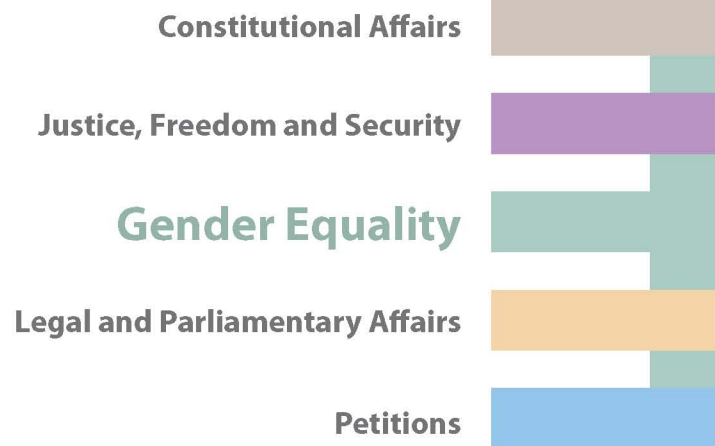


DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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



The policy on gender equality in Denmark

NOTE



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

GENDER EQUALITY

The policy on gender equality
in Denmark

NOTE

Abstract

The briefing paper describes current Danish policies, practices and legislation within the area of gender equality. It addresses economic independence, reconciliation policies, participation in decision-making, gender-based violence and trafficking, gender stereotypes, and gender equality in development policies. The former liberal-conservative government (2001-2011) has focused on equal opportunities, gender equality as a means to economic growth, voluntary measures and freedom of choice. Increased attention has been paid in recent years to ethnic minorities and to men's role in gender equality.

This document was requested by the European Parliament's Committee on Constitutional Affairs.

AUTHOR

Mrs Lise ROLANDBSEN AGUSTÍN
PhD, Assistant Professor
Centre for Equality, Diversity and Gender (EDGE)
Aalborg University (Denmark)
Email: lisera@cgs.aau.dk

RESPONSIBLE ADMINISTRATOR

Mrs Claire GENTA
Policy Department C - Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@europarl.europa.eu

LINGUISTIC VERSIONS

Original: English

ABOUT THE EDITOR

To contact the Policy Department or to subscribe to its newsletter please write to:
poldep-citizens@europarl.europa.eu

Manuscript completed in October 2011.
Brussels, © European Parliament, 2011.

This document is available on the Internet at:
<http://www.europarl.europa.eu/activities/committees/studies.do?language=EN>

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorized, provided the source is acknowledged and the publisher is given prior notice and sent a copy.

CONTENTS

CONTENTS	3
INTRODUCTION	4
1. EQUAL ECONOMIC INDEPENDENCE FOR WOMEN AND MEN	6
1.1. Equal treatment in the labour market	6
1.2. Gender pay gap	6
1.3. Multiple discrimination and labour market integration for immigrant and ethnic minority women	7
2. RECONCILIATION OF WORK, PRIVATE AND FAMILY LIFE	8
2.1. Reconciliation policies	8
2.2. Care services	9
3. EQUAL PARTICIPATION OF WOMEN AND MEN IN DECISION-MAKING	9
3.1. Legislative framework	9
3.2. Representation in economic decision-making	10
3.3. Representation in political decision-making	11
3.4. Representation in science and technology	11
4. GENDER-BASED VIOLENCE AND TRAFFICKING	12
4.1. Gender-based violence	12
4.2. Trafficking	13
5. GENDER STEREOTYPES IN SOCIETY	14
5.1. Gender-segregated educational choices	14
5.2. Stereotypes and media	15
6. GENDER EQUALITY OUTSIDE THE EU	15
REFERENCES	17

INTRODUCTION

The present briefing paper on the issue of gender equality in Denmark describes current policies and practices as well as legislation in force as regards the promotion and implementation of gender equality. The briefing paper is structured around the six priority areas identified in the European Commission Roadmap for equality between women and men 2006-2010 (COM(2006) 92final): Equal Economic Independence for Women and Men; Reconciliation of Work, Private and Family Life; Equal Participation of Women and Men in Decision-Making; Gender-based Violence and Trafficking; Gender Stereotypes in Society; and Gender Equality Outside the EU.

As a result of the general elections on 15 September 2011 the power balance of the Danish national parliament shifted. The former liberal-conservative government was replaced by a coalition government made up by the Social Democrats (leading party), the Social-Liberal Party and the Socialist People's Party. The new government took office on 3 October 2011. Whereas most of the policies referred to in this briefing note pertain to initiatives taken by the former liberal-conservative government (in office from 2001 to 2011), the main proposals of the recently elected, Social Democrat-led government are also included.

Developments in gender equality in Denmark have, in many areas, been achieved through women-friendly welfare measures rather than a progressive gender equality policy as such. The existence of universal welfare services and extensive childcare facilities, for example, has facilitated women's high labour market participation: 'policies of gender equality have been relatively weak and confined to a policy niche. They relate primarily to formal anti-discrimination in the labour market and have been kept separated from welfare and childcare policies, which by and large have had a gender-neutral underpinning' (Borchorst, 2006b: 102).

At a normative level the gender equality discourse in public debate in general is strong; gender equality is predominantly perceived as something already achieved. The former liberal-conservative government defines the goal of gender equality policies as equality of opportunities, not equality of results. A strong focus is placed on gender equality as a means to efficient use of society's resources, economic growth and Danish competitiveness in a global perspective. Furthermore the gender equality policies of the former liberal-conservative government have been marked by resistance to introduce legislative changes and binding legal action, for instance in relation to representation in decision-making or earmarked leave for fathers. Instead the former government has opted for encouraging norm change through voluntary measures across the different dimensions of gender equality policies, legitimised by a discourse on flexibility and freedom of choice: "..., gender equality is not about forcing women and men to do something they don't want to do. Modern gender equality is about giving the individual even greater opportunity, while at the same time allowing room for diversity" (Minister for Gender Equality, 2011: 3). Consequently measures of positive discrimination are usually not favoured and remaining gender stereotypes are considered a key obstacle to women's and men's freedom of choice and individual possibilities, for example in relation to education and career paths.

The dominant tendencies in Danish gender equality policies in recent years can be defined as an increased focus on ethnic minorities, on the one hand, and on men, on the other. The issue of gender equality and ethnic minority and migrant women is related to a dominant national discourse which articulates Denmark as a frontrunner in gender equality matters. Gender equality is perceived as a Danish trademark in a global and European framework and gender equality is considered to be a reality among Danish majority women. Thus,

gender equality policies and practices focus particularly on ethnic minority and immigrant population since gender equality is considered to be an unachieved goal within these groups. Focus has been placed on issues such as arranged and forced marriages, honour violence and the veil as well as potential isolation and lack of integration on the labour market. Combined with strict immigration policies, gender equality is used to normatively distinguish immigrants from Danish nationals and the lack of gender equality for ethnic minority and migrant women are often ascribed to culture and traditions (Borchorst, 2006b; Rolandsen Agustín, 2009; Pristed Nielsen et al., 2010).

The increased focus on men and gender equality pertains both to awareness-raising campaigns on paternity leave, company policies supporting men's use of paternity leave, boys in education and dropout, ethnic minority men and their rights and barriers to men's equality in society (see for instance Minister for Gender Equality, 2011). In research, attention is increasingly directed towards men and boys as the 'extreme gender', i.e. overrepresented at the top and at the bottom (see Baagøe Nielsen, 2011; Christensen and Elm Larsen, 2008; Reinicke, 2010). The former liberal-conservative government appointed a men's panel with the objective of developing ideas for the increased participation of men in gender equality debate, further incorporation of men's problems and challenges in gender equality policies and measures, and the proposal of new models for solutions. The results of the work of the men's panel are to be published by the end of 2011. As a response to the ministerial appointed men's panel, the Danish Centre for Gender, Equality and Ethnicity KVINFO, a self-governing institution under the Ministry of Culture, decided to establish its own think tank, Knowledge on Men, and invited national experts to participate in the endeavour. The alternative think tank was, in part, established on the basis of critique of the homogeneous composition of the ministerial panel, which lacks research expertise on men and masculinity as well as on marginalised men (see for instance Politiken, 4 May 2011).

Danish gender equality legislation has been marked significantly by EU directives, for instance in terms of equal pay and equal treatment provisions (Emerek and Bak Jørgensen, 2011). The Law on gender equality (in force since 2000, Notification of law no 1095 of 19 September 2007) introduces gender mainstreaming requirements in public administration and decision-making. Accordingly, equality should be integrated in all public planning; administration and public institutions at all levels must submit biannual equality reports to the Department of Gender Equality on the gender equality policy of the institution and the gendered profile of its staff (Minister for Gender Equality, 2011). However an official evaluation of the gender mainstreaming efforts of the public administration shows that a continued effort is needed as gender mainstreaming is centred on isolated projects. It fails to be considered an integrated part of ministerial policies and practices (Rambøll Management, 2006). From the research community critique has also been voiced, for instance in terms of the failure to gender mainstream large social and political reforms (see Borchorst, 2006a).

1. EQUAL ECONOMIC INDEPENDENCE FOR WOMEN AND MEN

1.1. Equal treatment in the labour market

Denmark has one of the highest female employment rates in Europe but also a very gender segregated labour market. In 2008 48 % of the labour market-active women worked in the public sector compared to just 22 % of the men (Ministry of Employment, 2009). In terms of legislation Denmark has by and large followed EU directives within the field of employment and labour market relations. The Law on equal treatment prohibits differential treatment of women and men in terms of hiring, working conditions, promotion and firing (Law no 734 of 28 June 2006). This relates especially to pregnancy and marital status. Despite the fact that the legal framework is in place, trade unions experience a high amount of cases regarding firing in relation to pregnancy and maternity/paternity (m/paternity) leave, a tendency which has been exacerbated due to the economic and financial crises (FTF, 17 March 2011). Most cases are settled by labour and employer organisation negotiation but an increase in the number of cases which end up in the Board of Equal Treatment and in court has also been detected (Ministry of Employment, 2011).

The legal framework does not imply that positive treatment cannot take place: 'gender equality enhancing initiatives', such as recruitment of persons of the opposite gender into either male or female dominated sectors, are accepted (Order no 340 of 10 April 2007). This possibility has seldom been used, however, and government policies do not invite to do so either (Emerek and Bak Jørgensen, 2011).

Other inequalities than gender are covered by the Law on differential treatment in the labour market (Law no 1349 of 16 December 2008). In both cases victims may receive economic compensation in cases of discrimination and the principle of reversal of proof apply. The same is the case of the Law on ethnic equal treatment (Law no 374 of 28 May 2003). In terms of the institutional framework, the Board of Equal Treatment deals with complaints over discrimination in the labour market on the grounds of age, skin colour, disability, religion or faith, nationality, social background, political orientation, sexual orientation, gender and ethnicity. Beyond the field of employment its mandate is limited to complaints related to gender and ethnicity.

As of 2011, The Danish Institute for Human Rights has been given the mandate to act as national equal treatment agency within the area of gender (following EU Directives 2004/113/EC and 2006/54/EC), in addition to its mandate within the area of ethnicity. The Institute supports potential victims of discrimination, conducts independent research, protects against discrimination, promotes equal treatment, makes recommendations and raises awareness. It works with a horizontal perspective, meaning that all discrimination grounds can potentially be taken into consideration in a given case and work can be done across the different grounds.

1.2. Gender pay gap

The gender pay gap in Denmark was approximately 18 % in the private sector and at municipal level in the public sector in 2007. At the state level it was around 9 % (Ministry of Employment, 2009).

The Law on equal pay was introduced in 1976 (Law no 32 of 4 February 1976) following the EEC Directive from 1975 (75/117/EEC). The Law prohibits differential treatment on the basis of gender (directly and indirectly) in terms of pay for equal work and from 1986 it also covers equal pay for work of equal value. The legislation is based on the principle of reverse burden of proof. After having been adopted in 2001 (Law no 445 of 7 June 2001) and postponed for years, the Law was finally amended in 2007 and now requires all major companies (over 35 employees and with at least ten persons of each gender in the same work function) to develop gender-segregated statistics and/or equal pay evaluations in order to enhance transparency. In practice this means that statistics will only be gender-segregated in large companies. Critique has been voiced as to the implementation and monitoring of these measures since few companies seem to request the necessary data from the national database (Fagbladet 3F, 2011).

In 2008 several strikes were organised concerning the issue of unequal pay and political attention to the issue was high. In 2010 a special commission on pay was appointed. It concluded that the problem of unequal pay is not related to the legislation in place but is rather due to the highly gender-segregated labour market. The issue has since lost attention and is no longer as visible on the political and public agenda (Borchorst and Jørgensen, 2011). The recently elected, Social Democrat-led government has however promised to study the possibilities of expanding the gender-segregated statistics on pay (Danish Government, 2011b).

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

Increasingly governmental efforts within the area of women's labour market participation have focused on women with an ethnic minority background. Education and labour market participation are considered prerequisites for successful integration. The main gendered barriers for integration are identified as traditional gender roles in families, isolation and early marriages as well as gender prejudices and discrimination from the surrounding society (Minister for Gender Equality, 2006).

Women are a special target group in this regard as religious and cultural norms among ethnic minorities are considered to hinder integration, i.e. girls and young women are considered to be oppressed by their families and especially the male members. However, when looking at education, government policies focus on the success of ethnic minority girls compared to the difficulties of the boys. Ethnic minority women are, in other words, both portrayed as victims and as role models (Minister for Gender Equality, 2011).

To counteract the difficulties faced by both male and female ethnic minorities, a campaign on equal opportunities and the combating of prejudices and gender stereotypes was launched in 2007. In 2009-2010 another campaign followed: it aimed to raise awareness among socially isolated immigrant women on gender equality in Denmark and women's rights in terms of work and family life, economy and health. The campaign was expanded in 2011 to also include education for ethnic minority and migrant men. The 2010 national action plan on gender equality also focuses on barriers to labour market integration especially for women with an immigrant background and envisages a family mentoring project, focusing on gender and ethnicity (Minister for Gender Equality, 2010).

2. RECONCILIATION OF WORK, PRIVATE AND FAMILY LIFE

2.1. Reconciliation policies

The Law on equal treatment stipulates the employee's rights in relation to pregnancy, leave and adoption, i.e. the right to return to the same or an equal job function after the leave. The Law also prohibits firing of an employee as a consequence of m/paternity leave (Law no 734 of 28 June 2006).

According to the Law on m/paternity leave all parents enjoy leave rights in relation to pregnancy, birth and adoption. Parents in employment have the right to subsidies in relation to m/paternity leave (Law no 1084 of 13 November 2009). As of 2002, the legislation on parental leave arrangements allows for a total of 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 (Law no 141 of 25 March 2002).

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. The Danish leave arrangements are based on legislation, centralised collective agreements and specific agreements at company level. In accordance with collective agreements within each sector the leave subsidy may be complemented with an additional amount so that parents may receive full pay during (parts of) the leave.

A legally based arrangement exists for the sharing of m/paternity leave costs between private employers who make yearly contributions per employee to a centralised collective fund. Out of the leave subsidy (which in some cases equals full pay) the employer gets refunds for the amount equivalent to the minimum leave subsidy guaranteed (and paid) by the state. The collective fund covers part of the additional amount (from leave subsidy to full pay). This arrangement is aimed at minimising the heavier economic burden otherwise carried by workplaces with many female workers who take up a larger share of the leave (Bloksgaard, 2009; García Agustín and Rolandsen Agustín, 2009).

Today men take up to 8.6 % of the total leave period (for mothers and fathers) (Ministry of Employment, 2010) and their leave periods are shorter than women's. Nevertheless, there seems to be a small tendency for young fathers with high education, publicly employed (at municipal level) and living in a larger city to increasingly take up leave (Minister for Gender Equality, 2011; Ministry of Employment, 2009).

Some collective agreements in both the private and the public sector have in recent years included earmarked periods for the father beyond the scope of the legal framework which only stipulates earmarking for the mother. In 1997 (under the previous Social Democrat government, in office from 1993 to 2001) an additional two weeks of earmarked leave for fathers was introduced. This resulted in an immediate improvement of the number of fathers taking up leave (from 7 % in 1998 to 24 % in 2001, see Borchorst, 2006b). The Law was amended in 2002 by the liberal-conservative government who withdrew the earmarked leave for fathers. The former government wished to return to the families their freedom of choice in terms of how to arrange their leave instead of imposing state-level rules. The government argued that voluntariness and flexibility in leave arrangements should be the guiding principles (Minister for Gender Equality, 2011).

Researchers have criticised the assumed gender neutrality of the 'freedom of choice' principle, arguing that this is influenced by cultural perceptions of fatherhood and motherhood. Mothers take up a larger share of the leave; among other things this is due to traditional perceptions of gender roles, which sustain expectations that the mother is the primary care person in the family, organisational cultures which are not family-friendly, and workplace expectations which are not conducive to fathers taking up leave (Bloksgaard, 2009; Olsen, 2006). Through awareness-raising campaigns the former liberal-conservative government has encouraged men to take up leave and companies to introduce changes in workplace cultures in an attempt to break down norms which inhibit fathers from taking up leave (Minister for Gender Equality, 2011).

The recently elected, Social Democrat-led government has proposed to earmark up to three months of the paid leave period for fathers and establish a fund for financing leave for self-employed (Danish Government, 2011b). The latter has been one of the problematic areas of the current leave arrangements as self-employed have not been able to gain the same level of compensation as others working in the private sphere.

2.2. Care services

The first law on public care was passed already in 1964 and since 1987 child care services have been universal in Denmark. Throughout the years legislation within the field has typically focused on the rights of the children (wellbeing, health, social, cultural and linguistic development and learning) and the working parents (flexibility, freedom of choice, reconciliation). Day care policies and legislation have seldom been advanced on the basis of gender equality claims (Borchorst, 2008).

The number of day care institutions, covering the age groups 0-2 years (public day care institutions and public or private day carers) and 3-5 years (public kinder gardens), has grown over the years in accordance with women's increasing integration into the labour market and the development of the dual-breadwinner model. Care guarantees were introduced in the 1990s meaning that each municipality is responsible for establishing the needed number of day care seats. The legally established maximum waiting period for a seat is four weeks (in force since 2005, Notification of law no 668 of 17 June 2011). The costs are shared between the municipality (with a minimum of 75 % of the costs) and the parents (García Agustín and Rolandsen Agustín, 2009).

3. EQUAL PARTICIPATION OF WOMEN AND MEN IN DECISION-MAKING

3.1. Legislative framework

The Law on gender equality (in force since 2000, Notification of law no 1095 of 19 September 2007) ensures equal representation of women and men on public boards, commissions, representations, etc. Two candidates, one of each gender, must be proposed for nomination in order to gain a balanced gender composition. All ministries must report to the minister of gender equality concerning the composition of committees and boards. In cases of non-compliance the minister can demand an explanation but in general sanctions and monitoring of these provisions are considered to be weak. In 2009 the Law was strengthened so that gender representation on boards and commissions at state, regional and municipal levels could be implemented more efficiently by letting a seat stay empty if it cannot be properly filled according to the rules on gendered representation. Exemptions

from the rules need to be based on 'objective justification' (Law no 484 of 12 June 2009). According to the most recent national gender equality evaluation (Minister for Gender Equality, 2010b), exemptions from the rule of gender balance in nominations for public boards were made 56 times in the seven municipalities who reported on exemptions (from November 2007 to November 2009). In none of the cases did the municipality use the rule of leaving a seat empty.

3.2. Representation in economic decision-making

Substantial developments in representation in both economic and political decision-making have been slow; the lowest levels of female representation are found in economic decision-making and the political debate around representation focuses increasingly on this dimension. Women make up 10.6 % of board members of listed companies (2011) and 6.5 % of top leaders in the private sector (2009) (Statistics Denmark). In the public sector the differences are wider at the state level. Research has shown that the perception of leadership as male and the predominantly masculine business culture at the workplace is one of the key factors which hinder women's advancement towards top level management. Exclusion from this level happens for instance through networking and processes of 'male bonding' (Højgaard, 2008; Staunæs and Søndergaard, 2004).

The former government set 'women in management' as a key priority already in 2002. Measures were based on arguments such as full use of resources and competences as well as economic results and enhanced competitiveness. The former government opted for cooperation and direct dialogue with companies with the view of developing binding initiatives while respecting the companies' right to decide for themselves. Qualifications, not gender, are emphasised as the decisive factor in recruitment and appointment (Minister for Gender Equality, 2011).

As a way to enhance female participation in economic decision-making a governmental Charter for more Women in Management was presented in 2008 (kvinderiledelse.dk). Signing the Charter, companies commit themselves to preparing a strategy to attract more women into management positions, set goals for the number of women in management, support human resources policies to promote equal career opportunities, and create conditions for women to develop their careers through networks, mentoring and other initiatives. The measure is based on self-regulation in the sense that companies set their own targets to achieve within a given time period.

An evaluation of the Charter did not show any visible results so far in terms of a potential growth in the number of female leaders. The evaluation remains critical towards the fact that many of the participating companies lack specific and tangible action plans (Pricewaterhousecoopers, 2010). No sanctions are envisaged.

In the 2011 national action plan on gender equality another voluntary measure was initiated, namely "Operation Chain Reaction on Recommendations for more Women on Boards" (Minister for Gender Equality, 2011). Signing this statement, companies commit themselves to make targeted efforts to recruit more female leaders to boards. Furthermore ten new ambassadors (among Danish top executives) for more women in management have been appointed by the former Minister for Equality.

The Danish Committee on Corporate Governance (2011) recommends that companies elaborate annual plans for achieving gender diversity in management positions and on boards and strive for gender balance in the nomination of new candidates.

While the former liberal-conservative government was against quotas and qualified them as a 'symptom treatment' (Information, 21 September 2010) not addressing the root causes of gender inequality in decision-making, the recently elected government is divided on the issue: one of the governing parties rejects quotas whereas the other two favour a 40 % quota of women on company boards, inspired by the Norwegian model. So far a consensus has formed on initiating a dialogue with the business sector in order to ensure more women on boards of listed companies and, in this process, 'consider gender quota measures' (Danish Government, 2011b).

3.3. Representation in political decision-making

Political decision-making is characterized by an almost gender balance on national level but also a slow development rate at the point of stagnation (Dahlerup, 2009). The recently elected parliament has 38.9 % female MPs (up from 37.7 % in 2007), 39 % female ministers in the government and 50 % female party leaders. The first ever female prime minister, Helle Thorning-Schmidt (Social Democrats), and the first ever male minister of gender equality, Manu Sareen (Social-Liberal Party), have been appointed in October 2011. The former liberal-conservative government had already challenged traditional gender segregation into different policy areas by appointing both a female minister of defense and a female foreign minister.

At the municipal level numbers are lower as recent elections in 2009 resulted in 32.0 % elected female politicians compared to 27.3 % in 2005. This is, however, a significant improvement as the proportion of female elected politicians at the municipal level had stagnated at 27 % in four consecutive elections from 1993 to 2005. Women are also underrepresented at top level as there has never been more than 10 % female mayors in Denmark (Fiig, 2009).

The Social Democrats introduced party candidate quotas for EU and municipal elections in the 1980s but then decided to abolish them in the 1990s. The party never used quotas for national parliamentary elections. The Socialist People's Party did use quotas on the candidate lists for national parliamentary elections in the 1980s but also decided to abolish them in the 1990s (Niskanen, 2011). The Social Democrats still include some provisions on gender balance and gender quotas in their statutes: among the president, vice president and secretary of the party both men and women should be represented and in committees appointed by the national executive a 40% gender quota applies. The Red-Green Alliance has a gender quota for the national executive and work committee of minimum ten seats per gender with separate candidate lists (male/female). The Red-Green Alliance has a gender quota for the national executive of minimum ten seats per gender out of a total of 25 members (with separate male/female candidate lists).

3.4. Representation in science and technology

The 2010 national action plan on gender equality aims at more diversity in top level research and research management (Minister for Gender Equality, 2010). In recent years the Ministry for Gender Equality has also been active in trying to get girls and boys to make educational choices not based on gender stereotypes (see below).

At top level several universities have introduced positive discrimination measures to enhance the number of female professors. At Copenhagen University an economic incentive to hire female professors meant that figures went up from 13 % in 2008 to 28 % in 2011.

This has been met with resistance from some of the male scientific staff who feels discriminated against (Politiken, 30 September 2011). Softer measures are also used in some universities, such as mentoring networks for young female researchers at the University of Aarhus.

4. GENDER-BASED VIOLENCE AND TRAFFICKING

4.1. Gender-based violence

There is no particular law on gender-based violence in Denmark. In 2007 the Law on gender equality was amended in order to comply with Directive 113/2004/EC and its stipulations on the definition of indirect and direct sexual harassment (Law no 434 of 11 May 2007). The Law on marriage covers the right to divorce as a consequence of partner violence or violence against the children (Law no 38 of 15 January 2007). In 2004 a new law was passed which made it possible to remove the perpetrator from the home (Law no 449 of 9 June 2004). According to the Penal code the penalty for sexual violence (like rape) can be reduced or disappear if the partners have entered into marriage (Law no 1235 of 26 October 2010). Even though this has been criticised by experts and some politicians (see for instance Information, 3 April 2009), so-called 'assault rape' continues to be punished more severely than cases where the rapist is known to the victim. Penalties for violence in general and for rape in particular have been extended under the former liberal-conservative government (from 6 to 8 years, 10 to 12 years for particularly serious cases) (Law no 380 of 6 June 2002). Female genital mutilation was prohibited by Danish law in 2003 (Law no 386 of 28 May 2003).

Victims of gender-based violence are legally entitled to stay in a shelter where they are offered immediate and long-term support as well as protection and counseling (Law no 904 of 18 August 2011). The legal framework does not cover economic nor long-term support after the women leave the shelter. Psychological counseling is only a legal right for children who suffer from violence in the family. Approximately 28.000 women and 9.000 men are victims of violence in intimate relations each year (National Institute of Public Health, 2007; 2008).

In the Danish context, violence in intimate relations is not seen as a private problem and the common responsibility in denouncing and combating violence is underlined in official documents. A sequence of national action plans and awareness-raising campaigns has been developed from 2002 onwards (Danish Government, 2002b; 2010; Minister for Gender Equality, 2005). The target group has been broadened from covering only women to also addressing children and men. At an institutional level strategies are developed as a cross-ministerial initiative, involving the areas of equality, justice, integration, social affairs, education and health.

The 2010 national strategy identifies as key areas those of prevention (for instance by focusing on youth relationship violence and introducing measures of 'aftercare' to prevent return to abusive relationships), short and long term support for victims as well as awareness-raising, knowledge dissemination (for example on the problems of male victims of violence) and cross-disciplinary cooperation. One of the main goals is to ensure that less children and young people grow up in a home affected by violence (Danish Government, 2010).

In general there is an increasing focus on men (as perpetrators and as victims) in policies on violence: more knowledge on male victims as well as dissemination of information on treatment services for perpetrators are demanded. In recent years an increased focus has also been placed on the particular needs of victims of ethnic minority origin and their children. In 2010 an awareness-raising campaign was carried out concerning the combating of violence against ethnic minority and migrant women. It focused on breaking the silence and taboos, informing women of the illegal and unacceptable nature of violence and strengthening their possibilities in terms of acting against violence.

The recently elected Social Democrat-led government has, prior to its election, proposed to improve the legislation regarding migrant women whose residence permit depends on a (violent) husband. The current legislation does not provide these women with the possibility of having their residence permit extended when they leave an abusive relationship with a Danish husband for example (Ugebrevet A4, 13 October 2011). The 24-year rule, introduced by the former liberal-conservative government and aimed at reducing cases of forced marriages by not allowing family reunification into Denmark for married couples under the age of 24, will be maintained by the new government even though the coalition parties disagree on the issue.

4.2. Trafficking

Trafficking is illegal according to the Danish Penal code (Law no 1235 of 26 October 2010). It is legal to buy and sell sexual services for persons over 18 but commercialising sex by exploiting others ('pimping') is prohibited. However, prostitution is not considered a 'legal employment' as such in the sense that the labour market and unemployment regulations do not cover sex workers.

Like violence against women, trafficking was also identified as a priority area in 2002. Since then three national actions plans have been developed (Danish Government, 2002a; 2007; 2011a). The target group has been extended from focusing exclusively on women to also include men and children. Women trafficked for prostitution are considered to make up the large majority of victims but the range of the problem of trafficking for forced labor and trafficking in minors is still to be determined. As was the case with the action plans on violence, the most recent action plan on trafficking reflects a cross-ministerial effort. Several key areas are identified: improve the identification of victims of human trafficking; provide health-related, judicial and educational support for victims; diminish the demand for services offered by victims of human trafficking in Denmark; prevent human trafficking internationally; and identify and prosecute the criminals behind human trafficking (Danish Government, 2011a).

Efforts to combat trafficking have increasingly been institutionalized for instance through the establishment of Center against Human Trafficking in 2007 (under the Ministry of Social Affairs). The Center coordinates the cooperation between NGOs and authorities, it is in charge of the social services within the national action plans and of gathering and communicating knowledge on human trafficking.

The legal framework stipulates that victims of trafficking, who are to be repatriated, are allowed to stay in Denmark for a 'reflection period' of 30 days with protection, health treatment, judicial counseling, psychological and socio-pedagogical assistance. The victims are offered a 'planned repatriation', i.e. support in home country, for example accommodation during the first three months. If they accept this or if other special

circumstances apply, the reflection period can be extended to 100 days (Law no 504 of 6 June 2007).

The new Social Democrat-led government envisages new rules on family reunification, specifically regarding an extended right to continued stay for victims of violence in the family. It will direct specific efforts towards trafficking in women in the sex industry and the level of protection of victims of trafficking. The new government also plans to study the possibility of criminalizing the purchase of sexual services; it wants to strengthen the efforts to combat prostitution by offering real alternatives and the chance to leave prostitution also when heavily indebted, also in cases where prostitution is related to heavy debt (Danish Government, 2011b).

5. GENDER STEREOTYPES IN SOCIETY

5.1. Gender-segregated educational choices

In general girls are better educated than boys in Denmark: the 2006 rates for tertiary graduation show that 53 % of the girls get a higher education compared to 37 % of the boys (OECD, 2008). Just as the Danish labour market is characterized by a high degree of gender segregation, so is the educational system: this is mainly due to the ways in which traditional gender stereotypes limit young people's educational and career choices. According to the Minister for Gender Equality In Denmark (2011) more than 40 % of the students choose an education where there are more than 75 % of students of their gender.

The Ministry for Gender Equality has launched a number of initiatives to combat gender stereotyping in the educational system, focusing on awareness-raising and norm change for instance through campaigns and educational counseling services. The problem is articulated as underuse of talent and resources, lack of flexibility in the labour market and lack of competitiveness. The 2010 national action plan on gender equality focused, among other things, on talent, male drop-outs and non gender-segregated educational choices (Minister for Gender Equality, 2010).

Thus, several government initiatives in recent years have been targeted at girls and boys who are about to make choices regarding their further education. Three campaigns were launched in 2011 dealing with gender stereotypes in education and employment:

- 1) "The future is yours" focuses on untraditional educational choices and motivated young people to choose according to talent rather than myths about what is appropriate for men and women, respectively;
- 2) "Practice as a problem solver – girls in natural sciences and technology" focuses on getting girls to choose untraditional educational and career paths through the practical experience of the typically male dominated area of science and technology;
- 3) "Change your job, not your gender" addresses current problems of the economic crisis in relation to the gender-segregated labour market. It motivates unemployed men from male dominated professions within the private sector to seek jobs in the female dominated public sector with a lack of labour, especially within the care professions.

The recently elected government proposes to introduce a special programme for boys who are marginalized due to high dropout rates and lower educational level compared to the girls (Danish Government, 2011b).

5.2. Stereotypes and media

In Denmark it is illegal to publish gender discriminatory publicity and marketing (Law no 1389 of 21 December 2005). Legal guidelines have existed since 1993 under the monitoring of the consumption ombudsman.

Research shows that men are more present than women in Danish media in the sense that male experts appear more frequently on news programmes: 69 % of the media sources are men, 31 % are women (GMMP, 2010). Qualitative studies show that female politicians, of both majority and minority background, are discriminated against in the media by way of stereotyping: an emphasis is often placed on physical appearance and private life in the media representation of female politicians (Andreassen, 2007; Fiig, 2010; Moustgaard, 2004).

6. GENDER EQUALITY OUTSIDE THE EU

One of the main priorities of Danish development aid is to strengthen democracy and human rights through a focus on women's rights and gender equality. The gender dimensions of Danish development aid are addressed through mainstreaming tools and specific action aimed at structural changes, depending on the specific needs of the individual country, policy area or organisation. In recent years the Danish governmental development agency, DANIDA, has strengthened its focus on gender in its internal structures and organising (Højlund Madsen, 2010).

Denmark considers itself a frontrunner or 'gender equality pioneer' (Arnfred, 2011) in the international efforts on gender and development. The former liberal-conservative government articulated the frontrunner perspective as an obligation for those countries which are the furthest in implementing and practising gender equality at home (Minister for Gender Equality, 2011).

The national priorities on gender equality in Danish development aid within the last decade (DANIDA / Ministry of Foreign Affairs, 2004; 2006; 2010; Minister for Gender Equality, 2011) have mainly focused on rights (legal, social and economic rights as well as sexual and reproductive rights), resources (control and access, for example to education and health) as well as influence, economically and politically. Women's role as drivers of development is emphasised and the main priorities are related to gender equality as a means of economic growth, poverty reduction and social development, thus focusing on women's economic empowerment. The economic argument is reflected, for instance, in the 2007 campaign on Millennium Development Goal on gender equality and women's empowerment by focusing on the business case of gender equality under the slogan 'It pays off. Investing in Women and Gender Equality Makes Economic Sense' (see also Arnfred, 2011).

The former government also wanted to address the issue of women in situations of crisis and conflict and the resources they possess in terms of rebuilding the society and contributing to peace processes (DANIDA / Ministry of Foreign Affairs, 2006). Women are, in general, seen as a resource which is at times underused.

Another strong and recent focus in Danish development policies is climate and gender equality. Women are more vulnerable to climate change because they belong to the poorest groups and they depend on natural resources to a higher degree than men. Denmark has identified gender equality and climate change as one of its areas of interest in relation to the Danish EU presidency in Spring 2012. The aim is to elaborate a report and set up indicators to measure the work done in the member states within this area.

The recently elected, Social Democrat-led government aims to strengthening development policies by focusing on poverty reduction. It states that development aid should be rights-based and particular focus is placed on women's rights and opportunities (Danish Government, 2011b).

REFERENCES

- Andreassen, Rikke (2007), *Der er et yndigt land – Medier, minoriteter og danskhed*, Tiderne Skifter, Copenhagen.
- Arnfred, Signe (2011), *Women, Men and Gender Equality in Development Aid Trajectories, Contestations*, Kvinder, Køn og Forskning.
- Bloksgaard, Lotte (2009), *Arbejdsliv, forældreskab og køn. Forhandlinger om løn og barsel i tre moderne virksomheder*, PhD dissertation, Aalborg University.
- Borchorst, Anette (2006a), *Om nødvendigheden af at tænke køn og ligestilling med I velfærdsreformer*, in J. H. Petersen and K. Petersen (eds), *13 solutions for the Danish welfare state*, Syddansk Universitetsforlag, Odense.
- Borchorst, Anette (2006b), *The public-private split rearticulated: abolishment of the Danish daddy leave*, in A. L. Ellingsæter (ed.), *Politicising parenthood in Scandinavia: gender relations in welfare states*, Policy Press, Bristol.
- Borchorst, Anette (2008), *Woman-friendly policy paradoxes? Childcare policies and gender equality visions in Scandinavia*, in K. Melby et al. (eds), *Gender equality and welfare politics in Scandinavia: The limits of political ambition?*, Policy Press, Bristol.
- Borchorst, Anette and Henning Jørgensen (2011), *Tomgang. Fagbevægelsen stritter imod ligeløn*, Politiken, 1.5.2011.
- Baagøe Nielsen, Steen (ed.) (2011), *Nordiske mænd til omsorgsarbejde! En forskningsbaseret erfaringsopsamling på initiativer til at rekruttere, uddanne og fastholde mænd efter finanskrisen*, Roskilde University, Roskilde.
- Christensen, Ann-Dorte and Jørgen Elm Larsen (2008), *Gender, Class and Family: Men and Gender Equality in a Danish Context*, Social Politics.
- Committee on Corporate Governance (2011), *Recommendations on Corporate Governance*, Copenhagen.
- Council of the European Union (1975), *Directive 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women*, Official Journal L 045, 19.2.1975.
- Council of the European Union (2004), *Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services*, Official Journal L 373, 21.12.2004.
- Council of the European Union and the European Parliament (2006), *Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)*, Official Journal L 204, 26.7.2006.
- Dahlerup, Drude (2009), *Kvinder i nordisk politik – en stadig fremgangssaga?*, in K. Niskanen and A. Nyberg (eds), *Kön och makt i Norden. Del II*, TemaNord, Copenhagen.

- DANIDA / Ministry of Foreign Affairs (2004), *Gender Equality in Danish Development Aid. Strategy*, Copenhagen.
- DANIDA / Ministry of Foreign Affairs (2006), *Will to Development. Priorities in Development Policies 2007-2011*, Copenhagen.
- DANIDA / Ministry of Foreign Affairs (2010), *Freedom from Poverty, Freedom for Change'. National Strategy for Danish Development Cooperation*, Copenhagen.
- Danish Government (2002a), *Governmental Action Plan for Combating Trafficking in Women*, Copenhagen.
- Danish Government (2002b), *Governmental Action Plan for Combating Violence against Women*, Copenhagen.
- Danish Government (2007), *Action Plan for Combating Human Trafficking 2007-2010*, Copenhagen.
- Danish Government (2010), *National Strategy for Combating Violence in Intimate Relationships*, Copenhagen
- Danish Government (2011a), *Action Plan for Combating Human Trafficking 2011-2014*, Copenhagen.
- Danish Government (2011b), *Et Danmark der står sammen*, Copenhagen.
- Emerek, Ruth and Martin Bak Jørgensen (2011), *Lige rettigheder – Ligestilling i Danmark*, Det norske Ligestillingsudvalg, Oslo.
- European Commission (2006), *Roadmap for equality between women and men 2006-2010*, COM(2006) 92final.
- Fagbladet 3F (2011), *Ringe brug af kønsopdelte lønstatistikker*, 2.3.2011.
- Fiig, Christina (2009), *Køn og magt i dansk politik og centraladministration*, in K. Niskanen and A. Nyberg (eds), *Kön och makt i Norden. Del I. Landsrapporter*, TemaNord, Copenhagen.
- Fiig, Christina (2010), *Media Representation of Women Politicians from a Gender to an Intersectionality Perspective*, Kvinder, Køn og Forskning.
- FTF (2011), *Høring ang. sager om afskedigelse af gravide og lønmodtagere på barsel*, 17.3.2011.
- García Agustín, Óscar and Lise Rolandsen Agustín (2009), *Flexicurity and Gender Equality: advancing flexicurity policies in Denmark and Spain*, Fundación Alternativas, Madrid.
- Global Media Monitoring Project (GMMP) (2010), *Who makes the news? National Report Denmark*.
- Højgaard, Lis (2008), *Køn er ikke relevant her. Den vertikale kønssegregering på det danske arbejdsmarked*, in R. Emerek and H. Holt (eds), *Lige muligheder – frie valg? Om*

det kønsopdelte arbejdsmarked gennem et årti, The Danish National Centre for Social Research, Copenhagen.

- Højlund Madsen, Diana (2010), *Getting the institutions right for gender mainstreaming: the strategy of gender mainstreaming revisited in a Ghanaian context*, PhD dissertation, Roskilde University.
- Information, *EU truer med kvindevoter*, 21.9.2010.
- Law no 32, on equal pay, 4.2.1976.
- Law no 38, on marriage, 15.1.2007.
- Law no 141, on equal treatment in employment and leave arrangements, 25.3.2002.
- Law no 374, on subsidies in cases of sickness or birth, 28.5.2003.
- Law no 380, on increased punishments, 6.6.2002.
- Law no 386, on changes in the Penal code and the Law on immigration, 28.5.2003.
- Law no 434, on changes in Law on gender equality, 11.5.2007.
- Law no 445, on equal pay, 7.6.2001.
- Law no 449, on eviction and restraining order, 9.6.2004.
- Law no 484, on changes in Law on gender equality, 12.6.2009.
- Law no 504, on changes in Law on immigration, 6.6.2007.
- Law no 734, on equal treatment, 28.6.2006.
- Law no 904, on services, 18.8.2011.
- Law no 1084, on m/paternity leave, 13.11.2009.
- Law no 1235, on penal code, 26.10.2010.
- Law no 1349, on differential treatment, 16.12.2008.
- Law no 1389, on marketing, 21.12.2005.
- Minister for Gender Equality (2005), *Action Plan for Combating Men's Violence against Women and Children in the Family 2005-2008*, Copenhagen.
- Minister for Gender Equality (2006), *Employment, Participation and Equal Opportunities for All – governmental action plan to break down gendered barriers for education, work and organisational life among women and men with another ethnic background than Danish*, Copenhagen.
- Minister for Gender Equality (2010), *2009 Report / 2010 Perspective and Action Plan*, Copenhagen.

- Minister for Gender Equality (2011), *2010 Report / 2011 Perspective and Action Plan*, Copenhagen.
- Ministry of Employment (2009), *Kvinder og mænd på arbejdsmarkedet 2009*, Copenhagen.
- Ministry of Employment (2010), *Kvinder og mænd på arbejdsmarkedet 2010*, Copenhagen.
- Moustgaard, Ulrikke (2004), *The Handbag, the Witch and the blue-eyed Blonds: Mass Media in (Re)Distribution of Power*, Medijuprojekts, Riga.
- National Institute of Public Health (2007), *Mænds vold mod kvinder – Omfang, karakter og indsats mod vold*, Copenhagen.
- National Institute of Public Health (2008), *Vold mod mænd, omfang og karakter*, Copenhagen.
- Niskanen, Kirsti (ed.) (2011), *Gender and Power in the Nordic Countries – with focus on politics and business*, NIKK Publications, Oslo.
- Notification of law no 1095, on equality between women and men, 19.9.2007.
- Olsen, Bente Marianne (2006), *Mænd, orlov og arbejdspladskultur. Fire danske virksomheder*, The Danish National Centre for Social Research, Copenhagen.
- Order no 340, on access to promoting gender equality enhancing initiatives without dispensation, 10.4.2007.
- Organisation for Economic Co-operation and Development (OECD) (2008), *Education at a Glance 2008*, Paris.
- Politiken, *Ministerens kamp for mænd får modspil*, 4.5.2011.
- Politiken, *Mænd gør oprør over kvindebonus*, 30.9.2011.
- Pricewaterhousecoopers (2010), *Charter for flere kvinder i ledelse. Evaluering af indberetninger modtaget fra de organisationer og virksomheder omfattet af redegørelsen for 2009 i forbindelse med Charter for flere kvinder i ledelse*, Hellerup.
- Pristed Nielsen, Helene, Lise Rolandsen Agustín and Birte Siim (2010), *Diversity and the European Public Sphere. The Case of Denmark*, EUROSPHERE Country Reports Series, University of Bergen, Bergen.
- Rambøll Management (2006), *From Development to Consolidation: Evaluation of the cross-ministerial Gender Mainstreaming Project*, Copenhagen.
- Reinicke, Kenneth (2010), *Arbejdsliv, maskulinitet og karrieredilemmaer*, Tidsskrift for Arbejdsliv.
- Rolandsen Agustín, Lise (2009), *'It's all about women': intertwining discourses on gender equality, ethno national diversity and identity constructions among Danish politicians*, EUROSPHERE Online Working Paper Series, Bergen.

- Staunæs, Dorthe and Dorte Marie Søndergaard (2004), *Køn og topledelse i X-Company*, Danish School of Education, Copenhagen.
- Ugebrevet A4, *Her er regeringens tjekliste*, 13.10.2011.

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

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

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website: <http://www.europarl.europa.eu/studies>

PHOTO CREDIT: iStock International Inc.



ISBN
doi: