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**SUBMISSION FOR THE GENERAL ASSEMBLY
RESOLUTION 73/153 ON “CHILD, EARLY AND
FORCED MARRIAGE” AND TO HUMAN RIGHTS
COUNCIL RESOLUTION 41/8 ON CONSEQUENCES OF
CHILD, EARLY AND FORCED MARRIAGE**

The Danish Institute for Human Rights (the Institute) welcomes the call for submissions to the General Assembly report on “Child, early and forced marriage” (73/153) and in relation to the oral update by the United Nations High Commissioner for Human Rights on progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels pursuant to resolution 41/8 of Human Rights Council.

The Institute is of the impression that challenges related to child, early and forced marriage is generally limited in Denmark.

CHILD MARRIAGE

In 2018, the total number of marriages in Denmark were 32,530. The average age for first time marriage is 34.9 for men and 32.5 for women.¹

In August 2017, the Danish parliament adopted national legislation prohibiting all forms of marriage for persons under 18 years.²

¹ Denmark, Statistics Denmark, available in Danish at:
<https://www.dst.dk/da/Statistik/emner/befolkning-og-valg/vielser-og-skilsmisser/vielser>

² Amendments to the act on marriage and dissolution, the Aliens Act and the Guardianship Act no. 81 of 24th of January 2017, section 2, (Lov om ændring af lov om ægteskabs indgåelse og opløsning, udlændingeloven og værgemålsloven nr. 81 af 24. Januar 2017 om ægteskabs indgåelse og opløsning § 2), available in Danish, at:
<https://www.retsinformation.dk/Forms/R0710.aspx?id=186326>

Accordingly, the Danish authorities will not recognize already established child or early marriages for foreigners taking residence in Denmark and only in exceptional cases can they issue dispensations from the prohibition.

In 2016 the Danish Parliamentary Ombudsman criticised the change in administrative practice relating to the policy of separating persons under the age of 18 from their adult partner at asylum centres and gave account of the case and the particular practice.³ In particular, the Ombudsman criticised the lack of conducting a concrete assessment by the authorities. The case caused great controversy in the public debate which led to a change of practice by the authorities.⁴ Moreover, on 1 March 2019, the City Court of Copenhagen found that the administrative measure separating a Syrian couple at an asylum centre was unlawful pursuant to Denmark's human rights obligations under article 8(2) of the European Convention on Human Rights. As a result, the couple was awarded compensatory damages.⁵

FORCED MARRIAGE

All forms of forced marriage are prohibited and can be reversed by court order, cf. section 24 in the Act on the Contracting and Dissolution of Marriage (*ægteskabsloven*).⁶ In Denmark, forcing someone into marriage carries a maximum sentence of 4 years, cf. section 260 in the Criminal Code (*straffeloven*).⁷

There is no official information available on the number of forced marriages in Denmark. However, in 2017 a department under the municipality of Copenhagen providing assistance and guidance in the area of forced marriages and other form of honour related violence and social control, received 19 inquiries on forced marriages out of total of

³ Denmark, Parliamentary Ombudsman, account, document number 16/02113-51/SH, available in Danish at: <https://www.ft.dk/samling/20161/almdele/UUI/bilag/152/1735795.pdf>

⁴ Denmark, Ministry of Immigration and integration, press release of 16th February 2017, available in Danish at: <https://uim.dk/nyheder/2016/inger-stojberg-stopper-indkvartering-af-barnebrude-pa-asylcentre>

⁵ Case no. BS-14976/2018, 1st of March 2019, The City Court of Copenhagen.

⁶ Act on the Contract and Dissolution of Marriage (*Ægteskabsloven*), Act no. 771 of 7. April 2019, available in Danish, at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209754>

⁷ The Criminal Code (*Straffeloven*), available in Danish, at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209398>

840 inquires.⁸ 4 of the inquires concerned a fear of forced marriage but without conspicuous threats. In 14 of the inquires there were threats of forced marriage and in 1 case the person had been forced into a contract of marriage. Of those who feared or were threatened with forced marriage, 11 were between 11 and 17 years of old, whereas 8 persons were above 18 years of old.⁹

Yours sincerely,

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LEGAL ADVISOR

⁸ Denmark, Copenhagen Municipality, Statistics, page 3, available in Danish at:

https://etniskkonsulentteam.kk.dk/sites/etniskkonsulentteam.kk.dk/files/uploaded-files/etnisk_konsulentteams_statistik_2017.pdf

⁹ Denmark, Copenhagen Municipality, Statistics, page 3, available in Danish at:

https://etniskkonsulentteam.kk.dk/sites/etniskkonsulentteam.kk.dk/files/uploaded-files/etnisk_konsulentteams_statistik_2017.pdf