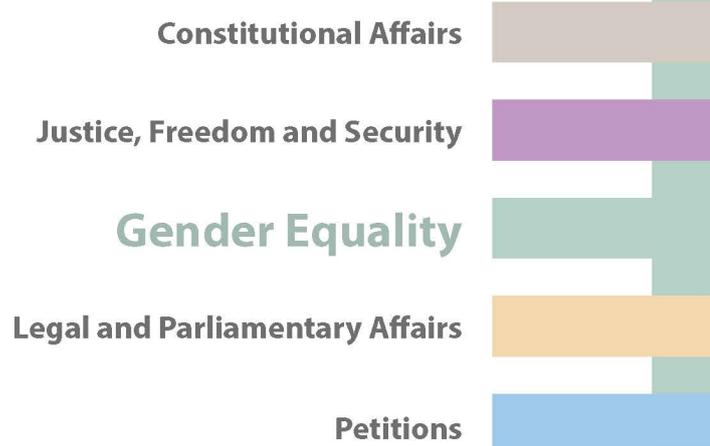


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



# The Policy on Gender Equality in Denmark - Update

In-depth Analysis for the FEMM Committee





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**WOMEN'S RIGHTS & GENDER EQUALITY**

**The Policy on Gender Equality**  
**in Denmark - Update**

**IN-DEPTH ANALYSIS**

**Abstract**

Upon request of the FEMM committee, this in-depth analysis updates a previous note published in October 2011 and describes Danish policies, practices and legislation within the area of women's rights and gender equality, covering the period from October 2011, when the Social Democrat-led government took office, to April 2015. During this period, the focus has been put on gender-based violence, leave policies, pay statistics, gender segregation in the labour market and in education, as well as sexual and reproductive health and rights. Earmarked leave for fathers and gender quota on company boards have been on the agenda but not adopted.

**DOCUMENT REQUESTED BY THE  
COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

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## EXECUTIVE SUMMARY

**General information:** the present policy brief covers the period from October 2011 to April 2015. Denmark is characterized by high female employment rates, high representation of women in part-time employment, a significant gender pay gap, gender-segregation in educational choices and in the labour market, low representation of women in economic decision-making as well as in science and research, and a very high female take-up rate of parental leave. The annual Perspective and Action Plans on Gender Equality focus on violence in intimate relationships, everyday sexism, human trafficking, parental leave, unequal pay, segregation on the labour market, representation of women in economic decision-making and science, challenges of boys in the educational system, social control in ethnic minority families, gender mainstreaming and men and health. The Government has been criticised for not complying with the goals regarding earmarking of parental leave, gender quotas, and prohibition of prostitution set out in the 2011 Government Platform. In 2011 the Danish Institute for Human Rights was appointed national equal treatment body whereas the Board of Equal Treatment since 2009 addresses cases or complaints regarding unequal treatment on all grounds of discrimination. A new gender mainstreaming strategy focusing especially on gender impact assessments was launched in 2013.

**Equal participation in decision-making:** the 2011 parliamentary elections resulted in 38.9% female MEPs, the first-ever Danish female prime minister, the first-ever male Minister of Gender Equality, 39% female ministers, and 50% female party leaders. By the end of 2014 however, 30% of the ministers and 37% of the party leaders were women. At the municipal level, female representation decreased in 2013 to 29.7% elected politicians and 13% mayors. From 2011 to 2014 the percentage of female board members on listed companies rose from 11.6% to 14.7% ; resistance towards gender quotas in the field is strong and the principle of self-management (in setting up company goals) prevails. The largest private companies as well as all national public companies and institutions are obliged to inform about their work towards increasing the number of women in top management and executive boards. In 2014 a specific program of funding targeted female researchers was offered.

**Women in the labour market:** in 2013 the employment rates were 78.7% for men and 72.4% for women. The gender gap in part time employment was 19.9 in 2013. The gender pay gap for 2012 was situated at 14.9%. In 2014 the Equal Pay Act was amended so that companies with a minimum of ten employees are obliged to make gender-disaggregated pay statistics. In 2010 the gender gap in pensions was 19%. The average retirement age is 61.4 years for women and 63.5 years for men. As regards ethnic minority women and the labour market, reduced differences in labour market participation rates have been identified. Young women in some ethnic minority environments experience gender-based oppression related to education, sexuality and social life. Focus has also been placed especially on ethnic minority boys as they perform worse than ethnic majority boys and ethnic minority girls in terms of drop-out rates and traineeships.

**Reconciliation of private and professional life:** the legislation on parental leave covers 52 weeks of m/paternity leave with compensation. Mothers take up the larger share of the parental leave although fathers' share of the leave has increased from 7.7% in 2010 to 10.2% in 2013. In 2012 the Government appointed a Leave Commission to discuss earmarking of the right to paid leave for fathers but decided not to introduce new legal regulations of the leave period due to a risk of the total leave period being reduced if part

of the leave would be earmarked for the father but left unused. In 2013 a new law on maternity equalisation for self-employed workers was adopted, compensating them for loss of income during leave. In 2013 67.9% of children aged 0-2 were enrolled in formal childcare whereas the coverage for children aged 3-5 was 97.2%. The quality of the public day-care institutions has been under scrutiny and the number of staff in day-care institutions has been increased.

**Eradication of gender-based violence:** an estimated 29.000 women and 10.000 men fall victims of violence in intimate relations in Denmark each year. Approximately 9.500 young women and 5.500 young men are estimated to have been victims of physical violence in relation to teen dating. The 2014 National Action Plan against Violence in the Family and in Intimate Relations focuses on how to improve the ways in which violence in the family and in intimate relations is handled and addresses men as victims of violence in intimate relations and teen dating violence, in particular. In 2012 a new law defined stalking as systematic and continuous harassment or persecution; stalking is to be considered an aggravating circumstance in cases of violation of restriction orders and bans. Since 2013 rape of the unconscious (but not negligent rape) is covered by legislation and reduction of penalties in cases where the offence has taken place in marital relations or against a victim known to the perpetrator has been abolished. In 2013 the legal protection of victims of human trafficking was strengthened as were the conditions for victims of human trafficking who return to their country of origin; the period of reflection was extended and temporary residency can now be granted due to investigation and prosecution of traffickers. Separation in cases of domestic violence should not lead to immediate withdrawal of the residency permit. Girls' circumcision is prohibited by law; in 2014 circumcision of boys was on the political agenda, followed by the tabling of proposals to make legislative changes. In Spring 2015 revenge porn was debated in media and the public sphere.

**Sexual and reproductive health and rights:** abortion has been legal since 1973; in early 2014 'judicial abortion' became a topic of public debate as well. Since 2001 the day after pill has been available without prescription and its use is extensive among young women. Assisted reproduction is free and accessible to heterosexual couples, lesbian couples and single mothers. In general, fertility rates rose from 1,67 in 2013 to 1,69 in 2014 and the average age of women giving birth for the first time was 29.1 years in 2012. 21.2% of all births were done by caesarean sections in 2012. In 2012 same-sex couples gained the right to be married in the church, and illegal provisions concerning co-maternity were approved in 2013 ensuring same-sex couples the right to be registered as parents at the birth of their child, in the same way as different sex couples. In 2014 the right to achieve legal gender reassignment (without surgery) after a reflection period of six months was ensured.

**Gender stereotypes:** campaigns and projects on gender stereotypes in education and employment have been supported and launched by the Ministry for Gender Equality focusing on drop-out risks among boys as well as untraditional educational choices and career paths for girls in natural sciences and for unemployed men from male dominated professions to seek alternatives in the care professions. Regarding stereotypes in media verbal and written sexual harassment online has been on the public and political agenda in 2014.

**Prostitution:** prostitution is not criminalized in Denmark but characterized as a social problem, which according to the 2011 Government Platform needs to be confronted more

strongly in order to ensure alternatives to and support for sex workers as well as strengthen policies against human trafficking and support trafficking victims.

## 1. GENERAL INFORMATION

The present policy brief covers the period from **October 2011**, when the **center-left coalition** composed of the Social Democrats, the Social-Liberal Party and the Socialist People's Party<sup>1</sup> won the national elections in Denmark and formed a government with Helle Thorning-Schmidt (Social Democrats) as Prime Minister, to April 2015. It is an update of the briefing paper on 'The policy on gender equality in Denmark' published in 2011 by the Directorate General for Internal Policies of the European Parliament<sup>2</sup>. This policy brief update covers the fields of equal participation in decision-making; women in the labour market; reconciliation of private and professional life; eradication of gender-based violence; sexual and reproductive health and rights; gender stereotypes; and prostitution.

Denmark is characterized by high female employment rates, high representation of women in part-time employment, a significant gender pay gap, gender-segregation in educational choices and in the labour market, low representation of women in economic decision-making as well as in science and research, and a very high female take-up rate of parental leave.

Each year the Ministry for Gender Equality publishes a national **Perspective and Action Plan on Gender Equality**. Across the Perspective and Action Plans for 2012, 2013 and 2014 the following issues are mentioned as priorities (Ministry for Gender Equality, 2012d; 2013d; 2014): combating violence in intimate relationships, human trafficking, maternity fund for self-employed workers, gender-disaggregated pay statistics, representation of women in economic decision-making and science, gender mainstreaming and gender impact assessments in the public sector, as well as men and health. The 2012 and 2013 Perspective and Action Plans address earmarking of paternity leave as a goal, whereas the 2014 plan states that one of the aims is to achieve higher leave take-up rates for fathers. The 2013 and 2014 plans also focus on promoting gender equality within ethnic minority families by eliminating the use of social control on girls and young women and address the lack of diversity in the gender-segregated labour market, for instance in daycare institutions. Furthermore the 2013 Perspective and Action Plan aims to address the challenges for boys in the educational system, for instance as regards drop-out rates<sup>3</sup>. The most recent Perspective and Action Plan on Gender Equality, from 2015, addresses gender and participation in the public sphere; everyday sexism and sexual harassment; hate crimes; social control and gender equality among ethnic minorities; living conditions for LGBT people with an ethnic minority background; trafficking; violence in intimate relations; gender impact assessments in the public administration; women in research; as well as gender segregation in education and the labour market.

The **Government has been criticised for not complying with the gender equality goals set out in the Government Platform** published in October 2011, when the new Government had just entered into office. The list of 'broken promises' includes earmarking of parental leave, gender quotas, and prohibition of prostitution. Whereas the first one was explicitly stated as a goal, the last two were mentioned as possibilities to study and consider in the Government Platform document<sup>4</sup>.

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<sup>1</sup> The Socialist Peoples' Party left the government in February 2014 after internal disagreement in the party due to the government's decision to sell state-owned shares in the energy company DONG Energy to the investment bank Goldman Sachs.

<sup>2</sup> See "The Policy on Gender Equality in Denmark", Directorate General for Internal Policies, Policy Department C - Citizens' Rights and Constitutional Affairs, European Parliament, [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-FEMM\\_NT\(2011\)453213](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL-FEMM_NT(2011)453213)

<sup>3</sup> Ibid.

<sup>4</sup> Danish Government, 2011b

The transversal efforts to ensure gender equality are integrated in the **gender mainstreaming** goals. A **new strategy** focusing especially on **gender impact assessments** (replacing gender mainstreaming as a term) was launched by the Ministry for Gender Equality in 2013. The strategy focuses on enhancing the quality and efficiency of law proposals by gaining in-depth knowledge of the target groups in order to be able to tailor the services covered by the law proposals better. It also emphasizes the need for proportionality, i.e., to incorporate a gender perspective when it is necessary and especially in citizen-related (rather than technical) services, like social affairs or transportation.<sup>5</sup> Along with the strategy, a new website with tools and best practice examples has been launched.<sup>6</sup> However, gender mainstreaming is **still not sufficiently integrated** in policies and practices of the central administration nor at the municipal and regional levels.

The **institutional structures** for addressing gender equality in the Danish context were changed during the period since the **Danish Institute for Human Rights, in 2011, was appointed national equal treatment body** with responsibility to "promote, evaluate and monitor as well as support equal treatment of women and men without discrimination on the basis of gender, including support for victims of discrimination when filing complaint". The Institute should also conduct studies of discrimination as well as publish reports and make recommendations on matters regarding discrimination.<sup>7</sup> In other words, the competences of the Institute were extended in scope to also include gender. By assigning this role to the Danish Institute for Human Rights, the government complied with the obligations included in Equal Treatment Directive 2002/73/EC calling for the establishment of national independent gender equality bodies, among other things.

Whereas the Danish Institute for Human Rights promote equal treatment, cases or complaints regarding unequal treatment on all grounds of discrimination can be filed with the Board of Equal Treatment (established in 2009). In March 2015 all parties in the parliament made an agreement on targeting the work of the Board of Equal Treatment. The Board should focus on actual equal treatment cases and not minor or anecdotal cases. Therefore the rules for filing a complaint with the Board have been changed so that the Board only has to deal with complaints if the complainant has an individual interest in the case. The Danish Institute for Human Rights will have the right to bring forward cases of general public interest.

In February 2015 the UN CEDAW Committee examined the status of gender equality in Denmark and recommended further work to be done in terms of combating psychological violence, addressing demand for prostitution, and strengthening mainstreaming efforts at the municipal level as well as information on unequal pay.

The centennial anniversary of women's suffrage right will be celebrated on 5 June 2015 and the Parliament has launched a website<sup>8</sup> to commemorate the event and inform about different celebrations taking place across the country as well as increase the focus on Danish core values such as gender equality, democracy and participation, according to the Ministry of Children, Gender Equality, Integration and Social Affairs. KVINFO (Danish Centre for Information on Women and Gender) has also launched a site<sup>9</sup> focusing on historical data and analyses.

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<sup>5</sup> Ministry for Gender Equality, 2013d

<sup>6</sup> [ligestillingsvurdering.dk](http://ligestillingsvurdering.dk)

<sup>7</sup> Act no 182 of 08/03/2011; Act no 553 of 18/06/2012

<sup>8</sup> [100aaret.dk](http://100aaret.dk)

<sup>9</sup> [kvinfo.dk/2015/det-skete-i-1915](http://kvinfo.dk/2015/det-skete-i-1915)

## 2. GENDER EQUALITY POLICY AREAS

### 2.1. Equal participation in decision-making

#### 2.1.1. Political decision-making

**Following the 2011 national elections, the first-ever Danish female prime minister, Helle Thorning-Schmidt (Social Democrats), was appointed, as was the first-ever male Minister of Gender Equality, Manu Sareen (Social Liberal Party).** The parliamentary elections resulted in an **increase in the percentage of female MEPs** (38.9%, as compared to 37.7% in 2007). 33.2% of the candidates running for elections were women. The first government had **39% female ministers**, and **50% of the party leaders after the 2011 elections were female** (with a left/right divide where most female leaders represented centre-left parties and most male leaders centre-right). These figures have fallen during the time in government and so at the end of 2014 the Government had 30% female ministers and 37% of the party leaders were women. **At party level**, the Socialist People's Party and the Social Liberal Party had more than 50% female MPs after the 2011 elections, the Social Democrats 36%, and at the bottom Danish People's Party with 32% women elected among their MPs.

At the **municipal elections in 2013, 29.7% of the elected politicians were female**, which is a **decrease** from 32% in 2009, almost bringing the situation back to the stagnation at 27% experienced in four elections from 1993 to 2005. The 2013 municipal elections resulted in **13% female mayors**, also a **decrease** from 17% in the 2009 elections.

#### 2.1.2. Economic decision-making

In 2011, 11.6% of the **board members on listed companies** were women. This figure **rose to 14.7% in 2014** but a significant gender inequality still remains in the field.<sup>10</sup> Partially sparked by the debate at the EU level and the European Commission proposals regarding gender quotas, the question of how to achieve gender balance in top-level management has been on the Danish political agenda in recent years. Whereas the 2011 Government Platform stated to "initiate a dialogue with the business sector in order to ensure more female members of boards of listed companies, including assessing proposals on quota on the basis of gender",<sup>11</sup> a significant resistance against binding measures has characterized the public debate. The brewing company Carlsberg acted ahead and, as the first listed company in Denmark, introduced a gender quota of 40% for the company's board in February 2012 while simultaneously extending the board with two additional seats. Likewise they stated to aspire to increase the number of women in management positions. In general the policies and legislation implemented aim to ensure flexibility for the companies by not making binding obligations (fixed targets for example) and instead prioritize the principle of **self-management** by leaving it up to the companies to set their own goals.

Changes were made to the legislative framework concerning women in decision-making in 2012. According to the Act on modification of the Gender Equality Act,<sup>12</sup> the **largest private companies** (according to size of economy and number of staff) in Denmark are **obliged to inform about their work towards increasing the number of women** in top management and executive boards. Approximately 1.100 companies are covered by the

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<sup>10</sup> [corporategovernance.dk/konsfordeling](http://corporategovernance.dk/konsfordeling)

<sup>11</sup> Danish Government, 2011b

<sup>12</sup> Act no 1288 of 19/12/2012; later incorporated into Act no 1678 of 19/12/2013

new legal obligations. The Act on modification of the Companies Act, Financial Statements Act and other acts<sup>13</sup> introduces the same obligations on all **national public companies and institutions**. The new legal framework entered into force on **1 April 2013**. The provisions oblige companies to set realistic and ambitious targets for the gender composition in top-level management; formulate a policy oriented towards increasing the share of the underrepresented gender at the remaining levels of management within the company (in order to enhance the basis for recruitment for top-level positions); and account for progress or lack hereof in relation to targets and policies in the annual report. The law also introduced the possibility of assigning **finances** in cases where companies fail to comply with the latter point, i.e., informing about progress. The Ministry argues that the new legal provisions adequately reflect the combination of a need for balanced gender composition in top-level management and the need to ensure companies' flexibility<sup>14</sup>. Critics, however, point to the problematic lack of legal obligations as regards the exact targets and the inefficiency of self-regulation when it comes to achieving gender equality in practice.

With the introduction of the new legislation (which is also referred to by the Ministry as 'the Danish model for more women in management and boards') the previous initiative 'Operation Chain reaction' was abandoned. A website, 'Women in Management', was set up by the Ministry in order to transmit information, guidelines and tools to companies targeted by the new laws with the aim of increasing the number of women in management.

The Danish Business Authority makes **annual evaluations of the companies' effort to create gender balance**, based on the annual reports from the companies themselves. Since the new legal obligations entered into force on 1 April 2013, one set of annual reports has been drafted. The evaluation made of these reports shows that 73% of the companies set a target; of these 65% account for the progress in relation to the targets set. On average companies set a target of 25% increase in the share of the underrepresented gender. Most companies work with a time frame of four years in order to fulfil the target. The policies formulated by the companies typically refer to human resource measures (including recruitment), networking, and mentoring.<sup>15</sup>

As regards **public companies and institutions, biannual gender equality reports** are handed in to the Ministry. The reports account for the efforts to promote gender equality at the state, regional and municipal levels, both in relation to services and human resources. A gender equality index has been drafted as well, attributing scores from 0 to 100 in order to indicate to what extent a specific organisation addresses gender equality. Each organisation is placed at a level from 1 to 5 according to the analysis of the answers that they have given in the gender equality reports. An evaluation carried out on the reports by public institutions and companies regarding their targets and policies on gender composition of boards concludes that public authorities perform better on human resources and are more challenged when it comes to services. Institutions and companies at the state and regional levels show better results than the ones at the municipal level. Half of the institutions and companies report to have an **equal share of women and men on boards**. 86% of the remaining institutions and companies have set targets and these are on average for 40% of the board members to be female.<sup>16</sup>

In order to improve the **representation of women in science and technology**, in 2014 the Danish Council for Independent Research offered grants within a particular funding

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<sup>13</sup> Act no 1383 of 23/12/2012

<sup>14</sup> Ministry for Gender Equality, 2012c

<sup>15</sup> COWI, 2014b

<sup>16</sup> Navigent, 2014

program, based on a political agreement from 31 October 2013. The program was entitled Younger women Devoted to a UNiversity career (YDUN), and it targeted female researchers with the aim to "strengthen the utilization of talent in Danish research by promoting a more balanced gender composition of the research environments". The program was only offered once and it had an economic scope of 110 million DKK. Both men and women were eligible for the funds but in case of equal qualifications, the female applicant would be chosen. In October 2014 17 female researchers were assigned funds from the research program. In December 2014 the Minister of Higher Education and Science appointed a task force on women and gender in research. The task force will make proposals on how to strengthen gender balance in academia; the results will be presented in May 2015.

## 2.2. Women in the labour market

### 2.2.1. Employment rate

Denmark has **higher employment rates than the EU-28 average** with 78.7% for men and 72.4% for women, ages 20-64 (2013). An analysis of gender differences in relation to employment was conducted in 2014 on behalf of the Ministry of Children, Gender Equality, Integration and Social Affairs<sup>17</sup>. The findings of the report show that women are less attached to the labour market compared to men, and more women than men receive social benefits. Men have a better chance of leaving the social benefit schemes and transfer to regular employment; however, women manage the social benefit system better and are subject to fewer sanctions than men.

In 2012 the National Labour Market Authority (a governmental body under the Ministry of Employment) decided to close down the Equality Unit, which until then had assisted the employment offices with advice, information, monitoring and development of tools in order to improve efforts to increase gender equality in the labour market. The closing down of the unit was carried out due to general budget cuts at the National Labour Market Authority, which would take over the equality tasks. As of 1 January 2014 the National Labour Market Authority was taken over by the Danish Agency for Labour Market and Recruitment. The Agency has no explicit gender equality objectives.

As concerns legislation, **amendments<sup>18</sup> to the Equal Treatment Act<sup>19</sup>** regarding employment were adopted in 2013. They cover the right to ask for flexible working arrangements after parental leave and make precisions as to the protection in cases of less favorable treatment. The amendments are aimed at transposing Council Directive 2010/18/EU implementing the revised Framework Agreement on parental leave and implement elements of the Directive that were not already covered in Danish legislation.

### 2.2.2. Atypical and precarious work

The gender gap in part time employment was 19.9 in 2013 with 35.8% of the total of female employment being part time and 15.9% of male employment.

In December 2014 a political agreement was made to ensure aupairs working in Denmark a higher salary (4.000 DKK per months as 'pocket money') and less working hours in order to avoid exploitation, which has been on the agenda for several years. The agreement will lead to a law proposal planned to be presented in 2015.

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<sup>17</sup> Slotsholm, 2014

<sup>18</sup> Act no 217 of 05/03/2013

<sup>19</sup> Act no 645 of 08/06/2011

### 2.2.3. Gender pay gap

The Danish gender pay gap for 2012 was situated at 14.9%, slightly lower than the EU average of 16.4%. The 2011 Government Platform document expressed the wish to examine the possibilities for **extending gender-disaggregated pay statistics**.<sup>20</sup> Since 2007, companies with 35 employees or more should carry out gender-disaggregated pay statistics and elaborate status reports on the efforts to promote equal pay in the workplace. The Ministry of Employment and the Ministry for Gender Equality should publish a tri-annual report on the efforts towards achieving equal pay. **In 2014 the Equal Pay Act was amended**; it extends the scope of the previous law by making it applicable to companies with a minimum of ten employees. As of January 2015 these companies will also be obliged to make gender-disaggregated pay statistics<sup>21</sup>.

In 2011 the Central Organisation of Industrial Employees in Denmark and the Confederation of Danish Industry created the **Equal Pay Board**. The mandate of the Board is to treat cases regarding equal pay stipulations of the collective agreements; however, no cases have been brought before the Board in the first four years of its existence.

In 2012 the **Danish Institute for Human Rights** held a conference on equal pay regarding the conditions for presenting a complaint in cases of unequal pay. In 2014 the Institute published a report on the same issue<sup>22</sup>. The analysis focuses on the experiences of 18 complainants in unequal pay cases. The findings show that pay structures are not transparent, equal pay is not discussed in the companies, cases are time- and energy-consuming, complainants fear reprisals from the employer, and they feel demeaned during the trials. The report concludes that reprisals need to be prevented or counteracted, and it should be easier to understand the legislation as well as company policies regarding pay.

At the same time, **civil society has been pushing for amendments to the Equal Pay Act**,<sup>23</sup> for instance as regards **transparency in data**. The Women's Council and six trade unions published an inspiration catalogue with proposals for legislative improvements on equal pay, for example by earmarking paternity leave for fathers. Likewise, the Danish Confederation of Trade Unions has published proposals for equal pay legislation and work of equal value.<sup>24</sup>

### 2.2.4. Gender gap in pensions

Public retirement benefits exist from age 65 but will be increased gradually to age 67 by 2022. In addition employees contribute to occupation pension schemes (as a percentage of their salary) or make private pension savings. The gender gap in pensions is 19% (>65 years, 2010) due to women's lower occupational pensions as a consequence of lower wages and higher share of leave time.<sup>25</sup> Women are slightly better covered by public pension schemes (97.9% / 96.9%) whereas men are better covered by private occupational pensions (16.2% / 23.3%) and individual supplementary provisions (13.7% / 21.6%).<sup>26</sup> The average retirement age is 61.4 years for women and 63.5 years for men (2011). A new law, from December 2014, ensures that employees cannot be forced to retire at age 70.<sup>27</sup>

<sup>20</sup> Danish Government, 2011b

<sup>21</sup> Act no 513 of 26/05/2014

<sup>22</sup> Danish Institute for Human Rights, 2014a

<sup>23</sup> Act no 899 of 05/09/2008

<sup>24</sup> Women's Council, 2012, and Nielsen, 2012

<sup>25</sup> ENEGE, 2013

<sup>26</sup> Arza, 2014

<sup>27</sup> Act no 1489 of 23/12/2014

### 2.2.5. Multiple discrimination and labour market integration for immigrant and ethnic minority women

The **Ethnic Equal Treatment Act was amended in 2012**<sup>28</sup> in order to strengthen the legislative framework. The Act prohibits direct and indirect discrimination in all phases of employment. Non-Western immigrants have a lower labour market participation rate than Western immigrants. Ethnic minorities are overrepresented at the bottom of the job hierarchy and underrepresented at the top-level.

The **2011 Government Platform** explicitly committed to address the issue of **at-risk boys**, who have higher drop-out rates and lower educational levels than girls, as well as fight against discrimination on the basis of gender and ethnicity in relation to traineeships.<sup>29</sup> In recent years focus has been placed especially on **ethnic minority boys** as they do not perform as well as ethnic majority boys and ethnic minority girls. It is harder for them to get **traineeships** for example: 45% of ethnic minority boys get a traineeship compared to 71% of the ethnic majority boys. They also have a **higher drop-out rate** in the vocational education system: 55% of the ethnic minority boys compared to 33% of the ethnic majority boys.<sup>30</sup>

A study commissioned by the Ministry for Gender Equality on 'Gender Equality among Ethnic Minorities in Denmark'<sup>31</sup> concluded that the efforts to strengthen the situation of ethnic minority women have resulted in a **positive development** in relation to educational patterns (leading to reduced differences in labour market participation rates), breaking the isolation of ethnic minority women through networks, and the agenda-setting of health issues among ethnic minority women. Along with the positive developments, new **challenges** have arisen, not least as regards ethnic minority men and isolation or ill-health.

In 2012 the Ministry for Gender Equality elaborated teaching material for language schools to inform ethnic minorities about legislation, education, employment, economy and culture from a gender perspective. A short book entitled 'Everyone is entitled to gender equality' was published and distributed.<sup>32</sup>

A recent report on 'Gender Roles and Social Control among Young People with Ethnic Minority Background'<sup>33</sup> commissioned by the Ministry for Gender Equality, shows that **young women in some ethnic minority environments experience gender-based oppression** related to lack of "independence, freedom of movement, sexuality, freedom of religion and social life". These types of **social control** influence education, sexuality and social life. Likewise the 2015 Perspective and Action Plan on Gender Equality places emphasis on strengthening young people with an ethnic minority background to reject strong social control from the family through debate, education and information on gender equality, rights and sexual orientation.

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<sup>28</sup> Act no 438 of 16/05/2012; amending Act no 374 of 28/05/2003

<sup>29</sup> Danish Government, 2011b

<sup>30</sup> Danish Institute for Human Rights, 2012

<sup>31</sup> Als Research, 2011

<sup>32</sup> Ministry for Gender Equality, 2012b

<sup>33</sup> Als Research, 2014

## 2.3. Reconciliation of private and professional life

### 2.3.1. Maternity, paternity and parental leave

The legislation on parental leave covers 52 weeks of m/paternity leave with compensation: 4 weeks before the birth and 14 weeks after are earmarked for the mother, 2 weeks are earmarked for the father within the first 14 weeks after the birth, and 32 weeks for the parents to divide freely between themselves as well as an additional 32 weeks of leave without economic compensation.<sup>34</sup> The range of compensation depends on whether or not the leave taker is in employment and under which collective agreement he or she is hired. Private employers contribute to a centralised collective fund and get refunded for the amount equivalent to the minimum leave subsidy guaranteed by the state and for the additional amount (from leave subsidy to full pay) from the collective fund. Mothers take up the larger share of the parental leave although fathers' share of the leave has increased from 7.7% in 2010 to 10.2% in 2013.<sup>35</sup>

In 1997 the Social Democrat-led government introduced an additional two weeks of earmarked leave for fathers; the measure was withdrawn by the liberal-conservative government in 2002. The **2011 Government Platform** stated that the "government wants to **earmark up to three months of the paid leave period**" for the father. In 2012 the Government appointed a Commission to discuss precisely earmarking of the right to paid leave in order to "ensure the best possible foundation for making a decision".<sup>36</sup> The **Leave Commission** was to map and analyze relevant challenges in relation to earmarking of the leave period. The Commission was composed by representatives from trade unions, employer organisations, ministries and non-governmental organisations. The result of the work of the Leave Commission was published in a report in 2013 covering the conditions of leave (rules, regulations, etc), data on take-up of leave, economic consequences of earmarking, etc. The Leave Commission also asked the Danish National Centre for Social Research to conduct a literature review regarding Nordic experiences with earmarked leave for fathers;<sup>37</sup> it showed that earmarking the leave makes the take-up rates for fathers increase while the mothers take up the part of the leave that is flexible and can be shared between the parents according to their own preferences. Flexibility in terms of when to take leave and economic compensation will also enhance the possibilities of a more equal sharing of the leave period. A survey showed that almost 2/3 of the Danish men would like to take up 12 weeks leave if they had the possibility. 31% of the population agreed to earmarking leave for fathers, while factors that would incentive higher take-up rates were full salary during the entire leave period and support from the workplace and the partner, respectively.<sup>38</sup>

Despite the conclusions of the work carried out by the Leave Commission, the **Government decided not to earmark leave for the father**. Legal regulations of the leave period were rejected and instead a proposal was launched to provide an economic bonus for families who share the leave if both parents would take minimum four weeks leave. The Minister of Employment, Mette Frederiksen, argued that there was a risk of the total leave period being reduced if part of the leave would be earmarked for the father but left unused, especially due to lack of economic compensation for salary reduction.<sup>39</sup> The bonus proposal was abandoned in 2014.

<sup>34</sup> Act no 141 of 25/03/2002; Act no 1084 of 13/11/2009

<sup>35</sup> Nordic Statistic Yearbook, 2012; 2014; Statistics Denmark, 2013

<sup>36</sup> Ministry of Employment, 2013a

<sup>37</sup> Danish National Centre for Social Research, 2013

<sup>38</sup> Danish Confederation of Trade Unions, 2013

<sup>39</sup> Ministry of Employment, 2013b

As planned in the 2011 Government Platform<sup>40</sup>, a **new law on maternity equalisation for self-employed workers** was adopted in 2013;<sup>41</sup> private employers are already covered by the maternity equalisation scheme and with the new law self-employed workers are included in this compulsory equalisation scheme as well. This means that they will be compensated for loss of income during leave. This creates equal conditions for employees in the private sector at large and self-employed workers. Furthermore it removes obstacles for women to establish their own companies.

### 2.3.2. Barcelona Targets on childcare facilities

Denmark complies with the Barcelona Targets on childcare facilities: in 2013 67.9% of children aged 0-2 were enrolled in formal childcare whereas the coverage for children aged 3-5 was 97.2%.<sup>42</sup> The **quality of the public day-care institutions** has been under scrutiny and much debated in the public sphere in recent years. In 2011, the Government and the Red-Green Alliance agreed to **increase the number of staff** in day-care institutions. However, an evaluation of the initiative showed that the funds assigned were largely used on continued education of existing staff.<sup>43</sup> In November 2014 the Government made a new agreement with the Red-Green Alliance and the Socialist People's Party with a similar content, i.e. additional funds for increased number of staff at day-care institutions for children of the ages 0-5 years. The conditions in the agreement are changed from the previous one in order to ensure that the funds are in fact used as intended. This means that municipalities can apply for funds once they have accounted for the fact that it will be spent on hiring staff.

## 2.4. Eradication of gender-based violence

### 2.4.1. Domestic violence

An estimated 29.000 women and 10.000 men (ages 16-74, for the year 2010) fall victims of **violence in intimate relations** in Denmark each year. Approximately 9.500 young women and 5.500 young men are estimated to have been **victims of physical violence in relation to teen dating** (ages 16-24).<sup>44</sup>

A study on '**Partner violence against men** in Denmark' showed that whereas the number of men who are victims of physical violence in intimate relations is increasing, domestic violence against men continues to be a taboo.<sup>45</sup>

The 2010 **National Strategy** to Prevent Violence in Intimate Relations focused on prevention, short and long term support for victims as well as awareness-raising, knowledge dissemination, and cross-disciplinary cooperation<sup>46</sup>. The National Strategy was evaluated in 2013; data shows a decrease in the number of victims of violence in intimate relations (5% from 2005 to 2010, 15% in teen dating violence from 2007 to 2011)<sup>47</sup>. However, there is a slight increase in the number of male victims. These data relates to 2010/2011 and therefore do not reflect any potential effect of the national strategy. The evaluation states that the public has a broad knowledge of the issue of violence in intimate

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<sup>40</sup> Danish Government, 2011b

<sup>41</sup> Act no 596 of 12/06/2013

<sup>42</sup> Statistics Denmark, 2014

<sup>43</sup> Bureau2000 and FOA, 2013

<sup>44</sup> National Institute of Public Health, 2012b

<sup>45</sup> National Institute of Public Health, 2012a

<sup>46</sup> Danish Government, 2010

<sup>47</sup> Rambøll, 2013a

relations though this is not directly related to the strategy as such but rather an outcome of broader efforts to enhance the political and strategic focus on the area in recent years. Campaigns and information dissemination are evaluated positively as regards their level of exposure. All support measures have been implemented duly and knowledge production, as well as training of professionals in the field, are also evaluated positively. However, the evaluation identifies a number of challenges: coordination of a large number of actors in the field; difficulties in placing enough political focus on the issue in terms of agenda-setting; and the efforts are difficult to manage due to a broad range of initiatives, which vary both in scope, budget and themes. Recommendations relate to the need for a new common strategy to strengthen coordination and management, which should also ensure that minor initiatives are focused and receive due prioritization. Furthermore the municipal level needs to be further integrated into the common strategy.<sup>48</sup>

In **2011** victims of family or partner violence were given the **right to temporary stay at a shelter, receiving protection and support for the women and their children**. The issue is addressed at the municipal level and the law specifically targets women. Children are entitled to psychological assistance.<sup>49</sup>

The **2014 National Action Plan against Violence in the Family and in Intimate Relations** focuses on how to improve the ways in which violence in the family and in intimate relations is handled, as well as on creating more knowledge and debate regarding these issues. Furthermore the National Action Plan particularly addresses men as victims of violence in intimate relations and teen dating violence, based on a study which shows that the number of male victims has increased and that many teenagers are victims of violence from their partner.<sup>50</sup> **Young people** between 16 and 24 years of age are the most vulnerable to intimate violence. Particularly in relation to teen dating violence, a survey shows that 6.5% of the young women and 3.7% of the young men state to have been victims of physical, psychological and/or sexual violence within the last year. This is an increase in the number of male victims and a decrease in the number of female victims.<sup>51</sup>

Several **campaigns** have been carried out and a number of new **websites** have been launched. The Ministry of Children, Gender Equality, Integration and Social Affairs established the website 'Violence Against Women'<sup>52</sup> in 2011, focusing on advice, counselling, information and dissemination of data, whereas The National Board of Social Services established the website 'Violence in the Family'<sup>53</sup> in 2012, focusing on awareness-raising and knowledge dissemination for social workers at the municipal level. Also in 2012, the Minister for Gender Equality and the national organisation of crisis centres in Denmark, LOKK, launched a campaign entitled 'Deal a red card to violence against women'. Using young athletes as spokespersons the campaign aimed to get young men to reject violence against women with a particular focus on teen dating violence.

The **National Strategy combating Honour-related Conflicts** (2012) focuses on strengthened cooperation among authorities and organisations, training for professionals, support for young people as well as prevention, information, knowledge dissemination and research. A particular emphasis is placed on re-education trips to the country of origin.<sup>54</sup>

<sup>48</sup> Ibid.

<sup>49</sup> Consolidation Act no 904 of 18/08/2011

<sup>50</sup> Danish Government, 2014; National Institute of Public Health, 2012c

<sup>51</sup> Ibid.

<sup>52</sup> voldmodkvinder.dk

<sup>53</sup> socialstyrelsen.dk/voldifamilien

<sup>54</sup> Ministry of Social Affairs and Integration, 2012

### 2.4.2. Sexual violence

Each year there are 500 reported cases of rape or assaults with intent to commit rape. One in five of the reported cases results in conviction. The crime is punished with penalties up to 8 years and 12 years in aggravated cases, according to the Criminal Code.<sup>55</sup> The total number of cases of forced sexual relations, or attempts at it, is estimated to be 3.600. Among the victims, women under the age of 25 predominate. The Danish Crime Prevention Council has published several studies on the scope of the problem, on victims and perpetrators and on the importance of measures of prevention as well as initiating a campaign targeted young people on preventing rape and sexual assaults.<sup>56</sup>

In 2012 the Criminal Code Council delivered a report to the Ministry of Justice regarding legislation on rape, including negligent rape and rape of the unconscious (or drug rape), which both have been covered by legislation in Norway since 2000. As a result of the report the law was amended in 2013.<sup>57</sup> The amended act includes rape of the unconscious (with the same penalties as other forms of rape) and there is no longer a reduction of penalties in cases where the offence has taken place in marital relations or against a victim known to the perpetrator. This means that the legal definition of rape does not necessarily include the use of force or violence. The amended act furthermore establishes that rape is to be considered a sexual offence rather than an offence against public decency and morality which had been the case until 2013. The amended act did not include negligent rape; in December 2014 the Socialist People's Party made a proposal to do so and this was received positively by the Social Democrats, Danish People's Party and the Red-Green Alliance but to date it has not resulted in further legal changes. In April 2015 renewed focus has been placed on rape by parties in the Parliament: few cases are reported, and there is a need for knowledge about the ways in which victims are treated by the police when they report a case and why some of the reported cases are not registered as actual cases of rape. The 2015 Perspective and Action Plan on Gender Equality envisages a law proposal on expanding and strengthening counselling for women at shelters, offering ambulant counselling for victims and perpetrators, evaluating shelters and focusing on transition from shelters to life without violence. The Action Plan furthermore has a specific focus on perpetrators and on stalking.<sup>58</sup> The national hotline on partner violence, which has been active since 2002, is expanded so that men, young people and homoexual couples are included among the target groups.<sup>59</sup>

Revenge porn has been on the public agenda in Spring 2015, revolving around one specific case of a woman, Emma Holten, who became a victim of revenge porn by having her nude pictures spread online. She responded by taking matters into her own hands and so she had another series of nude photos taken and published as a part of a project she entitled Consent.<sup>60</sup> This led to a significant public debate around women's rights, sexuality, sexual harassment and digital media.

### 2.4.3. Sexual harassment

Recently, increased attention has been paid to **sexual harassment**. A study from 2012 shows that approximately 4% of Danish women has been subject to unwanted sexual attention in the workplace within the 12 months prior to the study. The average for the

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<sup>55</sup> Act no 871 of 04/07/2014

<sup>56</sup> Balvig et al, 2009; Holm Bramsen, 2012; Balvig et al, 2013; sikkerflirt.dk

<sup>57</sup> Act no 633 of 12/06/2013

<sup>58</sup> Ministry for Gender Equality, 2015

<sup>59</sup> Ministry of Children, Gender Equality, Integration and Social Affairs, 2015

<sup>60</sup> hystericalfeminisms.com/consent

entire workforce was 3%.<sup>61</sup> In 2014 a female parking attendant was rewarded three million DKK in compensation by the National Board of Industrial Injuries for a case of sexual harassment from a male colleague, which had left her with a 75% loss of earning capacity due to psychological consequences. Compensations in cases of sexual harassment, where industrial injuries have not been articulated, are typically set at 25.000 DKK.

#### 2.4.4. Stalking

In 2012 a new law on restriction order, ban to be present at certain places and/or at home was adopted: the law defines stalking as systematic and continuous harassment or persecution and stalking is to be considered an aggravating circumstance in cases of violation of restriction orders and bans.<sup>62</sup> Following up on the new law two studies have been conducted, funded by the Ministry of Justice, focusing on the scope and characteristics of the problem as well as experiences of the victims and the impact of stalking on their lives.<sup>63</sup> The expanded national hotline on partner violence will also be directed at stalking victims. It is estimated that there are more than 100.000 victims of stalking each year.<sup>64</sup> In April 2015 the Socialist People's Party made a proposal to introduce a separate paragraph in the Criminal Code on stalking in order to streamline the ways in which cases are handled.

#### 2.4.5. Trafficking in human beings for sexual exploitation

The Danish Criminal Code establishes that human trafficking is illegal. According to the Danish Centre against Human Trafficking (under the National Board of Social Services), 297 persons have been **victims** of trafficking to Denmark between 2007 and 2013. However, the estimated numbers are higher and increasing over the years. Victims of trafficking in Denmark typically originate in the African continent, particularly Nigeria. In 2013, Rambøll mapped the demand for prostitution in Denmark. Among other things they concluded that 69% of Danish men think that it is wrong to buy sex of trafficked women.<sup>65</sup>

In 2011, the Danish Government launched a four-year **Action plan to Combat Human Trafficking** in order to prevent the problem and offer support for victims. In particular, the Action Plan sets out to improve previous efforts in terms of identifying and providing support for victims, limiting the demand for services by trafficked persons in Denmark, working to prevent trafficking internationally, and identifying and prosecuting traffickers<sup>66</sup>. National activities are funded with 85.6 million DKK, and the Danish Centre against Human Trafficking is responsible for implementing part of the Action Plan and its activities.

In 2013 the Ministry for Gender Equality elaborated an **evaluation** report assessing the progress achieved in the application of the Action Plan, which was judged as satisfactory since most activities had already been implemented or initiated.<sup>67</sup>

In April 2013 the legal protection of victims of human trafficking was strengthened as were the conditions for victims of human trafficking who return to their country of origin. Further to extending the period of reflection from 100 to 120 days for victims who might want to denounce their traffickers, the law makes it possible to grant temporary residency for victims of trafficking due to investigation and prosecution of traffickers related to their case. Persons who have been family reunified and then become victims of domestic

<sup>61</sup> National Research Centre for the Working Environment, 2012

<sup>62</sup> Act no 112 of 03/02/2012

<sup>63</sup> Holm Johansen et al, 2012; Tambour Jørgensen, 2013

<sup>64</sup> Ministry of Children, Gender Equality, Integration and Social Affairs, 2015

<sup>65</sup> Rambøll, 2013b

<sup>66</sup> Danish Government, 2011a

<sup>67</sup> Ministry for Gender Equality, 2013c

violence, even if only after a short period in Denmark, also maintain their right to residency after separation from the perpetrator, i.e., separation in cases of domestic violence should not lead to immediate withdrawal of the residency permit.<sup>68</sup>

The Action Plan to Combat Human Trafficking (2011-2014) was **evaluated again** in 2014: the efforts are considered relevant as is the framework for cooperation among authorities and NGOs. The number of identified victims is continuously increasing, efforts to find victims are broad but most victims are identified via the police, few victims accept a planned return to their country of origin, victims do not collaborate sufficiently with the authorities, and there are few court cases. The contribution of the Danish Centre against Human Trafficking is evaluated positively as regards both coordination and the social field<sup>69</sup>. However the Report states that: "It should be considered how to prioritize the social efforts further and increasingly place potential victims directly at shelters instead of detaining and arresting them when the Danish Centre against Human Trafficking is in charge of mapping and identification". Likewise, the police needs to give more priority to the area and key actors should continue to receive training in the area.<sup>70</sup> A new action plan on trafficking will be published in 2015.<sup>71</sup>

Several **campaigns** were launched in 2011: 'Traffickers Out' aimed at informing about the traffickers behind the trafficked person and make young (potential) sex buyers aware of the signs of trafficking in order for them to report it. The aim was to lower the demand for trafficked persons. 'Buy a trafficked woman – support a trafficker' was launched a little later but with the same general message, i.e., to raise awareness among young men and provide information on how to react in case of suspicion.

#### 2.4.6. Female genital mutilation

A specific criminal law provision on female genital mutilation was introduced into the Danish Penal Code in **2003**, making it **illegal even if committed outside Denmark**. The issue is also covered by the Child Protection Act and the Social Services Act.

Most recently, the issue of **circumcision of boys** has been on the political agenda, followed by the tabling of **proposals to make legislative changes** to counter it. Whereas girls' circumcision is prohibited in Denmark by law, it is allowed to circumcise boys. The Parliament's Cross-Party Network for Sexual and Reproductive Health and Rights<sup>72</sup> held a hearing on circumcision of boys in October 2014, discussing the child's bodily rights vis-à-vis the religious rights of both parents and children. In February 2015 the network held a reception in order to discuss private companies' role in promoting women's rights, in particular prevention of maternal mortality, teenage pregnancy, and family planning as an integral part of companies' corporate social responsibility efforts.

A 2014 survey on the issue of boys' circumcision showed that almost 73% of the population wants a prohibition while 10% accepts boys' circumcision<sup>73</sup>. The Danish Health and Medicines Authority estimates the number of boys' circumcisions to be 1.000-2.000 per year. The Danish Institute for Human Rights points to the fact that this is ultimately a

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<sup>68</sup> Act no 129 of 25/04/2013

<sup>69</sup> COWI, 2014a

<sup>70</sup> COWI, 2014a: 8

<sup>71</sup> Ministry for Gender Equality, 2015

<sup>72</sup> The cross-party network has members from all parties in the Parliament. The general aim of the cross-party network is to create a forum for discussing sexual and reproductive health and rights, to cooperate on creating awareness around the issue, and to promote knowledge, understanding and acceptance of sexual and reproductive health and rights.

<sup>73</sup> MetroExpress, 2014

political decision: boys' circumcision does not violate international conventions, neither would a prohibition. However, **political parties are undecided** on the issue.

## 2.5. Sexual and reproductive health and rights

### 2.5.1. Abortion

Since 1973 abortion has been **legal** in Denmark. There are no restrictions but abortions should be performed before the pregnancy **week 12**, the woman should be informed about the risk of complications, and she must be offered counselling before and after the abortion. After week 12 the right to abortion is granted only if the woman's health or life is at risk, the health of the child is at stake, or in cases of pregnancy as a consequence of sexual assault<sup>74</sup>.

To some extent, a shift has taken place in the public debate, with **pro-life** voices having gained more visibility. This debate has not yet fully reached the parliamentary realm.

One of the issues, which were discussed in early 2014, was the so-called "**judicial abortion**", i.e., the possibility for the biological father to deny and give up permanently all rights and obligations in relation to the unwanted child and refuse paternity and payment of child support allowances. According to a 2013 survey, 39% of the interviewees think that the father should be able to choose this possibility if the mother decides to have the baby without his consent. The Danish Council of Ethics has decided, for the time being, not to consider advantages and disadvantages of "judicial abortion", nor to make recommendations in this regard.

### 2.5.2. Day after pill

The day after pill has been available on the Danish market since 1995: it was introduced as a prescription medicine but became available as over-the-counter medicine (at pharmacies) in 2001. The pills that are available over-the-counter protect up until 72 hours whereas pills with protection until 120 hours still need prescription. According to the State Serum Institute sales increased from 31.000 in 2001 to 103.000 in 2014; a survey showed that 46% of women between 18 and 30 had experience using the pill.<sup>75</sup>

### 2.5.3. Assisted reproduction technology

Assisted reproduction (covering intrauterin insemination (IUI) and in vitro fertilisation (IVF)) is accessible to heterosexual couples, lesbian couples and single mothers. The couple/the mother must not have any (common) children/adopted children in the household and treatment must be initiated before the woman turns 40. An evaluation of the mother's/couple's parenting abilities can be requested.<sup>76</sup> In 2010 8% (4.744) of all children born were a result of assisted reproduction; all in all 36.793 fertility treatments were conducted at Danish clinics.<sup>77</sup> 10% of the children born after assisted reproduction are children of single mothers.<sup>78</sup>

Assisted reproduction in the public health system is free. However, in 2011 a fee on treatment was introduced; this caused a decrease of 23% in the number of treatments.

<sup>74</sup> Act no 913 of 13/07/2010

<sup>75</sup> Berlingske, 2014

<sup>76</sup> Act no 93 of 19/01/2015

<sup>77</sup> Danish Health and Medicines Authority, 2012

<sup>78</sup> DR, 2015

From 2011 to 2012, when public funding of treatments was reintroduced, numbers rose by 11%.<sup>79</sup>

#### 2.5.4. Maternity

Fertility rates rose from 1,67 in 2013 to 1,69 in 2014. The average age of women who were giving birth for the first time was 29.1 years in 2012. In 2009 58% of women giving birth were 30 years old or more which is an increase from 49% in 2000.<sup>80</sup>

21.2% of all births were done by caesarean sections in 2012 as compared to 21.9% in 2007, 21.5% in 2010 and 14.4% in 1999. Epidural anaesthesia were used in 24,4% of all births and it is used more among women who give birth for the first time as compared to those who have given birth before.<sup>81</sup>

#### 2.5.5. LGBTI issues

In 2012 same-sex couples gained the right to be married in the church, in accordance with the aim of the 2011 Government Platform to ensure a **gender-neutral marriage law**<sup>82</sup>.

Legal provisions concerning co-maternity were approved in 2013 ensuring same-sex couples the right to be registered as parents at the birth of their child, in the same way as different sex couples. The aim of the law was to achieve **equality in family law** and ensure a child two parents, independent of their gender, in cases where the parents have planned for the pregnancy together. The amended Children Act creates equality between men and women in terms of paternity and co-maternity when the child is a result of **assisted reproduction**. Co-maternity does not depend on marriage or registered partnership status. Same-sex couples are entitled to shared custody of the child and co-maternity status implies the same leave rights as paternity.<sup>83</sup> These amendments to the legal framework are all in line with the statements made by the government within this area in the 2011 Government Platform.<sup>84</sup>

The 2011 Government Platform also stated that the government wanted to examine the possibilities of **legal gender reassignment (without the need of surgery)** in order to enhance sexual equality.<sup>85</sup> An inter-ministerial working group on legal gender reassignment was established in January 2013 with the aim of mapping legislation and consequences of introducing the right to legal gender reassignment. The working group considered there to be risks related to surgery and therefore those who do not undergo surgery but wish to change gender should be able to do so legally in order to obtain the same rights. The working group concluded in favour of legal gender reassignment, as did the majority of The Danish Council of Ethics. Notwithstanding the opposition by right-wing parliamentarians who voted against a law proposal drafted along these lines, **the new law was adopted** granting the right to achieve legal gender reassignment after a reflection period of six months following the first application. The implications of the new right range from the possibility of obtaining a new social security number, name and passport, to enjoying rights under the Equal Treatment Act, as well as parenthood rights in accordance with the assigned gender<sup>86</sup>.

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<sup>79</sup> Erb, 2013

<sup>80</sup> Statistics Denmark, 2011

<sup>81</sup> Skejby Hospital, 2009; State Serum Institute, 2012

<sup>82</sup> Danish Government, 2011b

<sup>83</sup> Act no 652 of 12/06/2013

<sup>84</sup> Danish Government, 2011b

<sup>85</sup> Ibid.

<sup>86</sup> Act no 744 of 25/06/2014; Act no 752 of 25/06/2014

The Ministry for Gender Equality has placed increased focus on the living condition of ethnic minority LGBT persons and the religious pressure that they are subsumed to due to their ethnic background as well as their sexual orientation. A study has been commissioned to shed light on these issues and results will be published in May 2015.<sup>87</sup>

#### 2.5.6. Other issues

The 2013 Act on "**honour-related conflicts**" obliges municipalities to offer action plans for victims in risk of or exposed to honour-related conflict<sup>88</sup>. In 2012 the government made an agreement on elaborating a **National Strategy** combating Honour-related Conflicts, attributing 24 million DKK to the area, over a period of four years.

The Parliament also approved in 2013 the Act on enhanced efforts against **forced marriages**<sup>89</sup>, introducing higher penalties in the Criminal Code for cases of **forced religious weddings**, hereby equating the punishment foreseen for the latter to that already foreseen for forced marriages.

## 2.6. Gender stereotypes

### 2.6.1. Gender-segregated educational choices

In 2011, three different **campaigns on gender stereotypes in education and employment** were launched: "The future is yours", focusing on untraditional educational choices; "Practice as a problem solver – girls in natural sciences and technology", convincing girls to choose untraditional educational and career paths; and "Change your job, not your gender", motivating unemployed men from male dominated professions within the private sector to seek jobs in the female dominated public sector. The "Practice as a problem solver" campaign was evaluated and considered to be relevant and successful and worthy of being expanded to a full project since it created the necessary openness among the participating girls which is needed for making untraditional education and career choices.<sup>90</sup>

Project funding from the Ministry for Gender Equality also partially focused on gender and educational choices as they supported ten **projects in 2012** to ensure that **boys** carry their education through and attributed funds to enhance knowledge on the possibilities of recruiting more **men for the care professions** in 2014. The 2012 funds were based on data showing that fewer boys than girls get an education and there is a higher drop-out risk for boys, among other things. The funds furthermore focused on gender stereotypes and educational choices. The 2014 funds targeted the promotion of diversity and more male staff in daycare institutions, since men currently make up only 7% of the staff in kinder gardens (for children aged 3-5) even though they constitute 29% of the students in the sector. Generally men tend to work with older children if they enter the care sector.<sup>91</sup>

<sup>87</sup> Ministry of Children, Gender Equality, Integration and Social Affairs, 2014

<sup>88</sup> Act no 1632 of 26/12/2013. "Honour-related conflicts" cover violence, social control, forced marriages, re-education journeys, etc.

<sup>89</sup> Act no 434 of 01/05/2013

<sup>90</sup> The report states that as a pilot project is has been flexible but it is also in need of a more targeted and delimited approach if pursued further. See COWI, 2011.

<sup>91</sup> Ministry for Gender Equality, 2012a; 2013a; 2013b

## 2.6.2. Stereotypes and media

**Verbal and written sexual harassment online** has recently been on the public and political agenda, especially due to a series of documentaries ("Shut up, woman", Danish Broadcasting Corporation, 2014) shown on national public television regarding the ways in which female politicians and researchers are harassed online (especially on social media) when they participate in the public debate. An accompanying survey showed that 59% of the participating female politicians reported to have been harassed online (email or social media). The documentaries contributed to emphasizing the problem of everyday sexism and of what is considered acceptable or not.

## 2.7. Prostitution

Prostitution is **not criminalized** in Denmark, i.e., according to the Danish Criminal Code it is **legal** for persons above 18 years to buy and sell sexual services. It is not considered a profession but taxes are imposed on incomes. Prostitution is considered a **social problem** and therefore covered by the Act of Social Services, attributing a role to municipal authorities in cases where sex workers wish to leave prostitution. In such cases **support**, advice and options such as help in finding an alternative employment should be provided.

Also the 2011 Government Platform identifies prostitution as a social problem, which needs to be confronted more strongly in order to ensure alternatives to sex workers. The government stated that it wanted to offer better protection for victims of human trafficking and that it will "carry out a thorough study on prohibiting prostitution"<sup>92</sup>. The **government does not aim at criminalizing prostitution**, as it refers to the conclusions of the Criminal Code Council (under the Ministry of Justice) arguing against a criminalization of prostitution on the basis of the finding that it would have no significant positive effects neither for the sex workers, nor on the scope of human trafficking<sup>93</sup>. Instead efforts are made to **strengthen policies against human trafficking** and **support for sex workers** as well as **victims** who have been trafficked for the purposes of sex.

A **mapping study** entitled "Prostitution in Denmark"<sup>94</sup> on the scope of prostitution and on the living conditions of sex workers in Denmark was funded by the Ministry of Internal and Social Affairs, with the declared aim of preventing that women and men enter prostitution and of contributing to the exit of those currently involved in it<sup>95</sup>. According to the study, there were approximately 3.200 sex workers in Denmark in 2010-2011. Sex workers enter prostitution for a variety of reasons and a high degree of diversity (depending on educational background, economy and social networks) among sex workers is noted; however a majority has experienced sexual abuses in their childhood<sup>96</sup>.

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<sup>92</sup> Danish Government, 2011b

<sup>93</sup> Criminal Code Council, 2012

<sup>94</sup> Danish National Centre for Social Research, 2011

<sup>95</sup> Ministry of Internal and Social Affairs, 2010

<sup>96</sup> Ibid.

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