



## **Quality in Gender+ Equality Policies**

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Maria Carbin

## **Issue Histories Denmark: Series of Timelines of Policy Debates**

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Table of contents

- 1 REVIEW OF EQUALITY POLICIES AND RESPONSIBLE INSTITUTIONAL STRUCTURES..... 3
- 2 NON-EMPLOYMENT .....14
  - 2.1 Introduction.....14
  - 2.2 Actors .....18
  - 2.3 Timeline .....18
- 3 INTIMATE CITIZENSHIP .....28
  - 3.1 Introduction .....28
  - 3.2 Actors .....30
  - 3.3 Timeline .....30
- 4 GENDER BASED VIOLENCE .....39
  - 4.1 Introduction.....39
  - 4.2 Actors .....41
  - 4.3 Timeline .....41
- 5 CONCLUSIONS .....48
- 6 List of References.....50

# 1 REVIEW OF EQUALITY POLICIES AND RESPONSIBLE INSTITUTIONAL STRUCTURES

## *Introduction*

Gender equality has been considered a low-priority issue in Denmark and it has not been a major issue in elections, as in the case in Sweden, for example. Added to this, the agenda of gender equality has been relatively narrow and more reactive, meaning that many of the laws are the result of directives from the EU (Borchorst, 2003:74). The agenda of gender equality has however slowly been broadened during the last 20 years. The level of conflict surrounding the adoption of gender equality legislation was not very high in Denmark up until the 2000s when the introduction of a new gender equality machinery became highly politicised and split the parliament into two sides.

The gender equality machinery has been weak, as has the institutionalisation of anti-discrimination on grounds of race. Denmark has had a very strong political mobilisation around the issue of immigration with two extreme right-wing political parties arguing against immigration with a racist ideology. Already by 1972, the Progress Party/Fremskrittspartiet was launched and the offspring Danish People's Party/Dansk Folkeparti acquired a very influential position after the 2001 elections.

There is, one could say, a clear dividing line in the content of policies as well as the willingness to regulate on (gender) equality policies (for the Quing period) of *before and after 2002*, when the Social Democrat – Social Liberal government was replaced by a Conservative/Liberal cabinet with the support of the right wing populist party Dansk Folkeparti. This government was re-elected in 2005 for a new four-year period.

The Nordic countries have in general a high degree of consultation with civil society in the political process and the main labour market organisations (The employers' organisation and the Unions) have been centrally placed in the gender equality machinery in many of the Nordic countries. Since gender equality legislation to a large extent is concerned with labour market issues this is not a very controversial issue. Danish Women's national council/Danske Kvinders nationalråd and Danish Women's society/Dansk Kvindesamfund have been two central organisations for consultation within gender equality policies up until the 2000s when the liberal/conservative government abolished the representation of the labour market and women's organisations in the gender equality machinery.

### **1.1 History of equality law and policy**

Denmark was the first Nordic country to join the EC in 1973, and this of course had an impact on Danish legislation. Not only the EC, but also the UN, has influenced the

development of Danish gender equality legislation. Unlike the other Nordic countries, **in the 1970s** Denmark introduced two laws on gender equality – one on Equal Pay (1976) and one on Equal Treatment (1978). The equal pay act (1976) was passed as a consequence of the EEC equal pay directive. This directive established that employers had to pay equal wages to female and male employees for the “same work”. The law was adopted by all parties, except the Progress Party that voted against it. The act was applicable to cases in which there was no collective agreement (equal pay had already been introduced in collective agreements in 1973). In 1986 the formulation was changed from “same work” to work of “equal value” after the Court of the European Community had cited Denmark for breach of treaty.

The Equal Treatment Act (1978) was also passed as a consequence of the EEC directive. The Equal Treatment Act regulates only working life and was framed in a gender neutral way. „Positive discrimination” in order to improve the position of women was allowed with the requirement to apply for an exception to the rule from the Equal status Council. However, no apparatus was set up to enforce the legislation (Eduards, et.al. 1985).

In the 1970s, the Women’s Commission was responsible for formulating the goals of gender equality (see below about the composition of the Commission). The assignment of the Commission was formulated very broadly (Borchorst 2003). It was supposed to examine the position of women in Denmark and come up with proposals to create ‘real’ gender equality. According to the Commission, formal gender equality was almost already established; however, in reality women were not equal. The Commission aimed at defining more precisely what gender equality should mean and had discussions on the criteria of gender equality such as power, economics, freedom and safety, among others. However, ultimately the Commission worked with several different definitions of gender equality (Borchorst 2003) and in the 1970s there were still no laws that were defined as a matter of “gender equality”. The women’s movement was active in the 1970s pushing for solutions to the problems of abortion and child care, among others. However, in the late 1980s and especially up until the late 1990s, the Danish Women’s movement was not very active. The women’s sections of the parties had been abolished in the 1970s in Denmark. When the Ligestillingsrådet was established in 1975 there was no discussion on the definition of gender equality. Focus was on labour market issues and family issues were not included.

Denmark ratified CEDAW, Convention on the Elimination of all forms of Discrimination Against Women, in 1983. In the 1980s the most important change in gender equality policies was the introduction of the requirement on state institutions to set up action plans for gender equality. The first proposals to introduce action plans on gender equality came **in the beginning of the 1980s** as a result of UN-recommendations. After the third UN Women’s conference, a decision was taken in the Danish parliament aiming at changing the personnel policies of state institutions and the focus was on the reconciliation of family and work life. That is, women parliamentarians across the party lines had been arguing for a national action plan on gender equality and in 1986 the government thus set up an action plan (1987-1990) aiming at personnel policies of the state.

The Equal Opportunities Act /Lov om ligestilling 1988 (Lov 174, 1988: 1) was the first law that was titled 'gender equality' and the appendix to the law also defined gender equality. This law was a result of the lobbying from the network of women parliamentarians from different parties that had initiated many parliamentary debates on gender equality (Borchorst 2003). In the Equal Opportunities Act, the definition of gender equality made it possible to aim at both formal equal treatment as well as positive actions in order to obtain equal outcomes. Thereby state institutions were supposed to set up action plans on personnel policies and there was a demand for concrete actions to be taken. However, there were no sanctions introduced for those institutions that were not applying the law of 1988. Compared with the other Nordic countries Denmark had the most restrictive regulation regarding positive discrimination since the Danish law included a requirement to apply for dispensation from the Equal treatment principle in cases where an organisation wanted to introduce positive discrimination (Borchorst, 1999: 194). Before 1989, the Minister of Labour had the authority to grant dispensation and after this date, the Equal Status Council had the authority (after consultation with the minister in case). The workers' and employers' organisations represented in the Equal Status Council practically had a veto right in these cases.

The scope of gender equality policies was broadened when work life and family life was included in the definitions in the 1980s. Nevertheless, areas such as prostitution, violence against women, trafficking, child care arrangements, and sexual harassment were still excluded from the political agenda (Borchorst 2003). The rules on parental leave were included in the Equal treatment Act in 1989, but this did not change the fact that child care was not defined as an important issue of gender equality as has been the case in the other Nordic countries. According to Anette Borchorst, gender equality policies in Denmark have been less interested in the role of men as fathers and caretakers and more with the role of women as workers (Borchorst 2006:2).

In the 1980s, some laws against the discrimination of minorities were introduced. **The Act on Prohibition against Discrimination based on Race** etc. – more popularly known as the 'discotheque act' – contains a prohibition against discrimination in two areas: the provision of goods or services, and access to certain places or events. (Lovbekendtgørelse 626 29 September 1987). Sexuality was also recognised in this anti-discrimination law.

**The Act on Prohibition of Differential Treatment in the Labour Market/ Lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v** won legal force on the first of July 1996. The law prohibits employers to discriminate directly or indirectly and the categories included in the law are race, skin colour, religious conviction, political views, sexual orientation or national, social or ethnic origin. Under this law, which applies to the employment area exclusively, a person whose rights have been violated may be awarded compensation for non-pecuniary damages. The prohibition applies during employment, to recruitment and dismissal, and prohibits both direct and indirect discrimination.

**In the middle of the 1990s** both the Conservatives and the Liberal party argued that the state no longer needed to deal with gender equality. They argued that *Ligestillingsrådet/The*

*Equal status Council* should be closed. Moreover, there were controversies regarding positive treatment. However, no major changes took place in the middle of the 90s (Borchorst 2003).

**In 2000** The Gender Equality Act 2000/Lov 193, om ligestilling af kvinder og mænd, initiated by the Social Democrat/Social Liberal Government was passed by the parliament. Both direct and indirect unequal treatment was to be targeted by the law. The possibility of using quotas was thereby introduced in the law, and this caused a major debate in the parliament. The Liberal party Venstre was arguing against gender quotas and was against the law, and the Social Democrat Minister for gender equality Jytte Andersen argued that the law did not deal with quotas (Borchorst and Christensen 2003). In this new law, the institutional settings were changed radically, introducing the Gender Equality Board and the Research Centre on Gender Equality (see below on the review of institutions). Furthermore, the new Law introduced the principle of *Gender mainstreaming* and regulations on state institutions that they had to establish gender equality plans every second year (this was required from the municipalities in 1995). The law included a definition of gender equality, and definitions and provision for raising cases of sexual harassment.

In **2001** a Liberal/Conservative government was appointed and this government consisted of some of the critics of state gender equality policies. They did nevertheless leave most of the new Gender equality law intact (not all, as described below). The liberal/conservative government has defined gender equality more in line with liberal principles of freedom of the individual (Borchorst, 2003). The definition of gender equality has broadened over the last ten years and the Liberal/Conservative government has included more aspects into the concept of gender equality.

The laws on gender equality passed by the Liberal/Conservative government in 2001-2007 and that were within the domain of the ministry of gender equality are not so many and no major shifts have occurred over recent years. The laws regulating specifically gender equality are the following: in 2003, there were further changes extending the area covered by the Law. (Lov nr. 286 af 25/04/2003. Lov om ændring af lov om ligestilling af kvinder og mænd/Act on amendments of the Gender Equality Act); in 2004, the requirement to apply for an exemption from the Equal treatment Act were abolished. This meant that initiatives of positive discrimination were thus allowed with no requirements (Bekendtgørelse nr. 233 af 29. marts 2004 Bekendtgørelse om initiativer til fremme af ligestilling). Another amendment to the law came in 2006 and concerned Municipal and regional Committees (Lov nr. 452 af 22/05/2006. Lov om ændring af lov om ligestilling af kvinder og mænd/Act on amendments of the Gender Equality Act). The latest amendments to the Gender equality law concerns sexual harassment and new definitions of unequal treatment (Law Proposal on amendments of the Gender Equality Act nr 137/ Lovforslag nr. 137, Folketinget 2006-2007. Forslag til ændring af lov om ligestilling af kvinder og mænd and. LOV nr 434 af 11/05/2007). These amendments were due to EU Directive 113/2004 and have recently been implemented.

In relation to policies and action plans, every year the minister for gender equality draws up a report and a perspective and action plan for gender equality for the Danish Parliament. The yearly report is based on reports from local authorities and ministries and defines the government's priorities on equality work for the following year. The first plan was set up in 2002. In the first Action plan, the priority fields of action were: violence against women, trafficking, socially marginalised women and men, women in politics and management, gender and ethnic minorities, health, gender segregation in the labour market, equal pay, gender equality in the third world, and finally mainstreaming. With regard to gender and ethnicity, the problem is articulated as a matter of "Forced marriages" and according to the plan, the solution is "curbing the right of family reunification". Another area mentioned is the labour market affiliation of women from ethnic minorities. In 2003, two new future areas of priority were noted: "men and gender equality" and an active retirement. (Perspektiv- og handlingsplan 2002/ Minister for gender equality's 2002 Perspective and action plan. Se [www.lige.dk](http://www.lige.dk) for all Actions plans 2002-2007 and The debate on the first Action plan in the parliament (Forhandling om redegørelse nr. R 3: Ministeren for ligestillings redegørelse for indsatsen i 2001 og en perspektiv- og handlingsplan for ligestilling i 2002).<sup>1</sup>

The Liberal/Conservative government has been introducing many discriminatory regulations in order to restrict immigration and has not been active in promoting laws to counteract discrimination against immigrants. Instead, these anti-discriminatory laws have been introduced as a consequence of EU directives. For example, in 2003 **The Act on Equal Treatment Irrespective of Ethnic Origin/Lov om etnisk ligebehandling**, LOV nr 374 af 28/05/2003, was passed in accordance with the EU-Directive 2000/43/EF. The Act deals with conditions outside the labour market, contains a prohibition against direct and indirect discrimination on the grounds of race or ethnic origin and a prohibition against harassment. In addition, the act contains provisions concerning the shared burden of proof and a prohibition against reprisals. The Danish Institute for Human Rights can hear appeals concerning violation of the prohibition against discrimination. In the parliamentary debate on the Law proposal, one of the Social Democrats argued that she was well aware that this Law was the result of the implementation of the EU-Directive and that the Directive only dealt with race/ethnicity. However, she asked whether it would not be necessary in the future to include sexuality in this type of legislation as well. (2002-03 - L 155 BEH1 fredag 7 februar 2003, Tale 35, Sophie Haestorp Andersen (S)).

Immigrant organisations had for a long time argued for an Ombudsman to handle Complaints regarding discrimination on grounds of race/ethnicity or religion. The establishment of a Complaints Committee however came as a consequence of an EU Directive only in 2003.

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<sup>1</sup> An important set of documents that could be studied in analysing the definition of gender equality could be the Skriftlig Redegørelse – The governmental reports or information given to the parliament on gender equality. See for example, Skriftlig redegørelse: Nr. R 12: af 2/3 01 om ligestilling. Ministeren for ligestilling (Lotte Bundsgaard)/The government's report to the parliament on gender equality. See also Redegørelse R 8: af 14/12 2000 om forløbet af den 23. særlige samling af FNs generalforsamling: »Kvinder 2000: Ligestilling, udvikling og fred i det 21. århundrede«. Udviklingsministeren (Jan Trøjborg) og ministeren for ligestilling (Jytte Andersen). (The government's report to the parliament on the UN general assembly "Women 2000")

For a long time, minority groups in Denmark had been arguing for the issue of racism and discrimination against immigrants to be put on the agenda. In November 2003, the Government adopted an action plan for the promotion of equal treatment and diversity and to combat racism. One of the reasons for the setting up of an Action plan was the UN World Conference against Racism held in Durban in September 2001. The World conference urged states to establish national policies and action plans to fight racism. The initiatives in this action plan are intended to ensure that “there is room for diversity in Denmark and to learn to benefit from it”. The plan includes financial support for dialogue meetings on ethnic minority participation in political activities, and local events that focus on diversity. In this action plan, the government sets out initiatives intended to help secure equality of treatment for everyone, regardless of race, ethnic origin and similar grounds of discrimination. However, the plan does not particularly focus on the shortcomings of the Danish society. Instead, it is argued in the plan that “people from ethnic minority backgrounds can also hold racist views or be intolerant towards other groups. Several of the initiatives should also be seen in this light.” (Action Plan to Promote Equal Treatment and Diversity and Combat Racism Ministry of Refugee, Immigration and Integration Affairs. Copenhagen).

## 1.2 History of equality mechanisms

When compared with other Nordic countries, Danish gender equality mechanisms have had a much weaker institutional position. The institutions have had more limited areas and no clear division between juridical- and administrative or political functions. The history of the institutional apparatus of gender equality is also more a history of political parliamentary divisions than in the other Nordic countries. The possibilities for “positive” action have also been more limited in the Danish machinery (Bergkvist et. al 1999).

In 1965, the women’s commission - “**The Commission on women’s equal rights**”- was set up by the Social Democrat prime minister. The task of the Commission was to examine the position of women in Denmark and to come up with proposals for new laws and regulations that could create gender equality. The Commission worked from 1965-1974 and one of the main results of its work was to promote the establishment of a permanent state gender equality council. **The Danish Equal Status Council** (Ligestillingsrådet) was established in 1975 and it consisted of representatives of the labour unions, women’s organisations and employer organisations. Thereby gender equality was formally established on the political agenda in Denmark. The tasks of the Council were: to monitor developments in society in general, and especially in the labour market and give suggestions as to what should be done; function as an advisory organ for governmental and municipal authorities; and finally to suggest research as well as public information on gender equality.

Gender equality was (compared with Sweden and Norway) defined rather narrowly since child care, abortion and sexual violence were excluded from formal gender equality policies and the mandate for the gender equality machinery was weak. The Danish Equal Status Council (Ligestillingsrådet) was established as a free institution apart from the governmental bodies and did not have a clear bureaucratic responsibility as in the case of the gender

equality division in Sweden, for example. In Sweden and Norway, different organs were created in order to take care of matters of gender equality such as the Ombudsman of gender equality that was supposed to handle legal issues. However, in Denmark only one institution was established to deal with legal matters as well as other issues. (Borchorst, 2003). In the Equal Status Council/Ligestillingsrådet, both parts of the labour market organisations were represented in the Council (one representative from The Danish employers' Association/Dansk Arbetsgiverforening, one from The Danish federation of trade unions/Landsorganisationen and one from The federation of Danish civil servants/Tjenstemennens fællesråd and salaried employees, out of nine members). In 1992, these organisations got veto right regarding positive actions/quotas (Borchorst 1999: 167). From 1988, four out of nine members of the Danish Equal status Council were from the women's organisations (Danish Women's national council/Danske Kvinders nationalråd nominate three members and Danish Women's society/Dansk Kvindesamfund nominate one representative). One representative was a female researcher. In the beginning, both the employers' organisations as well as the Unions were sceptical towards regulating the labour market (though not as sceptical as in the other Nordic countries). Today, the Danish labour unions are however one of the more active organisations when it comes to mainstreaming.

In the middle of the 1980s, the advisory organ **Invandrerrådet/The Immigrant Council** was set up and it was positioned under the ministry of internal affairs and consisted of immigrant organisations. This Council was renamed in 1994 and became **Nævnet for etnisk ligestilling/ The Council for ethnic equal opportunities** and it was positioned under the Ministry of Internal Affairs. At this point in time, ethnic minority groups had already been arguing for an Ombudsman for ethnic discrimination because there was nowhere people could turn with concrete complaints about such discrimination. Invandrerrådet/The Immigrant Council had also proposed an Ombudsman of ethnic discrimination in line with the Swedish Ombudsman dealing with race/ethnic discrimination. However, at this point of time there was no parliamentary majority for an Ombudsman.

The initiative to start Nævnet for etnisk ligestilling/The Council for Ethnic Equal Opportunities came from the Social democrats in 1992. The initial proposal was aiming to establish a Board that could deal with concrete complaints and violations of rights (like an Ombudsman). However, there was no majority for such an institution at that time and the Nævnet for etnisk ligestilling/The Council for Ethnic Equal Opportunities only got an advisory status. The Council did nevertheless continue to work for an Ombudsman-like institution and focused on discrimination instead of integration. In 1997, the Council got a position more independent from the ministry. However, the Council was still not given the task to take actions in specific cases of discrimination. It continued to work for the introduction of such an institution and finally proposed a law on establishing a Complaints Committee in 1999. It would, however, still take a couple of years until this was realised (Nævnet for etnisk ligestillings historie, herunder arbejdet med begreber og indsatsområder. [http://www.nel.dk/content/pubpdf/NEL\\_Historien.pdf](http://www.nel.dk/content/pubpdf/NEL_Historien.pdf)).

In 1994, The Equal Status Council established the Men's group (Idégruppen for maend). However, the group was dissolved on their own initiative one year later due to a conflict over the budget with Ligestillingsrådet (Borchorst 1999:169).

In 1995, the Left Party in Denmark (Socialistisk Folkeparti) put forward a suggestion in the parliament that Denmark should introduce an Ombudsman of *Gender Equality* such as Norway and Sweden already had. (Beslutningsforslag B 34, Folketingstidende 1995/96. (Folketingsdebat den 8.december 1995 om oprettelse af et Ligestillingsombud). The party also proposed changes to the composition of the Equal Status Council. The proposal did not pass in the parliament. However, the prime minister then proposed a revision and an evaluation of the organisation of gender equality in Denmark. As a follow up to the Women's Conference in Beijing 1995 and of the debate in the Danish parliament about the introduction of an Ombudsman on gender equality, the prime minister put together a Committee in April 1996 (Udvalget vedrørende det fremtidige ligestillingsarbejde. **The Committee on the Future organisation of Gender equality**). In March 1999 the Committee presented its results and suggestions in "The future organisation of gender equality/Det fremtidige Ligestillingsarbejde"/ Statsministeriet: Det fremtidige Ligestillingsarbejd".

As a result of the evaluation of the institutions, a specific **Minister for Gender Equality** was appointed in 1999 and a gender equality division within the government was established. Before 1999, the prime minister was responsible for gender equality. In 2000, a new Equal Status Law was passed establishing a new **Resource Centre for Gender equality** (Videnscenter for ligestilling) in Roskilde dealing with gender equality issues as well as a **Gender Equality Board** Ligestillingsnaevnet thereby replacing The Equal Status Council (Ligestillingsrådet) of 1975. The Gender Equality Board was set up to handle complaints concerning unequal treatment on grounds of gender. The Board is dealing with both complaints regarding the labour market as well as other complaints of unequal treatment in the education sector or social- and health sector. The Gender Equality Board is composed of a chairperson who is a legally qualified judge and two members who have a law degree and who have knowledge about gender equality and the labour market. The board deals with complaints about gender discrimination and the Board's decisions are final within the administrative system. The decisions can be brought to the court of law. The Board also offers counselling and guidance to citizens, organisations, authorities and enterprises about access to bring complaints concerning gender discrimination before the board or other bodies. The board publishes its decisions and submits an annual report.

Any citizen may file a complaint with the board. However, members of trade unions can only do so if the trade union cannot or will not bring the case to the special machinery for settlement of industrial disputes. The board can also award compensation in the case of violation of the gender equality legislation and in special cases overrule a dismissal. This meant that women had a Complaints Board (almost like an Ombudsman) to turn to, whereas other groups such as immigrants and GLBT-persons had no such possibilities.

In the new Gender Equality Act 2000/Lov om ligestilling af kvinder og mænd of 2000, **mainstreaming** was also established as a principle. The minister is responsible for the Government's overall activities in the field of gender equality and co-ordinates the equality work of other ministries. Each minister is responsible for integrating the gender and equality perspective in all policies and activities within their field of competence. The Minister for Gender Equality is responsible for implementing the mainstreaming strategy, not only in relation to other ministries, but also in other parts of the public administration. Parallel to the mainstreaming strategy, the Minister lays down rules and guidelines for the gender equality work and initiates special measures to promote gender equality and equal opportunities. It is thus a matter of a dual approach.

These quite fundamental changes of the institutionalisation of gender equality did however split the parliament into two sides: the liberal party (Venstre), as well as Dansk Folkeparti (extreme right wing), voted against the Gender Equality Act of 2000, the Conservatives did not vote, and the others parties voted for the Act. This meant that gender equality policies became a project of the Left-Centre in Danish politics and thus became vulnerable to parliamentary changes (Borchorst, 2003 and Beslutningsforslag B 34, Folketingstidende 1995/96. See also [www.ligenaevn.dk](http://www.ligenaevn.dk) "Ligestillingsnaevnet" and "The 1965 Commission on women's equal rights").

One of the first things that the right wing government (The Liberals and the Conservatives, with the support of Dansk Folkeparti/Danish People's party) did was to close down the newly established **Research Centre on Gender Equality**, Videnscenter for Ligestilling. It was closed down in 2002 by the same parties (and people) that had voted against the passing of the new Gender Equality Act of 2000. This meant effectively that the parties of the labour market and the Women's organisations were for the first time in 27 years no longer represented in the state institutions of gender equality. Nevertheless, in 2003 **The Gender Equality Board**, Ligestillingsnævnet, was given permanent status (Lov nr. 286 af 25/04/2003. Lov om ændring af lov om ligestilling af kvinder og mænd. Law amending the Law on equality between women and men. Lov nr. 321 af 05/05/2004 Lov om ændring af lov om ligestilling af kvinder og mænd. Law amending the Law on equality between women and men). The Liberal/Conservative government not only abolished the Centre for Gender equality, but also introduced a minister of *Family* affairs in 2004, which had not existed within the previous government. The Conservative Party was active in this decision and the Ministers appointed so far are all from the Conservative party.

In 1999, the Social Democrats and Social Liberal government set up the **Rådet for Etniske Minoriteter/The Council for ethnic minorities**. The Council for ethnic minorities is an organ related to the ministry of integration (with a budget of its own). The Council has 14 members with ethnic minority backgrounds. The members are from the municipal integration councils. The tasks of the Council are primarily to give advice to the minister of integration about issues regarding refugees and immigrants in Denmark. The Council is monitoring the development of the municipal integrations councils. The council can both take initiatives to

concrete proposals in the area of integration and can make utterances in principal issues regarding minorities. However, the Council cannot make statements about single cases.

In 2001, Ministeriet for Flygtninge, Indvandrere og Integration. Integrationsministeriet/ **The Ministry of Integration** was established by the Social Democrat/Social liberal government. When the ministry was established, many issues previously dealt with by other ministries were transferred to the ministry of integration.

Finally, in 2002 in accordance with **the EU-Directive 2000/43/EF** the Danish government set up a Commission to establish new institutional settings for dealing with race/ethnic discrimination such as a Council/Board that could take care of *individual complaints*. The new structure of institutions dealing with discrimination based on ethnicity/race was thus the following: In 2002, the Nævnet for etnisk ligestilling was closed down and replaced by **the Danish Centre for International Studies and Human Rights**. As part of this centre, **The Danish Institute for Human Rights (DIHR)** was established in accordance with the UN Paris Principles. The work of DIHR includes research, analysis, information, education, documentation, and complaints handling, as well as a large number of national and international programmes. DIHR takes a multidisciplinary approach to human rights, and the DIHR employ staff from the areas of law, political science, economics, and others. The Danish Institute for Human Rights may express its opinion about whether The Act on Equal Treatment Irrespective of Ethnic Origin has been violated in specific cases. In such instances, the Institute may recommend that free legal aid be granted. According to the Act on Establishment of the Danish Centre for International Studies and Human Rights, the Institute for Human Rights is also in charge of providing assistance to victims of discrimination and initiating independent studies on cases of discrimination, as well as publishing reports and making recommendations on issues relating to discrimination.

Furthermore, **the Complaints Committee for Ethnic Equal Treatment** was established after adoption of the Act No. 374 of May 28 2003. The object of the Complaints Committee is to hear complaints of discrimination on grounds of race or ethnic origin. The Committee can decide whether there has been a violation of the Act on Ethnic Equal Treatment's prohibition against discrimination. The Committee cannot impose any sanction on the respondent or award the complainant any kind of damages as a result of discrimination. By Act no. 40 of March 30<sup>th</sup> 2004, amending Act on Prohibition against Discrimination in respect of employment and so forth, The Institute has also been given the power to hear cases on discrimination on the grounds of race or ethnic origin in the labour market (Lov om etnisk ligebehandling/Act on Ethnic Equal Treatment LOV nr 374 af 28/05/2003 and Act no. 40 of March 30, 2004 amending Act on Prohibition against Discrimination in respect of employment and so forth).

An important NGO in the area of race discrimination is DRC (**Dokumentations- og rådgivningscentret om racediskrimination/The documentation and Counselling centre on race discrimination**), which is organised as a fund and takes the human rights conventions as its starting point. The Centre is mapping racism and giving advice and

counselling to people who have experienced discrimination. Furthermore, the organisation is working with changing attitudes, providing courses, arranging debates and seminars.

The status today is that women have the most developed possibilities to complain on grounds of discrimination. There is still no specific apparatus for complaints of sexual discrimination in Denmark. There was however one proposal from the opposition in 2002 in the parliament to introduce a broader complaints committee that could deal with the whole legislation on discrimination in the labour market and thereby include not only race/ethnicity, but also complaints on grounds of sexual discrimination. The proposal did not pass. Again, a year later some Social Democrats tried and proposed for the introduction of a broader complaints committee under the Nævnet for Ligebehandling på Arbejdsmarkedet (the Board of Equal treatment) at the department of labour. The proposal did not pass and was taken back and the minister introduced a more narrow mandate for the Complaints Committee at the Institute for human rights instead which did not cover issues of sexuality (Proposal to amend the law on prohibition of differential treatment in the labour market/2002-03 L 152: Forslag til lov om ændring af lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v. and Proposal to amend the law on prohibition of differential treatment in the labour market by Social Democrat parliamentarians/Forslag: 2003-04 L 37 2003-04 L 37: Forslag til lov om ændring af lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v.(Gennemførelse af direktiv om etnisk ligebehandling og beskæftigelsesdirektivet) Fremsat den 21. oktober 2003).

Finally, in 2007 the government is intending to introduce the same possibilities of complaint for all groups. As part of the European year of Equal opportunities, the government will introduce a Common Committee or Board for “all inequalities”. (**Common Board of Equal Treatment/Fælles klagenævn – Klagenævnet for Ligebehandling**). If a citizen believes that s/he has been treated differently it should be easy to file a complaint. Complaints regarding unequal treatment based on gender, race, skin colour, religion, age, disability, nationality, ethnicity or social background, political opinions or sexuality can be heard by this new Board. This means that the government is now planning to close down the Committee for ethnic equal treatment and gender equality. One of the reasons for these changes mentioned by the Minister for Gender Equality is that a person who feels that she has been discriminated on many grounds then only has to turn to one Board. For example, if a company only wants to hire women at a certain age in a specific position. This new Common Board of Equal treatment will mean that groups such as disabled people, LGBT-persons, and ethnic minorities will get the same rights as women. Furthermore, the grounds of religion, political opinion, national and social belonging are introduced in the new Board. (Proposal 15.01.07 to Law on Complaints Committee for Equal Treatment/ Lovforslag i høring 15.01.07 Udkast Forslag til lov om klagenævnet for Ligebehandling and Report from the Minister for gender equality on Action plan/Redegørelse 2006 samt perspektiv- og handlingsplan 2007 af 28/2 07. (Redegørelse nr. R 6). Ministeren for ligestilling (Eva Kjer Hansen and Arbejdsmarkedsudvalget AMU alm. Del Bilag 125).

## 2 NON-EMPLOYMENT

### 2.1 Introduction

In Denmark, the dual breadwinner model has been the norm for at least 20 years. Social legislation and extensive social services have made it possible for women to combine work and motherhood as well as daughterhood. The norm is that women keep their contact with the labour market even when their children are very young, which means that the difference between women's and men's labour market participation is very small. Today there is almost a need for two salaries for people living with children. When it comes to access to labour market there are thus few hindrances for ethnic Danish women – whether they are mothers or not. This also means that in terms of explicit legitimation of non-employment there are few policies to include in the Danish case.

The Nordic model has been praised for its ability to provide women with both pre-school care as well as elderly care and the Nordic countries have been called 'women friendly states'. However, according to Hanne Malene Dahl this ideal picture does not really hold since there are tendencies for some privileged groups of women to gain more opportunities at the expense of other groups. There might thus be an increasing differentiation between women (and between classes and ethnic groups) occurring in the Danish context (Dahl, 2004:334). These differentiations are interesting in an intersectional approach and I have tried to include sub-issues that touch upon these differentiations.

Before I present the sub-issues that are important for the Quing period I will briefly mention three elements of the Nordic welfare model that I think are of interest for this issue: *public responsibility of care*, *universal benefits* and finally *relatively extensive social security systems*. (These systems have been revised and one could question whether one could still speak of the Nordic model of welfare, but I still think they are relevant to mention here.)

The first important element is public responsibility for care. Day-care centres for children were already heavily expanding in the 1960s as a consequence of women's labour market participation as well as due to the law passed in 1964 which gave all children the right to public day-care. Danish political regulations in labour market and child care arrangements have only occasionally been discussed as gender equality issues. However, the results of many of the policies have been positive in terms of gender equality (Borchorst 2005). Child day-care is a public responsibility that lies with the municipalities. There are two forms of preschool day care that dominate – day-care institutions and private care, that is child minders that are registered and taking care of their own child(ren) as well as other people's children in their own home (Up to five children) (Højgaard:45). Child care and the public institutionalised child care has not been an issue for debate in Denmark. Public child care, also for children under the age of two years, is a *consensus issue*. When it comes to care of

the elderly this is also a public responsibility. The issue of care of the elderly was settled before the Quing period and has thus not been the major focus here.

Secondly, there are universal benefits for children that were introduced in the current format in 1987. Universal cash benefits are available for children under 18 years. Benefits decrease with the increasing age of children. The yearly amount was (2004) 13.204 DKK for a baby-, 11.932 småbørns- and 9.388 DKK for older children. For single-parents, the universal benefits are supplemented by an amount per month and per child and by an additional allowance per month and per household. Special additional allowances are paid for each motherless or/and fatherless child. These benefits are not as big as to allow mothers (or fathers) to stay at home and not work. There are no major controversies regarding these benefits.

Thirdly, social security systems for pensions and un-employment (etc) are also a part of the Nordic model of welfare. I will just mention them briefly: Citizens who have reached the age of 67 are entitled to public old-age pension. On top of a flat-rate pension is an earnings-tested pension. This means that all pensioners obtain an income no less than the flat rate plus the additional pension. Further, pensioners with a labour market history are getting a (relatively small) transfer from the compulsory Labour Market Supplementary Pension scheme (the ATP). There have been no major controversies regarding pensions and the regulations on gender equality were settled before the Quing-period, which means that I have only briefly described the development in the time-line. In 1997, unemployment insurance benefits were set at a maximum amount corresponding to 90% of previous earnings with a ceiling of DKK 2,630 / \$378 per week. The level of the amount of the benefit is changing, but there is a relative consensus regarding the system as such.

The important shifts in labour market policies and gender equality are mostly connected with the shifting of governments. In the beginning of the Quing-period, a Social Democrat/Social Liberal government was in office and thereafter a Liberal/Conservative government came into office in 2002 (and is still in office since it was re-elected in 2005). The Social Democrat governments have introduced more benefits and cutting state expenditures has not been on the agenda as it has been for the Liberal/Conservative governments as will be shown in the following.

#### *Sub-issues*

In the presentation below, the sub-issues I would describe as crucial in terms of being the grounds for plenty of debate, policy shifts and negotiation between what is considered as employment and non-employment during the Quing-period are: the *sabbatical leave system*; *part-time work/a-typical work*; *possibilities for non-European immigrants in the labour market*; *parental leave systems*; and *benefits for domestic services* as well as *equal pay*. (I have no

specific heading for taxes/benefits since practically everything is about benefits in the Nordic welfare state and most of these issues involve benefits.)

*Access to labour market*, in the beginning of the 1990s, there was a recession in Denmark and the unemployment rate was high. In 1994, the government led by the Social Democrats introduced major changes in employment policies – the so called “**Sabbatical leave system**” “Orlovsordningerne”. The Sabbaticals meant opportunities for employed people to study with unemployment benefits, take parental leave, or to take a year off and be replaced by another unemployed worker. All of these leaves were possible to use from 1994-1999 and the majority of the users were women. For the sabbatical for studying, the compensation was 100% of the unemployment benefit, for the parental leave it was 80% in the beginning and then lowered to 60% since the situation on the labour market improved. The free year was compensated with 60% of the unemployment benefit. The reasons for introducing the leave system were, apart being a measure against unemployment: increasing the flexibility in the labour market; increase the qualifications of the work force; as well as reconciliation of private and work life. In 1999, the Social Democrat/Social Liberal government abolished the “free-year” since this had only been a test and they found no reasons to continue the system. There was no major controversy when abolishing the free year.

The level of unemployment is relatively high among immigrants from non-European countries and the government has launched programmes to increase the level of employment among these groups. Getting young people and disabled people into the labour market is also part of the priority of the minister of employment.

Access to the labour market can be related to atypical work by which part time work is one example. Part-time work can both be seen as a possibility for reconciling family life and work life, as well as a problem for primarily trade/commerce/shop employees where there are few possibilities for full-time work. Women work part-time to a much larger extent than men do and the Trade Unions have shown that many part-time workers want to work full time. This is where there is a tendency to see non-employment as legitimate, especially by the Conservative-Liberal government that came into office in 2002 and was re-elected in 2005 for a new period of four years. The Liberal-Conservative government does not think that there is a need to regulate or try to intervene to make full-time work possible.

*Reconciliation of private and work life*; In 1997 two specific father weeks were introduced by the Social democrat/Social liberal government. The “take-up rate of fathers” then improved from 7% to 24% in 2001 (Borchorst 2006:1). However, the earmarked weeks for the father turned out to be very controversial. In 2001 there was a debate in the Danish media as to whether the earmarked period of two weeks was considered as forced and an illegitimate state intervention. The argument in the Danish parliamentary debate was also that the paternal leave earmarked for fathers was “imposed by force” on the fathers (Drews 2003). In 2002 the Conservative/Liberal government amended the law and the additional earmarked weeks for fathers were abolished. The parental leave system today is very flexible and parents have the right to stay at home for 52 weeks with compensation. However, Denmark

has the longest period earmarked for the mother in all Nordic countries. This is not regarded as forced in the dominant discourse, as the two weeks of ear-marked leave for the father was (Borchorst 2006).

*Care work/informal work;* The political party Centrum Democrats (CD) argued for introducing **Benefits for Domestic Services** (Hjemmeserviceordningen) such as cleaning or gardening. In 1994 the party was able to get support for this policy in the negotiations with the other two parties of the government at the time (Social Democrats and Social Liberals). There were three reasons – to create jobs for people who had no education, to create a market for domestic services in order to abolish the black market, and finally to allow for families to better reconcile family and work life. The Liberal party argued against it on grounds that it would be too expensive. This means that the Benefits for Domestic services wanted to include informal work into formal work. In 1999, the benefits were lowered for gardening and abolished for window cleaning and with the Liberal/Conservative government the system as a whole was abolished. In 2004, the system was only available to people who had reached the age of 65.

*Equal pay;* In the 1970s Denmark introduced the equal pay act (1976) in line with the EEC Equal pay directive. This directive established that employers had to pay equal wages to female and male employees for the “same work”. The law has been revised a couple of times since then (See under general gender equality). In Denmark, the gender wage gap is not causing mothers to stay at home because of the established dual-breadwinner model and the individual taxation system. None of the Nordic countries have policies regarding ‘unsupported’ mothers, instead the focus is on single mothers as *workers*. However, the gender wage gap could cause problems for ‘single mothers’ or “sole providers in dual breadwinner regimes” (Skevik 2006). Sole providers are disadvantaged as workers and could experience financial difficulties. The heavy focus on employment has a negative side as well – especially in times of recession (Skevik 2006: 260).

Despite legislation, the gender gap in wages is about 12% - which cannot be explained by “seniority” or level of education (Hojgaard 2004 :42). These figures caused the government to act. In 2001, the Social Democrat/Social Liberal government launched an equal pay campaign and in June 2001, the parliament decided to change the law on Equal Pay. The changes meant that employers were obliged to provide gender based statistics on wages. Shortly after, the newly elected right wing government decided to postpone the enforcement of the law. The argument for postponing the law was that the parts of the labour market should find alternative ways of coming to terms with the wage gap. This means that today there is a clear dividing line between left and right regarding equal pay initiatives in Denmark. The opposition has since then argued to enforce the law and when the government finally did enforce a law it proposed that it should only apply to companies with at least 35 employees (and at least 10 women and 10 men with the same position). This was criticised by the opposition.

## **2.2 Actors**

Civil society actors are incorporated into the policy making process to such an extent that it is sometimes difficult to find “important civil society texts” if those are supposed to be something other than the policy related documents. This is a consequence of the corporative welfare state model.

Apart from the political parties, and women parliamentarians, important actors are standing consultants such as the labour market organisations as well as a couple of women’s organisations. In the Equal Status Council, *The Danish employers’ Association*, *The Danish federation of trade unions* and *The federation of Danish civil servants and salaried employees* had one representative each out of nine members from the late 1970s up until the late 1990s. From 1988, four out of nine members of the Danish Equal status Council were from the women’s organisations - Danske Kvinders nationalråd/*Danish Women’s national council* nominated three members and Dansk Kvindesamfund/*Danish Women’s society* nominated one representative. In 1992, these organisations got veto right regarding positive actions/quotas (Borchorst 1999: 167) and were very influential in the area of equal treatment and equal pay. The labour market organisations were not very interested in Equal pay legislation in the 1970s; however, the Equal pay Act was introduced as a consequence of a EC-directive. Dansk Kvindesamfund/*Danish Women’s society* has furthermore been active in the fight for equal pay as well as the fight for separate taxation that preoccupied many women’s organisations during the 20<sup>th</sup> century (Kvinfo). Another actor on matters of equal pay is Kvindeligt arbejderforbund/ *Women’s workers Union*. More recently, *The Women’s workers Union* was consulted on issues such as the Tax reductions for Domestic services. At present, the Women’s workers Union has joined with another union and together they form 3F. HK-Handel is also a Union actor that has played, and continues to play, an important part in the negotiations on equal pay.

## **2.3 Timeline**

### **Pre -1995**

**1901** Denmark’s first “parental leave” was enacted. It was illegal for a mother to work four weeks after the child was born and the leave was not paid. The law was primarily directed at factory workers and those who could not manage financially could apply for social assistance.

**1920s** The marriage reforms (possibilities to divorce are introduced).

**1943** Women have the right to keep their job in public work places after pregnancy and giving birth.

**1947** A law is passed that states that women and men should be given the same pensions.

**1960** 14 weeks of maternal leave is introduced for those who had dagpengforsikring (insurance).

**1964** A law is passed in 1964 to grant all children the right of pedagogical day care .

**1967** Child allowance (Benefits for children) is introduced.

**1976** The Equal Pay Act was passed. This was in line with the Rome treaty and the EC regulations at that time.

**1978** The Equal Treatment Act was passed.

**1980** 14 weeks of parental leave is introduced, 4 weeks before and 14 weeks after birth.

**1983** Separate taxation is introduced.

**1984** Men are given the right to parental leave. The law gives fathers an *earmarked* right to two weeks parental leave *immediately* after birth (that is together with the mother) and the right to take leave instead of the mother for ten weeks (after the child is 15 weeks old).

**1985** Barselorloven (Parental leave) is expanded to 28 weeks, 4 weeks before birth and 24 weeks after.

**1989** Faedre loven/Paternal leave is changed to allow fathers to decide *when* to take leave (after agreement with the employer). However, the two weeks have to be used during the first 14 weeks of the life of the child.

**1994** Parental leave is expanded to 52 weeks (but not with compensation for 52 weeks). The compensation is given for 30 weeks and is 70% of the salary. Parents with children 0-8 years old are given the right to take leave from work as part of the sabbatical leave system and they are compensated with 80% of the unemployment benefit.

## **QUING PERIOD 1995-**

### **1994**

In 1994 the unemployment rate was very high in Denmark because of the recession. At this point the Danish government introduced an employment strategy and as part of this strategy was the “Orlovsordingerne” – the system with different **Sabbatical leaves**. At least three types of leaves were introduced in the system: sabbaticals for studying, parental leave, as well as a “free-year”. For the sabbatical for studying, the compensation was 100% of the unemployment benefit, for the parental leave it was 80% in the beginning and then lowered to 60% since the situation on the labour market was improved. The free year was compensated with 60% of the unemployment benefit. The reasons for introducing these leaves were both labour market oriented as well as motivated by the issue of reconciliation of family and work life.

#### **Primary sources:**

Governmental Bill on Sabbatical Leave/Lov om Orlov

### **1994**

The political party Centrum Demokrater (CD) argued for introducing a **Benefit for domestic services** (Hjemmeserviceordningen) such as cleaning or gardening. In 1994 the party was able to get support for this policy in the negotiations with the other two parties of the government at the time (Social Democrats and Social Liberals). The CD was only in office in the government until 1996 and is no longer represented in the parliament. There were three reasons for introducing the benefit: to create jobs for people who had no education, to create a market for domestic services in order to abolish the black market, and finally to allow for

families to better reconcile family and work life. The Liberal party argued against it on the grounds it would be too expensive, but they were also against it for some technical reasons and argued for a system of tax reductions instead.

**Secondary source:**

Stein, Peter (2004). Skapa marknad för hushållsnära tjänster – kartläggning av utländska erfarenheter. Almega. /Creating a market for domestic services – a mapping of foreign experiences.

[http://www.almega.se/Files/ALMEGA/Caradoc\\_Members/Rapport/Hush%C3%A5llsn%C3%A4ra\\_tj%C3%A4nster\\_mars2004\\_A.DOC](http://www.almega.se/Files/ALMEGA/Caradoc_Members/Rapport/Hush%C3%A5llsn%C3%A4ra_tj%C3%A4nster_mars2004_A.DOC)

**1996**

The system of **Benefits for Domestic Services**/Hjemmeserviceordningen such as cleaning and gardening was made permanent and the benefit was set at 50% of the ordinary payment.

**Primary source:**

Law Nr. 463 of 12<sup>th</sup> of June 1996 on Domestic Services/Lov nr. 463 af 12. Juni 1996 om hjemmeservice

**1997**

A law was passed giving fathers two additional weeks which were earmarked for fathers in order to make fathers take more responsibility for children. The compensation was lowered to 60%.

**Primary sources:**

Governmental Bill on changes in the parental leave system./ Lovforslag nr. L 121 Folketinget 1997-98 . (3. december 1997) Socialministeren (Karen Jespersen): Forslag til lov om ændring af lov om dagpenge ved sygdom eller fødsel og af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselorlov m.v. (Udvidelse af fædreorloven).

Parliamentary debate on the Governmental Bill on changes in the parental leave system/ 27 dec 1997. 12. Første behandling af lovforslag nr. L 121: Forslag til lov om ændring af lov om dagpenge ved sygdom eller fødsel og lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselorlov m.v.

Report from the Social Affairs division of the parliament on the paternal leave/ Betænkning afgivet af Socialudvalget den 11. december 1997. Betænkning Over Forslag til lov om ændring af lov om dagpenge ved sygdom eller fødsel og lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselorlov m.v.(Udvidelse af fædreorloven).

**1998**

The government presented new policies for families with children. børnefamiliepolitisk redegørelse/ **Policies for families with children** . For example, a more flexible paternal

leave was mentioned as one of the proposed changes. The primary goal was a “family friendly” working life, not specifically a women-friendly working life. The issue of more flexibility was also central.

**Primary sources:**

Report from the government on family policies/ 1997-98, 2. samling - R 4 (oversigt): Regeringens børnefamiliepolitiske redegørelse Af socialministeren (Karen Jespersen) og arbejdsministeren (Ove Hygum).

Parliamentary debate on the report on family policies/ Møde nr. 32 - onsdag 17 juni 1998: Forhandling om redegørelse nr. R 4: Regeringens børnefamiliepolitiske redegørelse af 9. juni 1998. (Børnepakken).

**1999**

The free year was abolished since the time period was set until 1999 and according to the government there were no specific reasons for renewing the leave.

**Primary source**

A Governmental Bill by the minister of employment to abolish the free year/ L 68: Forslag til lov om ændring af lov om orlov. (Ændret minimumsperiode for afholdelse af børnepasningsorlov for beskæftigede lønmodtagere m.m. samt ophævelse af de udløbne bestemmelser om sabbatorlov). Af arbejdsministeren (Ove Hygum).

Law on Amendments of the law on sabbaticals/ Lov nr 1075 af 29. december 1999 (Lov om ændring af lov om orlov

**1999**

**The Benefits for domestic services** were revised. The benefits for cleaning and cooking, ironing and washing the dishes remained set at 50% of the price. However, gardening and work outdoors was only to be subsidised by 35%. The costs for gardening and cleaning of windows had increased as a result of the benefits, especially the price of cleaning windows. Therefore, the benefit for cleaning windows was abolished. The Social Democrat and Social Liberal government as well as the Socialists (SF) voted for the revision. The Socialist Party supported the proposal. They argued that it is an opportunity for groups that have difficulty finding jobs and that it is preferable for cleaning to get the status of an ordinary (i.e. paid) job. The Liberal party did not support the system.

**Primary sources:**

Governmental Bill amending the law on tax reductions for Domestic Services, differentiating the tax reduction between services/ L 64 (som vedtaget): Forslag til lov om ændring af lov om hjemmeservice. (Differentiering af bidragsprocent m.v.). Vedtaget af Folketinget ved 3. behandling den 16. december 1999.

Parliamentary debate on the proposal to law amending the law of tax reductions for Domestic Services. 18<sup>th</sup> November 1999 Speech by Pia Larsen (V) and speech by Christine Antorini (SF)/ Behandling af Forslag til lov om ændring af lov om hjemmeservice/

## **2000**

The Minister for Gender Equality together with the Minister for Employment presented an investigation from Socialforskningsinstituttet/the Institute for Social Research in 2000. This investigation showed that the gender pay gap was 12% when all other factors had been taken into account. According to the Minister of Gender Equality, this was due to lack of information and old traditions. The minister stated that there is a need for gender based statistics and she also said that all companies and organisations have to actively work towards equal pay. In 2001 the two ministers launched an equal pay campaign.

### **Primary source:**

Report from the minister for gender equality 2/3 01 on Gender Equality./ Skriftlig redegørelse: Redegørelse af 2/3 01 om ligestilling. (Redegørelse nr. R 12) Ministeren for ligestilling (Lotte Bundsgaard).

## **2001-2002**

In June 2001 the Social Democrat/Social Liberal government changed the law on Equal Pay and the amendment was to be enforced on 1st June 2002. The changes meant that employers were obliged to provide sex based statistics on wages. Shortly after, the minister of employment in the newly elected right wing government decided to postpone the enforcement of the law. At the same time, the parliament decided on another change of the law on equal pay (lov nr. 358 af 6. juni 2002). The argument for postponing the law was that the parts of the labour market should find alternative ways of coming to terms with the wage gap.

### **Primary sources:**

lov nr. 445 af 7. juni 2001/Law on Gender based statistics on wages)

lov nr. 358 af 6. juni 2002/Law on Gender based statistics on wages

## **2002**

The **Benefits for Domestic Services** hjemmeserviceordningen were severely restricted by the liberal-conservative government that wanted to cut public sector expenses. The benefit was reduced to 40% for cleaning and all other services were abolished. These tasks were seen as low skilled work which could be performed by non-ethnic Danes and women without education and it was believed that society would benefit if they got a job. The Social Democrats voted against this proposal and argued that the reconciliation of family and work life was important and that the system had been a success since there had been 5000 people employed in the trade.

### **Primary sources:**

Governmental Bill to amend the law on Domestic services/L 82 (som fremsat): Forslag til lov om ændring af lov om hjemmeservice. (Regulering af ydelsestyper og bidragsprocent).

Fremsat den 6. februar 2002 af økonomi- og erhvervsministeren (Bendt Bendtsen)

First parliamentary debate on the Governmental Bill to amend the law on Domestic services/Første behandling af lovforslag nr. L 82: Forslag til lov om ændring af lov om hjemmeservice. (Regulering af ydelsestyper og bidragsprocent). 2001-02, 2. samling - L 82 BEH1 fredag 8 februar 2002, Tale 6, LENE JENSEN (S)

Governmental Bill (that was passed)/ L 82 (som vedtaget): Forslag til lov om ændring af lov om hjemmeservice. (Regulering af ydelsestyper og bidragsprocent). Vedtaget af Folketinget ved 3. behandling den 12. marts 2002

## 2002

With the Governmental Bill on Amendments of the EU Directive on part time work, workers were given the right to choose to work part-time with agreement from the employer. The Unions were critical, arguing that this new Law made it impossible for the Unions to regulate to ensure workers were not forced into part time work. The argument of the Union was that the opportunity for part time work already existed and that this was not a problem. However, there is a problem if the possibilities for the Union to strike deals with specific employers are curtailed.

### Primary sources:

Governmental Bill 104 on Amendments of the EU Directive on part time work/**Lov om gennemførelse af EU direktivet om deltidsarbejde.**

A complaint handed in 25 February 2002 to the Government by The Danish federation of trade unions (LO), The federation of Danish civil servants and salaried employees (FTF) and The federation of Danish Academics (AC) /Arbejdsmarkedsudvalget, Alm. del - bilag 390 Sag nr. 2178 Klage over den danske regering indgivet af - Landsorganisationen i Danmark (LO) - Funktionærernes og Tjenestemændenes Fællesråd (FTF) - Akademikernes Centralorganisation (AC)

## 2002

After the elections in November 2001, the Liberal-Conservative came into power. They introduced 52 weeks of parental leave with compensation. However, at the same time, two weeks of **daddy-leave was abolished**. The mother thus has the right to stay at home 4 weeks before birth and the duty to stay at home two weeks after the delivery and 12 more weeks after birth are "earmarked" for her. The leave currently marked for fathers is two weeks that has to be used before the child is 14 weeks old and is thus taken *together* with the mother. The other 32 weeks are not reserved for either parent and parents can therefore split these as they chose. This means that Denmark has the longest period reserved for *women* in Scandinavia.

### Primary source:

Law on Amendments of law on equal treatment between women and men regarding work and parental leave/LOV nr 141 af 25/03/2002 Lov om ændring af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse og barselorlov m.v., lov omdagpenge ved sygdom eller fødsel og lov om børnepasningsorlov

**Secondary source:**

Borchorst, 2006 "Daddy leave and gender equality – the Danish case in a Scandinavian perspective" *Freia Paper September 2006*. Aalborg University

**2004**

In 2003 the Liberal/Conservative government proposed to restrict the groups entitled to benefits for domestic service. It proposed that only people of the age of 65 or older should have the benefit. The opposition argued that this proposal could be a threat to the public profession of home-helpers.

**Primary sources:**

Governmental Bill amending the Law on Domestic Services (Amendments regarding the groups who are entitled to the benefit/ 2003-04 - L 69 (oversigt): Forslag til lov om ændring af lov om hjemmeservice. (Ændring af den bidragsberettigede persongruppe m.v.).

First round of parliamentary debate on the Governmental Bill amending the Law on Domestic Services/ Første behandling af lovforslag nr. L 69: Forslag til lov om ændring af lov om hjemmeservice. (Ændring af den bidragsberettigede persongruppe m.v.).

Law on Domestic services/Lov nr. 39 af 23 januar 2004 Hjemmeserviceloven

**2005**

The government presents their future policies on families and the reconciliation of family and work life. In the document, the government is arguing for a family approach that is very broad. That is, the family is seen as a network, and homosexual couples with children are included in the definition as well as single parents. The declaration reports that in 60% of families both parents are working full time. One of the measures proposed is the initiating of a commission to map the possibilities and problems of combining family life with work life.

**Primary source:**

Governmental Declaration on family policies 2005/ Familiepolitisk redegørelse [http://www.minff.dk/fileadmin/template/minffdk/pdf/Publikationer/familiepol\\_afl\\_low.pdf](http://www.minff.dk/fileadmin/template/minffdk/pdf/Publikationer/familiepol_afl_low.pdf)

**2005-2006**

The Minister of Integration together with the Minister of Gender Equality launched a four year action plan in January 2006 that was titled "Employment, participation and equal opportunities for all". ("Beskæftigelse, deltagelse og lige muligheder til alle") The action plan was published in 2005 and aimed at breaking down barriers in employment, education and organisations for women and men with "an ethnic background other than Danish". As part of the action plan the government also initiated a campaign called "Why not" targeting immigrants. It was a way to reduce barriers to labour market participation, participation in organisations and education. The problem was articulated as a matter of barriers to integration, especially for immigrant women. The Minister of Gender Equality Eva Kjer Hansen (V) stated that one of the reasons for the action plan and the campaign was that

there are gender prejudices regarding work and education among men and women with another ethnic background.

**Primary sources:**

Government Action Plan 2006 Employment, participation and equal opportunities for all/Beskæftigelse, deltagelse og lige muligheder for alle

The statement by the minister of gender equality: <http://www.lige.dk/handlingsplan.asp>

**2006**

The rate of full-time employment has decreased and the proportion of **part-time workers** has increased in Denmark from 2001-2006. A member of the socialist party Enhedslisten asked the Minister of Employment what he intended to do about it. The minister said that the reason could be that there are more flexible solutions in parental leave systems and pension systems. Another answer by the minister was that some trades have a tendency to hire people on part-time contracts. Another question was posed by Enhedslisten to the Minister of Employment concerning what he intended to do with part-time workers who wished to work full time but were given no opportunities to do so in their work place. The minister answered that he could only urge those who worked part time to either get supplementary benefits or to find a new job where they could work full time.

**Primary sources:**

Spørgsmål nr. S 87: Vil ministeren redegøre for, hvad baggrunden kan være for, at der ifølge Danmarks Statistik i perioden fra 4. kvartal 2001 til 2. kvartal 2006 er blevet næsten 100.000 færre fuldtidsbeskæftigede, samtidig med at der er blevet 115.000 flere deltidsbeskæftigede?

Beskæftigelsesministerens besvarelse af § 20-spørgsmål nr. S 87 af 5. oktober 2006 stillet af Jørgen Arbo-Bæhr (EL).

Spm. Nr. S 86 2006-07 - § 20-spørgsmål: Om, at deltidsansatte medlemmer af FTF gerne vil have fuldtidsarbejde

23/10 06 Beskæftigelsesministerens svar på § 20-spørgsmål: Om, at deltidsansatte medlemmer af FTF gerne vil have fuldtidsarbejde

**2006**

The government (the ministry of employment) has initiated a project called "New chance"/"Ny chans" to get long-term unemployed (those who have been unemployed for at least a year) back into work. This project is defined generally, not targeted at any specific group (e.g. based on gender or ethnicity). There are several documents attached to this project at a specific web-page that was set up for the purpose of the initiative.

**Primary sources:**

[www.nychance.dk](http://www.nychance.dk)

## 2007

**The Equal Pay act** was amended in 2006. One of the changes is that every company or business (public or private) has to produce wage statistics based on gender and report on initiatives to reach equal pay. The amendment of the equal pay act was to come into force on the first of January 2007. The Minister of Gender Equality and the Minister of Employment have, in cooperation with the organisations of the labour market (DA and LO), published a guide to equal pay for employers. The guide is an instrument for reducing the gender gap in wages in individual companies and organisations. The launching of a homepage together with a new manual are tools to aid in following the changes to the Equal Pay Act. In the parliament there was a debate regarding the proposal from the government and the opposition had another proposal. The proposal from the opposition was the same as a proposal (beslutningsforslag) from 2003 and 2004. The opposition argued against the government since it had proposed that the law should only apply to companies with at least 35 employees (and at least 10 women and 10 men with the same position). According to the opposition, the HK-Handel (union) had shown that this would mean that only 10% of the members would fit these criteria.

### **Primary sources:**

Proposal for Gender based statistics on wages/ B 13 (som fremsat): Forslag til folketingsbeslutning om kønsopdelt lønstatistik m.v. Fremsat den 13. oktober 2005 af Jørgen Arbo-Bæhr (EL), Kirsten Brosbøl (S), Elisabeth Geday (RV) og Ole Sohn (SF)

Proposal from the government on Amendments of the Gender equality law/ 2005-06 - L 99 (oversigt): Forslag til lov om ændring af lov om lige løn til mænd og kvinder. (Kønsopdelt lønstatistik og redegørelser om lige løn). Af beskæftigelsesministeren (Claus Hjort Frederiksen (V)). ().

Parliamentary debate on Proposal from the government on Amendments of the Gender equality law /2005-06 - L 99 BEH1 onsdag 18 januar 2006, Tale (NB), Samtlige taler: 3) Første behandling af lovforslag nr. L 99: Forslag til lov om ændring af lov om lige løn til mænd og kvinder. (Kønsopdelt lønstatistik og redegørelser om lige).

The proposal from the opposition on gender based statistics on wages/B 13 (som fremsat): Forslag til folketingsbeslutning om kønsopdelt lønstatistik m.v. Fremsat den 13. oktober 2005 af Jørgen Arbo-Bæhr (EL), Kirsten Brosbøl (S), Elisabeth Geday (RV) og Ole Sohn (SF)

Earlier proposals from the opposition: Beslutningsforslaget er en genfremsættelse af B 92 fra folketingsåret 2004-05, 2. samling, and B 159 fra folketingsåret 2003-04,

## 2007

A special national centre (Specialfunktionen for den etniske beskæftigelsesindsats) is established to provide information to jobseekers about "ethnic employment programmes". It was established in January 2007 at the Jobcenter Høje-Taastrup. The function of the centre is to support people entering the country in matters of integration and to secure persons with "another ethnic background " a position in the labour market.

**Primary source:**

<http://www.bmetnisk.dk/>

**2007**

**The Work- and Family commission/** Arbejds- og Familiekommissionen presented its results in 2007. The Minister of Family and Consumer affairs Carina Christensen was responsible for initiating the Family Commission. The Commission was set up in order to analyse and map new demands on families in modern working life. The focus is not explicitly on gender equality, but on families with small children. After the publication of the Commission, the minister declared that she would work to see to that child care institutions have more flexible open-hours and fewer days when they are closed in order to reconcile family and work life.

<http://www.minff.dk/>

### 3 INTIMATE CITIZENSHIP

#### 3.1 Introduction

In 1973 Danish women finally won the right to abortion on demand. This was a great victory for the Danish women's movement (such as the Red stockings) and women politicians who had fought for years to legalise abortion (Kvinfo: "The rocky road to abortion on demand"). However, the limit was set at the end of the 12<sup>th</sup> week of pregnancy. Abortion after the 12<sup>th</sup> week is still not freely available, instead an application has to be submitted to a Committee/"Abortsamrådet" consisting of a local official educated in social work and two doctors who, with the assistance of a psychologist in some cases, decide whether the abortion is to be carried out or not. Many of the issues of marriage and divorce, abortion and reproductive rights have been settled for heterosexual Danish women since the 1970s. For this reason I have chosen to focus on issues concerning the rights of LGBT-persons as well as immigration (that is the definition of family regarding race/ethnicity) since these are the most important issues that have been on the agenda since 1995. In these two areas, there have recently been conflicts and debates, but there is also almost what one could call a parliamentary consensus regarding *some* of the issues of immigration (e.g. concerning policies on forced marriage aiming to restrict the possibilities for family reunification).

#### *Sub-issues*

*Marriage /Partnership Regulations;* The Organisation for lesbians and gay men, LBL (Landsforeningen for bøsser og lesbiske) had already in 1973 decided to fight for the recognition of homosexual partnerships in their demands for legislation and a governmental investigation (Aegteskabsudvalget) proposed for registered partnership at the end of the 1960s. The LBL campaigned with no funding by using personal networks to get attention from the politicians – especially the Socialist Party (SF) and the Social liberal party (RV). The first political proposal came in 1984 by the Social liberal party (RV) but it did not pass in the right wing majority in parliament. Finally, in 1989 – as the first country in the world- the Danish parliament passed the registered partnership Act giving two persons of the same sex the right to have their partnership registered. The law was passed relatively easily. There were few voices speaking out against it. The issue was not even very much discussed in the media and the passing of the law did not make it to the news headlines (Soland 1997). The law established equal status between homosexuals and heterosexuals with some exceptions – the first exception was adoption and the second was the possibility of having a religious ceremony. Non-heterosexual couples were not allowed to marry in church according to the law. The question of the right of homosexuals to ministerial blessing has been under debate and representatives of the church have been reluctant or hostile towards having ceremonies for homosexuals in the church (Lov om registreret partnerskab mellem to personer af same køn/The registered partnership Act D/341 – H- ML Act no. 372 of June 1, 1989).

Legislation on Marriage is thus differentiating between homosexuals and heterosexuals. As of 2002, the Marriage legislation has yet another discriminatory element since the right to marry a person from abroad has been restricted (see below under family reunification).

*Reproductive rights;* Since the introduction of abortion on demand it has been more or less a consensus issue. However, there have been debates on where the limit of 'late' abortions is to be set, as well as attempts to change the law to allow women aged 15-18 years abortion without needing the consent of their parents (which is the case currently). The setting of the limit of abortion on demand to the 12<sup>th</sup> week has caused some women in Denmark to travel to other countries to get abortion after the 12<sup>th</sup> week. Another issue that has been debated recently is the right of foreign women to get abortion in Denmark and in 2004 a law was passed following an EU Directive establishing the right to services (including abortion) from another EU-country.

Rights for LGBT-persons is not an issue of consensus anymore; the issue of artificial insemination for lesbians (as well as single heterosexual women) in particular has proven to be very controversial. In 2001, the Liberal – Conservatives won the elections and came into office with the support of the right wing populist party. They were also re-elected in 2005 for a new four year period. This shift of government marks a shift in policies on the rights of LGBT persons since those parties supportive of LGBT rights are marginalised. These issues have even split some parties and almost caused a governmental crisis when the proposal of the right for single women and lesbian women to get artificial insemination was put forward. The parliament actually passed a law against the intention of the Minister of Health in 2006 to give lesbian women and single women the same rights to artificial insemination as heterosexual women had been given in 1997.

*Parenthood;* At the end of the 1990s The Social Democrat/Social Liberal government gave homosexual couples the right to adopt the child of the partner. The issue of international adoption has caused more debate and the LBL has lobbied for it for a long time. The Social Liberal Party/RV has been relatively active in arguing for the right for homosexuals to international adoption – at least since the beginning of the 2000s. Both the Social Liberals/RV and other parties in opposition have been proposing to give same-sex partners the right to adopt, though without any success. In October 2006 the Social Liberal Party (RV) proposed the possibility of being recognised as a parent for the lesbian partner of a woman who has had assisted insemination at a clinic. The proposal aimed to secure an equal right to parenthood for lesbian couples who have had assisted insemination at a clinic (as heterosexual couples have). However, the proposal was met with suspicion by the government and has not yet been decided by the parliament.

*Family reunification;* In the late 1990s the media in Denmark reported on individual stories of 'forced marriage'. These stories became the starting point for a policy strategy to restrict the right to family unification with a partner from another country. This also marked the shift towards one of the most discriminatory approaches in Europe towards immigration. The Social Democrat and Social Liberal government started the policy shift in 1998 when they

introduced restrictions in the immigrant law. In 2001 the Conservative/Liberals won the elections and with the support of the right wing populist Danish People's party they restricted the possibilities of family reunification even further by introducing a whole set of regulations aiming at decreasing immigration. The right to family reunification was *abolished* for persons aged 18-25 years. This meant that persons under 25 could not marry a foreign person unless it could be proved by a state enquiry that the relationship was voluntary. In order to be granted family reunification, the applicant must meet a number of other specific requirements as well. These requirements are numerous and more rigid than in other countries. For example, there are requirements concerning the resident's housing and income, such as the requirement that the applicant should own housing of "passende stoeerlse" – that is "reasonably big". The latest of these discriminatory policies was the introduction of a language- and culture test that has to be passed in order to obtain citizenship.

This very strict law on family reunification has been under debate. For example, the Centre for Documentation and Council regarding Discrimination based on Race (Dokumentations- og Rådgivningscentret om Racediskrimination) is arguing against the law and giving advice to immigrants as to how they can still manage to live with their partner. The so-called Schleswig-solution and the Sweden-solution are presented as possibilities for moving from Denmark and being able to marry. There is also a specific organisation called marriage without borders <http://www.aegteskabudengraenser.dk/> that is lobbying for the right to marry whoever you want and gives guidance to those who are seeking residence permits.

### **3.2 Actors**

Important actors in pushing for the rights of LGBT-persons are The Social Liberal Party/Radikale Venstre and the Socialist Party/Socialistisk folkeparti as well as the Danish National Association of Gays & Lesbians/ LBL that has fought for (and continues to fight for) the rights of LGBT-persons in the Danish policy process. Actors that are more reluctant (to say the least) are The Danish People's Party and The church. Women's organisations such as Danske Kvinders nationalråd/*Danish Women's national council* and Dansk Kvindesamfund/*Danish Women's society* are other actors that were important concerning abortion. In the case of the regulations on 'forced marriage' and the restrictions in the immigrant law *The Centre for Documentation and Council regarding Discrimination based on Race/Dokumentations- og Rådgivningscentret om Racediskrimination* has played a role in criticising the approach of the Danish government as well as the organisation *Marriage without borders/Aekteskab uden graenser*.

### **3.3 Timeline**

#### **Pre-1995**

**1922** Lov om aegteaskabets instiftelse og uphaevelse (Law on marriage and divorce) Divorce was legalised (Lov om aegteaskabets instiftelse og uphaevelse) in cases "when the marriage was no longer possible after a time of separation". Married women were at this time

also granted authority over their children and were given the right to legal authority of children after a divorce. (Rosenbeck, 2002)

**1933** The law forbidding adult men to have sexual relationships is abolished.

**1937** Abortion legalised on medical- and ethical grounds

**1957** Women and men equal caretakers of children

**1965** Abortion on grounds of health legalised

**1966** The contraceptive pill was introduced

**1970** Abortion on social grounds permitted for women who were 38 or older and already had four children living in the home under the age of 18.

**1973** Abortion on demand up until 12<sup>th</sup> week was legalised (Lov om svangerskabsafbrydelse).

**1989** Lov om registreret partnerskab mellem to personer af same køn. (The registered partnership Act D/341 – H- ML Act no. 372 of June 1, 1989.)

## **QUING-PERIOD**

### **1997**

In 1997 Denmark passed a **law on artificial insemination**. Prior to this date, there was no legal regulation. Before the law was passed, however, a ban on assisted conception for lesbians and single women was added. The proposal stated that insemination was only to be given to women who were married to a man or living with a man as if married. (I ækteskabslignende forhold). In the proposal, it was also claimed that children should have the right to both a mother and a father. The Danish law on assisted conception rules that doctors are not allowed to assist lesbians, but it said nothing about midwives. Thereby midwives could open a clinic for insemination of lesbians and single women in 1999.

#### **Primary sources:**

Forslag: 1996-97 L 5 2. beh. ÆF 29 1996-97 L5 Lov om kunstig befrugtning. Parliamentary proposal on the Law on artificial insemination.

Lov nr. 460 af 10. juni 1997. Lov om kunstig befrugtning i forbindelse med lægelig behandling, diagnostik og forskning m.v., Law on artificial insemination

### **1997-99**

In 1998 the Social Democrats and the Social Liberals amended the Aliens Act in order to make it possible to deny a person family unification if it could be established that the marriage was arranged by “others than the partners themselves”. This marks the beginning of a shift towards a discriminatory approach or in some cases racist approach in Danish politics that was even more exaggerated in 2002 with the newly elected Conservative-Liberal government supported by the populist right wing party Dansk Folkeparti.

#### **Primary sources:**

1997-98, 2. samling - L 59: Forslag til lov om ændring af udlændingeloven, straffeloven og ægteskabsloven. (Tidsubegrænset opholdstilladelse, asyl, familiesammenføring og udvisning

m.v.) /Proposal to change the Aliens Act, penal code and marriage law (family reunification among others)

30 april 1998, Første behandling af lovforslag nr. L 59: Forslag til lov om ændring af udlændingeloven, straffeloven og ægteskabsloven. (Tidsubegrænset opholdstilladelse, asyl, familiesammenføring og udvisning m.v.). (Parliamentary Debate on family reunification)

L 59 (som vedtaget): Forslag til lov om ændring af udlændingeloven og straffeloven. (Tidsubegrænset opholdstilladelse, asyl, familiesammenføring og udvisning m.v.). The decision taken on family reunification.

Handlingsplan om bedre integration fra februar 2000. Bag planen stod det stående ministerudvalg, som blev nedsat i efteråret 1999, og som bl.a. skulle behandle spørgsmål vedrørende integration. (Action plan on integration 2000)

L 208. Forslag til lov om ændring af udlændingeloven med flere love. (Krav om egen bolig ved familiesammenføring, tilknytningskrav ved ægtefællesammenføring og indsats mod ægteskaber, der ikke beror på parternes egen fri vilje). Af indenrigsministeren (Karen Jespersen). (The requirement of housing in cases of family-reunification and measures against marriages not from free will of the partners).

LOV nr 424 af 31/05/2000. Lov om ændring af udlændingeloven med flere love. (Krav om egen bolig ved familiesammenføring, tilknytningskrav ved ægtefællesammenføring og indsats mod ægteskaber, der ikke beror på parternes egen fri vilje). The law on the requirement of housing in cases of family-reunification and measures against marriages not from free will of the partners).

### **1998-2000**

In the beginning of the 2000s there were new restrictions included into the law with regard to late abortions since there was a debate on the ethics of abortions after the 18<sup>th</sup> week in relation to the possibility of saving premature babies. The Christian party proposed a restriction since they considered it unethical to undertake late abortions on fetuses that were alive and might have a possibility of living. The proposal was that fetuses that could possibly live could not be aborted unless there were strong reasons for an abortion. A similar proposal was passed in the parliament. However, there was no definite limit of weeks set as the Christian party had suggested. The law that was passed also said that counselling should be given to women that were denied the right to abortion.

#### **Primary sources:**

beslutningsforslag B 69 af 8. december 1998

L 76 (som vedtaget): Forslag til lov om ændring af lov om svangerskabsafbrydelse. (Sene provokerede aborter). Vedtaget af Folketinget ved 3. behandling den 26. maj 2000). /Proposal to change the law of abortion. Late abortions.

## 1999

Homosexual couples were given the right to adopt “stepchildren” within registered partnerships. The right to international adoption or adopting the partner’s child if it was adopted from another country was not included. The law also made it possible for citizens from the other Nordic countries to register as partners.

### Primary sources:

1998-99 L 70: Forslag til lov om ændring af lov om registreret partnerskab og lov om personnavne. (CD) (Proposal to recognise homosexual couples in registered partnership as parents. Adoption)

Lov nr 360 af 2. juni 1999 Lov om ændring af lov om registreret partnerskab lov om personnavne (Adoption of the child of the partner in a registered partnership)

## 2002-2003

In 2001 the Social Democrats and Social Liberals lost the election to the Liberal-Conservative government and with the support of the right wing populist party Dansk Folkeparti the government introduced further restrictions in the Aliens Act with the specific aim of restricting immigration. In 2002 these restrictions were further tightened and the right to family reunification was *abolished* for persons aged 18-25. This meant that persons under 25 could not marry a foreign person unless it could be proved by a state enquiry that the relationship was voluntary. In order to be granted family reunification, the applicant must meet a number of other specific requirements as well. These requirements are numerous and more rigid than in other countries. For example, there are requirements concerning the resident’s housing and income such as the requirement that the applicant should own a housing of “passende størrelse” – that is “reasonably or suitably big”.

Furthermore, it is a requirement for both parties in a marriage to have greater affiliation to Denmark than to any other country. The law states that some of these requirements are set up to protect very young people from being forced into marriage against their will, and to ensure the best possible basis for the integration process. In 2003 yet another requirement or restriction as to who could count as a family member was introduced – namely that you could not marry a cousin. The reasons stated by the government were forced marriages, but health reasons were also mentioned.

Det Radikale Venstre voted against the restrictions of the Aliens act that were proposed by the government and won legal force in 2002. In 2003, the party proposed for an abolishment of the restrictions on family reunification. However, The Social Liberals/Radikale Venstre’s proposed 21 as an age limit as opposed to 24 as the law states. The reason for this age limit was said to be to protect girls from forced marriages. The party also argued for restrictions in other ways in the alien act. Kamal Kuereshi from the Socialist Party in (SF) also argued

against the law. However, SF did not agree with RV on the age limit, arguing that the age limit should be 18 as the general law of marriage states.

**Primary sources:**

Forslag L 6 til lov om ændring af udlændingeloven (Ændring af reglerne om tilknytningkrav ved ægtefællesammenføring m.v.) fremsat for Folketinget den 8 oktober 2003. (Cousins who have married cannot claim family reunification at any age)

B 125: Forslag til folketingsbeslutning om styrket indsats mod tvangsægteskaber, bedre vilkår for integration af udenlandske ægtefæller og forenklede regler for familiesammenføring. Fremsat den 27. marts 2003 af Elsebeth Gerner Nielsen (RV), Elisabeth Arnold (RV) og Marianne Jelved (RV) . (A proposal to change the age limit from 24 to 21)

Første behandling af beslutningsforslag nr. B 125: Forslag til folketingsbeslutning om styrket indsats mod tvangsægteskaber, bedre vilkår for integration af udenlandske ægtefæller og forenklede regler for familiesammenføring. (The proposal fell).

Regeringens Publikationer 2002: *På vej mod en ny integrationspolitik*. 5 mars 2002.  
<http://www.stm.dk/Index/dokumenter.asp?o=65&n=1&h=4&d=1916&s=1>

For a full list of all requirements that have to be fulfilled for family reunification:<http://www.nyidanmark.dk/da-dk/Ophold/familiesammenfoering/aegtefaeller/tvangsaegteskaber.htm>

**2003**

In the Abortion law there is an age limit of 18, and young women aged 15-18 must have their parents consent to be able to get an abortion. In 2003, the socialist party (SF) proposed to abolish this regulation. (This was not the first time this age limit was discussed in the parliament. It had been discussed in 1993 and 1994 as well). The government did not support the proposal since the Minister of Justice argued that this is not a decision that young women should have to take alone.

**Primary sources:**

L 159 (som fremsat): Forslag til lov om ændring af lov om svangerskabsafbrydelse. (Nedsættelse af aldersgrænsen for abort til 15 år uden samtykke fra forældremyndighedens indehaver). Fremsat den 6. februar 2003 af Kamal Qureshi (SF), Anne Baastrup (SF) og Aage Frandsen (SF)

Forste behandling af lovforslag nr. L 159 Forslag til lov om ændring af lov om svangerskabsafbrydelse. (Nedsættelse af aldersgrænsen for abort til 15 år uden samtykke fra forældremyndighedens indehaver) 2002-03 - L 159 BEH1 mandag 5 maj 2003, Tale 1, Speech by the Minister of Justice: (LENE ESPERSEN)

## 2003

An amendment in the abortion regulations was introduced to give non-Danish citizens the right to abortion in Denmark. In order to ensure Danish law was in line with the EU directive on freedom of services (fri bevægelighed for tjenesteydelser), the abortion law was changed so that not only Danish citizens, but also foreign citizens, have the right to abortion in Danish private clinics. The EC Court had stated that abortion is a service covered by the directive, REF NR. (EF-traktatens), which the Danish legal system then had to take into account. However, in the last couple of years there have been discussions in the parliament; conservative members in particular have argued that private clinics should not be advertising in Poland and then carrying out abortions on Polish women, thereby not respecting Polish law. However, these arguments have not led to any revisions of the law.

### Primary sources:

LOV nr 435 af 10/06/2003

Lov om ændring af lov om svangerskabsafbrydelse og lov om sterilisation og kastration (Fosterreduktion, svangerskabsafbrydelse på privathospitaler og ophævelse af bopælskrav) det vill säga tillåtelse för utländska kvinnor att göra abort i Danmark

2003-04 - Svar på § 20-spørgsmål: Om, at danske privathospitaler tilbyder abort til polske kvinder.

## 2004

In 2004 the EU adopted a new Directive on the right to free movement: Directive 2004/58/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The question of the definition of a family is central here. The rules covered by this law only apply to family members from another EU country. The Directive should be implemented without discriminating on grounds of sexuality. According to Danish law, and in line with the Directive, family members (meaning spouses – married or partners as well as registered partners) from another EU country have the right to free movement in accordance with the directive.

## 2003-2005

In the beginning of 2005 a small minority of bishops decided to introduce a similar ritual for homosexuals as for heterosexual couples. Thereby, there is a possibility of marrying in church in these communities. (stifter) However, the churches do not have the legal authority to register partnerships but they do have the authority of marrying heterosexuals. Therefore, the Socialist party SF proposed in 2003 that the churches should have the same authority regarding registered partnerships. In 2005, a similar proposal was put forward by the opposition in the parliament. However none of the proposals have been passed.

### Primary sources:

Parliamentary Proposal on Amending the Act on Registered partnership/L 228 (som fremsat): Forslag til lov om ændring af lov om registreret partnerskab. (Frihed for folkekirken

og andre trossamfund for at medvirke ved indgåelse af registreret partnerskab). Fremsat den 7. april 2006 af Lissa Mathiasen (S), Simon Emil Ammitzbøll(RV), Kamal Qureshi (SF), Majbrit Berlau (EL) og Jørgen Arbo-Bæhr (EL)

Parliamentary proposal to introduce the possibility for the Church and other religious organisations to have the possibility to partake in the registration of partnership/ 2003-04 B 169: Forslag til folketingsbeslutning om indførelse af en mulighed for, at folkekirken og andre trossamfund kan medvirke ved indgåelse af registreret partnerskab. Fremsat den 13. april 2004 af Kamal Qureshi (SF), Margrete Auken (SF) og Aage Frandsen (SF)

## 2005

A parliamentary proposal from the opposition to allow couples in registered partnerships to adopt internationally. The proposal failed.

### Primary source:

Parliamentary proposal by the opposition to allow homosexuals international adoption/2005-06 B 61: Forslag til folketingsbeslutning om ligestilling med hensyn til fremmedadoption af danske og udenlandske børn. Fremsat den 10. januar 2006 af Simon Emil Ammitzbøll (RV), Lissa Mathiasen (S), Kamal Qureshi (SF) og Majbrit Berlau (EL)

## 2006

In 2006 there were discussions in the parliament as to whether those women that are denied late abortion are followed up.

### Primary sources:

Question and answer by the Minister for Internal Affairs and Health from the member of the Socialist party (Enhedslisten) regarding late abortions /Besvarelse af spørgsmål nr. S 497, som medlem af Folketinget Per Clausen (EL) har stillet til indenrigs- og sundhedsministeren den 31. oktober 2006.

## 2006

In 1998 a parliamentary proposal against **the Law on artificial insemination** was put forward in the parliament stating that the Law was discriminatory against lesbians and single women. This proposal fell and one year later parliamentarians from six parties proposed against the law. This proposal also fell. The parliamentarians did not vote according to party line, but instead there were proposals for and against by members of the same party. After several try outs, a removal of the restrictions was surprisingly passed in May 24 2006 with a majority of a single vote. The passing of the law created a crisis for the Danish liberal-conservative government. Several members of the liberal party had decided to vote in favour of the proposition from the opposition. The prime minister and the vice-prime minister had several meetings on the subject, and for the final passing of the law proposal, the whole government voted neutral, neither yes nor no. Lesbians and single women thus have the same access to assisted conception as heterosexual women living in a relationship. The law on assisted conception has thereby become neutral to sexual orientation. The law won legal force in January 2007 and in the same month the Danish right wing party (Dansk Folkeparti) proposed against the Law and wanted to reintroduce the prohibition on assisted conception

for single women and lesbians. This new proposal has not yet been debated in the parliament so it remains to be seen whether the law will survive or not.

**Primary sources:**

Parliamentary proposal on Amendment of the Law on artificial insemination in relation to medicine treatment /Forslag: 1997-98 (II) L 53: Forslag til lov om ændring af lov om kunstig befrugtning i forbindelse med lægelig behandling, diagnostik og forskning m.v.

Parliamentary proposal on Amendment of the Law on artificial insemination/Forslag: 2005-06 L 151 Forslag til lov om ændring af lov om kunstig befrugtning i forbindelse med lægelig behandling, diagnostik og forskning m.v.

Parliamentary proposal on Amendment of the Law on artificial insemination/Forslag: 2006-07 L 113 Forslag til lov om ændring af lov om kunstig befrugtning i forbindelse med lægelig behandling, diagnostik og forskning m.v.

Act on Amendment of the Law on artificial insemination/Lov. Nr. x lov om ændring af lov om kunstig befrugtning i forbindelse med lægelig behandling, diagnostik og forskning m.v.

**Secondary sources:**

LBL

<http://www.lbl.dk/homopolitik/homopolitik-i-folketinget/forslagsoversigt.html>

**2006**

In October 2006 the social liberal party (RV) proposed for a possibility of being recognised as a parent for the lesbian partner of a woman who has had assisted insemination at a clinic. The proposal of RV to secure the right equal to parenthood for lesbian couples who have had assisted insemination at a clinic (as heterosexual couples have under s - The Child Act – børneloven) was however met with suspicion by the government. In the debate, the Minister of Family and consumer issues stated that the government cannot support the proposal. According to the minister, the child law deals with mothers and fathers, and a woman cannot be recognised as, or be a father, nor can a man be recognised as a mother. In the view of the minister, the rights of same sex couples are already taken care of since they have the right to apply for adoption (stedbarnsadoptere en ægtefælles barn) of the child. This however includes additional scrutiny and more procedures than those for the father in a heterosexual couple who only has to sign one paper. The proposal has not yet been decided in the parliament.

**Primary source:**

Parliamentary proposal regarding Recognition of same-sex couples as parents/  
Første behandling af beslutningsforslag nr. B 11: Forslag til folketingsbeslutning om ligestilling af forældrepar af samme køn.

<http://www.ft.dk/?/Samling/20061/beslutningsforslag/B11/index.htm>

First round of discussion on the Parliamentary proposal regarding Recognition of same-sex couples as parents/1 december 2006, Første behandling af beslutningsforslag nr. B 11: Forslag til folketingsbeslutning om ligestilling af forældrepar af samme køn. **Forslag til folketingsbeslutning om ligestilling af forældrepar af samme køn.** Af Simon Emil Ammitzbøll (RV) og Lone Dybkjær (RV). (Fremsat 24/10 2006)

## 2006

Recently there have been questions in the parliament posed to the Minister of Integration as to whether the law really works to protect young women from the control of their parents and whether the law has decreased the number of forced marriages. The minister answered that one result was that immigrants are now marrying when they are older and that they are more often finding partners within Denmark, which is good for integration according to the minister.

### Primary source:

The minister's answer to the question as to whether the rule on 24-age limit of marriage has led to less forced marriages/ 2006-07 - Svar på § 20-spørgsmål: Om 24-års-reglen har givet færre tvangsægteskaber.

## 2007

The Social Liberal party has proposed that the marriage law should be changed in order not to discriminate against homosexual couples. Those who are now registered partners should - if the proposal is passed- be able to change their status into "married" instead of registered partners. There are some exceptions from the rule of marriage in the registered partnership that the party want to abolish. One of the exceptions is that homosexuals cannot register their partnership in a church. Registered partners do not have the same rights to adopt and furthermore there are restrictions as to whom you can marry since there are different rules of family reunification for homosexuals. Finally, the party is also pointing to the problem that registered partners are not fully recognised as parents.

### Primary source:

Parliamentary proposal to introduce a Marriage Act that treats homosexuals and heterosexuals equal/B 76 Forslag til folketingsbeslutning om at indføre en ægteskabslovgivning, som ligestiller homoseksuelle med heteroseksuelle.

## 4 GENDER BASED VIOLENCE

### 4.1 Introduction

From a Nordic perspective, Denmark has been relatively late in establishing violence against women as a political issue and as part of gender equality politics. Marital rape was criminalised before the Quing period, but the issue only really came onto the agenda towards the end of the 1990s. Moreover, compared with Norway and Sweden, Radical feminism has not been as influential in the political agenda of violence against women. The Danish women's movement has been relatively less state oriented and the Danish left wing organisations were also more reluctant towards state regulation. This could be the reason as to why some issues were not put on the political agenda in Denmark (Borchorst, 2003:58). Another reason could be that the Danish model of welfare is much more oriented towards the individual whereas the Swedish, for example, is more of a collective model (Pringle and Balkmar, 2005). However, due to initiatives from international organisations, such as the UN, Denmark has devoted more effort to combating violence against women, for example domestic violence and trafficking.

*Domestic violence;* In Denmark there is no specific law on gender based violence like the law in Sweden that is aiming to punish men's *repeated* domestic violence against women. In 2000 the government consisting of the Social Democrats and Social Liberal party put together a working group to discuss different aspects of domestic violence as well as trafficking. The group consisted of the Minister of Gender Equality, the Minister of Justice, the Minister of Home- and health affairs, the Minister of Social affairs and finally the Minister of Integration. This working group has continued its work up until the present. In 2004 a law was passed on the police removal of violent and threatening persons from the home. This makes it possible to remove violent or threatening persons from their own home for a period of time. However, the expert group "The National Violence Observatory"/Nationella våldsobservatoriet argued that this law could have unwanted consequences since it did not mention any obligatory professional help for the offender. The group also pointed out that women are at greatest risk of serious violence when separated from the abuser.

*Trafficking/Prostitution;* Prostitution is not seen as a matter of power in the Danish legal system as it is in Sweden, for example. In 1999 a law was passed legalising the sale of sexual services. (The government formed by the Social Democrats and Social Liberals had proposed for the law.) The Ministry of Social Affairs is responsible for most of the issues regarding prostitution. Thus, prostitution is more of a social issue than an issue of gender equality. However, the gender equality minister has increasingly been engaged in the issue since trafficking and prostitution are difficult to separate, and trafficking is a relatively prioritised political issue within Danish gender equality policies. In 2002 the Danish government issued an action plan to combat trafficking in women. An annual budget of 10 million DKK was devoted to the activities for a period of three years. In the action plan,

support for victims was initiated such as shelters for victims and psychological, social, and medical help when their repatriation is prepared. The issue of criminalising the buyer has also recently emerged in civil society. For example, the Women's organisation Dansk Kvindesamfund has started to campaign for criminalisation of the buyer (Se Kvinden og samfundet). The parliamentary member of Radikale Venstre (The Social Liberal party) Lone Dybkjaer is also arguing in this line.

*Forced marriage and honour crimes;* Since the late 1990s, there has been debate in Denmark regarding forced marriages. Following media reports of individual cases on forced marriage the Danish government introduced restrictions in the Aliens Act (these are described under intimate citizenship). Violence against minoritised women is a big issue, and one could say that ethnic Danish men's violence against women is much less in the focus of political efforts. This tendency has even increased since 2002 when the right wing government came into office with the support of the populist party Dansk Folkeparti/Danish people's party. The debate on violence against minoritised women has primarily been concerned with forced marriage and also arranged marriages (Bredal, 2005). This means that it is primarily young women that are in focus. However, more recent discussions have also been named 'honour related violence' but the centre of attention is still forced marriage.

Recently the opposition has proposed that the government should introduce penalties for those responsible for forcing or pressuring people to marry against their will. The opposition also wants the government to act internationally in order to stop forced marriage. This means that the issue is regarded as important both from the liberal-conservative wing as well as from the socialist wing of the parliament. However, there are differences with regard to the aims of these policies. The opposition is more interested in gender equality whereas the aim of the government is to stop people from marrying persons from abroad in order to decrease family reunification and immigration.

*Sexual assault and rape;*

There is an ongoing a discussion whether uagtsom voldtaegt (**reckless/involuntary rape**) or omvendt bevisbyrde (**reversed burden of proof**) should be added to the penal code. Among others, the Danish Association for Women's Rights "Dansk forening for kvinderet" has argued for uagtsom voldtaegt. Those in favour of introducing "uagtsom voldtaegt"/"reckless rape" argue that it is important to criminalise those cases when the man does not care whether the woman is consenting or not. The reason for this debate is that in many rape cases the man can convince the court that he did not know the woman was not consenting.

*Sexual harassment*

The gender equality law is regulating sexual harassment and this is described under the section of general gender equality. In Denmark there is no law specifically regulating hate crimes or taking sexuality as a starting point for regulating specific acts of violence directed against LGBT- persons (as in the case of Sweden and England for example). The Danish National Association of Gays & Lesbians is actively working to introduce such legislation in

Denmark. In the 2005 elections in particular, the LBL campaigned to make the parties aware of hate crimes against LGBT persons.

## **4.2 Actors**

The Danish Women's society/Dansk Kvindesamfund

National Organisation of Shelters for Battered Women and their Children/  
Landsorganisationen af kvindekrisecentre (LOKK)

The Danish National Association of Gays & Lesbians/Landsforening for lesbiske og bøsser

The national Observatory of Violence/Nationella våldsobservatoriet

The Danish Centre for Research and Social Vulnerability (Videns- og formidlingscenter for socialt udsatte).

Research Centre for gender equality/Videnscenter for ligestilling

Alternatives to violence/Alternativ til Vold – ATV

Dialogue against violence/Dialog mod Vold - DMV

Danish Association for Women's Rights "Dansk forening for kvinderet"

## **4.3 Timeline**

### **QUING-PERIOD**

#### **1999**

In 1999 a law was passed **legalising the sale of sexual services**. (The government formed by the Social Democrats and Social Liberals had proposed for the law.) It was thus no longer a criminal offence to work as a prostitute in Denmark. It was still illegal to earn money from selling the sexual services of others – that is procuring or pimping. However, even though prostitution was legalised it was not regarded as a legitimate job as in Holland. That means that earnings from prostitution are not taxed and prostitutes have no contracts specifying working conditions and no pension schemes. With the new law a paragraph was also introduced declaring that it is illegal to buy sex from persons under the age of 18. The penalty is up to two years imprisonment.

#### **Primary sources:**

Governmental Bill, Amendment of the Criminal law (Decriminalizing prostitution and criminalising the buying of sexual services from prostitutes under the age of 18)/ Forslag til Lov om ændring af straffeloven (Afkriminalisering af prostitution m.v. samt kriminalisering af kunder til prostituerede under 18 år) Vedtaget af Folketinget ved 3. behandling den 4. marts 1999

#### **2002**

The punishment for rape was increased (from 6 to 8 years). The law (Straffelovens kap 24 § 216) says that rape is sexual intercourse obtained by force or threats of violence. The penalty for rape is up to 8 years and if there are certain more aggressive circumstances the penalty can be up to 12 years.

**Primary sources:**

Lov nr. 380 af 06/06/2002.)

Lov nr. 380 af 06/06/2002

**2002**

In 2002 the penal code was revised **increasing punishment for battery and assault**. The Danish Government's Action Plan to stop violence against women was issued in 2002 and ran through to 2004. In the Action Plan, the problem of men's violence against women is primarily defined as a matter of violence *in the home*. As part of this campaign a brochure was sent out in 2003 with the title "Stop volden mod kvinder - bryd tavsheden" (Stop the violence against women – break the silence"). As part of the Action Plan, voluntary anti-violence programs addressed to men were set up in 2002. One of the programs was called Dialog mod Vold /Dialogue against violence. Another program was Alternativ til vold i Roskilde/Alternative to violence in Roskilde.

**Primary sources:**

Regeringens handlingsplan til bekæmpelse af vold mod kvinder. Mars 2002/The Government's Action plan against violence against women 2002.

**2002**

In 2002 Videnscenter for ligestilling/Research Center for gender equality also produced a report on Actions against forced marriages discussing the concept of 'honour'.

**Primary source:**

Kan tvang være en æressag? Idékatalog til en dansk indsats mod tvangsægteskaber/Could force be a matter of honour? A catalogue of ideas to combat forced marriages.

**2002**

In 2002 the Danish government issued an action plan to combat trafficking in women. An annual budget of 10 million DKK was devoted to the activities for a period of three years. In the action plan, support for victims was initiated such as shelters for victims and psychological, social, and medical help when their repatriation is prepared. The victims were at this time deported and therefore the government introduced the possibility for victims to stay in Denmark for 15 days. The criminal law against human trafficking was also strengthened in 2002. §262. The law was amended so that trafficking in human beings was criminalised with a broader approach than before. The maximum penalty was set at 8 years.

**Primary source:**

The Danish Government's action plan to combat trafficking in women 2002-2004.

Criminal Law §262

**2002**

The Danish government has been working to 'help' prostitutes and different action plans have been launched with initiatives to help those who would like to get out of prostitution. In 2002, the government (The Ministry of Social Affairs) launched an action program called "The common responsibility" »Det Fælles Ansvar«. In this program, prostitutes are one group among many other groups presented as vulnerable or amongst the weakest groups in

society such as homeless people and drug addicts. In the action plan, the government was initiating programs for helping prostitutes.

[http://www.social.dk/global/udgivelser/Publikationsdatabase/SM/SM02/Det\\_faelles\\_ansvar.html](http://www.social.dk/global/udgivelser/Publikationsdatabase/SM/SM02/Det_faelles_ansvar.html)

### **2003**

The government established an Action plan against forced marriages and arranged marriages, establishing a link between violence and arranged marriage. In the action plan, there is not only a will to combat forced marriages, but also arranged marriages.

#### **Primary source:**

Regeringen: Handlingsplan for regeringens indsats i perioden 2003-2005 mod tvangsaegteskaber, tvangslignende aegteskaber og arrangerede aegteskaber. 15 augusti 2003. /A governmental action plan against forced marriages, marriages looking like forced marriages and arranged marriages.

### **2004**

In 2004 a law on police removal of violent and threatening persons from the home was passed. This makes it possible to remove violent or threatening persons from their own home for a period of time. The removal cannot exceed four weeks. An expert group Nationella våldsobservatoriet/"The National Violence Observatory" however argued that this law could have unwanted consequences since there is no obligatory professional help for the offender and women are at greatest risk of serious violence when separated from the abuser.

#### **Primary sources:**

LOV nr. 449 af 09/06/2004. Lov om bortvisning og beføjelse til at meddele tilhold m.v., / Act on police removal of violent and threatening persons

2003-04 - Fremsættelsestale: L 218 Justitsministeren (Lene Espersen): Herved tillader jeg mig for Folketinget at fremsætte: Forslag til lov om bortvisning og beføjelse til at meddele tilhold m.v. /The speech by the minister of justice when presenting the Government Bill On the law on police removal of violent and threatening persons.

Møde nr. 76 - torsdag 15 april 200419) Første behandling af lovforslag nr. L 218: Forslag til lov om bortvisning og beføjelse til at meddele tilhold m.v.(Parliamentary debate on the Government Bill on police removal of violent and threatening persons)

The government's action plan against violence against women/Regeringens handlingsplan til bekaempelse af vold mod kvinder. Mars 2002. [www.lige.dk](http://www.lige.dk)

### **2004**

The Christian Democrat party asked the Minister of Gender Equality in 2004 how she looked upon the relationship between trafficking and prostitution. According to the Christian democrats, there is a connection between prostitution and trafficking.

#### **Primary sources:**

Spm. nr. S 3908 Til ministeren for ligestilling (14/5 04) af: Bodil Kornbek (KD):

»Finder ministeren, at der er en sammenhæng mellem den danske prostitution og handel med kvinder til Danmark?« /Parliamentary question to the minister of gender equality “Does the minister find that there is a connection between Danish prostitution and trafficking?”and The answer by the minister Svar (27/5 04) Ministeren for ligestilling (Henriette Kjær).

## 2005-

There is an ongoing a discussion whether uagtsom voldtaegt (**reckless/involuntary rape**) or omvendt bevisbyrde (**reversed burden of proof**) should be added to the penal code. Among others, the “Dansk forening for kvinderet” has argued for uagtsom voldtaegt (or omvendt bevisbyrde). But several political parties have also proposed for a change. In 2004 Danish People’s party argued for introducing reckless rape/“grov uagtsom voldtægt” . In relation to the parliamentary discussion of this proposal, The National Organisation of Shelters for Battered Women and their Children (Landsorganistionen af Kvindekrisecentre) was asked for an opinion. The Centre was in favour of introducing reckless rape and called it an interesting new creation that might lead men to take more responsibility for their behaviour. Those in favour of introducing reckless rape argue that it is important to criminalise in cases when the man does not care whether the woman is consenting or not. The reason is that in many rape cases the man can convince the court that he did not know the woman was not consenting. One argument for the introduction of this penalty was that Norway had already introduced a similar law in 2000. However, in 2005 the Minister of Justice Lene Espersen argued in 2005 that ”uagtsom voldtægt” should not be criminalised since there was a risk that perpetrators that ought to be penalised for rape would instead be charged with the less serious offence of ”uagtsom voldtægt”. In 2006 a similar proposal was raised for new discussion by SF (The Socialist party) and the Social Liberal party (RV). However, the Minister of Justice again argued against the proposal. One of her arguments was that since the definition of rape already involves “force or threat of violence” there is no need to add the element of the man’s recklessness (i.e. if rape is defined as force the man must know that it is against her will).

### Primary sources:

Lov nr. 380 af 06/06/2002 Straffeloven (Penal law) The punishment for rape was also increased (from 6 to 8 years)

Parliamentary proposal on Reckless Rape by Peter Skaarup from the Danish People’s Party/Lovforslag L 231 20 april 2004 231 Forslag til lov om ændring af straffeloven. (Mindstestraf for voldtægt, skærpelse af straffen for særlig farlig, rå eller ydmygende voldtægt og af straffen for voldtægt mod børn under 15 år samt indførelse af straf for uagtsom voldtægt). Af Peter Skaarup (DF) m.fl. [www.folketinget.dk](http://www.folketinget.dk)

First parliamentary debate on the Proposal on Reckless Rape by Peter Skaarup/ Første behandling af lovforslag nr. L 231:Forslag til lov om ændring af straffeloven. (Mindstestraf for voldtægt, skærpelse af straffen for særlig farlig, rå eller ydmygende voldtægt og af straffen for voldtægt mod børn under 15 år samt indførelse af straf for uagtsom voldtægt). Af Peter Skaarup (DF) m.fl. (Fremsat 20/4 2004). 2003-04 - L 231 BEH1 mandag 10 maj 2004, Tale 1, JUSTITSMINISTEREN (LENE ESPERSEN)

The National Organisation of Shelters for Battered Women and their Children opinion on Law Proposal L 231/ LOKK Vedrørende Dansk Folkepartis lovforslag L231  
[http://www.folketinget.dk/img20031/udvtilag/lib8/20031\\_19078.pdf](http://www.folketinget.dk/img20031/udvtilag/lib8/20031_19078.pdf)

Answer by the minister of Justice on Law Proposal L231. Besvarelse af spørgsmål nr. 1 af 18. maj 2004 fra Folketingets Retsudvalg vedrørende forslag til lov om ændring af straffeloven (Mindstestraf for voldtægt, skærpelse af straffen for særlig farlig, rå eller ydmygende voldtægt og af straffen for voldtægt mod børn under 15 år samt indførelse af straf for uagtsom voldtægt) (L 231 – bilag 2).

Justitieministeriet Lovafdelingen. Retsudvalget (2. samling) L 160 – Besvarelse af spørgsmål nr. 3 af 17 maj 2005 fra Folketingets Retsudvalg vedrørende forslag til lov om ændring af retsplejeloven (L 160) (Answer by the minister of Justice)

### **Secondary sources:**

“Kvinfo går taet på loven om voldtægt” [www.kvinfo.dk](http://www.kvinfo.dk)

“Uagtsom voldtægt eller omvendt bevisbyrde?” [www.kvinfo.dk](http://www.kvinfo.dk)

SF:”Indfor uagtsom voldtægt” 30 maj 2006. [www.berlingske.dk](http://www.berlingske.dk)

### **2004-2005**

In 2004 a Report on prostitution was published by the Danish centre for research and social vulnerability (Videns- och formidlingscenter for socialt udsatte) – an institution that is connected with the Ministry of Social Affairs. The report states that there is a lack of knowledge and research on prostitution in Denmark. The report is recommending the government training of social workers. As a consequence of the report a government action plan was launched in 2005. The social consequences of a life in prostitution are targeted in the action plan as well as measures to prevent young people entering prostitution. The proposed measures are telephone counselling and social work to reach prostitutes. A national centre of excellence will be established to develop and coordinate the efforts.

### **Primary sources:**

The Danish government’s proposed systemic effort on the area of prostitution (Ministry of social affairs, 2005)

### **2005**

In 2005 the government published a **second action plan on men’s violence against women and children in the family 2005-2008**. The activities were budgeted to cost 64 million DKK over a four year period. The activities were aimed not only at victims, but also against the perpetrator. In addition, there was a specific effort directed towards “ethnic minority women”, children and young people. Not only the Ministry of Social affairs and Gender Equality, but also the Ministry of Domestic and Health Affairs, the Ministry of Integration and the Ministry of Justice are involved in the work. The action plan had four targets: the support of victims, the treatment of the perpetrator, to strengthen inter-ministerial work, and finally to increase the knowledge of violence.

### **Primary sources:**

Handlingsplan til bekæmpelse af mænds vold mod kvinder og børn i familien 2005–2008/Action plan to combat men's violence against women and children in the family.

### **2005-2007**

According to Danish law in 2004 victims of trafficking had the right to stay in Denmark for 30 days before they were deported – the so called "refleksionsperiode". This right was given to them whether or not they were cooperating with the police. In 2005, the opposition (Social Democrats, Social Liberals, Socialist Party and the Enhedslisten) proposed that the government should extend the time that a victim of trafficking who is cooperating with the police can stay in Denmark from 30 days to 3 months. The proposal did not pass and the parties proposed again a year later. The government did not support the proposal, but introduced a similar change in the new action plan against trafficking issued in 2007. The Minister of Integration answered in the parliament that the government did not support the proposal since they were planning to introduce something similar in the coming years. As a part of the action plan victims of trafficking will be given the possibility to stay up to 100 days if they are co-operating and taking the offer of "hjemsendelse" – repatriation. This means that the victim will get psychological and social support if (s)he is agreeing to return to the home country and, where possible, there will be co-operation with local NGOs in the home country to receive the victim.

#### **Primary sources:**

Action Plan Against Trafficking/Handlingsplan til bekæmpelse af handel med mennesker 2007-2010 [http://www.lige.dk/files/PDF/2007\\_Menneskehandel.pdf](http://www.lige.dk/files/PDF/2007_Menneskehandel.pdf).

B 113 fra folketingsåret 2005-2006.

Parliamentary proposal by the Opposition B 19 On extending the offer of protection of victims of trafficking/ (som fremsat): Fremsat den 27. oktober 2006 af Kirsten Brosbøl (S), Lise von Seelen (S), Lone Dybkjær (RV), Pernille Vigsø Bagge (SF), Jørgen Arbo-Bæhr (EL) og Line Barfod (EL) Forslag til folketingsbeslutning om at udvide beskyttelsestilbuddet for kvinder, der har været ofre for menneskehandel.

First parliamentary debate on the Proposal On extending the offer of protection of victims of trafficking 12 December 2006: 38) Første behandling af beslutningsforslag nr. B 19: Forslag til folketingsbeslutning om at udvide beskyttelsestilbuddet for kvinder, der har været ofre for menneskehandel. 2006-07 - B 19 BEH1 tirsdag 12 december 2006, Tale 1, INTEGRATIONSMINISTEREN (RIKKE HVILSHØJ/ Speech by the Minister for Integration

### **2006-2007**

The social liberal party (RV) has recently proposed to criminalise the buying of sex from *victims of trafficking*. The party proposal is referring to both the Swedish law that has criminalised the purchase of sexual services in general, and especially to the Finnish parliamentary decision, which distinguishes between victims of trafficking and prostitutes that are not trafficked, and criminalises the act of buying sex from a victim of trafficking. The Minister of Justice in Denmark was sceptical as to whether it would be possible for a client ("client") to recognise those who are victims and claimed that it would be difficult to prove.

The argument from the RV was however to introduce the same type of law as in Finland, and they referred to the Finnish law as an example that it was indeed possible. The proposal was nevertheless rejected by the parliament in May 2007. The Minister of Justice is engaged in an argument about the impossibility of knowing who is trafficked and who is not, which could also of course be an argument for criminalising the purchasing of sexual services as such, as it is in Sweden. The member of parliament from the Social Liberals asked the Minister of Justice several times in the debate whether she thought that it should be legal to buy sex from victims of trafficking. She did not really answer but instead stated that it was impossible to prove and that we should target those who are making profit from this. She also said that she could not believe that people who want to “be together with a prostitute” wished to go to someone who was trafficked.

**Primary sources:**

Parliamentary proposal on criminalising buying of sex/B35 Forslag til folketingsbeslutning om kriminalisering af koeb af sex hos prostituerede, der er ofre for trafficking. Fremsat den 10. november 2006 af RV.

Parliamentary debate on the proposal on criminalising buying of sex 12 dec 2006, Første behandling af beslutningsforslag nr. B 35: Forslag til folketingsbeslutning om kriminalisering af køb af sex hos prostituerede, der er ofre for trafficking. (Justitieministern Lene Espensen)

The proposal B35 was rejected in may 2007. (2006-07 - Afstemning nr. 355)

**2007**

Recently the opposition has proposed that the government should introduce penalties for those responsible for forcing or pressuring people to marry against their will. The opposition also wants the government to act internationally in order to stop forced marriage. Whereas the opposition focuses on gender equality and the situation of immigrant girls and women, the aim of the government is decrease family reunification and immigration as such.

**Primary source:**

Parliamentary proposal by the opposition on prohibiting forced marriages/B 107: Forslag til folketingsbeslutning om forbud mod tvangsægteskaber.Fremsat den 2. marts 2007 af RV, S, SF, EL).

**2007**

In April 2007 the Act of gender equality (ligestillingsloven) was amended to incorporate Directive 113/2004. The law is enforced on the first of June 2007. This means that there are clear definitions as to the way indirect and direct differential treatment is to be handled and also that there are clear definitions of harassment and sexual harassment.

**Primary sources:**

Governmental Bill L137 on Act on Amendments of the Gender Equality Act/Lovforslag L 137. 24 April 2007: Forslag til Lov om ændring af lov om ligestilling af kvinder og mænd [http://www.lige.dk/files/PDF/lov\\_chikane\\_24042007.pdf](http://www.lige.dk/files/PDF/lov_chikane_24042007.pdf)

## 5 CONCLUSIONS

State gender equality policies in Denmark have been characterised by a lack of definitions, diffuse goals and above all weak organisational mandates, at least in a comparative Nordic perspective. Gender equality has been considered a low-priority issue and it has not been a major issue in elections. For example, the political parties do not profile themselves in terms of gender equality as is the case in Sweden. Added to this, the agenda of gender equality has been relatively narrow and more reactive, in the words of Anette Borchorst (2003:74). For example, many of the Danish anti-discrimination laws have been established as a consequence of EC/EU Directives, and in the case of violence against women the UN has been a motor for change in Danish policies.

The weak *institutional basis of gender equality* in Denmark might, among other factors, depend on the fact that in Denmark, as compared with Sweden and Norway, the women's wings of the parties were abolished in the 1970s (Dahlerup and Borchorst 2003:189). Historically the Danish women's movement has not put many demands on equality legislation since the movement was rather sceptical towards the state (Dahlerup 1998). Today, however, the movement is more active in relation to the state regarding issues such as violence against women and the representation of women in the parliament is high.

The Danish laws and policies on equality regarding race/ethnicity are sparse and many of the initiatives in the field of integration and immigration are in themselves discriminating immigrants – such as the laws regulating family reunification. The focus has been (and continues to be) primarily on integration rather than discrimination. This means that the policies are targeting minority groups and their shortcomings, and their responsibility to integrate rather than the shortcomings of the Danish society. As a consequence of EU membership, a couple of laws against discrimination based on race/ethnicity, as well as the establishment of a Complaints Board, have nevertheless been passed in Denmark.

When it comes to *issues of sexuality and intimate citizenship* there were few conflicts in the 1990s regarding the rights of LGBT-persons. The registered partnership Act was passed in the parliament in 1989 without any major debate and in the media there was little attention to the new law. LGBT-persons have gradually received more rights, such as the right to adoption. However, homosexuals do not have the right to international adoption. Recently, artificial insemination for lesbians and single women has been debated in the parliament. As of 2006, it is legal for lesbians and single mothers to get fertility treatment in a clinic. This change in the legislation has already caused controversies in the parliament and the relative consensus on these issues has been broken.

The important shifts in *labour market policies (non-employment)* and gender equality are mostly connected with the shifting of governments. In the beginning of the Quing-period, a Social Democrat/Social Liberal government was in office and thereafter a Liberal/Conservative government came into office in 2002 (and is still in office since it became re-elected in 2005). One could broadly speak of two periods, before and after 2002.

The Social democrat led governments have introduced a Sabbatical leave system, benefits for Domestic services and two Daddy weeks and all of these were motivated (partly) by gender equality. The Liberal/Conservative government abolished most of these reforms with the arguments of cutting state expenditure or the right of the individual families to choose (in the case of the daddy-leave). The argument for introducing and reintroducing a benefit for domestic services has been that immigrant women (and men) who have no education could get ordinary jobs.

The issue of *gender based violence* is more of a consensus issue and there is no such clear parliamentary left-right division as in employment issues. The regulations of gender based violence came relatively late in Denmark from a Nordic perspective. Before 1995, there was practically no discussion on gender and violence. Today, the Liberal/Conservative government has profiled itself on matters of violence against women – primarily because it has focused on forced marriage and violence towards immigrant women (by immigrant men). The solutions have mainly been to restrict the possibilities for immigrants to marry – there is an age limit of 24 years and it is forbidden to marry a cousin from abroad. The focus on violence against women has also been on increasing penalties. Another important issue for the government in office is trafficking and here there have been some regulations in order to assist victims of trafficking to testify. Prostitution is another important issue since the selling of sex was legalised in 1999 and parts of the women's movement are arguing for the introduction of a prohibition of buying sex. The women's movement, together with some parliamentarians, is also lobbying for an amendment to the law of rape to include "reckless rape" or "revised burden of proof". The approach of the Liberal/Conservative government in this area has however more focused on increasing penalties.

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