

Denmark

1. Discrimination in the family

a) Overarching legal framework for marriage

Marriage in Denmark is regulated by the Danish Constitution, the Formation and Dissolution of Marriage Act of 1991, and the Act on the Legal Effects of Marriage of 1992. Women and men have the same rights to enter into a marriage (Denmark, 1991). The Formation and Dissolution of Marriage Act recognises both religious and civil marriages (Denmark, 1991).

While Danish law does not regulate the rights of cohabitation of unmarried couples in a single law, there are a number of different laws governing such partnership, including the Cooperative Housing Act, the Tax Act and the Adoption Act (Perfar, 2014).

b) Child marriage

The legal age of marriage for both men and women is 18 (Denmark, 1991). Previously, minors over 15, the age of consent, were able to contract a marriage with the consent of their parents, legal guardian or County Governor's Office (*statsamtet*) (Denmark, 1991). However, in February 2017, the Danish parliament passed an amendment to marriage law that bans all marriage under the age of 18, and prohibits the recognition of marriages involving minors who marries abroad (Denmark, 2017). The legislation was drafted and passed in response to reports that minors in the Danish asylum system entered the country with spouses and registered partners (Denmark, 2017).

Denmark has also taken steps to intensify their efforts against forced marriage and honour related violence, including awareness-raising among minority women, provision of shelters for victims of forced marriage and a national advice unit for municipalities (CEDAW, 2013).

c) Household responsibilities

Danish law establishes that spouses shall give one another their support and demands that they jointly safeguard the interests of the family (Denmark, 1992). However, it does not stipulate any provision concerning the head of household. As per the Act of Parental Responsibility, parents have joint custody of their children regardless of their marital status and enjoy equal parental authority (Denmark, 2007).

d) Divorce

The Formation and Dissolution of Marriage Act guarantees the right to both spouses to initiate and finalise legal separation and divorce (Denmark, 1991). Parents retain the right to joint custody following divorce (Denmark, 1991).

e) Inheritance

The 2004 Inheritance Act stipulates that both female and male spouses, as well as sons and daughters, have equal inheritance rights (Denmark, 2004). Women have the same rights as men to make a will (Denmark, 1992). In Danish law, children and spouses are “forced heirs,” meaning they cannot be fully disinherited (Denmark, 2004).

2. Restricted Physical integrity

a) Violence against women

Denmark ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in 2014 (DIHR, 2015). Violence against women is addressed in a number of laws and policies, including the 2005 Criminal Code (Art. 213 – 217), the 2000 Gender Equality Act, the 2006 Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment and the 2014 National Action Plan on Measures to Combat Violence in the Family and in Intimate Relations.

b) Domestic violence

Domestic violence is punishable for up to two years in prison under Section 213 of the Danish Criminal Code. Denmark’s National Action Plan aims to reduce number of female victims of domestic violence through strengthening awareness about forms of family violence, treating young people who suffer from dating violence, and conducting surveys and mapping of occurrences of violence (Denmark, 2014).

The Danish Aliens Act protects foreigners and migrants from domestic violence mandating that victims of domestic violence can be entitled to maintain a residence permit granted on the basis of marital status even when separating from their partner (Denmark, 2013).

In Denmark, shelters for victims of domestic violence are run by LOKK, a nation-wide, non-governmental organization consisting of 42 women’s shelters and counselling centres (LOKK, 2017). LOKK also offers counselling by telephone, through a free, 24/7 women’s helpline, as well as providing mediation services for ethnic minority youths subject to honour-related conflicts (LOKK, 2017).

c) Rape

Section 216 of the Danish Criminal Code defines rape as “enforcing sexual intercourse by violence or under threat of violence” (Denmark, 2005). The definition includes cases where a person is placed in such a position that they are unable to resist, and cases where the victim’s financial dependence or subordinate position is abused (Denmark, 2005, Sec. 217, 220). Perpetrators of rape face up to 8 years in prison, or 12 years if the rape was of a particular dangerous nature (Denmark, 2005).

d) Sexual harassment

Sexual harassment is prohibited under the Gender Equality Act and the Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment (Denmark, 2000; Denmark, 2006). The latter Act defines harassment as “any form of unwanted verbal, non-verbal or physical conduct is

exhibited in relation to one person's sex for the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment," punishable by monetary compensation paid to the victims (Denmark, 2006).

Cases of sexual harassment are handled by the Danish Board of Equal Treatment, as well as the relevant employee unions, which function as semi-governmental institutions (Denmark, 2015).

The 2015 Gender Action Plan developed by the Danish Minister for Children, Gender Equality, Integration and Social Affairs launches a series of initiatives to combat sexual harassment in the workplace, including a hotline, closer supervision and easier access to filing complaints (Denmark, 2015).

e) Female genital mutilation

Section 245a of the Danish Criminal Code criminalises female genital mutilation (FGM), which is defined as "without consent, excis[ing] or in other way remov[ing], in part or completely, female external sex organs" (Denmark, 2005). The offense is punishable for up to six years of imprisonment (Denmark, 2005).

According to the European Institute for Gender Equality, the majority of women who have undergone FGM come from Somalia (EIGE, 2014).

f) Abortion

Abortion is legal in Denmark up to 12 weeks, after which it must be approved by a committee consisting of the director of the institution where the abortion was performed, and two physicians (UNPDD, 2016). Until the age of 18, a woman is required to have permission from her parents or legal guardian in order to have an abortion (UNPDD, 2016).

More

Human trafficking is prohibited by Section 262a of the Danish Criminal Code (Denmark, 2005). According to the Danish Aliens Act, a residence permit cannot be granted to a foreigner if the sole reason is that they were subjected to trafficking (Denmark, 2013).

The Danish Government launched a 2015-2018 Action Plan to Combat Trafficking in Beings which aims to ensure that victims of trafficking are identified and supported, and traffickers are prosecuted (Denmark, 2015b). Actions include a preventative awareness campaign, outreach and social work, training and skill development for police, international cooperation and repatriation fares for victims (Denmark, 2015b).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Men and women enjoy equal access to, ownership and control of land and other assets, regardless of their marital status, as guaranteed by Article 73 of the Danish Constitution (Denmark, 1953).

The Act on the Legal Effects of Marriage stipulates that in the absence of a marriage settlement, all property owned by spouses upon contracting a marriage becomes community property (Denmark, 1992, Art. 15). Both spouses are equally entitled to administer and dispose of community property, granted that such disposal is not at the detriment of the other spouse (Denmark, 1992, Art. 17).

b) Secure access to formal financial resources

In Denmark, there are no legal restrictions on women's access to financial services, including credit, and there is limited reported discrimination in the ownership and management of businesses (DIHR, 2015; World Bank, 2017).

Nevertheless, the OECD reported in 2016 that the percentage of women that express a preference for starting their own business is lower than the percentage of men, and well below the OECD average (OECD, 2016).

c) Workplace rights

The Consolidation Act on Equal Treatment of Men and Women as Regards Access to Employment mandates non-discrimination on the basis of sex in employment, including in recruitment, hiring, promotions and training (Denmark, 2006). The Act defines both direct discrimination, "where one person is treated less favourably than another (...) would be treated in a comparable situation on ground of sex" and indirect discrimination, "where an apparently neutral provision, criterion or practice put persons of one gender at a particular disadvantage." (Denmark, 2006)

The Consolidation Act on Equal Pay to Men and Women mandates equal pay for work of the same value (Denmark, 2008). Denmark has ratified ILO Convention 169 on Indigenous and Tribal Peoples' Rights, as well as Convention 100 on Equal Remuneration and Convention 111 on Discrimination (ILO, 2017).

The 2009 Consolidation Act on Entitlement to Leave and Benefits in the Event of Childbirth entitles Danish mothers to 18 weeks of maternity leave: 4 prior to giving birth, and 14 following the birth (Denmark, 2009). Fathers are entitled to paternity leave for two consecutive weeks in the first 14 weeks after childbirth (Denmark, 2009). Parental leave, a total of 224 days, is granted to either parent after the 14th week following childbirth or the reception of the child, for a duration of 32 weeks (Denmark, 2009).

Public sector employees receive full salary during maternity leave. Private sector employees are entitled to a minimum level of maternity benefit, which is subject to negotiation with the employer. Parents who are not entitled to paid maternity leave from their workplace can receive maternity allowance from their municipal office in their place of residence (Denmark, 2009).

The law protects women's employment security when they are on maternity leave, holding employers responsible for proving any dismissal in connection with pregnancy or maternal absence is not based on these grounds (Denmark, 2006). The Gender Equality Act established a Gender Equality Board responsible for hearing complaints related to sex discrimination in employment, awarding necessary compensation and overruling dismissals (Denmark, 2000). The Equal Pay Act mandates employers to report gender-segregated wage statistics on a yearly basis (Denmark, 2008).

In practice, the share of women on Danish boards of directors and in top executive positions (as CEOs, CFOs, etc.) in Danish private-sector companies remains small (Smith and Smith, 2015). Research identifies several constraining factors that contribute to these limited numbers, including gender stereotyping of women as not suited to management positions (Smith and Smith, 2015).

4. Restricted Civil liberties

a) Citizenship rights

The Danish Constitution and the Consolidated Act on Danish Nationality guarantee equal civil rights for women and men, including the right to acquire, retain and confer Danish nationality, apply for passports, register their children and travel outside of the country (Denmark, 1953; Denmark, 2004). In 2014, the Danish government granted unmarried fathers the same rights as unmarried mothers to transfer their nationality to children born abroad (Equality Now, 2014).

The Danish constitution recognises discrimination, albeit not multiple or intersectional discrimination, stating: “no person shall for reasons of his creed or descent be deprived of access to complete enjoyment of his civic and political rights” (Denmark, 1953).

The Gender Equality Act grants the National Centre for Research and Information on Gender Equality with the responsibility to disseminate knowledge and information about gender equality to the general public. The Act requests the centre to promote, qualify and create debate concerning gender equality and integrate equality in all policies, planning and administrative activities (Denmark, 2000).

b) Voting

Article 29 of the Constitution grants Danish women and men an equal right to vote (Denmark, 1953).

c) Political voice

Article 30 of the Danish Constitution guarantees eligibility for membership of the *Folketing* – the Danish Parliament – for both male and female citizens (Denmark, 1953).

Denmark does not have legal gender quotas to promote women’s participation at either the national or local level. The Gender Equality Act contains several measures to improve the gender balance of public planning committees, requesting ministers to notify the Minister for Gender Equality of the planned composition of committees before appointing members and, in special cases, request a revised composition (Denmark, 2000).

d) Access to justice

Under Article 6 of the Danish constitution, women and men enjoy the same rights to sue and to be sued, and their testimony carried the same weight in court (Denmark, 1953). The Danish Administration of Justice Act does not take the specific interests of women into account, but it does stipulate the reimbursement of legal costs (Denmark, 2008b).

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