

## **Introduction**

Within the Danish Bar and Law Society, the Organisation of lawyers specialized in the Danish Aliens Law “FAU” (See our homepage <http://fauadv.dk/> ) has read CEDAW’s Concluding observations 2009. We have noticed a number of issues relevant to our work, and we would thus like to provide some input to the “List of issues” that is discussed in July 2014 at the Committee meeting. The following issues were raised by CEDAW in 2009:

### Incorporation of CEDAW into national legislation.

*“The Committee calls on the State party to reconsider its decision not to incorporate the Convention into its domestic legal order, with a view to ensuring that all rights protected under the Convention are given full effect in domestic law.” (Concluding Observations para 15)*

**FAU would like to recommend the following questions to the Danish State Party:**

- Q.1) In how many Board decisions (including the Danish Refugee Board, the Board of Equal Treatment and other) has CEDAW been applied directly?**
- Q.2) Is CEDAW directly applicable in asylum cases?**
- Q.3) Is CEDAW directly applicable in gender discrimination cases?**
- Q.4) Is CEDAW directly applicable in any other kind of cases? – and if so which cases?**

### Victims of trafficking and asylum.

*“The Committee calls on the State party to <...> develop guidelines on the handling of claims of gender-related persecution within Danish asylum law and practice so as to develop a more thorough way of identifying victims of trafficking and gender-based persecution.” (Concluding Observations para 33)*

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**FAU would like to recommend the following questions to the Danish State Party:**

- Q.5) Has the Danish authorities develop guidelines on the handling of claims from female asylum seekers in fear of gender related persecution?**
  - Q.6) Has Danish authorities developed ways of identifying victims of trafficking?**
  - Q.7) Has Danish authorities developed ways of identifying victims of gender-based persecution?**
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## **Right to Family reunification**

*“ ..the Committee reiterates the concerns expressed in the previous concluding observations that the 24-year-old age limit for the reunification of migrant spouses may constitute an impediment to the right to family life in the State party.”* (Concluding observations para 40)

**FAU would like to recommend the following questions to the Danish State Party:**

**Q.8) Why is the discriminatory 24-year-old age limit still maintained in Danish Aliens Act?**

**Q.9) Why has the State Party refused to follow the suggestions from the Universal Periodic Review about abolishing the 24-year-old age limit in cases of family reunification?**

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## **Article 15: Legal Capacity**

Men and women are equal before the law and enjoy equal rights to hold property.  
Men and women have the same right of access to the judicial system and to receive equal treatment before the courts.

**FAU would like to recommend the following questions to the Danish State Party:**

Q.10 Why are some women rejected asylum specifically with reference to the decision of their spouse?

Q.11 Why is the free legal aid reduced or absent, even in cases where both spouses or both persons living together, have their own record, as if the woman has no individual case of persecution?