

# European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Denmark

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## **Data Explorers and tools**

### **Violence against women survey data explorer**

<http://fra.europa.eu/DVS/DVT/vaw.php>

### **EU LGBT survey data explorer**

<http://fra.europa.eu/DVS/DVT/lgbt.php>

### **Indicators on the right to political participation of people with disabilities**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation>

### **Mapping victims' rights and support in the EU**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

### **Mapping child protection systems in the EU**

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

## Fundamental rights: challenges and achievements in 2014 - Annual Report 2014 (June 2015)

(Specific link only available as of 25 June 2015, <http://fra.europa.eu/en>)

### 4. Asylum, borders, immigration and integration

#### 4.6 EU Member State measures promoting inclusive societies

“Twelve EU Member States (Austria, Croatia, the Czech Republic, **Denmark**, Germany, Greece, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia), implement training programmes and capacity building for public administration. They offer these resources to civil servants dealing with migrants.” (p. 96)

#### 4.7 Transforming education, reflecting diversity in society

“FRA found that diversity and intercultural education are included as core elements in the general principles and objectives of 10 Member States: Austria, Croatia, **Denmark**, Finland, Germany, Latvia, Malta, the Netherlands, Spain and Sweden. In primary or secondary education, most EU Member States do teach about different cultures in society. It is part of the curriculum in both primary and secondary education in the Czech Republic, **Denmark**, Germany, Latvia, the Netherlands and Poland.” (p. 98)

#### 4.8 Empowering migrants in their path to participation

“A majority of Member States (Belgium, **Denmark**, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the United Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities.” (p. 99)

### 7. Access to justice, including rights of crime victims

#### 7.4 Recognising and responding to women as victims of violence: Europe takes a step forward

“A major development in 2014 was the entry into force of the Istanbul Convention on 1 August 2014. As of 31 December 2014, eight EU Member States were parties to the convention, up from three at the end of 2013 (the five EU Member States that ratified the Convention in 2014 are **Denmark**, France, Malta, Spain and Sweden).” (p. 154)

## Severe labour exploitation: workers moving within or into the European Union (June 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf)

“Desk research revealed that at the level of Member State legislation the protection of workers against the most severe forms of labour exploitation is not as comprehensive and strong as could be expected. In half of EU Member States (Bulgaria, the Czech Republic, **Denmark**, Finland, Germany, Greece, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Poland, Slovakia and Sweden) slavery, servitude and forced labour are criminalised only in specific contexts.” (p. 36)

## The fundamental rights situation of intersex people – Focus Paper (May 2015)

<http://fra.europa.eu/sites/default/files/fra-2015-focus-04-intersex.pdf>

“Sex (re)assignment or sex-related surgery seems to be performed on intersex children, and young people, in at least 21 EU Member States (Austria, Belgium, Bulgaria, the Czech Republic, **Denmark**, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovakia, Spain, Sweden and the United Kingdom). [...] In eight Member States (Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Poland and Sweden), the legislation or medical practice requires consent by the legal representative, independently of the child’s ability to decide. [...] Patient consent seems to be legally required in at least 18 Member States (Austria, Belgium, Bulgaria, **Denmark**, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovakia, Spain, Sweden and the United Kingdom). This is provided that the child is considered to possess adequate cognitive faculties and the ability to decide. In 14 Member States (Austria, Belgium, Bulgaria, **Denmark**, Germany, Ireland, Lithuania, Latvia, the Netherlands, Poland, Slovenia, Spain, Sweden and the United Kingdom), the child is presumed to have such abilities after a certain age. However, there is often flexibility in assessing these abilities, both in Member States where a certain reference age exists (for example, 12 years in Belgium).” (p. 7)

## Implementing the United Nations Convention on the Rights of Persons with Disabilities (CRPD). An overview of legal reforms in EU Member States – Focus Paper (May 2015)

<http://fra.europa.eu/sites/default/files/fra-2015-focus-05-2015-crpd.pdf>

“Concerning the accessibility of the physical environment, FRA evidence shows that 15 Member States (Austria, Belgium, Czech Republic, **Denmark**, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, Spain and the United Kingdom) have mandatory accessibility standards for the construction, and alteration of national and local authority buildings, often in line with EU-level standards.” (p. 8)

“Steps have also been taken to broaden access to sign language interpretation: in **Denmark**, Estonia, Spain and Sweden, for example, sign language has been recognised as an official language since CRPD ratification.” (p. 9)

## Victims of crime in the EU: the extent and nature of support for victims (January 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)

“[Victims of crime funds] In addition to other funding sources, several EU Member States generate money for victim support services through a ‘Victims of Crime fund’ or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime; for example, in Belgium, **Denmark**, Lithuania, Poland, Portugal, Sweden and the United Kingdom.” (p. 62)

“[Adopting special measures for victims with disabilities] **Denmark** has specialised centres for women (*Handikap, Udvikling i Kvindecetre, HUK*) aimed at improving services for women and children with disabilities who were victims of violence. From 2005–2009, seven such crisis centres were established.” (p. 88)

## Being Trans in the EU – Comparative analysis of the EU LGBT survey data (December 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative_en.pdf)

In **Denmark**, 48% of respondents felt discriminated against or harassed because of being perceived as trans in the last 12 months. (Figure 3, p. 25)

"[Discrimination in education] Respondents from Latvia, **Denmark** and the Czech Republic are the most likely to have experienced a positive school atmosphere towards LGBT persons." As Figure 21 shows, 39% of respondents consider that there is a positive school atmosphere towards LGBT persons, while 39% consider this atmosphere to be mixed and 23% consider it to be negative (p. 40)

The prevalence of hate-motivated violence in **Denmark** is 6%, below EU average (8%) (Figure 35, p. 56). The prevalence of hate-motivated harassment is 24%, above EU average (22%) (Figure 43, p. 65)

## Addressing forced marriage in the EU: legal provisions and promising practices (October 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu\\_en.pdf.pdf](http://fra.europa.eu/sites/default/files/fra-2014-forced-marriage-eu_en.pdf.pdf)

"[...] most EU Member States do not treat forced marriage as a specific criminal offence. Only in seven EU Member States, forcing a person to marry against his or her will is a separately defined criminal offence. These states are Austria, Belgium, Croatia, Cyprus, **Denmark**, Germany and the United Kingdom." (p. 18)

## EU LGBT survey - European Union lesbian, gay, bisexual and transgender survey - Main results (October 2014)

[http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results\\_tk3113640enc\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf)

"Looking at the results by country shows important differences in the percentages of respondents that said they have felt personally discriminated against or harassed in the last 12 months on the grounds of sexual orientation, ranging from around 30 % in **Denmark** and the Netherlands to around 60 % in Croatia and Lithuania" (p. 26).

"[Discrimination in employment] The percentage of those respondents who were employed in the last 12 months that felt personally discriminated against at work in the last year because of being LGBT ranges from 29 % in Cyprus to 11 % in **Denmark**." (Figure 7, p. 30)

[Discrimination in education] In **Denmark**, 10% of respondents felt discriminated against by school or university personnel in the last 12 months because of being LGBT, which is below EU average (18%). "Respondents in Lithuania (31 %), Romania (30 %) and Portugal (29 %) are around three times more likely to say they have felt discriminated against in this way in the last year than those living in the Netherlands (8 %), **Denmark** (10 %) and Belgium (11 %)." (Figure 11, p. 35)

"Respondents living in the Netherlands (12 %), **Denmark** and Sweden (both 13 %), the Czech Republic (14 %) and Belgium (15 %) are the least likely to say they have felt personally discriminated against when at a restaurant, bar, café or nightclub in the last year because of being LGBT. [...] About one in five respondents living in Croatia (19 %), Lithuania (18 %), Poland (18 %) and Romania (18 %), say they felt personally discriminated against when looking for a house or apartment to rent or buy in the last

year because of being LGBT, compared with one in 20 in **Denmark**, the Netherlands and Sweden.” (p. 41)

“[Rates of violent incidents] The numbers of violent attacks and threats per 1,000 respondents in Lithuania (525), Romania (522) and Poland (452) are more than three times those found in Slovenia (138), the Netherlands (157) and **Denmark** (159).” (p. 59)

The prevalence of hate-motivated harassment in **Denmark** is 17%, below EU average (19%) (Figure 47, p. 71)

“Looking at the overall results, respondents living in Belgium, the Czech Republic, **Denmark**, Finland, Luxembourg, the Netherlands, Spain and Sweden indicate that they generally experience and perceive a social environment that is comparatively favourable for LGBT people. They are less likely to be victims of violence, harassment or discrimination, to perceive widespread negative attitudes towards LGBT people, or to avoid certain locations or behaviours for fear of being assaulted, threatened or harassed.” (p. 99)

## **Fundamental rights: challenges and achievements in 2013 - Annual Report 2013 (June 2014)**

[http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0_en.pdf)

### 2. Border control and visa policy

“[Effective return-monitoring system] Only 11 of the 19 EU Member States which FRA considers to have effective return-monitoring systems had monitors on board either systematically or occasionally: Austria, the Czech Republic, **Denmark**, Estonia, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Spain and the United Kingdom. [...] A legal expert from the National Ombudsman in **Denmark** regularly observes return operations, as part of its role since April 2011 to monitor forced returns. In 2013, it monitored 15 return operations, including in seven cases the actual return flight. The Ombudsman considered that these operations were all handled in line with fundamental rights.” (p. 47)

### 4. Rights of the child and protection of children

“A wider ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, known as the Lanzarote Convention, represents another accomplishment. So far, 18 EU Member States have ratified it: Austria, Belgium, Bulgaria, Croatia, **Denmark**, Finland, France, Greece, Luxembourg, Malta, the Netherlands, Portugal, Romania and Spain before 2013, as well as Italy, Lithuania, Slovenia and Sweden during the year.” (p. 107)

“Female genital mutilation can be prosecuted in all Member States, either through general criminal legislation or through specific criminal law provisions, such as those existing in Austria, Belgium, Croatia, Cyprus, **Denmark**, Germany, Ireland, Italy, Spain, Sweden and the United Kingdom. However, very few cases are actually prosecuted and sentenced.” (p. 111)

“Children’s ombudspersons from five Nordic countries (the EU Member States **Denmark**, Finland and Sweden, as well as Iceland and Norway) agreed in September [2013] to work with their respective governments to restrict male circumcision so that it is no longer performed on non-consenting, underage boys for non-medical reasons.” (p. 112)

## 5. Equality and non-discrimination

“Relatively high levels of discrimination on the ground of age were identified in Belgium, Denmark and France.” (p. 129)

“Cyprus, Denmark, Italy, Latvia, Lithuania, Slovakia and the United Kingdom introduced action plans in the area of disability.” (p. 136)

## 9. Rights of victims of crime

“In Denmark, a new law establishes a Victims’ Fund for the benefit of victims of crime and traffic accidents, funded by fines imposed on convicted offenders. Through grants to victim support services, research, projects on education, information and development, the fund will support activities in the area of victim support.” (p. 212)

## The right to political participation for persons with disabilities: human rights indicators (May 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities_en.pdf)

“National disability strategies or action plans explicitly address political participation in eight EU Member States: Austria, Croatia, Denmark, Germany, Latvia, Luxembourg and Spain as well as Slovakia.” (p. 38)

“A further 15 EU Member States prohibit people with disabilities who have been deprived of their legal capacity from voting. The Member States are Belgium, Bulgaria, Cyprus, Denmark, Estonia, Germany, Greece, Ireland, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania and Slovakia. This exclusion is either set out in the country’s constitution or in electoral legislation.” (p. 41)

“In eight EU Member States, Austria, Denmark, Estonia, Finland, Germany, Lithuania, the Netherlands and the United Kingdom, all voters can vote using alternative methods, typically postal voting.” (p. 42)

“The FRA’s analysis indicates that 15 EU Member States, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, Spain and the United Kingdom have mandatory accessibility standards for the construction and alteration of national and local authority buildings.” (p. 48)

“In 15 EU Member States, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Poland, Portugal, Slovakia, Slovenia, Sweden and the United Kingdom, assistance in voting is available to persons with physical, visual and intellectual disabilities, subject to the authorisation of the election authorities. In most of these Member States, this assistance is based on an inability to read or write, independent of the reason.” (p. 50)

“[Ensuring access to complaints mechanisms] In the remaining two thirds (19) of Member States, persons with disabilities who have been deprived of their legal capacity do not have independent or direct access to redress mechanisms. This exclusion is manifested in two ways. In the first group of Member States, people who are prevented from voting because they have been deprived of their legal capacity are denied access to redress regarding problems experienced in the voting process. This is the case in Denmark, Estonia, Greece, Ireland, Lithuania, Poland, Slovenia and Slovakia.” (p. 53)

## Violence against women: an EU-wide survey. Main results report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

In **Denmark**, 52% of women have experienced physical and/or sexual violence by current and/or previous partners or non-partners since the age of 15, above EU average (33%). (Table 2.1, p. 28)

“Considering the results at the country level, the rates of partner violence range from 30 %–32 % in Finland, **Denmark** and Latvia to 13 % in Austria, Croatia, Poland, Slovenia and Spain. The prevalence rates for non-partner violence present a similar degree of spread, from a high of 34 %–40 % in Sweden, the Netherlands and **Denmark** to 10 %–11 % in Portugal, Greece and Poland.” (p. 30)

“In Denmark, which displays a relatively high rate of partner violence, 42 % of the most serious incidents of partner violence resulted in injuries.” (p. 63)

“[Psychological partner violence] At the EU Member State level, the results range from 60 % of women in **Denmark** and Latvia, and 53 % of women in Finland having experienced some form of psychological violence in their relationships, to one in three women in Ireland (31 %), Greece (33 %) and Spain (33 %) having experienced this.” (p. 73)

[Stalking] In **Denmark**, the prevalence of stalking since the age of 15 is 24%, above EU average (18%). (Table 5.1, p. 83)

“[Sexual harassment] The prevalence rates range from 81 %–71 % in Sweden, **Denmark**, France, the Netherlands and Finland, to 32 %–24 % in Portugal, Poland, Romania and Bulgaria.” (p. 98)

In **Denmark**, the prevalence of sexual harassment since the age of 15 is 80%, above EU average (55%) (Figure 6.2, p. 99); while the prevalence of sexual harassment in the 12 months before the interview is 37%, above EU average (21%) (Figure 6.3, p. 100).

“[Cyberharassment] Denmark and Sweden (both 18 %), and Slovakia and the Netherlands (both 17 %) show the highest prevalence rates. The lowest rates are in Romania (5 %), and in Lithuania and Portugal (both 6 %).” (Figure 6.7, p. 105)

## Access to data protection remedies in EU Member States (January 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en_0.pdf)

“In serious enough cases, criminal proceedings can be initiated for violations of data protection legislation. [...] In addition, in all EU Member States the courts can impose fines, issue prison sentences or combine both. The size of the fine or length of the prison sentence is set out in national legislation and varies between Member States. [...] The majority of EU Member States enforce a maximum determinate sentence, most of which fall between six months and five years. [...] In **Denmark**, a sentence of up to four months can be imposed.” (p. 22)

“[Role of non-judicial bodies] Other non-judicial bodies have the power to annul decisions taken by other authorities, to order rectification of violations and to grant, deny or delete information. This is the case with the **Danish** Press Council, which is able to delete specific information.” (p. 19)

## Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems.pdf>

“[Requesting protective measures] About half of EU Member States explicitly provide in their national legal frameworks for the person concerned to request a restriction of his or her legal capacity. This is the case in Austria, **Denmark**, Estonia, Finland, France, Germany, Greece, Italy, Luxembourg, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.” (p. 35)

“[Restoration of legal capacity] Some EU Member States whose legislation provides for indefinite guardianship specify that the guardianship should last as long as a guardian is needed. [...] This is also the case in, for example, Cyprus, **Denmark**, Greece, Luxembourg, the Netherlands, Poland and Sweden.” (p. 38)

“FRA research shows that the person under guardianship can appeal the decision affecting his or her legal capacity in many EU Member States, for example Austria, the Czech Republic, **Denmark**, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Poland, Spain, Sweden and the United Kingdom.” (p. 39)

## Fundamental rights: challenges and achievements in 2012 (June 2013)

[http://fra.europa.eu/sites/default/files/annual-report-2012\\_en.pdf](http://fra.europa.eu/sites/default/files/annual-report-2012_en.pdf)

### 1. Asylum, immigration and integration

“[Forced return monitoring] Of the 15 Member States where FRA considers that effective monitoring systems are in place, only seven (Austria, Belgium, Czech Republic, **Denmark**, Estonia, Luxembourg and the United Kingdom) monitored a return flight in 2012.” (p. 56)

### 2. Border control and visa policy

“[Persons held in airport transit zones – access to food, water and a place to rest] At airports in at least eight Member States (Bulgaria, Cyprus, **Denmark**, France, Italy, Lithuania, Poland and Romania) alternative systems do not appear to exist if carriers fail to comply with their obligation to take care of passengers’ basic needs. Destitute passengers depend on ad hoc solutions or do not receive food and water at all while in transit, unless they are detained.” (p. 83)

“By 2012, approximately two thirds of EU Member States as well as Croatia had posted immigration liaison officers abroad: Austria, Belgium, the Czech Republic, **Denmark**, Finland, France, Germany, Hungary, Italy, Latvia, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom. [...] Only a few EU Member States have instructed ILOs on how to handle requests for asylum.” (p. 87)

### 4. Rights of the child and protection of children

“[Child participation] **Denmark** amended the law regulating the National Council for Children (*Børnerådet*), which now states explicitly that the Council should involve children’s views in its work.” (p. 129)

## 5. Equality and non-discrimination

“But the growing number of EU Member States introducing registered partnership schemes may reduce the potential obstacles to free movement. [...] **Denmark** was the only country during the reporting period to adopt an act to open marriage to same-sex couples.” (p. 154)

## 6. Racism, xenophobia and related intolerance

“For those EU Member States that publish data on more than one bias motivation, Austria and the Czech Republic witnessed decreases in all forms of recorded crime between 2010 and 2011, while **Denmark**, the Netherlands, Poland and Sweden saw increases in every category.” (p. 181, see also Table 6.2 in p. 183)

“Ethnic discrimination in education and segregation in schools on ethnic grounds remain a problem in the EU. International and national human rights monitoring bodies highlighted barriers in access to equal education in a number of EU Member States, with members of ethnic groups and migrants continuing to face difficulties due to discrimination on ethnic grounds in Spain or segregation in schools in **Denmark**, Germany and Italy.” (p. 193)

## 8. Access to efficient and independent justice

“Several EU Member States, including Austria, Belgium, Bulgaria, **Denmark**, Italy, Poland and Slovakia created web portals and other web tools in 2012 to raise legal awareness and educate the public, providing easily accessible and barrier-free information on the functioning of court proceedings, downloadable forms and relevant case law.” (p. 245)

## 9. Rights of victims of crime

“[Rights of victims of domestic violence and violence against women] In **Denmark**, Act No. 112 of 2012 is expected to strengthen the protection of persons against persecution, harassment and violation of privacy, including stalking. [...] Under the act, any contact is now considered a violation of a restraining order – not just contact that is considered a violation of the victim’s peace. Breaches of restraining orders, exclusion orders and expulsion are punishable by fines and up to two years of imprisonment, and any violation that amounts to stalking will be considered an aggravating circumstance.” (p. 265)

“[Rights of victims of trafficking and severe forms of labour exploitation] The number of persons officially identified as victims of trafficking for labour exploitation in **Denmark** has risen over the last few years. National action plans and the Danish Centre against Human Trafficking (CMM) have helped to sharpen the focus on this problem. Establishing contact with victims of trafficking for labour exploitation in places such as building sites, restaurants and in the agricultural sector is difficult. To increase access to potential victims of trafficking, CMM has established partnerships with Danish authorities, such as the authorities responsible for the working environment, the tax authorities and police, and trade unions in the labour market.” (p. 267)

## **Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)**

[http://fra.europa.eu/sites/default/files/fra-2012\\_hate-crime.pdf](http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf)

“The readiness of legislators in EU Member States to extend definitions of hate crimes to a wide range of categories is a clear trend observable in Austria, Belgium, Croatia, Finland, Latvia, Lithuania, Malta, the Netherlands, Romania and Spain. Other EU Member States, like **Denmark**, Hungary, Sweden and

the United Kingdom have included at least sexual orientation as an additional category of discrimination.” (p. 25)

“A much larger group – Austria, Croatia, the Czech Republic, **Denmark**, Finland, France, Greece, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania, Spain and Sweden – opted instead to make racist and xenophobic motivation an aggravating circumstance, sometimes in addition to qualified criminal law definitions.” (p. 26)

## **Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)**

[http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems\\_en.pdf](http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf)

“In 13 Member States two criteria – the risk of harm *and* the need for treatment – are listed alongside having a mental health problem. This is the case in **Denmark**, Greece, Finland, France, Ireland, Latvia, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and the United Kingdom. [...] In a small number of these EU Member States, a condition relating to the need for treatment is explicitly stipulated in the legislation. This is the case, for instance, in **Denmark** where, according to Section 5 of the Act on Coercion, forced hospitalisation in a mental hospital or being retained by force must only take place if the ‘patient’ has a mental health problem or is in a state that is similar to this because: it would be unjustifiable not to deprive the person of his/her liberty in preparation for treatment because the prospect of recovery or a significant and crucial improvement of the condition otherwise will be considerably reduced; or the person poses an immediate and essential danger to him/herself or others.” (pp. 31-32)

“Many EU Member States laws refer to the persons’ opinion at times with respect to involuntary placement and more often to treatment. This is the case, for example, in Belgium, **Denmark**, Finland, Germany, Ireland and Italy. **Danish** law imposes an obligation to seek to obtain the patient’s consent before imposing a forced treatment measure. The law stipulates that referral to a hospital ward and treatment must as much as possible be based on the patient’s informed consent. This requires that the individual is provided with appropriate and individually tailored information that might help him/her to decide to accept the care voluntarily.” (p. 34)