DENMARK

The 1953 Constitutional Act of Denmark contains no special provisions on gender equality between women and men. However, since 1976, gender equality is a general principle of Danish policy; today, women and men share the same rights, duties and opportunities in society.¹

The Faroe Islands constitute a self-governing community within the State of Denmark. Through the 1978 Greenland Home Rule Act 2, the Danish Parliament has delegated legislative and executive powers to the Home Rule Authorities. The responsibility for gender equality issues is with the Home Rule Authorities of The Faroe Islands and Greenland.²

1. Discriminatory family code

The minimum legal age of marriage for both women and men in Denmark is 18 years old.³ Perpetrators of forced marriage are punished by a fine and up to four years of imprisonment, according to article 260 of the Criminal Code.⁴ According to Statistics Denmark, between 2010 and 2013, the average age at first marriage is 34 years old for men and 32 years old for women.⁵

The Act on the Legal Effects of Marriage stipulates that both spouses enjoy parental authority and have the duty to safeguard the interests of the family, including bringing up children.⁶ In the case of divorce, both parents continue to share custody for their child, according to article 8 of the Danish Act on Parental Responsibility.⁷

Both spouses as well as sons and daughters have equal inheritance rights.⁸

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The Formation and Dissolution of Marriage Act guarantees the right to both spouses to initiate divorce.⁹

In connection with separation and divorce, there are many women from ethnic minorities who are subjected to severe harassment, and child custody agreements are not respected.¹⁰

¹ CEDAW (2004), p. 8
² CEDAW (2004), p. 9
³ Act on the Contraction and Dissolution of Marriage (1969)
⁴ Criminal Code (n.d.), Chapter 26 on Crimes against personal liberty
⁵ Statistics Denmark (n.d.), VIE1: Average age of males and females getting married
⁶ Act on the Legal Effects of Marriage (1992), Sections 1 and 2
⁷ The Danish Act on Parental Responsibility (n.d)
⁸ Inheritance Act (n.d.), sections 1, 9 and 12
⁹ The Formation and Dissolution of Marriage Act (n.d.)
¹⁰ CEDAW (2008), p. 132
2. Restricted physical integrity

Domestic violence is criminalized under the Criminal Code and punishable by up to two years of prison.\textsuperscript{11} A perpetrator of domestic violence can be expelled from home.\textsuperscript{12} Denmark has also ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence on 23 April 2014.\textsuperscript{13} The Danish Parliament decided to change the Criminal Code in this respect.\textsuperscript{14}

The government established a National Strategy to Prevent Violence in Intimate Relations for the period 2010-2012. The strategy focuses on prevention and early intervention; short- and long-term support for victims of intimate partner violence; and research, public support and cross-disciplinary cooperation.\textsuperscript{15}

It is estimated that approximately 70,000 women aged 16-64 are exposed to physical violence on an annual basis. In 40\% of the total number of violence cases, the perpetrator is a present or former partner, which means that approximately 28,000 women aged 16-64 are the victims of partner violence every year.\textsuperscript{16} Results from a recent survey by the European Union Agency for Fundamental Rights indicated that Denmark had among the highest prevalence for physical partner violence among all EU Member States, at 32\%.\textsuperscript{17} However, this may reflect better reporting and sensitization since there has been an important increase of people in Denmark who find domestic violence unacceptable: 53\% in 1999 compared to 81\% in 2010.\textsuperscript{18}

In Denmark, 42 women’s shelters are grouped under LOKK, a nationwide, non-governmental organization, who also provides counselling centres. Its main objective is to support the shelters in their effort to prevent, combat and create awareness of physical and psychological violence against women and their children.\textsuperscript{19} LOKK also provides a national women’s helpline, which operates 24/7 and is free of charge. The helpline assists women survivors of all forms of violence and offers multilingual support.\textsuperscript{20}

Sexual offenses, including rape, are defined in the Danish Criminal Code under Chapter 24 on Crimes against sexual morality. Article 216 of the Criminal Code stipulates that rape perpetrators are punished by up to 8 years of prison. This punishment can be extended to 12 years in the case that the rape was particularly dangerous.\textsuperscript{21}

Until 2013, Denmark did not adequately criminalise rape or spousal rape. The sexual offences code was amended in 2013 to address this issue. A 2008 report by Amnesty International entitled “Case Closed: Rape and human rights in the Nordic countries” had pointed out that rape was categorised as a vice crime rather than as a sexual crime by the Penal Code, which failed to put the protection of the victim’s

\textsuperscript{11} Criminal Code (n.d.), Chapter 23 on Crimes of family relationships, article 213
\textsuperscript{12} Act restraining order prohibiting residence and expulsion, Chapter 2 on Expulsion, article 8
\textsuperscript{13} Council of Europe (2011)
\textsuperscript{14} Criminal Code, Act no 168: http://jm.schultzboghandel.dk/upload/microsites/jm/ebooks/hvidbog/lov%20168%202014.pdf
\textsuperscript{15} Danish Government (2010)
\textsuperscript{16} CEDAW (2008), p. 73
\textsuperscript{17} FRA (2014)
\textsuperscript{18} European Commission (2010), p. 48
\textsuperscript{19} LOKK, http://www.lokk.dk/Info/In-English/About-LOKK
\textsuperscript{20} WAVE (2012)
\textsuperscript{21} Criminal Code (n.d.), Chapter 24 on Crimes against sexual morality
sexual self-determination and bodily integrity at the core of the legislation on rape. In addition, rape and sexual abuse within marriage were considered by the legislation as less serious and therefore were less likely to be severely punished.22

In 2012 there were 364 reports of rapes compared with 392 in 2011. In 2012 courts handed down 67 convictions for rape and 681 convictions for other sexual offenses.23 On average, there are around 500 rapes reported each year on Denmark up to 2010, and the number of cases of rape of women has declined over the longer term. The majority of sexual assaults are committed by former or current partners, who are responsible for more than three out of four cases of enforced sexual intercourse experienced by women aged at least 16 years old.24

There are five regional centres for victims of sexual assault and rape in Denmark.25 The five regional health centres for victims of rape and sexual assaults make yearly reports which include both reported and unreported cases to police. In 2012, there were 381 cases of rape reported in Denmark (373 women and 8 men).26 However, in a 2011 report Amnesty International reported the issue of underreporting of rape; in addition, only around one in five reported rape cases results in a conviction; the majority of cases are closed by the police or the prosecution and never reaches the courts.27

Harassment and sexual harassment (including in the workplace) are prohibited in two acts: the 2006 Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment, and the Act on equality between women and men, which also prevents direct and indirect discrimination on grounds of gender and prevent harassment and sexual harassment.28 Harassment is defined as when “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”.29 Perpetrators or employers who failed to prevent an incident of harassment, or allowed it, must pay monetary compensation to victims.30

The Danish Board of Equal Treatment is the governmental office tasked with addressing sexual harassment.31 Cases are also generally handled through the employee unions, which function as semi-governmental institutions.32

Article 245 of the Criminal Code criminalises female genital mutilation. Perpetrators of such an offence are punished by six years of imprisonment.33 According to the European Institute for Gender Equality, in 2011, around 15,116 women living in Denmark originated from countries where FGM is performed and

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22 Amnesty International (2008)
23 US Department of State (2013)
24 Amnesty International (2010)
25 EIGE (n.d), Denmark – Sexual Assault (excl. rape)
26 European Women’s Lobby (2013), p.60-61
27 Amnesty International (2011)
28 Act on equality between women and men (n.d.)
29 Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment (2006), Section 1
30 Act on equal treatment of men and women in matters of employment and maternity leave, (n.d.)
31 The Board of Equal Treatment (n.d)
32 US Department of State (2013)
33 Criminal Code (n.d.), Chapter 25 on Crimes against life and body
the majority of these women come from Somalia. The number of women who have actually undergone the practice is unknown. There was one FGM case that was brought to court in 2008, which covered both criminal and protective procedures.\textsuperscript{34}

**More**

Article 262 of the Criminal Code punishes perpetrators of trafficking against human being by up to 8 years of imprisonment.\textsuperscript{35} Denmark ratified the Council of Europe Convention on Action against Trafficking in Human Beings on 19 September 2007.\textsuperscript{36}

**Abortion** has been legal in Denmark since 1973. Women can interrupt their pregnancy up to the first 12 weeks of pregnancy. If the woman is under 18 years old, consent from the person exercising parental authority is required.\textsuperscript{37}

The government provides support with regard to family planning and reproductive rights, including free childbirth services. There are no restrictions on access to contraceptives and women have access to maternal health services, including skilled attendance during childbirth.\textsuperscript{38}

**3. Son bias**

There do not appear to be any concern of son bias in Denmark. The male-to-female sex ratio at birth in 2013 is 1.06 and for the working age population (15-64 years old) is 1.01.\textsuperscript{39}

There is no evidence to suggest that Denmark is a country of concern in relation to missing women.

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In 2012, the mortality rate for male children under five was 4 male (per 1,000) and 3 for female children.\textsuperscript{40} In Denmark, both girls and boys, women and men enjoy equal right to and equal opportunities at all levels of schooling, from pre-school to higher education.\textsuperscript{41} In 2009 and 2010, there were more boys out of primary school than girls. In 2010, the ratio of female to male primary enrolment was 100.2%; for secondary enrolment 100.9%; and for tertiary enrolment 144.9%.\textsuperscript{42}

**4. Restricted resources and assets**

There is no law discriminating against women’s access to, ownership and control of land. Men and women are equal before the law and enjoy equal rights to hold property.\textsuperscript{43} According to the FAO, in 2010 there were 11.5% of women-headed agricultural holdings.\textsuperscript{44}

\textsuperscript{34} EIGE (2013), Current situation of female genital mutilation in Denmark
\textsuperscript{35} Criminal Code (n.d.), Chapter 26 on Crimes against personal liberty
\textsuperscript{36} Council of Europe Convention on Action against Trafficking in Human Beings (n.d)
\textsuperscript{38} US Department of State (2013)
\textsuperscript{40} UNICEF. Statistics Denmark, http://www.unicef.org/infobycountry/denmark_statistics.html
\textsuperscript{41} CEDAW (2004), p. 30
\textsuperscript{42} World Bank Development Indicators Database
\textsuperscript{43} CEDAW (2008), p. 79
Both women and men have equal ownership rights to non-land assets, regardless of their marital status.\textsuperscript{45} According to article 15 of the Act on the Legal Effects of Marriage, all property owned by the spouses upon contracting marriage become community property as long as it has not been made separate property under a marriage settlement. Either spouse is entitled to dispose of all the property which is under community property, as per article 16. Furthermore, article 17 specifies that “both spouses shall administer the spouse’s community property in such a way that it is not unduly exposed to the risk of deterioration to the detriment of the other spouse.”\textsuperscript{46}

There is no law discriminating against women’s access to financial services. In Denmark in 2011, 100% of men and 99.5% of women aged 15 years or older hold bank accounts at a formal financial institution.\textsuperscript{47} In 2012 there was little reported discrimination in ownership and management of businesses, or access to credit.\textsuperscript{48} In fact, since 2009, the Danish Government has given increased attention toward female entrepreneurship through multiple initiatives, including an Action Plan for Women Entrepreneurs by the Danish Enterprise and Construction Authority.\textsuperscript{49} In a 2011 report on National and Cross-national Policies on Women’s Entrepreneurship in the Baltic Sea Region, figures indicate that the share of women business owners in Denmark is between 25% and 27% and remains steady.\textsuperscript{50}

5. Restricted Civil Liberties

There is no evidence of discriminatory laws or practices against women in terms of their access to public space. Women can apply for a passport in the same way as a man; they can also travel outside their home or country and get a job or pursue a profession or trade in the same way as men. The women’s movement in Denmark is strong and co-ordinated. The country has a long history of non-governmental organisations (NGOs) taking active part in the work to promote gender equality between women and men.\textsuperscript{51} The Women’s Council in Denmark, in particular, is an NGO created in 1899 aiming to strengthen women’s rights and influence in society and create real equality between women and men.\textsuperscript{52} It groups 51 organisations with a total of more than one million members, including women’s organisations, the equal status committees of the political parties, trade unions, professional women’s groups, migrant and refugee women, women's studies researchers, youth organisations, religious and humanitarian women's organisations.\textsuperscript{53} The Women’s Council has taken part in setting up a number of committees and organisations, which have helped to strengthen the position of women in Denmark. Among these there

\textsuperscript{44} FAO (n.d.), Female landholders \textsuperscript{45} The Constitutional Act of Denmark \textsuperscript{46} Act on the Legal Effects of Marriage (1992) \textsuperscript{47} World Bank (2011) \textsuperscript{48} US Department of State (2013) \textsuperscript{49} Nedelcheva, S. (2012), p. 6 \textsuperscript{50} Danish Enterprise and Construction Authority and Baltic Development Forum (2011) \textsuperscript{51} CEDAW (2008, p. 17 \textsuperscript{52} The Women’s Council in Denmark (2008) \textsuperscript{53} KVINFO (n.d.), Danish women’s organisations
are The National Observatory on Violence against Women, The Consumer's Council, Save The Children and The Danish Refugee Council.  

The Danish gender equality work takes place in close cooperation and dialogue with NGOs and experts in the field. NGOs and experts are often consultation parties regarding new initiatives from the Government, in particular initiatives to combat violence against women and trafficking in women. The implementation of the projects under the national action plans with a view to fighting these problems is achieved to a very great extent by the NGOs and experts.  

Although party candidate quotas for EU and municipal elections existed in the 1980s, they were abolished in the 1990s. Today, there are no legislated quotas for women at the national and sub-national level. However, the Social Democrats and the Red-Green Alliance still include some provisions on gender balance and gender quotas in their statutes.  

Women and men in Denmark have the same political rights: they both have the right to vote and to stand for election to local councils, the Parliament and the European Parliament. Women are well represented in political decision-making at national level in Denmark. As of 1 February 2014, there were 39.1% women in parliament (lower or single house); in 2007, there were 37.7%. The first ever female prime minister, Helle Thorning-Schmidt (Social Democrats), and the first ever male minister of gender equality, Manu Sareen (Social-Liberal Party), were appointed in October 2011. At the municipal level, elections in 2009 resulted in 32% elected female politicians compared to 27.3% in 2005. Recent local elections in autumn 2013 resulted in a slight decline: 29.7% female politicians were elected to the regions and municipalities.  

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Although Denmark has one of the highest female employment rates in Europe, this success is not reflected in the number of female managers and representatives on company boards: in 2005, the proportion of women on boards in Denmark was 11%. As a result, the new Social Democratic led government in May 2012 introduced legislation to get more equal representation of men and women on boards and in management in the 1100 biggest companies, but without using a quota system. As of 2013, women represent 20.8% of the board members of the largest publicly listed companies in Denmark.
The Act on Equal Pay stipulates that the employer must give women and men equal pay for equal work or work of equal value. Any discrimination on the grounds of sex is prohibited.\(^{66}\) The Act on equal treatment of men and women in matters of employment and maternity leave also stipulates no discrimination on grounds of sex, in particular with regard to pregnancy or marital status.\(^{67}\)

Parents are entitled to a total of 52 weeks leave with maternity subsistence allowance. The mother is entitled to four weeks' **maternity leave** (barselsorloven) prior to giving birth and 14 weeks after, while the father can take two weeks leave after the birth, and the remaining time can be divided according to individual wishes.\(^{68}\) Fathers are entitled to paternity leave for two consecutive weeks (14 days) after childbirth or from the reception of the child in the home, or subject to agreement with his employer within the first 14 weeks after childbirth.\(^{69}\) Parental leave is also granted in Denmark (224 days) for either parent after the 14\(^{th}\) week following childbirth or the reception of the child, for a duration of 32 weeks (the father is entitled to begin the parental leave within the first 14 weeks after childbirth). Either parent can also extend the parental leave to 40 weeks; employees and self-employed parents can extend their parental leave to 46 weeks.\(^{70}\) Maternity, paternity and parental leave are all paid by the Danish Government.\(^{71}\) However, not all 52 weeks (one year) are paid in full, as it depends on the employment situation and the collective agreements acceded by the employer. In certain cases, collective agreements can include the full level of salary for the full duration of the employees leave. In order to cover the loss of pay during this absence from work, parents may receive the state childcare benefit, which represents 70% of the maximum level of unemployment benefit. Employers who continue to pay their employees during such absence may have the benefit refunded to them.\(^{72}\) Women returning to work after maternity leave are entitled to return to an equivalent position. Also, an employer is unable to dismiss a female employer on the grounds of her pregnancy.\(^{73}\)

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 maintenance from their municipal office in their place of residence.\(^{74}\)

Discriminatory publicity and marketing is illegal in Denmark since 1993. Evidence shows that women are underrepresented in Danish media compared to men in the sense that male experts appear more frequently on news programmes, as only 31% of media sources are women. Female politicians are also discriminated against in the media through stereotypes; for example emphasis is put on physical appearance and private life in their media representation.\(^{75}\)

\(^{66}\) Act on Equal Pay for men and women, Section 1  
\(^{67}\) Act on equal treatment of men and women in matters of employment and maternity leave, (n.d.)  
\(^{68}\) EU (2014)  
\(^{69}\) Consolidation Act on Entitlement to Leave and Benefits in the Event of Childbirth (2009), Section 7 (3)  
\(^{70}\) Consolidation Act on Entitlement to Leave and Benefits in the Event of Childbirth (2009), Section 9 & 10  
\(^{71}\) Consolidation Act on Entitlement to Leave and Benefits in the Event of Childbirth (2009), Section 42  
\(^{72}\) EU (2014)  
\(^{73}\) Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment (2006), Sections 8(a) and 9  
\(^{74}\) EU (2014)  
\(^{75}\) European Parliament (2011),
According to article 1 of the Consolidated Act of Danish \textit{Nationality}, a woman can confer citizenship to her children in the same way as a man.\footnote{Consolidated Act of Danish Nationality (2004)} According to articles 78 and 79 of the Constitutional Act of Denmark, citizens are able to freely form associations and assemble unarmed.\footnote{The Constitutional Act of Denmark (n.d.)}
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