

Situation report on discriminations against women in Denmark

March 2023

INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

1983

CEDAW ratified

2000

Optional Protocol ratified

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

2014

Ratified

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

1972

Ratified

International Covenant on Economic, Social and Cultural Rights

1972

Ratified

MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



Child custody based on mutual agreement of the parents does not adequately take into consideration the power imbalance in abusive relationships (GREVIO report, 2017).



Not enough training is provided to the Administration office (police officers, social services, judges) to raise awareness of the gendered nature of the different forms of violence against women, which can lead to secondary victimisation (GREVIO report, 2017).



Partner killings is the most common type of homicide and the victims are mostly women.



There is not equal pay between men and women in practice, because of a gender-segregated labour market, with women occupying less valued positions in "traditionally female" sectors like care work.

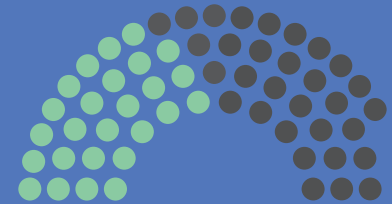
Did you know?

RECOMMENDATIONS

- Prevention of all forms of gender-based violence should be prioritised including perpetrator treatment programs, awareness raising and programs to change gender norms that normalise violence.
- All victims of intimate partner violence regardless of gender, gender identity and sexual orientation should have the right and access to shelter and outpatient counselling.
- Educational institutions should be obliged to provide a harassment and discrimination free working environment and should be sanctioned if they fail.

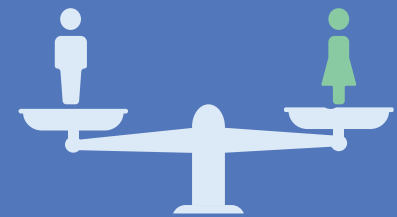
39,70%

Proportion of seats held by women in national parliaments



Equal rights

Inheritance rights for widows and daughters



57,72 %

Female labour force participation



32%

Prevalence of gender violence in lifetime (% women)

*Source: Gender global gap report 2022:
<https://www.weforum.org/reports/global-gender-gap-report-2022/>

1. Legislative framework

In Denmark discrimination based on gender is against the law. The **Act of 30 May 2000 on Gender Equality** provides for promotion of gender equality, including equal integration, equal influence, and equality in all functions in society on the basis of women's and men's equal status. This act aims at counteracting direct and indirect discrimination on the grounds of gender and preventing sexual harassment.

International conventions

Denmark ratified CEDAW in 1983 and its optional protocol in 2000. The 9th examination of Denmark took place in 2021¹. Some of the concerns and recommendations of the committee include²:

- Take urgent measures to address the high rate of sexual violence committed against women with disabilities, in particular, intellectual or psychosocial disabilities.
- Take steps to make employers accountable for sexual harassment in the workplace if they failed to provide sufficient measures to prevent such harassment and ensure that victims of sexual harassment in the workplace and the educational system have access to effective remedies.
- Address the violence that women experience online and offline in public debate and ensure law enforcement measures in relation to the liability of social media companies for unlawful user-generated content.

A number of CSOs under the lead of Danish Institute of Human Rights submitted a parallel report.

Denmark has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1972. Other international instruments ratified by Denmark are: the Convention against torture and other cruel inhuman or degrading treatment or punishment in 1987; the Council of Europe Convention on Action against Trafficking in Human Beings in 2007; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (known as Palermo Protocol) in 2003 (with a territorial exclusion in respect of the Faroe Islands and Greenland).

The Istanbul convention was ratified in 2014 and the last report was submitted in 2017³. The latest Universal Periodic Review (UPR) was in 2021⁴.

Constitutional equality

The constitution, which is from 1849, does not include provisions on equality between women and men, but these are included in the Act on Gender Equality.

Civil and familial rights

There is equality between men and women regarding marriage, divorce and inheritance.



The Danish Act on the Formation and Dissolution of Marriage (the Marriage Act) is the law on marriage and divorce.

Registered same sex partnership became law in 1989. Blessing in church of same sex partnerships has been possible since 2012. However, priests are allowed not to perform blessings of same sex marriages.

Inheritance is gender equal and regulated by The Danish Inheritance Act ('Arveloven') of January 1, 2008.

Parents have **joint custody of children as the default**, including unmarried couples and after divorce⁵.

Parental leave is not completely gender equal as mothers have the right to take the first part of the parental leave. Although there are differences in parental leave, in 2022 men got more equal distribution of parental leave. Hence, the division of parental leave has, step by step, become more gender equal and inclusive⁶. Since 2024, a **solo-parent** can transfer some of the parental leave to their siblings, parents, or other close relative(s). The rights for solo parents in LGBTQI+ families will be also enhanced from January 1, 2024⁷.

Political rights

There is democracy and free elections. **Women have been eligible to candidate and vote in all elections since 1915**. There are **no quotas** in political parties or in elections.

Sexual and reproductive rights

Abortion is free and legal until the end of week 12 of pregnancy and no motivation is required. Under special circumstances, abortion can be performed up until week 18. After week 18, abortion is only permitted if there is a medical assessment that the child cannot survive.

The law allows **sex between consenting adults regardless of marriage status and sexual orientation**.

Laws on gender-based violence/violence against women

There is **no specific law on violence against women**. Physical violence is not legal according to chapter 25 in the penal code. The Act on Equal Treatment bans sexual harassment in the workplace. On 1 April 2019, the new provision in the Penal Code in section 243, which criminalises psychological violence, came into force.

The **Age of Consent in Denmark**⁸, the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity, is 15 years old. On December 17, 2020, the parliament adopted new legislation that introduces a consent-based rape provision⁹. This **law criminalises sex without explicit consent** so proof of violence, threat or evidence that the victim was unable to fend off the assault is not needed anymore to bring a rape charge.

Simultaneously, the Danish government launched a number of measures that improve the conditions for rape victims and to prevent rape¹⁰.

Economic and social rights

The **Act on Equal Treatment** address discrimination based on gender in the labour market. The **Act on Gender Equality** address discrimination based on gender outside the labour market. Discrimination based on other grounds such as ethnicity and disability is covered by different laws.

Denmark has **universal health care coverage** and discrimination based on gender is not allowed.

Vulnerable and/or marginalised populations

The law on gender equality covers discrimination based on gender. Discrimination based on other grounds such as ethnicity, disability, sexual orientation and gender identity is covered by different laws. The Government has other policies and action plans on particular vulnerable groups i.e. LGBTQI+ people.

2. DE FACTO DISCRIMINATION

Civil and familial rights

Practices in Denmark were criticised by the GREVIO report in 2017¹¹ regarding the **national child custody system**, highlighting the risks this may pose to the safety of the women who have experienced domestic violence from a spouse and father. Decision-making processes on child custody based on mutual agreement adopted by the Danish administration don't ensure enough screening for domestic violence exposure nor do they recognise the power imbalance in abusive relationships, which may impair the ability to negotiate fairly.

Political rights

The percentage of women in parliament is 39,70% in 2022¹².

Sexual and reproductive rights

In Denmark, abortion is free and safe, and **access is guaranteed**¹³ without any problems. Healthcare is available in an approachable manner.

Sexuality is included in school curricula.



Laws on gender-based violence/violence against women

Gender based violence is present in Denmark. Violence in intimate relations exist both in heterosexual and same-sex relations.

GREVIO's (Baseline) Evaluation report from 2017¹⁴ highlighted the positive legal and policies measures put in place by Denmark while pointing to some aspects to improve to be in line with the Istanbul Convention. The report highlighted the shift in the gender narrative of the Danish Government in the response of violence against women, shifting towards the emphasis of violence in the family or intimate relationships and violence experienced by men and boys as well, using gender neutral vocabulary. However, gender-based violence disproportionately affects women and needs to be understood not individually, but as a social mechanism to keep women in a subordinate position to men.

Training provided to people in charge in the Administration (judges, social workers, officers) isn't enough to raise awareness of the gendered nature of the different forms of violence against women, that has led in practice to secondary victimisation. Another aspect pointed out, is that despite the quantitative and qualitative data is collected by the Administration, very little data is disaggregated by sex or other categories like age, type of violence and relationship of the perpetrator to the victim.

Having said that, the improved legislation, notably the new legislation that introduces a consent-based rape provision, has resulted in an

increase in the number of reported cases, charges and convictions. Also, the police has improved handling of cases with more focus on the needs of victims.

More attention to femicide as a problem has been raised in Denmark since 2022. Approximately one woman per month is killed by her partner or ex-partner. Partner killings is the most common type of homicide in Denmark and the victims are mostly women. After lobbying from women's organisations, the minister of gender equality promised to draft a national action plan to reduce femicide in 2022.

The organisation "Dialog mod Vold" provides perpetrator treatment and is state funded.

Economic and social rights

Denmark got its first law on equal pay in 1976. However, there is **still not equal pay in practice.**

According to Statistics Denmark, the wage difference between men and women was 12.7% in 2019. The gross pay gap is the raw difference between what men and women earn on average per hour, without taking into account their position in, for example, different job functions, industries and sectors. There are two main reasons for this pay gap. One is the so-called gender-segregated labour market. The second is the valuation of work; care work that is often carried out by women is less valued than traditional male dominated sectors that are not related (health) care.

3. Recommendations

To the Danish State

- Prevention of all forms of gender-based violence should be prioritised including perpetrator treatment programs, awareness raising and programs to change gender norms that normalise violence.
- All victims of intimate partner violence regardless of gender, gender identity and sexual orientation should have the right and access to shelter and outpatient counselling.
- Educational institutions should be obliged to provide a harassment and discrimination free working environment and should be sanctioned if they fail.

To the EU/The UN or other international institutions

- Coordinate European and international data collection regarding all forms of Violence against Women and GBV.

ENDNOTES

1. OHCHR, UN Women's Rights Committee Issues Findings on Denmark, April 1 2021. Accessed at : UN Women's Rights Committee issues findings on Denmark | OHCHR.
2. Not included the recommendations regarding Faroe Islands and Greenland as they have autonomy on most areas except foreign policy.
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4. OHCHR, Universal Periodic Review – Denmark, n.d. Accessed February 23, 2023 at : Universal Periodic Review - Denmark | OHCHR.
5. Familierethuset, Custody and Residence, n.d. Accessed February 23, 2023 at: Custody and residence (familieretshuset.dk).
6. Life In Denmark, Maternity and Parental Leave, n.d. Accessed February 23, 2023 at :<https://lifeindenmark.borger.dk/working/work-rights/leave-of-absence/maternity-and-parental-leave>.
7. Ministry of Employment, New Leave Model Applied to Children Born from 2 August 2022, n.d. Accessed February 23, 2023 at: New leave model applies to children born from 2 August 2022 (bm.dk)
8. Age of Consent, Age of Consent in Denmark, n.d. Accessed on February 23, 2023 at : <https://www.ageofconsent.net/world/denmark>.
9. The New York Times, Denmark toughens Rape law to Include Sex without Consent, December 2017, 2020. Accessed at: <https://www.nytimes.com/2020/12/17/world/europe/denmark-rape-law.html>.
10. Ministry of Justice, The Danish Parliament Adopts a New Consent Law, December 17, 2020. Accessed at : Folketinget vedtager ny samtykkelov | Justitsministeriet
11. GREVIO, GREVIO Baseline Report Denmark, November 24, 2017. Accessed at: 16807688ae (coe.int) 16807688ae (coe.int)
12. World Economic Forum, Global Gender Gap Report, 2022. Accessed at : WEF_GGGR_2022.pdf (weforum.org).
13. In the self-governing Faroe Islands, abortion is not free.
14. GREVIO, GREVIO Baseline Report Denmark, November 24, 2017. Accessed at: 16807688ae (coe.int) 16807688ae (coe.int)