

CEDAW: Ninth Examination of the Government of Denmark

This parallel report to the UN Committee on the Elimination of Discrimination against Women for the ninth examination of the Government of Denmark is submitted by the Danish Women's Society. The report covers only Denmark.

The report focuses on our principal areas of concern relating to a number of articles in the Convention on the Elimination of Discrimination Against Women (CEDAW). We focus on the developments we have observed since the last examination in 2015.

Our principal areas of concern are:

- Article 2: Legislative Framework
- Article 3: Gender Mainstreaming
- Article 5: Gender Stereotypes and Violence Against Women
- Article 6: Trafficking and Exploitation of Prostitution
- Article 7: Participation in Political and Public Life
- Article 10: Education
- Article 11: Employment
- Article 16: Marriage and Migrant Women

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Article 2: Legislative Framework

As the Committee observed in 2015, CEDAW has not been incorporated into the domestic legal order in Denmark (no. 11). This remains an area of concern for the Danish Women's Society. An incorporation would likely promote the visibility of CEDAW in Danish society and the status of CEDAW in the court system. It would therefore further justify that national laws about women's rights can be made with reference to CEDAW and do not need special dispensation.

Article 3: Gender Mainstreaming

Gender mainstreaming is covered by articles 1-3 in CEDAW. In 2015, the Committee was concerned that most municipal governments have no strategy or plan for gender mainstreaming (no. 14). In Danish Women's Society we share this concern.

Regrettably, on 1 March 2019, the Danish Minister for Gender Equality introduced a bill that removes obligations regarding gender mainstreaming at the municipal level. The bill removes the obligation to make gender equality policies. Instead, it introduces an obligation to set targets for gender equality. Meanwhile, these targets are not binding. Additionally, the bill changes the frequency of the gender equality reports for local authorities from every second year to every third year.

In addition, following the 2019 parliamentary election, the Ministry of Gender Equality was fused with the Ministry of Food, the Ministry of Fishery, and the Ministry of Nordic Cooperation. This amalgamation indicates the governments's lack of prioritisation towards the area of gender equality. Furthermore, there is no policy on gender equality within the Ministry of Gender Equality, representing an unsatisfactory example to companies and other organisations.

Article 5: Gender Stereotypes and Violence Against Women

Article 5(a) in CEDAW focuses on eliminating cultural prejudices related to gender: Violence against women is one aspect of this.

- **Better data from shelters**

In 2015, the Committee expressed concern regarding the absence of gender-disaggregated data for all forms of violence against women, including domestic violence and femicide (no. 17a).

Like the Committee, we believe that data, disaggregated by age, ethnicity, nationality, and the relationship between the victim and perpetrator, is crucial to the formulation of policies and the development of targeted interventions (no. 18a).

Prior to 2017, the collection of data on women and children in women's shelters was largely limited to the annual collection by the National Board of Social Services in collaboration with the National Organisation of Women's Shelters in Denmark (LOKK).

However, data is now collected and presented by a wider range of players, including:

- Statistics Denmark: Data on women identifiable by social security number is now mandatory by law for all shelters. Shelters provide data annually based on the start and end dates of stay at shelters for women and children.
- The Ministry of Children and Social Affairs: In 2018, the 2017-data was cross-matched with other officially registered data (by social security number). This provided new information on the correlation with, e.g. health services, psychiatric care as well as the connection with the formal labour market or public services (Socialpolitisk Redegørelse 2018). This report provides further indicators regarding the severe consequences of being subjected to violence, but it does not include information about types of violence, intensity, volume, or actual support provided by the shelters. Instead, it focuses on public services mentioned in accordance with the law that are often not provided.
- Tilskudsportalen: This public service portal provides limited data on each shelter.
- Lev Uden Vold: Data on vacancies, occupancy rates in the shelters and legal issues are available through this newly established (2017) national knowledge hub on intimate partner violence. However, only data from people who have requested assistance from Lev Uden Vold directly is included.
- The Ministry of Justice: Data on the number of homicides based on intimate partner violence. In December 2018, the Ministry for Children and Social Affairs and Statistics Denmark decided to reorganise data collection on women and children staying in women's shelters. It will now collect and publish statistical data from women's and men's shelters (who are not the same as women's shelters, as they are for men in distress, such as being homeless, having substance abuse etc) as well as counselling services. The statistical report will only be published biennially, but it will include

data from two years which is disaggregated by ethnicity, age, education, employment status. The upcoming data will be collected in 2020, and the first report will be published in 2021. Further, the Ministry of Social Affairs has introduced separate statistics on the range of requests for assistance that shelters receive. This will be implemented from January 2021.

Due to the acute nature of the work in shelters, there is also a risk that the individual registration of data is given a lower priority in the day-to-day operations, as registration of data is not mandatory, and no funding is allocated for this administrative task. Additionally, the shelters have to provide data to three different authorities. The Danish Women's Society operates two women's shelters and find this problematic.

The Danish Women's Society points to the need to prioritise the supply of comprehensive data from all sectors as well as the publication of regular reports on violence against women.

- **Recognising the gendered dimensions of intimate partner violence**

In 2015, the Committee recommended that Denmark adopts a legislative framework that explicitly provides for the protection of women from psychological violence in line with the Istanbul Convention (no. 18c).

The Danish Women's Society therefore welcomes a new separate act on psychological violence in close relations presented to the Danish Parliament in 2019. However, we are concerned about the absence of the terms 'violence against women' and 'gender-based violence' in legislation and in NAPs.

Gender neutralizing terms such as 'violence in close relationships' and 'family violence' have replaced the internationally recognized term 'violence against women'. This conceals the gendered dynamics of violence.

Denmark has a long history of acknowledging the importance of gender equality efforts and ranks at the top at the European Gender Equality Index. This seems to have contributed to the general national narrative of gender equality as a *fait accompli*. This can be seen in, for instance, national policies where gender equality is often framed as a value which characterizes the Danish society. Unfortunately, this national narrative stands in the way of understanding the gendered nature of violence, among other things.

The lack of recognition of the term 'violence against women' as a key concept testifies to the insufficient public knowledge of and research into the causes of different forms of violence that affect girls and women disproportionately and how the term plays a key role in framing our understanding.

Without the term 'violence against women', the action plans and the initiatives that ensue seem to overlook how seemingly unrelated phenomena such digital sexual violations, sexual coercion, rape, sexualized hate speech against girls and women online, partner violence, stalking, murder of women by a partner, sexual harassment and so forth can be related and enabled by the same underlying gender structure.

In accordance with article 5 (a), which focuses on eliminating cultural prejudices related to gender, we call for a more nuanced understanding of how norms and perceptions about gender can enable different forms of violence against women and girls. Addressing this, in addition to the current focus on psychological and physical violence in the national action plans, requires the inclusion of sexual violence in all forms.

Since the training of professionals is perceived as an important issue in the context of eliminating cultural prejudices related to gender, we would also like to draw attention to the recommendations from GREVIO (2017) to the Danish authorities on the need for introducing systematic and mandatory initial and in-service training on the prevention and detection of the different forms of violence against women, equality between women and men, the needs and rights of victims and the prevention of secondary victimization for all professional groups who do not already receive such training.

- **Developing a permanent planning and follow-up structure**

The current action plan on violence in close relationships has been prepared by three ministries only: The Ministry of Gender Equality, the Ministry of Justice, and the Ministry for Children and Social Affairs. Service providers and other civil society organisations working with violence against women are not represented in the working group.

The inter-ministerial working group has neither formal authority nor a budget, and NAPs tend to build on existing services and measures than integrate and coordinate policies and responses. The responsibility for the implementation of NAPs and the activities under the NAPs are distributed among the ministries. This leads to compartmentalised rather than integrated policies and coordinated responses to all forms of violence against women and in the family.

The Danish Women's Society supports the strong recommendation from GREVIO (2017) for the Danish authorities to develop a long-term, co-ordinated plan and strategy, a permanent planning and follow-up structure giving due importance to all forms of violence against women.

- **Amendment to the legislation on rape**

In accordance with GREVIO (2017), the government has, in 2019 and 2020, worked on a new amendment to the legislation on rape that will judge rape cases based on consent. The current law defines rape according to the presence of physical violence and threat of violence, however, rape often occurs through other types of coercion and immense pressure from the perpetrator. This is often the case in relationships with psychological violence or when the victim is intoxicated. The current law does not live up to the Istanbul Convention and it offers little justice for the thousands of rape victims, as many do not report, and less than 10 % of the cases end in conviction. However, we have expressed concern, that the law must not in any kind of relationship or marital status interpret passivity for voluntariness or consent. A Swedish study has shown that up to 70 % of rape victim experience having a freeze reaction, making the victim seem passive, leading up to and during rape as a survival instinct. Passivity must therefore not be interpreted in the new amendment as silent consent. A legislation based on consent will not only encourage victims of rape and sexual violence to report to the police, but it will also change the society's attitudes towards sex, making it the responsibility of both parties to consent to.

The Danish Women's Society has expressed support of an amendment and the introduction of a law based on consent in accordance with art. 36 of the Istanbul Convention.

Article 6: Trafficking and Exploitation of Prostitution

In 2015, the Committee recommended that the State party considers measures to discourage the demand for prostitution (no. 22). In Danish Women's Society we support this recommendation.

We believe that the focus of the government should be on measures to support women who want to leave prostitution, measures to prevent prostitution and measures to discourage the demand for it, and we welcome new research and data within the area.

Therefore, it was disappointing that, in January 2019, government initiatives were made to explore "models for normalising prostitution as an ordinary profession", "adjusting the existing legislation to focus more on rights and obligations in prostitution" as well as the legal possibilities for receiving unemployment benefits, insuring their businesses etc. The Danish Women's Society was relieved to learn that the initiative was dissolved in October 2019. Prostitution is not an ordinary profession, it is exploitation of women.

Article 7: Participation in Political and Public Life

- **Women in management**

In 2015, the Committee acknowledged the adoption of the bill on the promotion of gender balance on the boards of private and public companies (no. 23) and urged the State party to closely monitor its implementation (no. 24).

In December 2017, the Act was evaluated by the Danish Business Authority. It concluded that, overall, the legislation had only had a limited effect on promoting an equal gender balance on the boards: From 2008 to 2012, the annual growth in female representation was 0.5 pct., whereas the growth from 2013 to 2017 was 0.7 pct. From 2016 to 2017 it even decreased by 0.1 pct.

In the evaluation, little attention was given to the policies. It was concluded that it is difficult to gather information on the policies because the companies can publish their policies where they want and the information is not standardised.

- **Women in politics**

In 2015, the Committee welcomed the results achieved in increasing the participation of women in the Danish parliament (no. 23). However, in connection with the parliamentary election in June 2015, the share of female MPs dropped from 38.9 to 37.1 pct.

With the 2019 parliamentary election, the percentage of nominated female political candidates only rose from 31.3 pct. in 2015 to 34.3 pct. in 2019. The percentage of elected female candidates went from 37.1 pct. in 2015 to 38.9 pct. in 2019. The Danish Women's Society recognises the increase but encourages the government to take initiatives to improve the amount of female politicians at parliamentary level. Additionally, the current government is contained of only 35 pct. female ministers. Women are not a minority, but represented as such.

The share of women in local government continues to be low. In the 2017 local election, the share of elected women in the municipalities increased to 32.9 pct.

In 2015, the Committee called on the State party to take measures, including temporary special measures such as statutory quotas or incentives for political parties, to include an equal number of women and men

in their electoral lists, especially at the municipal level, in order to accelerate the equal representation of women in political and public life (no. 24). Such measures have still not been implemented, but are still relevant.

Article 10: Education

Since 2014, "Gender bias and sex education" has been part of the curriculum for pre-school teachers. However, it is not included in the curriculum for teachers at primary and secondary schools. Consequently, little focus is put on fighting gender stereotypes and working systematically for equal opportunities and gender equality in schools. We recommend that "Gender bias and sex education" becomes a mandatory part of the primary and secondary schools curriculum, with a fixed amount of classes. This is in order for them not only to learn about reproductive health, but in order to teach them about consent, setting boundaries and learning about gender stereotypes. This will help prevent and combat sexism, domestic abuse, rape and sexual harassment which are widespread issues.

In 2015, The Committee recommended that Denmark intensifies its efforts aimed at diversifying academic and vocational choices for women and men, girls and boys, and that it should introduce further measures to encourage women and men to choose non-traditional fields of education and career paths (no. 28a).

We acknowledge the efforts made by the government recently, especially to encourage girls/women to go into STEM programmes. However, the Danish labour market is still characterised by a high degree of occupational segregation due to the gendered differences in educational choices.

Article 11: Employment

The gender pay gap continues to be a major area of concern for the Danish Women's Society. Though the unadjusted pay gap has declined by 5 percentage points from 2007 to 2016, the adjusted (residual) pay gap remains unchanged.

- **A gender-neutral pay concept**

The Danish government (even in its initial report to the Committee) uses a gender-biased concept of pay to compare men and women's wages and thereby estimate the gender pay gap.

The concept, *hourly earnings per hour present*, divides hourly earnings by actual working hours. However, following this method, it is easy to overlook that absence is unequally distributed on gender. For example, mothers take maternity leave and a longer parental leave. Depending on the contract or collective agreement, Danish mothers receive full pay for several months while on leave. Therefore, when you divide their pay with their actual hours AT work, their hourly earnings become extremely high. Suddenly, the mother on leave has the highest pay in the company! This reduces the gender pay gap.

The Danish Pay Commission (2010) emphasised that when comparing men and women's wages, a gender-neutral pay concept should be used, such as *standardised hourly earnings*. The government has recently stated that reports published by the Ministry of Employment and the Danish Centre for Social Science

Research (VIVE) will now use the concept of standardised hourly earnings. Yet, the government and the employers continue to refer to the concept, *hourly earnings per hour present*, in all other platforms.

The Danish Women's Society highly recommends that the concept standardised hourly earnings is included in all national statistics on pay.

- **Little transparency on wages**

In 2015, the Committee was concerned about the persistent gender wage gap and the lack of legal obligations requiring transparency. This includes comparative figures in individual cases, made by the employers, regarding data on remuneration (no. 29a).

In 2014, the former government signed a bill on equal pay statistics requiring companies with more than 10 employees to prepare statistics for job categories with a minimum of 3 men and 3 women. However, this Act never came into force as the present government rejected it. Meanwhile, one element was maintained: the official statistic from 2016 was now based on index numbers instead of real amounts, making the payment structure less transparent and making it impossible to compare individual cases and work of equal value across job categories.

Current legislation states that only companies with 35 employees or more must make available (to employee representatives) a yearly statistical overview of pay distribution segregated by sex – but only for job categories with a minimum of 10 men AND 10 women. However, this is only found in a few, large companies, narrowing the scope significantly.

According to the law, companies can decide on the pay concept they wish to choose. They are not obliged to use statistics generated by their own employer's organisation, the official statistics based on index numbers. This allows for very little transparency - de facto making it impossible to compare individual cases.

- **Maternity equalisation scheme for self-employed**

In 2015, the Committee welcomed the introduction of a Maternity Equalisation Scheme for maternity, paternity, and parental leave for self-employed persons in 2014. However, this never came into force. In 2020, the government decided to re-introduce such a Maternity Equalisation Scheme. Nevertheless, as a result of the CoViD-19 crisis, the agreement has been postponed.

Among other things, it could have encouraged women to start their own business. Instead, we have seen a decrease in the numbers of businesses started by women: In 2017, only one in four new businesses were started by a woman according to figures from the Danish Business Authority.

Article 16: Marriage and Migrant Women

Article 16 regards the elimination of discrimination against women in all matters relating to marriage and family relations. We believe there is an issue in Denmark regarding migrant women.

According to Danish Law, it is possible for migrant women under family reunification to retain their residency permit in case of a divorce if they can prove that they are exposed to violence, but the vulnerability of the migrant women is not reflected in national policies.

In the recent 'Action plan to prevent physical and psychological violence (2019-2022)', only safe houses for victims of honour-related crimes are mentioned as a permanent priority targeting ethnic minorities. The category 'migrant women' is omitted in the Danish strategies and action plans.

Danish Women's Society calls for a more holistic approach and the inclusion of the broader category *migrant women* in strategies on gender equality and action plans. This will allow for comprehensive prevention and protection initiatives which address additional drivers of violence in addition to specific cultural factors. We also call for data collection on the number of women who apply for an extension of their residence permit due to violence in order to obtain a better assessment of the extent and the actual fall out.