

THE DANISH CENTRAL AUTHORITY
HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD
ABDUCTION
AND
EUROPEAN CONVENTION ON RECOGNITION AND ENFORCEMENT OF
DECISIONS CONCERNING CUSTODY OF CHILDREN AND ON RESTORATION
OF CUSTODY OF CHILDREN

Date: 2 April 2003

To: The Permanent Bureau

From: Marie Tullin
Ministry of Justice
Department of Private Law
(CIVILRETS DIREKTORATET)

File no.: 2003-7009-1

Re.: QUESTIONNAIRE ON PREVENTIVE MEASURES

The Ministry of Justice, Department of Private Law, which is the central authority of Denmark hereby forwards our responses to the above-mentioned questionnaire.

A. LEGISLATION AND COURT ORDERS

1. Civil legislative provisions

If one parent has sole custody of the child, this parent has the right to determine where the child should live, even if it is outside of Denmark. The parent, who does not have custody of the child, cannot take the child abroad without the consent of the holder of the custody.

When parents on the other hand have joint custody, and they disagree about who is to have sole custody, both parents shall consent to the child leaving the country.

When proceedings regarding custody have commenced, the court can decide that one parent should have temporary custody during the case. Such a temporary decision can also be made by the Ministry of Justice, Dep. of Private Law, if there is a risk that the parent, who has the custody of the child, is going to bring the child abroad.

2. Criminal legislative provisions

It follows from the Danish criminal code that a person, who wrongfully takes the child abroad, can be sentenced to a term of imprisonment of up to 4 years. Covered by this article are both situations where the non-abducting parent has sole custody and where the parents have joint custody and they disagree about who is to have sole custody.

In case of a report about one parent's attempt to wrongfully take the child abroad, the police can remove the child from the parent, who has tried to wrongfully bring the child

abroad, and the child may then be placed with the other parent. If the parents have joint custody, it must be obvious to the police that the parents disagree about the custody, that there is no consent to the child leaving the country, and signs that the parent is leaving the country.

3. Court orders during proceedings

As stated under question 1 the court can decide that one parent should have temporary custody during the case. If such a decision is made, it is for instance possible for the holder of custody to decide that the other parent cannot pick up the child in day care institutions etc.

4. Court orders in emergency situations

Same as under question 3. Order of temporary custody can in some situations be made out-of-hours and also ex parte, if the judge finds it necessary in order to prevent an abduction.

5. Comments relating to relocation orders

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6. Comments relating to legislative provisions, court orders or administrative measures

Decisions of temporary custody are often made by the court, when parents disagree about who is to have sole custody. They are, however, only made administratively if there is found to be an actual risk that one of the parents will take the child out of the country. In cases of joint custody the protection lies in the demand for consent to the child leaving the country.

B. BORDER CONTROLS

1. Rules or procedures relating to passports

According to the present rules regarding passports it is neither possible to call in a child's own passport nor to call in a parent's passport in order to delete the child from it.

There has, however, recently, been introduced a bill, which makes it possible to call in a parent's passport to delete the child in it. It can be demanded by the holder of custody and only regarding persons, who do not have custody of the child. It is a condition that a passport is issued to the child personally. The child's own passport can thus not be called in according to the new proposed legislation, since a parent with sole custody already has the right to have the child's passport returned, should a person without custody have it. The bill has not yet been passed.

2. Rules or procedures relating to visas

The Central Authority does not have information about this.

3. Children with more than one nationality

Denmark has no co-operative arrangements with other States with regard to children who maintain more than one nationality.

4. Entering into foreign States without passport/border control

Between Denmark, Finland, Iceland, Norway and Sweden it is possible to travel without passport.

The Schengen-co-operation, which Denmark entered 25 March 2001 means that there is no passport control at the borders between the Schengen countries, but only at the borders to countries outside of the Schengen area. Even for the last mentioned borders The Schengen Convention contains no demands on passport control and checking SIS for persons leaving the Schengen area. This means that only random checks are made.

5. Entering Denmark from foreign States without passport/border control

Cf. question 4

6. Port alert or similar emergency systems

The airport police can be contacted by the parents directly or by the local police which has been contacted by the parent. The airport police can detain a person, who is about to wrongfully bring a child out of the country

7. Specific duties on air carriers/ferries relating to carriage of children

The Central Authority does not have information about this.

8. Comments relating to border controls

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C. INFORMATION FOR PARENTS

1. Web pages, brochures, information packs or similar

The Department of Private Law has a web page () which among others contains information about child abduction cases. Information is in both Danish and English.

The Department has also made a flyer: "" and are about to make a similar one about wrongful removals from Denmark. The flyer is made in both Danish and English.

In May 2002 a hotline concerning child abduction was opened. The hotline is open 24 hours, and is answered by employees from the Central Authority. The purpose of the hotline is that parents and others can receive information regarding the rules about child abduction, preventive measures, which authorities to contact etc. The hotline does only have an advising function.

2. Time of compilation and update, and availability

The flyer was made in 2001 and is available at the web page and at the Department.

3. Comments relating to information for parents

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D. TRAINING AND EDUCATION FOR PROFESSIONALS

1. Training/education for professionals

At the department approx. 4 lawyers deal with the cases regarding child abduction. There is no specific training/education as regards child abduction, as new employees will be trained by those already dealing with the cases.

2. Provider of training and education

cf. question 1

3. Form and regularity of training

cf. question 1

4. Comments relating to training and education of professionals

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E. PUBLICITY

1. Means used to publicise the Convention or the work of the Central Authority

The Convention can be found on the department's web page together with information concerning child abduction and the Central Authority

2. Means to publicise other preventive measures

Information about the hotline was published in the press when it opened in May 2002, and there is information about it on the web page.

3. Comments relating to publicity

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F. CO-OPERATION

1. Co-operative agreements between different agencies within Denmark and how they developed

A task group was appointed by the Ministry of Justice in 2001 regarding child abduction. The purpose of the group is to elucidate the possibilities of improving the efforts regarding the handling of cases of international child abduction cases. Members of the group are representatives from the Ministry of Justice, The Department of Private Law, and the Ministry of Foreign affairs. The group has gathered information about foreign law, experiences of several organisations, lawyers etc., and in January 2003 a report was made. Besides describing the Danish and some foreign rules on the subject the report describes the groups recommendations as regard future initiatives. These include among others the above-mentioned changes in the regulation on passports, legal aid and other financial help for parents who has expenses abroad in connection with a child abduction case.

2. Co-operative agreements with other States and how they developed

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3. Details of all agencies in Denmark which have a role to play in preventing removal/retention

Apart from the Central Authority the organisation Daphne () could be mentioned. This is a private organisation, which among others aims to help parents who fear child abduction or parents who have had a child abducted. The Central Authority does not have any co-operation with the organisation.

4. Comments relating to co-operation

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G. OTHER INFORMATION

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