

## **DENMARK**

### **QUESTIONNAIRE**

#### **“NON - DISCRIMINATION AND EQUALITY IN FAMILY AND CULTURAL LIFE”**

In accordance with its mandate, the UN Working Group on the issue of Discrimination against Women in Law and Practice (hereinafter “the Working Group”) developed this questionnaire to gather information on how laws and practices discriminate against women within the family and cultural life. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men within the family and in cultural life.

Regarding family life, the questionnaire focuses on issues of equality in marriage and rights and responsibilities within the family. In relation to cultural life, the questionnaire addresses issues linked with the right to have access, participate in and contribute to all aspects of cultural life, including arts, sports and cultural activities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations”<sup>1</sup>. It also establishes the obligation to modify the socio-cultural patterns and gender stereotypes to eradicate all practices based on the inferiority or superiority of either of the sexes as well as to ensure that family education recognizes the common responsibility in the upbringing and development of children.<sup>2</sup> Moreover, the Convention reaffirms the State obligation to eliminate discrimination and guarantee equality in the cultural sphere.<sup>3</sup>

In addition, the International Covenant on Economic, Social and Cultural Rights recognizes the right of all people to enjoy their cultural rights in conditions of equality as well as the right to enjoy the benefits of scientific progress.<sup>4</sup> Furthermore, the Human Rights Committee in its General Comment 28 on the *Equality of Rights Between Men and Women* also reaffirms that the right to equality before the law include equal status within the family and regardless of marital status.<sup>5</sup>

The UN Working Group wishes to thank all stakeholders for responding to this questionnaire by **31 July 2014**.

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<sup>1</sup> Article 16, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981.

<sup>2</sup> *Ibid* art. 5.

<sup>3</sup> Article 1, and 13(c), UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981.

<sup>4</sup> International Covenant on Economic, Social and Cultural Rights adopted by UN General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force on 3 January 1976.

<sup>5</sup> UN Human Rights Committee, General Comment No. 28 on article 3 “Equality of Rights between Men and Women”, adopted on 29 March 2000 (HRI/GEN/1/Rev.9 (Vol. I)).

## DENMARK

### Questionnaire

#### General

1. What status/hierarchy does your Constitution give to international human rights treaties versus domestic law?

Please explain.

**It follows from article 19 of the Danish constitution that international treaties do not automatically become part of domestic law upon ratification. International treaties may be given effect in the Danish legal order in three distinct ways: 1) through recognition of harmony of norms, i.e. in cases where domestic law fully conforms to the treaty, 2) enactment of specific acts of law, i.e. amendments to existing law, or 3) incorporation of the treaty itself into the domestic legal order.**

**It is important to stress that ratified human rights treaties are all relevant and valid sources of law in the Danish legal order regardless of the chosen method of implementation. Treaties that have not been explicitly implemented by specific acts of law because harmony of norms has been ascertained, can be and are in fact invoked before and applied by the Danish courts and other law-applying authorities.**

2. Has your State ratified international human rights treaties with reservations to provisions dealing with equality in family life?

Yes ( ) No ( **x** )

If yes, are there plans to withdraw these reservations?

Yes ( ) No ( )

Please explain.

3. Are the principles of non-discrimination on the basis of sex/gender and equality between men and women established in the Constitution of your State?

Yes ( ) No ( **x** )

If yes, please provide references, describe how they are defined (name the specific articles) and whether they cover family and cultural life.

**Some have suggested the existence of an unwritten general prohibition against discrimination having constitutional power. However, it is the assessment of the Danish Ministry of Justice that existing legal sources do not offer a basis for assuming the existence of a such general prohibition against discrimination at constitutional level.**

4. Are there any specific anti-discrimination or gender equality laws in your State?

Yes (  ) No (  )

If yes, please provide references and briefly describe the content of this law(s), in particular whether it covers family and cultural life.

**The Equal Pay Act from 1976 prohibits discrimination against women and men in relation to pay. Equal pay has gradually been implemented both through legislation and through collective agreements. Recently, a bill was adopted by the Danish Parliament under which employers with more than 10 employees are obliged to present a gender segregated pay statistic. The purpose of the pay statistics is to improve transparency with regards to pay differentials between men and women and to provide a tool for employers and employees to discuss why women and men are paid differently and if it is possible to reduce pay differentials.**

**The Act of Equal Treatment on the Labour Market from 1978 has been amended several times over the years, most recently in 2012. The purpose of the Act is to prohibit discrimination on the grounds of gender. The Act contains regulations, which contributes to bigger efficiency in the implementation of the equal treatment i.e. the reverse burden of proof, the shared burden of proof, precise definitions of discrimination, and transparent sanctions. The Act has had the biggest effect in relation to dismissals on grounds of pregnancy, maternity leave and parental leave. Already in the mid-eighties the Danish courts established that violation of the Equal Treatment Act in this area should result in compensation. In addition to that employers have to prove that the dismissal was not due to pregnancy and leave (reverse burden of proof). This provision has been very important for women's opportunities on the labour market.**

**The Act on Gender Equality, adopted in 2000, regulates the area of gender equality outside the labor market and forms the basis and framework for public authorities to promote gender equality. Both the state and municipal authorities are covered by the scope of the Act. In addition, the Act applies to all commercial activities.**

**The Act aims to promote equality between women and men based on women and men's equal worth. The purpose of the Act is to counteract direct and indirect discrimination based on gender, including harassment and sexual harassment outside the labor market. The Act prohibits discrimination based on gender. A victim of discrimination including harassment and sexual harassment may be granted compensation under this act.**

**The act also includes rules concerning the gender balance of public boards, councils and committees and on the gender composition of boards and collective management bodies of state institutions and companies. In addition, there are rules concerning public authorities' obligations to report on their gender equality work.**

5. Have there been any recent legal reforms in your State to guarantee non-discrimination and equality between men and women in family and cultural life?

Yes (  ) No (  )

If yes, please explain and provide examples.

### **Co-maternity in lesbian couples**

**Proposal of a bill giving the non-biological parent in a lesbian couple the possibility of parenthood - alongside the biological parent - when a child is born. The law was adopted in June 2013 and it introduced the concept of co-maternity. The law states that the courts or the Regional State Administration may establish that a woman is considered having co-maternity to a child if the child is a result of an assisted reproductive treatment, the treatment was carried out by a "health person" (doctor, midwife, nurse etc.) and the woman prior to the treatment in a written statement has declared that she is to be the co-mother of the child.**

**Being a co-mother gives the same rights as regards paternity leave and parental leave as being father to a child.**

### **Leave schemes**

**In Denmark reconciliation of family and working life is seen as an important prerequisite for parents' participation on the labour market. Governments play a principal role in setting up structural framework to achieve a work-life balance. In this respects, the right to leave in connection with pregnancy, maternity and paternity is crucial. There are 3 main elements in relation to the right to leave:**

- \*The right to leave is flexible**
- \*The length of the leave is adequate and sufficient**
- \*The right to leave is subsidised by the State**

**The challenge has been to strike a balance between on the one hand, to ensure the right to (subsidised/paid) leave, and on the other, the possibility especially for women to continue to be active on the labour market after having children. Following applies:**

#### **Mothers:**

**4 weeks of pregnancy leave before the expected date of birth  
14 weeks of maternity leave after the birth of her child, of which the first 2 weeks are obligatory.**

#### **Fathers/co-mothers:**

**Up to 2 weeks of paternity leave within the first 14 weeks after the birth.**

#### **Both parents:**

**After the first 14 weeks each parent has an individual right of up to 32 weeks of parental leave.**

### **Economic compensation**

**The economic compensation from the state is full benefits for 12 months, for parents who are entitled to sickness pay, i.e. wage earners and self-employed persons, which amount to DKK 208,000 pr. year in 2013. Furthermore, provisions in collective agreements enable a large and increasing number of employers to have pay during leave in connection with childbirth for a large part of the leave period. It applies to the public sector and the**

organized part of the private sector, i.e. about two thirds of the labour market. A state equalization scheme for the private labour market set up already in 2006 is also very important for employers' interest in paying parents wages during maternity and parental leave. The state equalization scheme is based on the principle of solidarity among private employers and implies that all private employers must contribute to the scheme even if they do not provide pay during leave. The objective of the scheme is to ensure that it is not only women-dominated trades that have to bear the payroll costs during the leave period.

In 2014 the Parliament adopted a bill establishing an equalization scheme for self-employed based on the same principles, i.e. the principle of solidarity between self-employed, securing an extra compensation for self-employed on maternity-, paternity- or parental leave.

6. Are there any customary, religious law or common law principles/provisions that discriminate against women in family and cultural life?

Yes ( ) No ( x )

If yes, please explain and provide examples.

**There are no customary, religious or common law that discriminates against women. There are only two areas in Danish legislation which have differences between women and men, and that is in the field of military service and in the field of parental leave.**

**Regarding parental leave the mother is entitled to 4 weeks leave prior to giving birth and 14 weeks after. The father is entitled to two weeks leave in connection with the birth. In addition, each parent has the right to 32 weeks parental leave.**

7. Are there any good practices that you can share regarding the elimination of sex discrimination in family and cultural life in your State?

Yes ( x ) No ( )

If yes, please explain and provide examples.

**Denmark is a gender equality friendly society with structures and policies that promote the free and independent development of both men and women. Most notably is the improvement of day care facilities with a guaranteed day-care availability since 2004, good and available elder-care, and the development of the collective traffic facilitating citizens' possibilities to reconcile working life and family life. General care facilities are not seen as gender equality initiatives, but rather as necessary means to establish a well-functioning society and important prerequisites for a free development of both men and women.**

**Most notably is the improvement of day care facilities with a guaranteed day-care availability since 2004, good and available elder-care, and the development of the collective traffic facilitating citizens' possibilities to reconcile working life and family life.**

**Today, women and men in Denmark share the same formal rights, obligations and opportunities in society. Denmark aims at securing de facto as well as de jure gender equality both for women and men. This is clearly stated in section 1 of the Danish Act on Gender Equality, which reads that:**

**“The purpose of the Act is to promote gender equality, including equal integration, equal influence and equal opportunities in all functions in society on the basis of women’s and men's equal status.”**

**Many consider gender equality in Denmark to be fully achieved. But the Government maintain their focus on the continued promotion of gender equality on the labour market. Successive governments have continuously worked to review and improve the quality of legislation and other legally binding rules to achieve gender equality between women and men.**

**Both the Government and the Danish Parliament are committed to the gender equality issue. The Government has a minister with coordinating responsibility for gender equality and the Parliament has a permanent Gender Equality Committee.**

**As gender equality to a very large extent is regulated and promoted through legislation, good practices are mostly used as a supplement. An example of a good practice not based on legislation is the right to pay during leave, which is regulated by collective agreements or by individual contracts.**

8. What actions have been taken by your State to eradicate negative gender stereotypes, including in the media?

Please provide examples.

**Provisions for the underrepresented gender were introduced in the Danish Act on Public and Private Limited Companies (the Danish Companies Act), the Act on Certain Commercial Undertakings and the Financial Statements Act in December 2012. Similar provisions were introduced in the financial legislation. The provisions are inspired by the recommendation of the Committee of Corporate Governance, who has worked with diversity in a number of years. However, it is believed that the recommendation on diversity did not result in adequate results for the under-represented gender.**

**The included companies are required to set targets for the share of the under-represented gender in the supreme governing body and to establish a policy to increase the share of the under-represented gender in the company's other management levels (the Danish Model). Furthermore these companies are required to explain the progress made in achieving the targets and status of the policy.**

**The Danish model was presented at a press conference by the former Business and Growth Minister Ole Sohn and the Equality and Church Minister Manu Sareen.**

**When introducing the provisions a letter was sent to all the targeted companies by the Danish Business Authority in order to disclose the requirement to explain the targets and policies in the companies' annual reports.**

**The Danish Business Authority has launched an investigation on sample basis based on the companies' reports on the status of achievement of set targets and policy regarding the under-represented gender. The result will be published in a report in autumn 2014.**

**Besides this, the Danish Consumer Ombudsman informs that he issued guidance on gender based advertising in 2012. The guidance is a revision of a former guidance from 1993 and has been negotiated with a number of trade and consumer organizations and interest groups. The outcome has been achieved by complete consensus between the parties.**

**The guidance describes what is good marketing practice with regard to gender based advertising, i.e. advertising where gender plays a significant part or where nudity or eroticism is used in a substantial manner in the advertising.**

**Pursuant to section 1, subsection 1, of the Danish Marketing Practices Act, traders shall exercise good marketing practice with reference to consumers, other traders and public interests.**

**Among other things, the guidance establishes that nudity or eroticism must not be used in advertising in a way that is derogatory or contemptuous to the gender in question, that advertising must not give the impression that one gender is socially, economically or culturally inferior to the other gender, and that advertising must not give the impression that one gender is less skilled, less intelligent or less qualified to perform tasks which physiologically can be performed equally by any gender.**

9. Are tribunals upholding the principles of equality and non-discrimination in matters relating to family and cultural life?

Yes (  ) No (  )

If yes, please provide any relevant case-law/jurisprudence.

**The Board of Equal Treatment is an independent appeals board that deals with complaints related to discrimination.**

**The Board deals with complaints related to discrimination based on gender, race, color, religion or belief, political views, sexual orientation, age, disability or national, social or ethnic origin within the Labour Market.**

**Outside the labor market, the Board deals with complaints related to discrimination based on race, ethnic origin or gender. With regard to gender, the Board has previously treated cases of equal access (ie. to public events and buildings), different prices for men and women (ie. entry fee) and attire.**

**The Boards jurisdiction is based on the Act no. 387 of 27 May 2008 on the Board of Equal Treatment. Any citizen can file a complaint to the Board of Equal**

**Treatment. Decisions made by the Board are final and binding for both parties. In certain situations, the Board may decide that the complainant is entitled to compensation (e.g. in case of unfair dismissal). The Board of Equal Treatment bases its decisions on written information received from the complainant, the defendant and the secretariat. The Board publishes its decisions in an anonymized form.**

**The Board is composed of three judges who form the presidency and nine members who have a law degree. All members hold expert knowledge on labour market regulations and discrimination.**

**The Board makes – among other things - decisions in cases on dismissals on the grounds of pregnancy/maternity leave/paternity leave. In the case of unjustified dismissal, the complainant is entitled to compensation corresponding to up to 9 months of salary.**

10. Are there any other mechanisms to monitor draft legislation, specific provisions in draft legislation or reverse decisions discriminating against women in family or cultural life?

Yes (  ) No (  )

If yes, please provide any relevant examples.

**Mainstreaming in relation to public services and law proposals.**

**The gender equality mainstreaming obligation is incorporated into all equality legislation, inside and outside the labour market. There is a continuous monitoring of the mainstream obligation of the gender equality legislation in a variety of fields in public services. There are also an annual systematic monitoring on mainstream requirement through the annual reports on gender equality for the state, regions and municipalities, as set out in the Act on Gender Equality § § 5-5a.**

**In 2013 the government published a new strategy on gender equality assessment in the public sector. Among the priorities was a special emphasis on gender equality assessment in legislation, which has been strengthened and systematized. The government's strategy on gender equality assessment in the public sector also includes a strengthened gender equality assessment of citizen-oriented services, including a strong relationship with local authorities on how gender equality assessment can be strengthened specific areas of welfare such as the field of unemployment services, healthcare and eldercare.**

**In addition, please refer to the website [www.ligestillingsvurdering.dk](http://www.ligestillingsvurdering.dk) which aims to serve as a knowledge base and platform for exchange of best practice in relation to mainstream public services.**

**Family Life - Equality within marriage**

11. Is there a legal designation of head of household?

Yes (  ) No (  )

If yes, is the head of household the male member of the family? What rights or obligations are attributed to the head of household?

12. Do women have the same rights as men in your State in relation to:

**Yes to all "x" below:**

- ( x ) The minimum age for marriage – if the age of marriage is different for men and women, please provide information
- ( x ) The right to enter into marriage
- ( x ) The freedom to choose a spouse and to express consent

13. With permission or authorization from parents/guardians/courts, at what minimum age can men and women marry in your State? What enforcement measures are provided by law in this regard?

**The legal minimum age of marriage is 18, but with permission younger persons may enter into marriage. There is no minimum age for receiving such permission, but as the legal sexual age is 15, permission is not granted to persons below this age.**

14. Is there a reference to dowry in the legislation of your State, for example, in marriage contracts or in traditional practice?

Yes ( ) No ( x )

If yes, please explain.

15. Are forced marriages prohibited in your formal and customary laws?

Yes ( x ) No ( )

If yes, please provide any relevant references.

**A person forced to entering into a marriage may ask the courts to dissolve the marriage. See Chapter 3 of the Marriage Act.**

**Furthermore, please see section 260 of the Danish Criminal Code:**

**(1) A fine or imprisonment for a term not exceeding two years for duress is imposed on any person who -**

**(i) coerces someone to do, accept or fail to do something through the exertion of violence or through threats of violence, of considerable damage to property, of deprivation of liberty, of making an incorrect allegation of a criminal or defamatory act, or of disclosing private details;**

**(ii) coerces someone to do, accept or fail to do something through threats of reporting or disclosing a criminal act, or of making true defamatory accusations, and such coercion is considered not to be properly justified by the underlying cause of the threat.**

**(2) If someone is coerced into marriage or to participate in a religious marriage ceremony with no legal effect, the punishment may increase to imprisonment for a term not exceeding four years.**

**(3) If someone is coerced into wearing a garment covering the face, the punishment may increase to imprisonment for a term not exceeding four years.**

16. Are forced marriages or arranged marriages practiced in your State?

Yes (  ) No (  )

If yes, please explain.

**Information regarding forced marriages or arranged marriages is gathered by the police, the marriage authorities and the social services.**

17. Is polygamy illegal in your State?

Yes (  ) No (  )

If no, is it legal for both men and women?

18. Is the registration of marriage compulsory in the following cases?

(  ) civil marriage  
(  ) religious marriage

**A marriage is only legal when performed by a person with marriage authorisation. The registration of a marriage has no legal effect.**

19. Are same sex-marriages allowed in your State?

Yes (  ) No (  )

If yes, please provide references.

**In 2013 the scope of the Marriage Act was changed in order for the Act to apply to both marriages between two persons of different sex and two persons of the same sex. At the same time, the Act on Registered Partnership was revealed. This Act from 1989 permitted two persons of the same sex to enter into a partnership with legal effects similar to those of marriage.**

20. Are same-sex relations criminalized in your State?

Yes (  ) No (  )

If yes, please provide references.

21. Is equality guaranteed between husband and wife in law and practice with respect to:

**Yes to all "x" below:**

- ( x ) The right to choose a family name
- ( x ) The right to choose a profession and occupation
- ( x ) The right to choose the place of residence
- ( x ) The right to have and retain one's nationality
- ( x ) The freedom of movement (including the right to travel abroad)

Please provide references.

**The Danish law and practice regarding the right to have and retain one's nationality does not distinguish between husband and wife.**

22. Do both spouses have the same rights in law and practice with respect to:

**Yes to all "x" below:**

- ( x ) ownership of property and land
- ( x ) management and administration of property and land
- ( x ) enjoyment and disposition of property and land

Please provide references.

23. Are women who get married subjected to any form of male guardianship?

Yes ( ) No ( x )

If yes, what are the specific conditions of this guardianship and what kind of restrictions does it impose on women?

24. Do parents have same rights and responsibilities regarding to:

**Yes to all "x" below:**

- ( X ) Deciding the number and spacing of children
- ( X ) Guardianship, wardship and trusteeship
- ( X ) Adoption of children
- ( X ) Care of children
- ( X ) Education of children
- ( X ) Alimony

Please provide references.

25. Are de facto unions recognized in law in your state?

Yes ( x ) No ( )

If yes, please explain in which law(s) and how this is defined.

**Under Danish law there is no act on de facto unions, but in a number of situations legislation take into account the existence of a de facto union when defining the rights and obligations of the persons involved.**

26. Do men and women have the same legal rights with respect to dissolution of marriage?

Yes (  ) No (  )

If yes, please explain in which law(s) and how this is defined.

**The Marriage Act gives both parties equal rights to dissolution of a marriage.**

27. Do men and women have the same rights in law and practice when a marriage or union ends in terms of:

**Yes to all "x" below:**

- (  ) Equal share of the marital property and land
- (  ) Custody of children
- (  ) Remarriage

Please provide any references.

28. Is it contemplated in the legislation of your State that, in the event of a divorce, women should remain in the family or common household?

Yes (  ) No (  )

If yes, please explain in which law(s) and how this is defined.

29. Are legal provisions guaranteeing non-financial contributions, including care of children, the sick and elderly in the family, taken into account in the division of marital property upon divorce?

Yes (  ) No (  )

If yes, please provide references.

30. Are rights of widow(er)s the same for women and men in terms of:

**Yes to all "x" below:**

- (  ) Custody of children
- (  ) Property and land distribution
- (  ) Remarriage
- (  ) Freedom to choose residence

Please provide references.

31. Do women have access to legal aid in relation to family matters?

Yes (  ) No (  )

If yes, please explain.

Persons participating in civil proceedings among these civil proceedings regarding family matters can apply for legal aid. The rules on legal aid can be found in the Danish Administration of Justice Act, chapter 31.

Equality within the family

32. What is the legal definition/concept of “family” in your State?

**There is no legal definition/concept of “family” in Denmark.**

33. In law (including customary law) are men and women equal in the family in your State?

Yes (  ) No (  )

If yes, please provide any references.

34. Do men and women have the same social status within the family in your State?

Yes (  ) No (  )

If yes, please provide any references.

35. Does your State have data on the number of hours spent by women and by men on functions in the home or in care for family members, including children and the elderly?

If yes, please explain.

**Several studies have been done over the years regarding the hours spent on paid work and household work by men and women in Denmark. Overall the picture shows a continued convergence in women and men's time use. If the development in the distribution of paid and unpaid work continues as now Danish women and men will spend an equal amount of time in paid employment by 2033. However, for household work, gender equality will arrive as early as 2023.**

**One way to describe the major trends in the Danish population's time use would be to use data from nationwide and representative Danish surveys, which in many respects follow the time-use survey guidelines developed by Eurostat (2000) and are all based on probability samples.**

**The numbers for the period of 1964-2009 shows the following:**

**Paid and household work for employed and non-employed men and women (hours on an average weekday):**

Men		1964	2009
	Paid work	5:54 hours	3:49
	Household work	0:29 hours	2:17

Women			
	Paid work	1:46	2:28
	Household work	4:24	3:15

(reference: Jens Bonke and Bent Jensen: Paid and unpaid work in Denmark – Towards gender equity *in* International Journal of Time Use Research 2012, Vol. 9, No. 1, 108-119)

**Paid and household work for employed men and women (hours on an average weekday):**

Men		1964	2009
	Paid work	6:42 hours	5:33
	Household work	0:25 hours	1:54
Women			
	Paid work	4:49	4:06
	Household work	2:20	2:59

(reference: Jens Bonke and Bent Jensen: Paid and unpaid work in Denmark – Towards gender equity *in* International Journal of Time Use Research 2012, Vol. 9, No. 1, 108-119)

**One main finding in the above numbers is that the convergence between women and men's household work is more due to men's increase in the hours spent on household work than due to women's decrease in this kind of work.**

36. Do men and women in the family have the same rights, in law and practice, with regards to inheritance (including equal rank in the succession)?

Yes (  ) No (  )

If yes, please explain. In addition, is there evidence of waiver of inheritance rights by women?

**The rules regarding inheritance are regulated in the Inheritance Act. No distinction is made between men and women in the act.**

**Men and women have the same rights to inherit, and men and women have equal rank in the succession.**

**Waiver of inheritance is made by agreement between the heir and the testator. The Ministry of Justice is not aware of the contents thereof.**

37. Does family education in your State include a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of the children?

Yes (  ) No (  )

If yes, please provide any references.

**The Danish public school has a compulsory subject "health and sexual education and family studies" which includes family pattern, family life and gender roles.**

38. If equality is guaranteed in law and practice, does this apply in all different types of families?

Yes                    (  )                    No                    (    )

If yes, please provide any references.

**Violence within the family and marriage**

39. Are there any of the following traditional practices in your State?

- (    ) Female Genital Mutilation
- (    ) Honour Killings
- (    ) Son Preference
- (    ) Dowry Deaths
- (    ) Polygamy
- (    ) Prohibition of work or travel without the permission of a guardian
- (  ) Other - Forced marriages and other honor-related conflicts

If yes, is there legislation prohibiting such practices in your State?

Please provide any information on other actions taken to eradicate these practices.

**Denmark have for several years been working with honor-related conflicts and the importance of combating these in order to ensure basic individual rights for all citizens in Denmark. Studies on the subject as well as the experiences of professionals working with youngsters show that some of the young ethnic minorities in Denmark experience different kinds of honor-related conflicts such as forced marriage, forced re-education journeys, social control, and pressure and violence rooted in the family's concept of honour. In response to this the Danish government launched a national strategy on combating honor-related conflicts in July 2012. The strategy focuses on the following six main areas: 1) Cooperation among municipalities, other official institutions, and NGO's, 2) Education of professionals, 3) A special effort for children and young people who against their will have been sent abroad for purposes of "re-education", 4) Support for young people in relation to honour-related conflict, 5) Attitude changing and information campaigns aimed at both parents and young people, and 6) Knowledge and research."**

**Female Genital Mutilation is a violation of Section 245 a of the Criminal Code. According to Section 245 a, any person who assaults the person of another by cutting or otherwise removing external female genitals in full or in part, whether**

with or without consent, is sentenced to imprisonment for a term not exceeding six years.

**Honour Killing** is – as homicide in general – a violation of Section 237 of the Criminal Code. According to Section 237, any person who kills another is sentenced to imprisonment for a term of at least five years or for life for homicide.

**Polygamy** may constitute a violation of Section 208 of the Criminal Code. Section 208 has the following wording:

“Any person who contracts a marriage or registers his same-sex partnership although already married or a party to a registered same-sex partnership is sentenced to imprisonment for a term not exceeding three years or, if the other person was not aware of the existing marriage or registered partnership, to imprisonment for a term not exceeding six years.

(2) If the act was committed by gross negligence, the penalty is imprisonment for a term not exceeding one year.

(3) Any person not married or a party to a registered same-sex partnership who contracts a marriage or registers his same-sex partnership with a person already married or a party to a registered same-sex partnership is sentenced to imprisonment for a term not exceeding one year.

(4) It must be considered a mitigating circumstance if the marriage or registered same-sex partnership of the person already married or a party to such partnership cannot be annulled. The penalty of the person who is neither married nor a party to a same-sex partnership may be remitted on the same conditions.”

40. Is/are there any anti-domestic violence legislation/regulations in your State?

Yes ( ) No ( )

If yes, please provide any references.

**Domestic violence** is – as violence in general – punishable under Section 244-246 of the Criminal Code.

Relevant to the issue of anti-domestic violence are also the provisions on restraining orders, exclusion orders and expulsions. These provisions are unified in Act No. 112 of 3 February 2012 on restraining orders, exclusion orders and expulsions which entered into force in March 2012.

The overall purpose of the Act is to strengthen the protection of persons against persecution, harassment and violation of privacy, including stalking. Thus, for instance, the Act authorizes the police to impose a so-called expulsion which prohibits the person in question to stay in his or hers home.

The provisions apply irrespective of the gender of the victim.

**Restraining orders, exclusion orders and expulsions are imposed by the police. The penalty in case of violation of an imposed restraining order, exclusion or expulsion is a fine and up to 2 years of imprisonment. If a violation is related to stalking it will be considered an aggravating circumstance.**

41. Does your State have a legal definition of discrimination which covers gender-based violence or violence against women, which includes domestic violence?

Yes ( x ) No ( )

**The Act on Gender Equality, adopted in 2000, regulates the area of gender equality outside the labor market and forms the basis and framework for public authorities to promote gender equality. Both the state and municipal authorities are covered by the scope of the Act.**

**The purpose of the Act is to counteract direct and indirect discrimination based on gender, including harassment and sexual harassment outside the labor market.**

**Harassment covers all unwanted conduct related to a person's race or ethnic origin, religion, age, disability, sexual orientation or gender with the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can take many forms, including behavior of a physical or mental nature of written, verbal or visual character.**

**Sexual harassment covers any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. The behavior can be of physical, verbal or non-verbal nature.**

**The Danish Criminal Code contains provisions relating to violence against women and men. The scope of The Criminal Code covers acts of gender-based violence including domestic violence.**

**Several provisions of the Criminal Code are relevant to the issue of gender-based violence. This includes, inter alia, sections 244-246 concerning violence and sections 216-236 concerning sex crimes. As for domestic violence, see the reply to question 40.**

**As a general rule, the provisions of the Criminal Code are drafted in a gender neutral manner whenever possible. Thus, the provisions apply irrespective of the gender of the victim (with certain exceptions, for instance Section 245 a, see the reply to question 39).**

42. Does your State have a national policy to eliminate gender-based violence or violence against women, including domestic violence?

Yes (  ) No (  )

43. Is marital rape considered a crime in the legislation of your State?

Yes (  ) No (  )

44. Is adultery considered a crime in the legislation of your State?

Yes (  ) No (  )

If yes, is it equally punished for men and women?

Please provide any references and further explanation.

45. Are there any public campaigns in your State to raise awareness that violence against women and girls is a human rights violation?

Yes (  ) No (  )

If yes, do they attempt to change the attitudes of men?

**The Danish campaigns to raise awareness of violence against women do not explicitly refer to the Human Rights Conventions but the perspective of the campaign and the Danish initiatives to combat violence against women is based on the values of human rights.**

**One of the public campaigns against violence against women and girls made use of famous soccer-players from the Danish National soccer team in order also to reach out to men. The campaign was launched in 2011 by the Ministry of Gender Equality in collaboration with the Danish Football Association.**

**The Ministry of Gender Equality has also supported the establishment of a Danish White Ribbon Campaign. The Danish White Ribbon is working to engage men to say no to violence against women. The overall purpose of White Ribbon Denmark is specified in three “commandments” for the members:**

- **Do not use violence against women**
- **Say no to other men’s violence against women**
- **Break the silence about violence against women**

46. What measures have been taken in your State to raise awareness among law enforcement officials regarding violence against women and girls, including domestic violence?

Please explain and provide examples.

**The Director of Public Prosecutions has issued instructive guidelines to the police and prosecution service concerning the investigation and prosecution in cases regarding domestic violence and the handling of cases on restraining orders, exclusion orders and expulsions.**

**Furthermore, the Director of Public Prosecutions provides education in the handling of cases concerning restraining orders, exclusion orders and expulsions. Jointly with the National Court Administration the Director of Public Prosecutions also hosts courses on domestic violence with a focus on the psychological aspects and the special needs of victims to public prosecutors and judges.**

**At the Police Academy the police cadets are trained in handling cases of intimate partner violence. Thus, intimate partner violence is dealt with explicitly as part of the police training at the academy.**

**To ensure that police cadets have a comprehensive understanding of the issue of intimate partner violence a part of the training consists of visiting a shelter for women and a Centre for Victims of Sexual Assault. This gives the police cadets a broad perspective on crime prevention regarding intimate partner violence and strengthens their understanding of the benefits of working with the relevant NGO's in these cases.**

47. Are there special law enforcement units to respond to complaints of violence against women and girls, including domestic violence?

Yes ( ) No ( )

If yes, do these include female law enforcement officers?

**The police districts in Denmark play an important role in the effort to combat domestic violence.**

**The Director of Public Prosecutions has the overall responsibility for the prosecution of criminal cases, including cases of domestic violence.**

**Both the police and the Public Prosecution Service have focus on domestic violence to ensure effective investigation and prosecution of cases of this type of violence.**

**In some police districts contact persons with special knowledge on cases of domestic violence have been appointed. In other police districts special units with a focus on domestic violence have been set up. To support the patrol officers' handling of cases of domestic violence so-called 'action cards' have been developed to guide the proper handling of these cases.**

**It should be mentioned that the percentage of female police officers in Denmark is 13.**

48. Please provide information on the incidents/complaints of domestic violence, sexual assault including rape, and child abuse against women and girls in your State.

**The annual number of women (aged 16 – 74 years) exposed to violence in intimate relations is estimated to have decreased from 33.000 in 2005 to 29.000 in 2010. This presents a significant tendency. When it comes to dating violence (16-24 years) the annual number of women is estimated to have decreased from 13.000 (4.7 %) in 2007 to 10.000 (3.2 %) in 2011.**

**Furthermore different studies show that many more women (approximately 60.000 – 70.000) are victims of physical violence in one form or another.**

**According to police statistics, 3,596 incidents of violence against women (all ages) were reported to the police in 2012. In 2013 the number was 3,668. Information regarding the type or the place of the violent act is not available. However, results from a national crime victim survey indicate that around 15 percent of the female victims of violence have been victims of domestic violence.**

**According to police statistics 2,070 incidents of sexual assault (including rape and offences against public decency) against women (all ages) were reported to the police in 2012. In 2013 the number was 1,985.**

49. Are there shelters or safe houses for women and girls who are victims of gender-based violence, including domestic violence in your State?

Yes (  ) No (  )

If yes, are these available to women and girls living in rural and remote areas?

**It's an obligation, due to the Act on Social Service, to all local authorities – municipalities – to offer temporary accommodation – shelters – for women who have been exposed to violence, threats of violence or a corresponding crisis I relation to family or cohabitation relationships. The women may be accompanied by children and shall receive care and support during the stay. Under this scheme more than 40 shelters provides approximately room to 330 women and their children.**

### **Participation in cultural life**

50. Are men and women equally entitled in law and practice to interpret cultural traditions, values and practices in your State?

Yes (  ) No (  )

If yes, please describe and provide examples.

**The Ministry of Culture does not interfere in men's and women's interpretation of cultural traditions, values and practices and can therefore not provide examples**

concerning the individual level. However, when it comes to interpretation of cultural traditions, values and practices of cultural institutions under the Ministry's area of responsibility, men and women employed in such institutions are treated equally. For example, museum staff are employed on the basis of their professional skills and not because of their gender.

51. Are there restrictive dress codes for women which do not apply to men?

No

If yes, please describe and provide examples.

52. Are women in the country allowed to be a member and fully participate in cultural and scientific institutions in your State?

Yes (  ) No (  )

If yes, please describe and provide examples.

**As mentioned under point 50 men and women are treated equally in cultural institutions under the Ministry's area of responsibility, in that there are no specific rules or practices for men or women. As concerns the composition of boards of state cultural institutions or main state-subsidized cultural institutions, such composition must comply with the Consolidation Act on Gender Equality which stipulates that the proportion of women and men in public committees, boards etc. should be equal.**

53. Are women entitled in law and practice, independently of their marital status, to decide freely whether or not to participate in certain cultural events, traditions and practices in your State?

Yes (  ) No (  )

If yes, please describe and provide examples.

**There are no rules nor practices that restrict anyone – whether man or woman – to decide freely whether or not to participate in certain cultural events, traditions and practices.**

**However, in some ethnic minority families it is custom that the woman's own family, her husband, or her husband's family decides on her behalf what she can participate in and what not. This kind of restriction of personal freedom is seen in some families whether or not the woman is married. We know from studies that women with an ethnic minority background for example participate less in local associations than both men with an ethnic minority background and women with a an ethnic Danish background do. This tendency gets more pronounced the older the women with an ethnic minority background are.**

54. Are there any specific actions to recognize and value the contributions of women to culture in your State?

Yes (  ) No (  )

If yes, please describe and provide examples.

Probably the best example is the self-governing institution under the Ministry of Culture “KVINFO” which is the Danish Centre for Gender, Equality and Ethnicity. The key role of KVINFO is to initiate research and disseminate information and findings, and to contribute to the development of an equal society. Among many other things, KVINFO has set up an Expert Database which promotes and makes visible the knowledge, experience and expertise of Danish women, covering over 1,000 profiles from all areas of society.

55. Do you have data regarding the participation of women in arts, science, sports and in the proportion of public funding allocated to women in these activities?

If yes, please provide information.

The publication “Danskernes kulturvaner 2012” (Cultural habits/participation of the Danes 2012) provides an extensive collection of data concerning participation in cultural life in Denmark, including gender. The publication is a follow-up to previous publications on the subject and gives a detailed insight on participation of different groups such as children, ethnic minorities as well as gender. In general, according to the findings of the publication women are participating more than men in the area of art and culture (i.e. music, theatre/performing arts, film, museums/cultural heritage, libraries and books). Women are, as a general rule, on the other hand less active than men in the area of media (i.e. tv, radio, newspapers and magazines). When it comes to the area of leisure (i.e. sport, other leisure activities, computer games and digital games) no major difference between men and women can be found. This finding is confirmed by another survey in the field of sport only that shows that 65 % of women in Denmark participate in sport activities sport compared to 63 % of Danish men who participate in sport activities (source: “Danskernes motions- og sportsvaner 2011” – Sports habits of Danes 2011).

With regard to public funding allocated to women in cultural and sport activities in general there is no information on gender specific financial support. Other criteria than gender lie behind funding of arts, cultural and sport activities the main criteria being the quality and content of a particular project/activity. However, in its 2013 annual report, the Danish Arts Foundation which is an arms-length body that allocates funding to professional artists in Denmark published gender specific data on allocation of funding within different artistic areas and in different years (“2013 Årsberetning Statens Kunstfond 1. januar – 31. december 2013”). The proportion of women varies between arts areas - as an illustration please find two examples: 1) In the area of *architecture* 28,4 % of those who received funding from the Foundation in 1994 were women whereas in 2013 the proportion of women receiving funding in the area of architecture had risen to 40,7 %. 2) In the area of *visual arts* the proportion of women receiving funding from the Foundation in 1994 was 38,8 % whereas in 2013 the proportion of women had risen to 53,4 %.

However, it should be noted that according to a recent study carried out by the Danish Agency for Culture the representation of women’s art works in Danish arts museums is around 20 % and sometimes lower (“Museer Viden Demokrati Transformation, Kulturstyrelsen 2014” /Museums Democracy Transformation, The Agency for Culture

2014). In other words, the representation of art created by women and men in Danish art museums is not equal.

As concerns the area of science, information exists about the proportion of public funding allocated to women in science through the main research councils in Denmark. Figures regarding funding from the Danish research councils are published on a yearly basis (in the publication “Tal om Forskning”: <http://ufm.dk/publikationer/2014/filer-2014/tal-om-forskning-2013.pdf>).

The most recent publication shows that on an aggregate level, the number of female applicants is still significantly lower than the number of male applicants. And women tend to have a lower success rate than men when they apply.

56. Has your State developed any temporary special measures to enhance the participation of women in arts, science, sports and any other cultural activity?

Yes (  ) No (  )

If yes, please provide specific examples of these temporary special measures.

Some higher education programs have a gender imbalance. Women are overrepresented in welfare education programs, such as nursing and kindergarten educator programs. Men are overrepresented in the technical sciences. In 2012 only 32 per cent of the entrants to technical science programs were women.

As part of structural changes in programs in 2004, a compulsory basic natural science course was created. This course has been instrumental in changing the introduction to science for girls, hence increasing the number of girls graduating within science subjects. Statistics have shown an 8% increase of students graduating with highest level of mathematics, physics, and chemistry on at least standard level (2007-2011).

The Ministry of Gender Equality has also supported specific projects aimed at promoting the interest among women and girls for studying science.

One of the projects named <XX-it> had the purpose of developing knowledge on didactic efforts that especially would support girls and young women’s preferences for learning. The aim was to make more girls choose a secondary education within the field of IT. The overall ambition is to promote a more flexible education system and labor market by inspiring girls and young women to consider a gender untraditional education.

Another project was analysing the current practice in the public system of Guidance in Relation to Choice of Education, Training and Career. The analysis was made by the Danish Institute of Human Rights. The aim was to create more knowledge on the gender aspects of this guidance and if and how the actual guidance is challenging the gender traditional educational choices of the youth. Again the ambition was to promote a more flexible education system and labour market by making the guidance system use a gender perspective in their work.

The Ministry of Gender Equality in 2013 supported the initiative “Girls Day in Science” where girls from secondary schools are exposed to natural science and the different jobs and studies that exist with natural sciences.

The largest of the Danish research councils: “The Danish Council for Independent Research” has throughout a number of years emphasised gender equality in their work and practice. Most recently the Danish Council for Independent Research in 2013 commissioned a study on the role of gender in research and excellence mapping gender aspects and differences in the Danish research system with special focus on applications to and grants from the Danish Council for Independent Research. The study was followed by a conference on the role of gender in research and excellence. Also in 2013 the Council adopted an equality policy. The policy set goals for both the success rates of grants awarded by the council and for the composition of the council itself and its subcouncils.

In 2014 the council presented a call for the new “Younger women Devoted to a University career Programme (YDUN-programme)” in order to stimulate the research careers of female researchers by encouraging them to apply for research funding at the council. The aim of the programme is to promote a more gender balanced composition of the Danish research environments by giving female applicants precedence over male applicants in situations of equal qualifications between the two.

Regarding the Danish universities the former Minister of Science, Technology and Innovation held a roundtable discussion on women and research in 2009.

Among other things the discussion led to the authorization of temporary special measures at the University of Copenhagen. The special measures were approved by the Danish Ministry for Gender Equality.

The special measures were meant to provide an increased incentive to hire female candidates in higher academic positions. The measures have proved positive. Every Danish university has since implemented similar gender equality initiatives specific to the institution.

In 2009 there also was a mapping of initiatives for recruitment and retention of female talents in the world of Danish research. The mapping showed many initiatives at the universities. Later consultations with the universities confirm that there are many new initiatives.

Thus, in June 2014 the Danish Minister of Higher Education and Science initiated a process of updating the initiatives gathered at the roundtable discussion in 2009. The purpose of the update is to assemble a registry of current gender equality initiatives that may serve as inspiration between the universities.

As a background information to the two examples mentioned below (Ministry of Culture) please note the specificities in Denmark of the areas of art and culture as well as of sport. The *area of art and culture* is characterized by the arms-lengths principle which implies that decisions on funding to concrete projects and individual artists are delegated to councils and boards of experts, such as the Danish Art Foundation. The *area of sport* is characterized by

**the autonomy of sports organizations in that such organizations receive funding from the state to further distribute to sports activities – whether elite activities or “sport for all” activities.**

**An illustrative example of a temporary, albeit sustainable, measure to enhance the participation of women within *the area of art and culture* the Danish Arts Foundation’s Committee for Music Project Funding in 2012 allocated funding to a project targeted young girls aged between 13-16 years and aimed at improving the proportion of women musicians in the field of rhythmic music. The project is entitled “Pop-pilot: Musiklejr for unge piger” (Pop-pilot: Music camp for young girls) and was inspired by similar projects in Sweden and the US.**

**Another illustrative example of a temporary measure but this time in the field of sport is a mapping of the representation of women in the executive boards within sports organization. The mapping is part of a comprehensive study from 2005, entitled “Kvinder på toppen” (Women on the Top) which confirmed the general expectation that women are underrepresented in leading bodies within sports organizations. In order to promote a more equal representation, the Ministry of Culture has, in its framework agreements with sports organizations, encouraged the organizations to focus on promoting gender equality in their executive committees.**

57. Are women allowed and encouraged by your State to participate in all sports?

Yes (  ) No (  )

If yes, please describe and provide examples.

**Like men women are encouraged to participate in all sports. The main aim of Danish sports policy is to strengthen the autonomous sports movement in all its diversity – this is why there are no special examples to be given on actions targeted women. Please note the reply to question no. 55 from which it appears that a majority of women (and men) engage in sports activities and that there is no significant difference in men’s and women’s level of engagement.**

58. Is any special dress code provided in the legal regulations for all women exercising sports in your State?

Yes (  ) No (  )

If yes, please describe and provide examples.

59. Are there any differences in your State in conditions for women’s access, to museums, parks, theaters, sports stadiums and other facilities where culture, sports and science are disseminated in comparison with men?

Yes (  ) No (  )

If yes, please explain and provide examples.

**The regulation on initiatives to promote gender equality states, that it is allowed to establish teams and teaching for one gender in sports such as swimming, etc. This applies to both private organizations and within the public administration.**

**As concerns the area of sport it should be noted, that certain privately owned fitness centres provide training sessions exclusively for women in areas and with facilities to which only women have access.**

**As concerns the area of science there are no differences in conditions for women's access. Women have equal access in both law and practice to all museums, parks, theaters, sport stadiums and other facilities etc. where science is disseminated.**

60. Is your State promoting the participation of women in the arts?

Yes (  ) No (  )

If yes, please explain and provide examples.

**Please refer to the reply to question no. 56. Furthermore it should be added that through its funding system, the state is promoting the participation of *all* – whether women, men, children and young people – in the arts.**

61. Have there been any cases in your State in last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals?

Yes (  ) No (  )

If yes, please describe.

**The Ministry of Justice does not have knowledge of cases in the last decade of women artists prosecuted for the performance of art, allegedly violating public authority or morals.**

**However, in September 2013 a blogger was sentenced a fine of 5,000 DKR for violating section 266 b, subsection 1, of the Criminal Code by posting on her blog among others that she was convinced that Muslim men in a large number across the world rape, abuse and kill their daughters. The offender made it part of her defence that she was an artist and a public commentator, and that she worked with avant-garde and political art.**

**Section 266 b, subsection 1, of the Criminal Code has the following wording:**

**Any person who publicly, or with intent of dissemination to a wide group, issues a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality is sentenced to a fine or imprisonment for a term not exceeding two years.**