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United Nations Examination Report

By The Danish Fathers Association



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Danish Fathers Association

The Danish Fathers Association was, founded in 1977 as one of the first children and fathers organizations in the world. The organization has nationwide counselling and is one of the most experienced children and parents organizations in Denmark. The Fathers Association is member of the Platform for European Fathers collaborating with 25 Fathers organizations in 15 European countries.

The Danish Fathers Association provide free counselling and support for all children, all parents and all families in Denmark. We experience it provides better quality of life for children and the families, societal savings and more motivated employees in the workplace.

The situation for children, fathers and modern families in Denmark by law and practice is however very critical. We experience clear violations of human rights on a daily basis.

- 1.2 million parents do not receive public information of their own children
- 95% of all fathers experiencing state administration feels clear discrimination
- 3 times more men than woman commit suicide in Denmark
- National State research for families is based on mothers answers
- 13% of all children in divorced families has today living address at their father. This is less children than the 1980 level in divorced families. This is in direct conflict with the Danish gender equality levels and development in society in work life and education.

The Danish Fathers Association finds – beyond any doubt – based on our counselling sessions for men and woman, surveys and daily voluntary work that Denmark violates the United Nations Children convention articles 2 and 3. The United Nations World Declaration of Human Rights articles 1, 2, 3, 5, 6, 7, 11, 12, 16, 22 and 30, also stipulated in the European Human Rights Convention articles 6, 8, 14 and 17. The Danish Fathers Association also experiences that Denmark violates the United Nations Torture declaration articles 1 for children and fathers in Denmark. The situation is critical and has been very critical for many years.

Key challenges

The two key challenges for children and fathers in Denmark on violation of human rights are:

- The Danish family laws were, created around year 1900 for the natural protection of women, but is in today's society with Gender equality obsolete. We must in Denmark and the Western world today protect and secure the human rights of all children, both parents and all families due to the societal development and gender equality. The need for a family reform and governmental coordination of 10-12 family laws in 9 ministries, not being coordinator or modernized, combined with lack of change effort and citizen satisfaction monitoring is creating human right violations for children, especially fathers and modern family life.
- The state and local government in children, family and social cases clearly involves too many public units and personnel. The cases is often handled by up to 10 different public units and up to 50 different persons resulting in increased time, loss of knowledge and human errors due to change of hands, which is a normal and commonly known managerial problem. This illustrated in annex 1.



Human Right Violations & Recommendations

The 7 main violations for children, fathers and modern families in Denmark in relation to the protection of human rights is based on our counseling, family surveys and daily contact with politicians and governmental institutions.

One of the surveys by the Danish Fathers Association showing the common picture is included in annex 2-9 based on parents experiencing state administration. One of the clearest documentations of the discrimination is included as annex 10 illustrating that less children today have their living address at their fathers than in 1980 in divorced families.

Theme 1: Public information for children are not sent to 1.2 million parents

In Denmark 1.2 million parents does not receive public information automatically for their own children because of old family legislation. The Danish Institute for Human Rights has recently documented the problem in local government although this is also a problem in State hospitals. Still no one has yet taken proper action to solve this basic human right issue related to discrimination and respect of family life.

With modern and equal families, it is clearly a problem for both woman and men causing confusion, irritation, anger and in some cases putting children in danger. The most common problem is family forms not sent to both parents at birth, kindergarten, schools applications and public children cases.

Recommendation

- 1. Danish law is recommended to clearly specify that both parents, is entitled to all information about their own children, unless the parents themselves state otherwise.*
- 2. All parents must confirm in writing if they desire to receive information of their child. This information is currently not available, and the information is to be, gathered centrally for all public institutions usage like the child's social security number.*
- 3. All public information about the child is to be send automatically – not manually due to human mistakes – to both parents unless otherwise specified.*

Theme 2: Maternity Leave and Family groups

In Denmark, the fathers compared to approx. 25% in Sweden and Norway and approx. 33% in Iceland only take 7-8 % of children maternity leave. Fathers must due to lack of rights for children and fathers in Denmark often work at home, take vacation or pay maternity leave themselves. This not being, registered in the statistics.

If a father likes to take, maternity leave only 2 weeks is legally his. The parents can jointly decide to share the main part of the 12 months maternity leave in Denmark. However if the mother does not want to share the 12 month period the child and father has no rights. If the mother and father is not living together or the mother, files a divorce she will get all



maternity leave allowance and the state administration will not provide the father maternity leave due to discrimination for the child.

In the other Nordic countries, approx. 3 months of the maternity leave is legally for children and fathers only. The positive collaboration concerning children increases when the father takes paternity leave, the woman's career opportunity improves and the divorce rates fall. Denmark discriminates children and fathers based on a historical strong position of woman associations and woman culture in Denmark in the state administration. This is obvious discrimination.

The same situation applies with family groups for children where many local governments are still only offering mother and children groups at birth. Not as compared to Sweden family groups for the child, both mothers and fathers – or two mothers, two fathers.

Recommendation

4. The maternity leave are recommended to be split by law with at least 3 month for both parents and the rest for joint agreement, unless a parent voluntarily want to provide the other parent with the benefit.

5. The maternity leave allowance are recommended to be split by law with at least 3 month for both parents and the rest for joint agreement, unless a parent voluntarily want to provide the other parent with the benefit.

6. All local governments should by law, offer family groups at birth for all children and parents.

Theme 3: Discrimination of children in modern families

In Denmark more than 33% of all children does not live together with both their father and mother due to divorces rates of more than 43% currently. However the family law is still based on year 1900 protection for woman, why the Danish state today importantly violate the human rights of many children and parents living for example in modern divorced families with full gender equality.

If two parents who used to share the parenting and caring for their child equally and in positive collaboration, is splitting up, the State demands that the parents within a few days decide, which parents has the residential address, the social benefit and legal right of the child and which parents has in practice almost no rights. This combined with discrimination in the state administration towards children and fathers that will not be giving the residential address causes many equal parents to be in conflict at the time of splitting up, but also put children in direct danger due to obvious discrimination and conflict potential.

Governmental statistics of the residential address for children documents, as illustrated in the annex that less children today has residential address at their fathers than in 1980 in divorced families. Not following the gender equality of Danish society in the general. By law, the child also must stay at least 7 days of 14 days at the parent with the residential address in families where the father and mother are not living together without the option for the parents themselves to decide a different arrangement for a period due to long-term causes like cancer, stress, work abroad or alike.



Recommendation

7. Parents in all family forms should be able to make their own agreement according to what they find best for their child and the state should only intervene if required.

8. Parents in all family forms should be able to decide how they split the child economy and living days for the child.

9. All children and families must be, treated equally in law and practice. Custody and single residential address should be, removed entirely in family law. Only if required the state should take actions based on individual and concrete decisions for the child and family.

Theme 4: Public children and family cases

The state and local administration in children, family and social cases clearly involves too many public units and personnel. Children, family and social cases is handled by up to 10 different public units and up to 50 different persons resulting in increased time, loss of knowledge and human errors due to change of hands, which is a normal and known managerial problem. The children is simply lost in a too complex state and local governmental administrative system as illustrated in process analysis "Follow the child" by the Danish Fathers Association in annex 1.

The Danish Fathers Association has gathered more than 1.000 children cases and has made process analyses of a number of common cases. Five different parameters has been, analyzed that being time, quality, equality, flexibility and cost in the child process. The analysis clearly shows that the state and local governmental system is too complex losing children and families in the administrative process and structure.

In some cases the cost for one parent can be 10.000 to 100.000 USD in a child case, while the other parent has a free legal process, and only the parent with the residential address for the child are allowed extra benefits for the child towards free process at courts. This is although the child might live equally at both parents.

Lawyers commonly misuse the legislation using approx. 20 standard methods knowing that discrimination is a normal part of the system and they can therefore easily win the case for the mother if they create a conflict between the parents or increase the time of the case.

The public administration in even clear cases with 10-100 formal errors often don't find, admit or change errors in the public children, family and social cases. Especially children and fathers therefore experience violation of their human rights as a torture like situation.

Recommendation

10. Create a much more simple governmental family system based on three models for all children and families.

Step 1: all parents can make their own positive agreement no matter which family form. Step 2: The local government offers counselling in family centers.



Step 3: if parents cannot, agree or there is concern for a child the case is to be, handled immediately and ONLY by a family court that has the expertise to make a good and correct decision for the children and family.

11. Close the state administration (Statsforvaltningen) in children and family cases to decrease the time and increase the quality. Newly educated and inexperienced legal personnel are today, taken lifelong decisions for children and families in a few hours without knowing the child or family and without proper documentation.

12. Secure that the state administration (Ankestyrelsen) only have a quality assurance role towards state and local government. Only the family court can make decisions.

13. Secure that parent has free process in legal children cases or both parents has free process in child cases if one parent has to prevent misuse of adding major costs for the other parent without the parent having any human rights in practice.

14. Secure a new system for quality assurance of lawyer's ethics and systematically misuse of family legislation and discrimination in child and family cases to prevent common violation of human rights.

Theme 5: Children's human rights to both parents

Not all children and fathers in Denmark is recognized by Danish law of their parenthood although DNA technology is available for prove. Children and fathers are also able to find each other on social media or the truth that the biological father is not the registered father might be informed doing a divorce, proceedings or later in life by the mother.

The Danish Child Law is not stating that the child's parents are the biological father or mother, but only the biological mother, registered husband or living partner or today also the co-mother. The biological father is not recognized – or a co-father - and if a biological father after 6 month with DNA finds out he is the father the fatherhood is not recognized. Nor can a registered father after 6 month in some cases be unregistered, but has to paid child support and heritage for the child that is not his.

Recommendation

15. Secure by law that the children's parents are always the biological father and mother

16. Remove the 6 months limitation for correct registration of biological parents using DNA, so that human rights of children and parents are, respected always.

17. Secure that a co-mother and co-father has the same rights by law



Theme 6: Violence against children and men

Violence against women has historical, been in focus, but in today's society, violence against children and men is as important although it often has other forms. The Danish Fathers Association is on a daily basis presented with cases where men and fathers is experiencing what we call governmental, psychological, financial, physical and sexual violence. Despite of this the State has almost no offerings to assist, protect or financially support men or is doing proper research. Children in 4th grade state that mothers is more violent than fathers are.

The state administration has written guidance that states that guilt does not apply in children and family cases. This means that it is irrelevant which parent is responsible for a conflict between the parents. This puts children in direct danger of having to live with a parent who purposely refused to cooperate with the other parent. This clause combined with the gender discrimination makes it possible for a mother and lawyers not to collaborate, but to create conflicts and then get full custody and residential address for the child. The situation for children and fathers being without any human rights is a torture like situation in practice.

Violence is violence as best illustrated in this You Tube video:

<https://www.youtube.com/watch?v=u3PgH86OyEM>

Recommendation

18. Full equality in family law for all children and parents, also related to violence

19. The state has to offer the same counselling and support for male and female victims of violence.

20. Security of men crisis center as women crisis centers in the Danish law and all other places including voluntary counselling and assistant by the Danish Fathers Association or offerings alike. The Danish Fathers Association is for many men the only place to go.

21. Removal of guideline clause in the "Vejledning om samvær §14.1.1.2" stating that guilt does not apply in children and family cases. This is a clear violation of children and parents human rights.

Theme 7: Research, Funding and Statistics

A recent analysis of ministerial social funding has documented that 4 times more funding, focused on the support of women in crisis in Denmark although 3 times more men are committing suicide than women are. The Governmental Research Institute, has not send surveys to fathers and not interviewed fathers, and has stated that they have not been able to receive answers. Although the research are presented as family research for children, the Governmental Research Institute (SFI) has only been using mother's answers for family research, although this has not been stated to the public, the press or Danish politicians as part of new legislation resulting in the research being used by ministries. Furthermore the State Administration has not although clearly requested, provided statistics on state decisions in child and family cases based on type of decision and gender, why obvious discrimination cannot be, proven in gender equality cases in Denmark.



Recommendation

22. Reassure the same funding and full equality by law for men and woman.

23. Reassure the same research or clear statement of gender specific research by the Governmental Research Institutions and research used by Ministries for law changes.

24. Reassure the provision of full statistics of all decisions made by the State Administration related to date, type, decision, gender and department to prevent discrimination comparable to other public administration and societal development in families.

Copenhagen, updated 2018



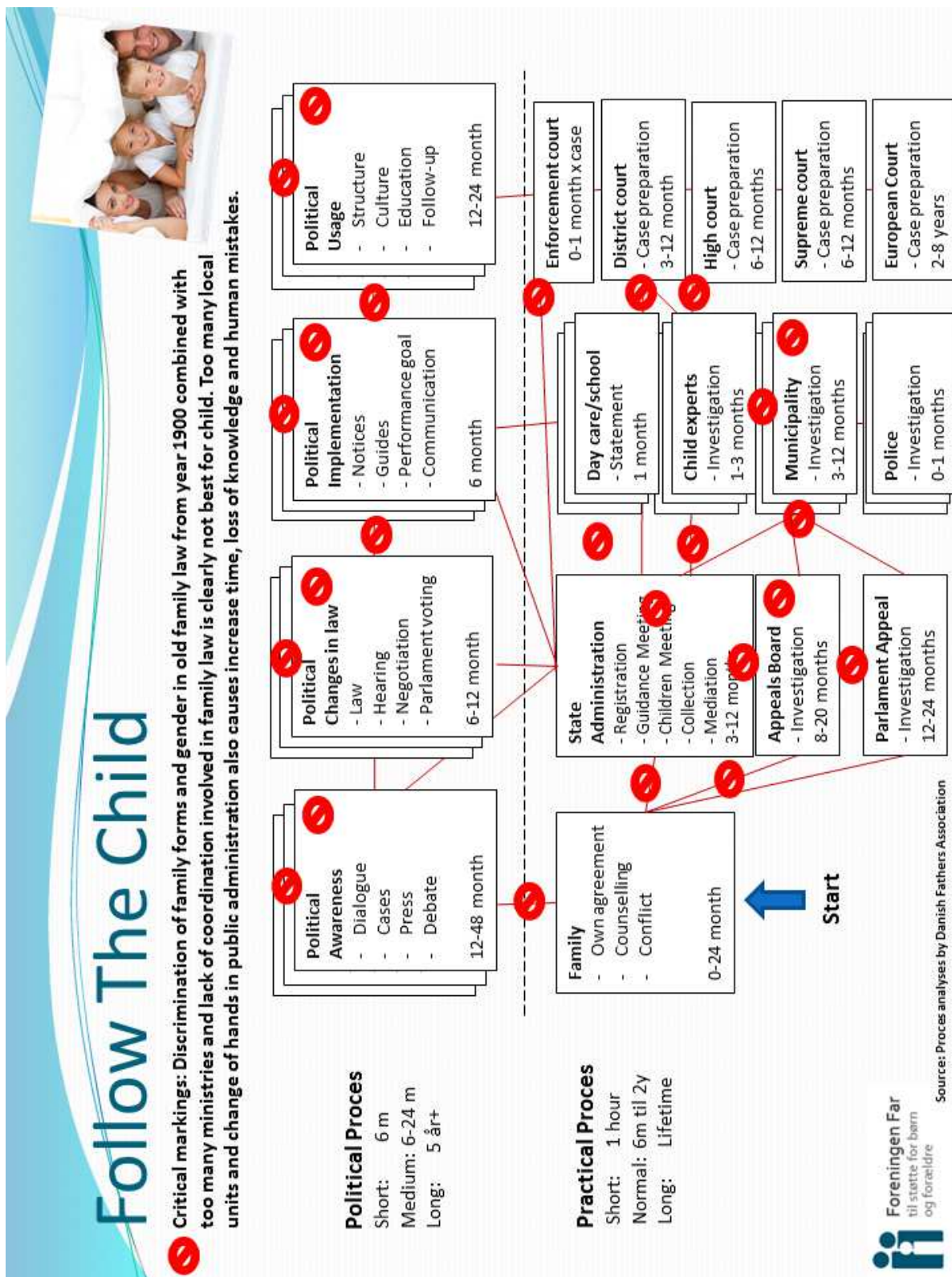
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Annexes

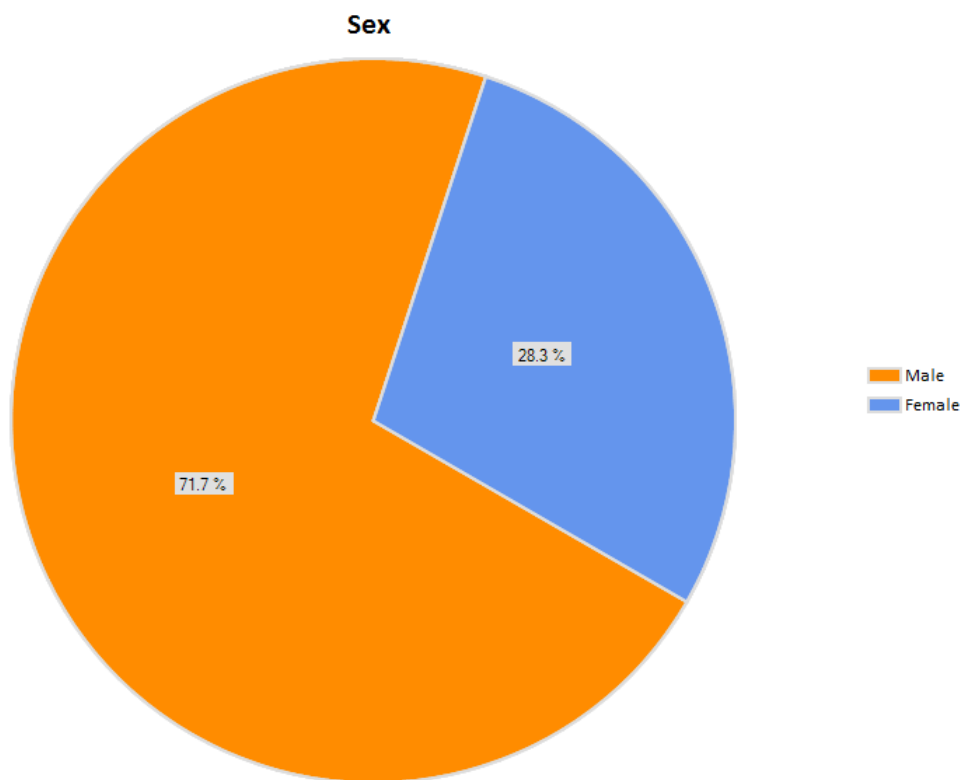
Annex 1 – Process analysis: Follow the Child





Annex 2 – Parent Survey: Gender

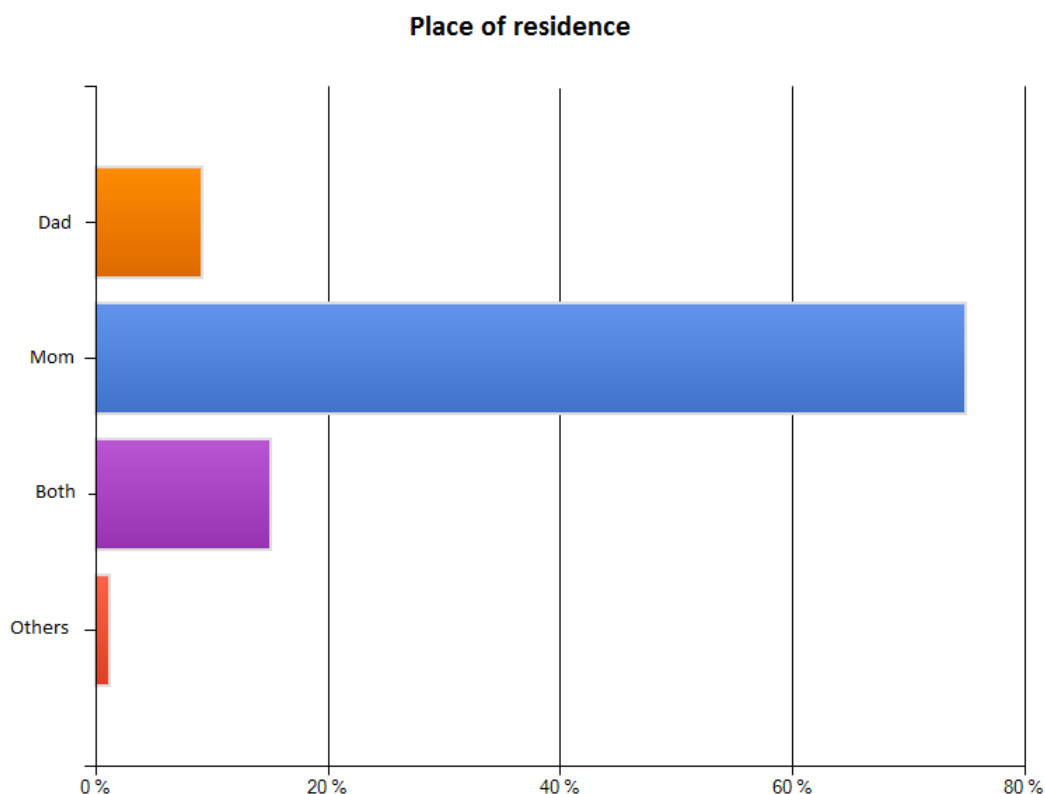
750 parents participated in modern two home families with experience of state administration. 75% fathers and 25% mothers





Annex 3 – Parent Survey: Living address for the children

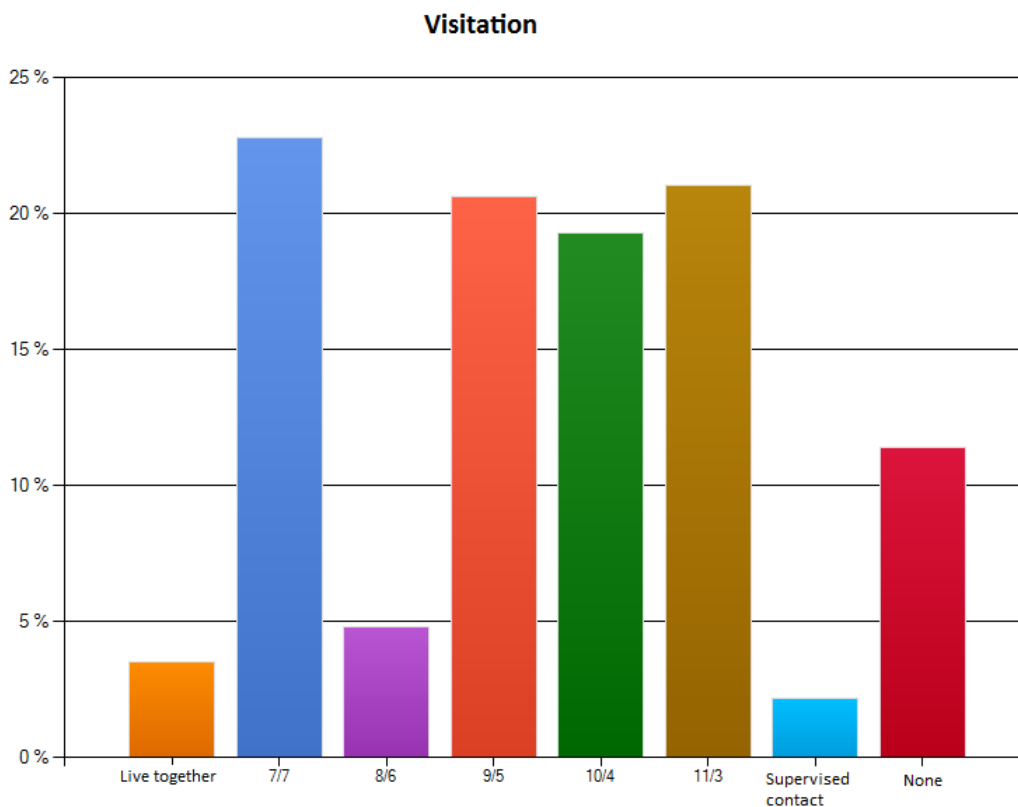
Most of the children in the modern families had living address at their mothers although the visitation often was equal in the daily life of the child being in close contact with both the father and mother.





Annex 4 – Parent Survey: Visitation

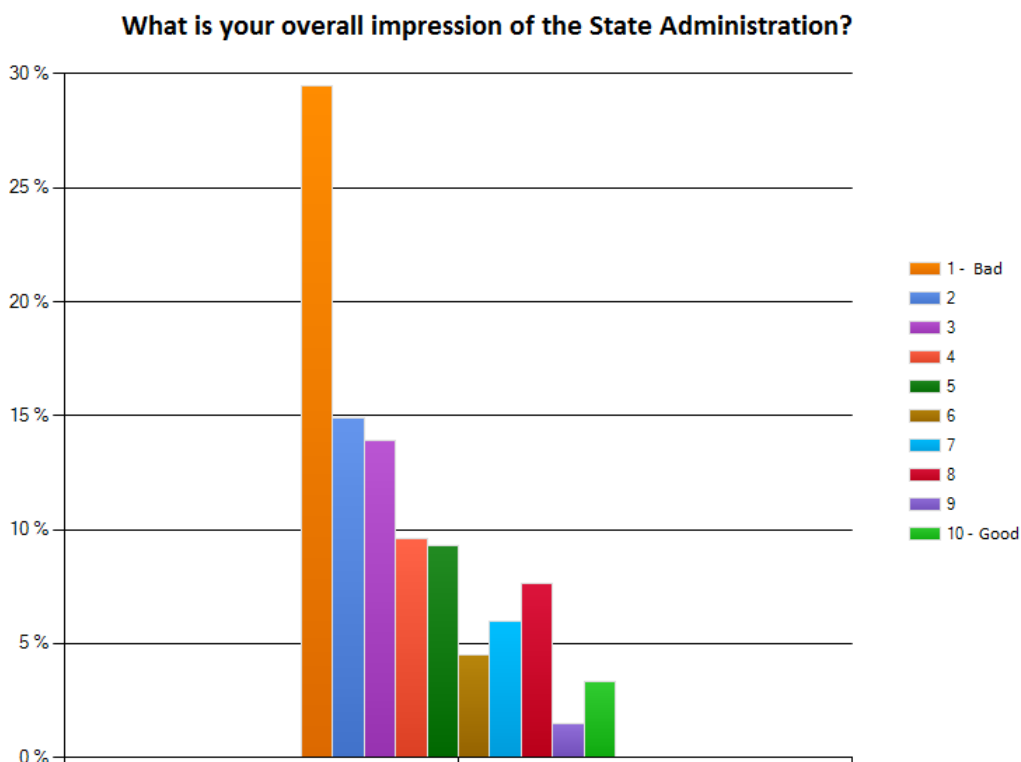
Most of the children was living in equal families or in close contact with both the father and mother.





Annex 5 – Parent Survey: State Administration

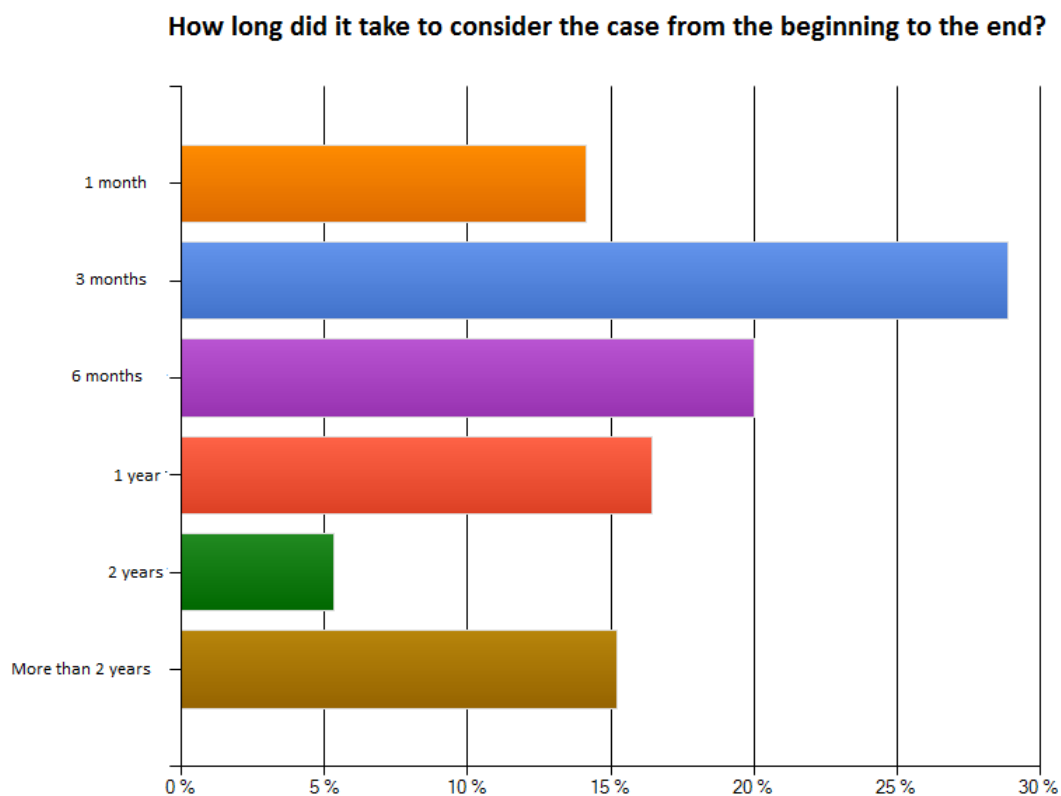
Almost all parents with experience from the State administration found that the State administration was of very poor quality.





Annex 6 – Parent Survey: Process time

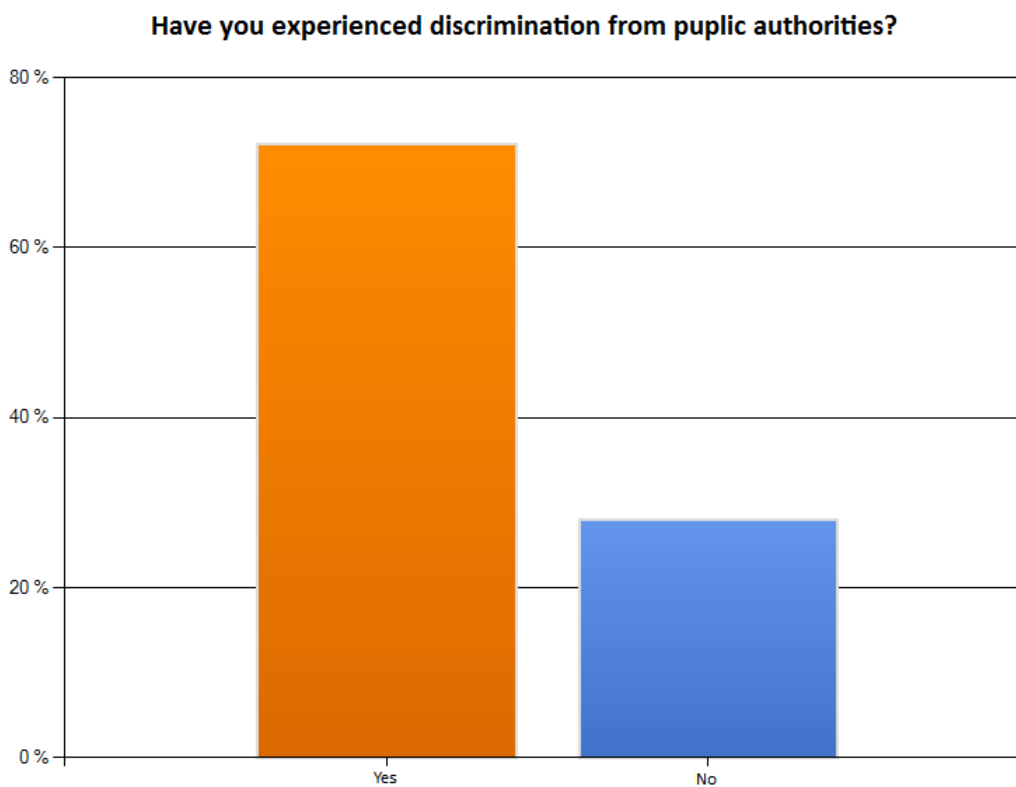
The parents stated that the process time in their children and family cases often was 3 month to more than 2 years.





Annex 7 – Parent Survey: Discrimination

Almost all fathers experienced – beyond any doubt – discrimination in the State Administration and Danish Family law.

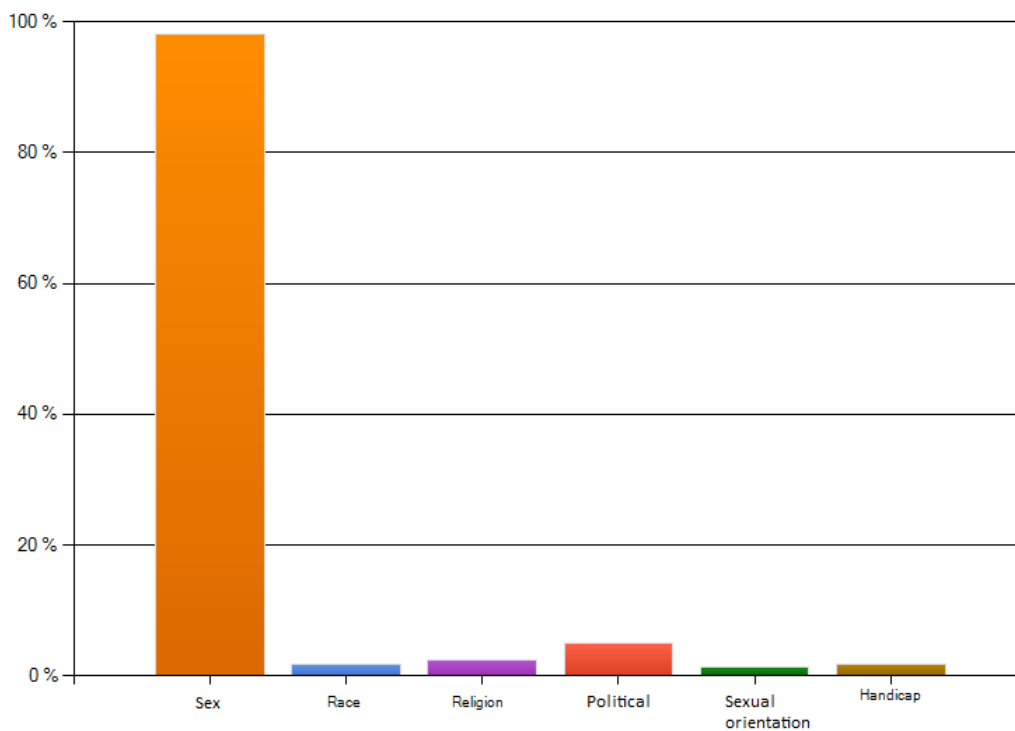




Annex 8 – Parent Survey: Discrimination by Gender

Almost all fathers experienced – beyond any doubt – discrimination by Gender

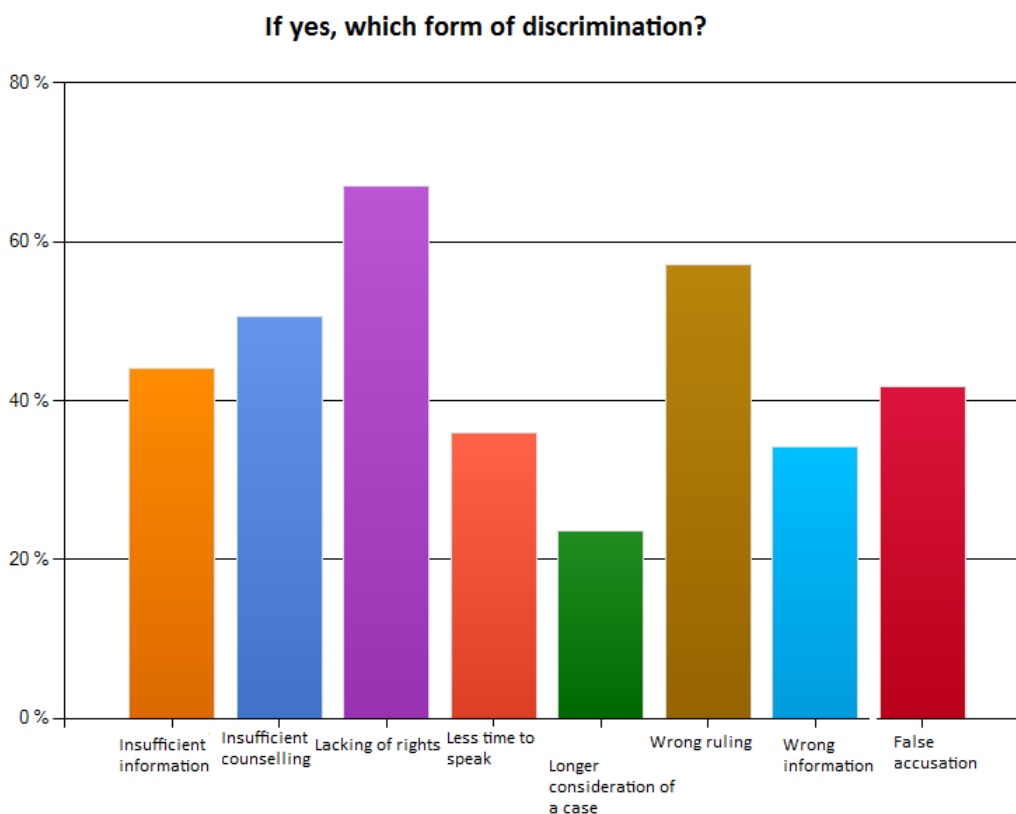
If yes, what type of discrimination?





Annex 9 – Parent Survey: Discrimination by Form

The fathers mainly found violations of human rights due to lack of rights in Danish family law and practical rulings no matter if they were and equal or even a much better parent for the child.



Annex 10 – Danish Statistic: Gender Equality

Denmark has today more woman in higher education than men. However, less children has still living address at their fathers today than in 1980 in modern divorced families between men and woman.

This is not only due to a free choice of the family, but also – beyond any doubt – due to discrimination. The fathers that would / should / by law should have the living address for the child simply did not get it - due to violations of human rights for children and fathers in the State administration and family law.

