

DENMARK

The applications

1. The number of applications

According to the Central Authority for Denmark, they received 11 incoming return and 2 incoming access applications in 1999, making a total of 13 incoming applications. Additionally, they made 10 outgoing return and 10 outgoing access applications in that year. Altogether, therefore, the Central Authority for Denmark handled 33 new applications in 1999. The proportionally high number of outgoing access applications is to be noted.

2. The Contracting States which made the applications

(a) *Incoming return applications*

Requesting States

	Number of Applications	Percent
Norway	3	27
USA	2	18
Israel	1	9
Netherlands	1	9
Portugal	1	9
Sweden	1	9
UK - England and Wales	1	9
Cyprus	1	9
Total	11	100

As one might have predicted, a significant proportion, (36%) of applications, were from other Scandinavian States. 3 applications were from Norway and 1 from Sweden.

(b) *Incoming access applications*

There were 2 incoming access applications 1 from the USA and the other from Switzerland. Interestingly, therefore, none were received from other Scandinavian States.

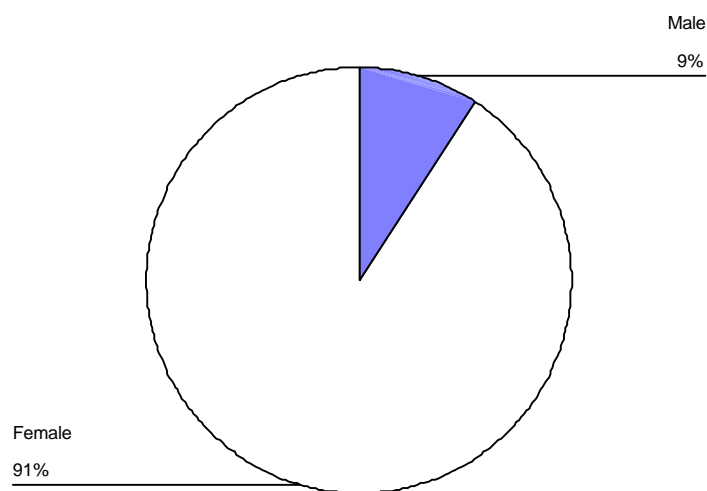
The taking person / respondent

3. The gender of the taking person / respondent

(a) *Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	1	9
Female	10	91
Total	11	100



Compared with the global norm of 69%, there was a higher proportion of female taking persons in applications to Denmark. Interestingly, a similar pattern can be found across all the Scandinavian States. In Norway the proportion was also 91%.¹

(b) *Incoming access applications*

In one of the access applications the respondent was female and in the other application the joint respondents were the grandparents.

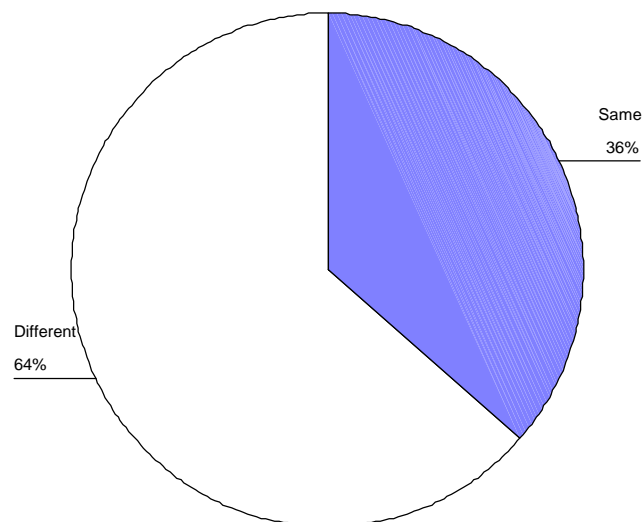
¹ All taking persons in the 4 applications received by Iceland were also female.

4. The nationality of the taking person / respondent

(a) *Incoming return applications*

Taking Person Same Nationality as Requested State

	Number	Percent
Same Nationality	4	36
Different Nationality	7	64
Total	11	100



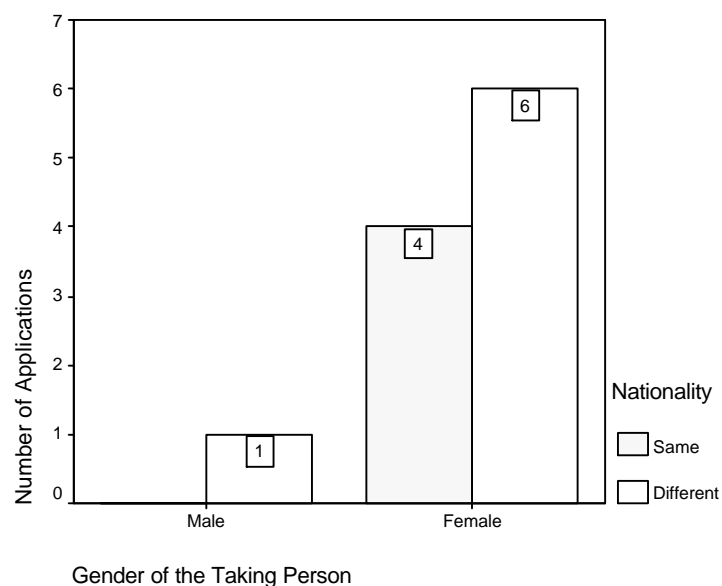
36% of taking persons had Danish nationality, which is less than the global norm of 52% of taking persons having the nationality of the requested State. The figure is similar to Norway where just 3 of the 11 taking persons had Norwegian nationality, but is different to Sweden where 93% of taking persons had Swedish nationality.

(b) *Incoming access applications*

The respondents in each of the two access applications were Danish nationals.

5. The gender and nationality of the taking person / respondent combined

(a) Incoming return applications



In 4 of the 10 applications involving female taking persons, the taking person was a Danish national. The one male taking person did not have Danish nationality.

The children

6. The total number of children

There were 18 children involved in the 11 return applications and 3 children involved in the 2 access applications. Altogether, therefore, there were 21 children involved in new incoming applications received by Denmark in 1999.

7. Single children or sibling groups

(a) Incoming return applications

Single Child or Sibling Group

	Number	Percent
Single Child	5	45
Sibling Group	6	55
Total	11	100

Number of Children

	Number	Percent
1 child	5	45
2 children	5	45
3 children	1	9
Total	11	100

It is interesting that there were more sibling groups than single children involved in applications to Denmark. This goes against the global trend where 63% of applications involved single children, though given the small numbers one should be cautious in drawing conclusions.

(b) Incoming access applications

One of the access applications involved 2 children and the other application involved a single child.

8. The age of the children

(a) Incoming return applications

Age of the Children

	Number	Percent
0-4 years	3	17
5-9 years	11	61
10-16 years	4	22
Total	18	100

Globally, the highest proportion of children, 42%, were aged between 5 and 9 years old. In applications to Denmark however, the proportion was higher at 61%. Whereas, globally, 38% of children were aged between 0 and 4 years, in Denmark the proportion of children in this age group was just 17%. In other words, applications to Denmark involved older children.

(b) Incoming access applications

The two access applications involved two children aged between 5 and 9 years old and one child who was aged between 10 and 16 years old.

9. The gender of the children

(a) Incoming return applications

Gender of the Children

	Number	Percent
Male	10	56
Female	8	44
Total	18	100

The proportion of male and female children was similar to the global norms of 53% and 47% respectively.

(b) Incoming access applications

The two access applications involved one male and two female children.

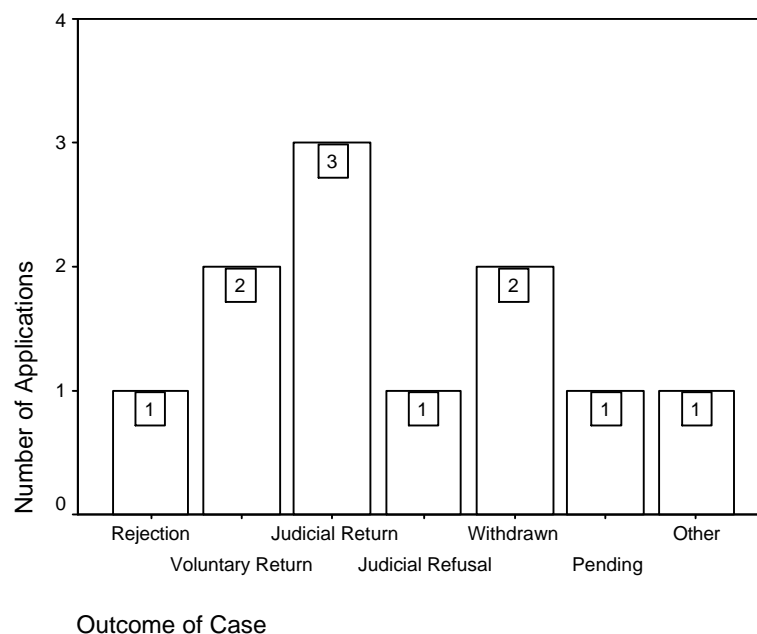
The outcomes

10. Overall outcomes

(a) Incoming return applications

Outcome of the Applications

	Number	Percent
Rejection	1	9
Voluntary Return	2	18
Judicial Return	3	27
Judicial Refusal	1	9
Withdrawn	2	18
Pending	1	9
Other	1	9
Total	11	100



As can be seen from the chart and table above², the outcomes in applications to Denmark were fairly diverse. Compared with the global norms there were few

² The application categorised as 'other' involved 2 children. The judge refused to return a 13 – 16 year old child based on the child's objections. The father snatched the other child back and in relation to that child the application was withdrawn.

significant differences in the pattern of outcomes. 45% of cases ended in a judicial or voluntary return, compared to a global norm of 50%. 75% of applications which went to court ended in a judicial decision to return, which is similar to the global norm of 74%. It is to be noted that the pending application was still pending at 30th June 2001 and as such may give pause for thought.

(b) Incoming access applications

Under Danish law a decision concerning access is made by an administrative not a judicial authority. In both the access applications, access was refused.

11. The reasons for rejection and judicial refusal

(a) Incoming return applications

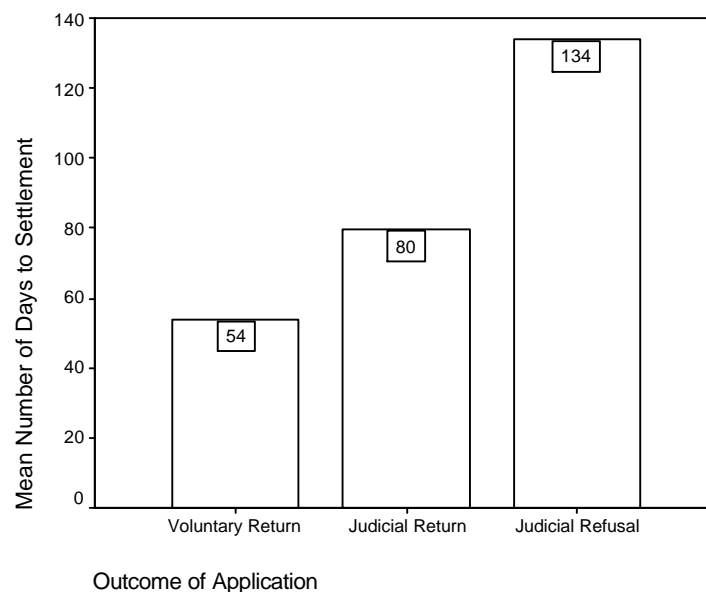
The basis of the rejection was that the child was located in another country.

The basis of the refusal was Article 12.

Speed

12. The time between application and outcome

(a) Incoming return applications



The mean average length of time taken to reach a voluntary return in applications to Denmark was 54 days, while globally the mean was 84 days. The length of judicial decisions both to return and to refuse to return, were also faster than the global means of 107 days and 147 days respectively. Nevertheless, it is important to note that all figures refer to a small number of cases, and that one application is still pending.

(b) Incoming access applications

One of the access applications took over 6 months to be resolved, the other took between 6 and 12 weeks.

13. Appeals

(a) Incoming return applications

2 of the 3 judicial return orders were made on appeal upholding first instance return orders. The 2 appeal cases took 84 days and 100 days respectively compared with a global norm of 208 days.