights, not just their interests.

What a child's best interests are is not defined in article 3 and is not further defined anywhere else in the Convention. Neither has the Committee established criteria for evaluating whether the states are implementing the principle. If it is used in a way that is too general and with an indeterminate content, there is a risk that the principle becomes so open to interpretation that it becomes optional and thereby loses its value. Graver's general observation of principles as legal norms can also be applied here:

Principles often appear to be pretty spacious phenomenas that can open a situation up to the risk of concealing the real motivations behind a position. You simply can't know what considerations, counterconsiderations and facts someone has weighted to make a legal conclusion, when a decision is justified with a reference to a principle. Arguing from principles can, on this basis, contribute to concealing the true character of the law.

However, the Convention must be treated as a unity. As a unity it does go some way in the direction of establishing a broad ethical or value-based framework, which provides a higher degree of safety or clarity regarding the content of the principle of the child's best interest.

There is also the risk that each decisionmaker will interpret it in their own way and that children's procedural rights, here meaning the right to equal treatment and predictability, is weakened. However, article 3 must be seen in cohesion with article 12. Getting information on and taking into consideration the child's own option is an important tool in the process towards finding out what are the child's best interests.

By including the principle about the child's best interest in the Convention it is possible for the states to "smuggle" cultural considerations into the implementation of the Convention, and this can undermine the fundamental consensus or agreement that the Convention reflects. This is only partially a problem. The states should be able to prioritise important cultural considerations and interpret them into the Convention within the framework of the Convention, but not if they contradict basic human rights.

The fact that referencing the child's best interests can give legal decisions a legitimacy that may not always be justified should not be ignored. It is hard to argue against a decision that seems to be made based on considerations of what's best for the child. There is thus an inherent risk for the principle to be used (consciously or unconsciously) to legitimise political positions, certain value judgments or legal decisions where it has actually been other considerations that were the motivating factor or that has been more important than the interests of the child that the case concerns, for example justice between the adults, considerations of the generally preventive effect, economy and equality."