



## For stadig bedre rettigheder

LGBT komiteen arbejder med lovgivning og rettigheder i relation til LGBT-personer og er partipolitisk uafhængig

[komiteen@lgbtkomiteen.dk](mailto:komiteen@lgbtkomiteen.dk)

[komiteen.dk](http://komiteen.dk)

Facebook: [@lgbtkomiteen](https://www.facebook.com/lgbtkomiteen)

## UN Committee on the Rights of the Child (CRC)

August 15, 2025

### Input to the List of Issues Prior to Reporting (LOIPR) for the review of Denmark

#### Non-codification of legal gender recognition for children

In 2022 the Government made a draft for a bill on legal gender recognition removing the current age limit of 18 years. The draft was sent in public hearing<sup>1</sup>, and we expected the bill to be forwarded to the Parliament in the parliamentary year of 2022-2023. This did not happen, and it did not happen in 2023-2024, and 2024-2025.

Based on a human rights analysis the Ministry of Internal Affairs has acknowledged that minors have a right to apply for and in certain cases receive legal gender recognition, despite current legislation<sup>2</sup>. However, the authorities processing of applications for legal gender recognition without transparency, legal grounds in terms of legislation, or an instrument for complaints, is seen to lead to arbitrary results and a tendency of pathologizing the application process<sup>3</sup>.

#### Children in Rainbow families

Denmark generally recognises rainbow families:

- Children of same-sex parents are recognised under the Children's Act and the legal parents are identified with similar rules as opposite-sex parents<sup>4</sup>. Furthermore, when a same-sex female couple and a man have a child together, they can decide if the man or the birth-mother's partner should be the second legal parent, i.e., legal father or legal co-mother (l.c.). Thus, three legal parties are recognised, but only two will be recognised as legal parents.
- More recently this includes recognition of home-insemination and recognition of trans parenthood<sup>5</sup>.

In some rainbow families there are three or four parents, e.g., a lesbian couple and a gay couple having children together. It is possible to share parental leave among up to four parents<sup>6</sup>.

However, though multiparenting is thus recognised in some aspects, there is no full recognition of more than two legal parents. Only two of the parents can be recognised, the remaining have no legal tie to the child. This has numerous consequences regarding the parent-child relationship of a non-recognised parent, for instance,

<sup>1</sup> Legal gender recognition for children and youth, <https://komiteen.dk/?p=1323> (in Danish)

<sup>2</sup> Legal gender recognition for minors, <https://www.cpr.dk/cpr-nyt/nyhedsarkiv/2023/aug/nyhedsside> (in Danish)

<sup>3</sup> Denial of legal gender recognition is a violation of Frejs human rights, <https://www.information.dk/indland/2025/01/staevner-staten-afslag-paa-juridisk-koensskifte-strid-frejs-menneskerettigheder> (in Danish)

<sup>4</sup> The new Children's Act, <https://panbloggen.wordpress.com/2013/10/24/the-new-childrens-act/> (in English)

<sup>5</sup> Recognition of self-identified rainbow families, <https://komiteen.dk/?p=1513> (in English)

<sup>6</sup> Four parents can share parental leave, <https://komiteen.dk/?p=1291> (in English)

- that you cannot get leave for a child's first sick day, etc.
- that you do not have access rights.
- that you do not receive notifications from the authorities about the child.
- that you have no influence on school choice and therefore cannot choose a school in your area, even if all parents would prefer this one.
- that you cannot represent your child in, for example, a school board.
- that you are presented as 'Other' in Aula (the communication platform for employees, parents, and pupils in Danish primary schools and daycare) and as a result often do not receive communications from teachers and other parents.
- that you do not have access to the CPR register (civil registration) of your child.
- that you have no legal influence on decisions about, for example, vaccinations and baptisms.
- that you cannot pass on your surname to the child.
- that you cannot open a child savings account.
- that you cannot take your child on a trip abroad without authorization from the legal parents.
- that if you die, the child only inherits if you have made a will, and then the large inheritance tax must be paid, as you are not related to the child.

The substantial difference in rights and the lack of protection of these parent-child relationships creates great insecurity. It installs a fundamental anxiety in the unacknowledged parent - the anxiety of losing the relation to your own child. In these families, the four parents are forced, against their will, to decide which of them should not be legal parents. They have decided to start a family together, they are raising the child together. But they must also decide which two of them shall be legal relatives to the child, and which two shall stand without a legal relationship to the child and have no rights.

The child sees four parents. The law sees two parents and two strangers. Children should have the right to all their parents. LGBT komiteen has made a proposal on how to implement this as an amendment to the existing Children's Act<sup>7</sup>.

### Intersex children

Though outside the normal area of work of our organisations we want to point to the fact that the Government has removed the 'I' for intersex from their policies including the action plan. The action plan for 2018-2021<sup>8</sup> used the acronym LGBTI, whereas later communications uses LGBT+. This effectively makes the intersex area invisible. We support the inclusion of intersex issues and the adaption of a human rights based approach to legislation and policy making regarding rights of intersex children.

Søren Laursen  
LGBT komiteen

Helge Sune Nymand  
FSTB

*LGBT komiteen*, The LGBT Committee, is an independent and voluntary body working for the continued improvement of legislation and rights concerning LGBT persons

*FSTB – Foreningen for støtte til transkønnede børn*, Association for Support of Transgender Children, is an independent and voluntary association working to improve the living conditions for transgender children and youth

<sup>7</sup> Associate parenthood – a proposal, <https://komiteen.dk/?p=1452> (in English). For a broader discussion see Compendium of inclusive family law, <https://komiteen.dk/?p=1137>

<sup>8</sup> [https://mim.dk/media/sbzmpl0q/153240\\_lgbti\\_handlingsplan.pdf](https://mim.dk/media/sbzmpl0q/153240_lgbti_handlingsplan.pdf) (in Danish)