

**THE DANISH
INSTITUTE FOR
HUMAN RIGHTS**

**PARALLEL REPORT TO THE
UN COMMITTEE ON THE
ELIMINATION OF
DISCRIMINATION
AGAINST WOMEN
(CEDAW)**

DENMARK 2015

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DISCRIMINATION AGAINST WOMEN (CEDAW)
DENMARK 2015**

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PREFACE

PREFACE

This parallel report to the UN Committee on the Elimination of Discrimination against Women for the eighth examination of the Government of Denmark is compiled by the Danish Institute for Human Rights (DIHR). The report contains recommendations to the Danish Government and the Greenlandic Government on the strengthening of the national human rights protection within the scope of the Convention on the Elimination of Discrimination against Women (CEDAW).

This report consists of:

- **Part 1** deals with the general obligations of States parties and covers: Updated Danish Core Document (General Obligations); gender mainstreaming (article 3); and human trafficking (article 6).
- **Part 2** concerns public life and civil and political rights, and includes: women at managerial level (article 7).
- **Part 3** covers economic and social rights and contains equal pay (article 11) and violence against women (Article 12).
- **Part 4** includes the implementation of CEDAW in Greenland.

DENMARK'S NHRI

The Danish Institute for Human Rights (DIHR) is Denmark's National Human Rights Institutions and an independent, self-governing institution within the public administration. DIHR is established and functioning in accordance with the UN Paris Principles and DIHR has been accredited as an A-status National Human Rights Institution.

Since 2011 DIHR has been appointed by the Danish Parliament as the national equality body on gender. DIHR is also mandated to monitor promote, and protect the implementation of CEDAW in Denmark in accordance with Article 2(a) of the convention. Further information is available on our web site:

www.humanrights.dk

Greenland is a self-governed part of the Kingdom of Denmark and DIHR has been appointed as the national human rights institution of Greenland. DIHR cooperates with the Human Rights Council of Greenland in carrying out the monitoring function in Greenland. The Faroe Islands is also a self-governed part of the Kingdom of Denmark. The mandate of DIHR does not cover the Faroe Islands.

GENERAL OBLIGATIONS

UPDATED DANISH CORE DOCUMENT

The common core document and the treaty specific documents form an integral part of State's reports. In the Compilation of guidelines on the form and content of reports to be submitted by states parties to the international human rights treaties (2009) prepared by the Secretary-General it is recommended that states keep their common core documents current and update the common core document whenever they submit a treaty-specific document. If no update is considered necessary, this should be stated in the treaty-specific document. In the concluding observations from 2011 the Committee on the Rights of the child recommended that Denmark submit an updated core document.

The current Danish core document available in the UN homepage is dated 20 April 1995 (HRI/CORE/1/Add.58). Several relevant developments since 1995 are thus not covered in the Danish core document. For instance there has been a municipal reform in Denmark reducing the municipalities from 273 to 98 and a court reform reducing the number of district courts in Denmark. Since 1995 Denmark has established the Board of Equal Treatment which is an administrative body dealing with discrimination cases. Furthermore, Denmark has adopted several acts convening equal treatment, which are not mentioned in the current core document.

DIHR recommends that Denmark:

- Updates the Danish core document forming part of the reports of states parties.

ARTICLE 3: GENDER MAINSTREAMING

Gender mainstreaming is part of Articles 1- 3 in CEDAW. In its Concluding Observations from 2009 the Committee recommends that Denmark establishes a strong mechanism for coordination and more efficient mechanisms for monitoring and implementation.

Since 2000, it has been stipulated in section 4 of the Consolidated Act on Gender Equality (Gender Equality Act) that Public authorities within their respective areas of responsibility shall seek to promote gender equality and incorporate gender equality in all planning and administration.

The Government of Denmark has acknowledged that it remains a challenge to implement gender mainstreaming further at national as well as local level. To tackle this ongoing challenge the Danish Government launched a new strategy in 2013.

Danish state actors and local authorities are obligated to report on public practice and progress on gender equality to the Minister for Children, Gender Equality, Integration and Social Affairs biannually. According to the latest report (2011 – 2013). The current practice of assessing gender impact for all new bills remains limited. 52 percent of the 50 state institutions that prepare new legislation, inform that they 'now and then', 'seldom' or 'never' are mindful of this task. Among the 98 municipalities in Denmark the efforts remain highly variable. Only a few municipalities are very active, but mainly on personnel administration. The latest report on gender equality measures in Danish municipalities reveals that 76 percent have not set any targets for mainstreaming in service delivery.

In 2014 the Danish Ministry of Children, Gender Equality, Integration and Social Affairs launched a trans-Nordic report on gender mainstreaming by public authorities within various policy areas, programs and core services. According to the report Denmark primarily uses a problem oriented approach and hereby focuses on a concrete problem for a particular group of citizens. This means that measures in Denmark are reactive rather than preventive.

A recent report published by DIHR highlights the importance of access to gender statistics and data disaggregated by gender in municipalities. The report shows that there is a need for easy access to clear data and statistics and for a development of locally defined clear targets for gender equality.

DIHR recommends that Denmark:

- Adopts legislation obligating Statistics Denmark to collect and disseminate data disaggregated by gender to consolidate the implementation of gender mainstreaming.
 - Considers more effective monitoring mechanisms to ensure public sector compliance with the duties within gender mainstreaming.
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ARTICLE 6: HUMAN TRAFFICKING

Protection from bondage, servitude and slavery is a fundamental human right, and is regarded as a form of gender-based violence. The prohibition against slavery is mentioned in several human rights documents, including CEDAW article 6.

Section 262a of the Danish Criminal Code prohibits human trafficking. According to the evaluation of the most recent national action plan to combat human trafficking in Denmark, there is to some extent a lack of systematic handling of potential victims of trafficking. A systematic approach is needed when offering advice and support to foreigners in prostitution and other grey areas where identification of victims is complicated and potentially time consuming, while there is still reason to assume that trafficking is occurring.

From 2007 – 2013, 347 persons have been identified as being victims of trafficking in Denmark. The number has increased over this period, and is most likely higher than the official statistics. This is among other factors due to the fact that identifying a victim of trafficking is a difficult process.

Victims of trafficking in Denmark, often come in contact with public authorities, especially the police. In some cases, potential victims are placed at crisis centres, where they are offered support and guidance. Others are detained and

imprisoned due to lack of identification papers or absence of a residence or work permit. In such cases the Danish police is allowed to detain for 72 hours. In practice there is a risk that victims of human trafficking are imprisoned due to a focus on punishable offenses, thereby disregarding the person as a victim of a serious human rights offence.

As explained in the Seventh and Eighth Periodic Report by the Government of Denmark, according to the Danish Aliens Act, a residence permit cannot be granted on the sole reason that a foreigner has been exposed to trafficking. Asylum can however be granted if the victim of trafficking is considered to be in risk of persecution, torture or capital punishment in the country of origin.



DIHR recommends that Denmark:

- Ensure that potential victims of trafficking are not subjected to confinement, but placed at a safe house during the identification process.
- Ensure that the relevant authorities possess the necessary skills to identify victims of human trafficking, for instance through regular education and training.



PART 2

PUBLIC LIFE AND CIVIL AND POLITICAL RIGHTS

ARTICLE 7: WOMEN AT MANAGERIAL LEVEL

CEDAW article 7 obligates States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life and ensure women the right to participate in non-governmental organizations and associations concerned with public- and political life.

According to the Gender Gap Report 2014 prepared by The World Economic Forum, Denmark ranks five out of 142 countries in the overall ranking. Unfortunately, Denmark ranks 72 in terms of the gender gap among legislators, senior officials and managers, with 28 percent women in upper level management positions. The number of women on Danish boards remains low. From 2009-2013 the percentage of female board members in private sector corporate boards was:

Date	Percentage
August 2013	19.30 percent
May 2012	19.20 percent
September 2011	19.18 percent
September 2010	19.23 percent
September 2009	19.02 percent

The gender distribution at board level in state-owned companies has been somewhat more balanced, with 32.95 percent women on boards in August 2014. Progress has remained fairly steady in the public sector from 2009-2012, but there has been a notable increase in the percentage of female board members from 2012-2013:

Date	Percentage
August 2013	32.95 percent
May 2012	23.42 percent
September 2011	22.61 percent
September 2010	20.56 percent
September 2009	20.56 percent

New legislation entered into force April 1 2013 that requires around the 1.100 largest companies and all public institutions in Denmark, to set targets for the number of the underrepresented gender at the top managerial level. Furthermore the companies and institutions shall adopt a policy on how to increase participation of the underrepresented gender at other managerial levels.

The Danish Business Authority published a report in October 2014, which evaluated the new legislation and efforts of 170 Danish companies. According to the report, only 2 percent of companies in the survey had an equal gender distribution at top-level management, while 4 percent had an equal gender distribution on 'other/additional management levels'. Furthermore, 47 percent of the evaluated companies did report neither on the gender distribution nor on the policies addressing the issue.

If the new regulation has to have an effect on closing the gender gap, Danish companies must possess relevant knowledge about their obligations. For instance, companies have to hold knowledge of whether and how they are included in the regulations. Furthermore, the relevant authorities must know which companies are subject to the law, whether these companies are complying with the law, and how the companies can be sanctioned, in cases of non-compliance. Without this knowledge, it will be exceedingly difficult to evaluate the effect of the regulations and difficult to assess the need for legislative revisions.

Policies for flexibility and parental leave would lower barriers to women's career advancement. The Danish government has indicated that they would like to promote fathers to take more parental leave, but currently the government has no policy initiatives ensuring a more gender-balanced distribution between parents' caring responsibilities.



DIHR recommends that Denmark:

- Ensures that all companies and institutions, covered by the regulations, have proficient knowledge of their obligations and potential sanctions for non-compliance.

- Take measures to ensure a more gender-balanced distribution between parents' caring responsibilities.



ECONOMIC AND SOCIAL RIGHTS

ARTICLE 11: EQUAL PAY

According to CEDAW article 11 States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment to ensure the right to equal remuneration and equal treatment in respect of the value and the quality of the work. In its Concluding Observations from 2009 the Committee recommends, that Denmark takes proactive concrete measures to narrow or close the wage gap between women and men. It reiterates previous recommendations, which have called for development of job evaluation systems based on gender sensitive criteria.

The gross gender pay gap in Denmark is 17 percent across the labor market and it has been stagnant for many years. The gender pay gap is the difference between the average hourly wage for men and women. The gender-segregated labor market is one of the explanations for the gender pay gap, but it does not explain the whole picture. Even taking into account seniority, qualifications, title, etc. there is an unexplained pay gap between 4 and 7 percent in men's favor, and this may be a sign of discrimination.

The Danish Equal Pay Act implements the EU principle of equal pay, as it is described in Directive 2006/54 Article 4. The principle of equal pay applies to equal work and work of equal value. Especially the concept of equal pay for work of equal value causes difficulties when implementing this right in real life. Work of equal value is not defined in the Act, and the concept is not used in wage negotiations and collective agreements.

Section 5a of the Danish Equal Pay Act on gender-segregated pay statistics has been improved and entered into force 1 January 2015. The amendment to the Equal Pay Act aims to strengthen the cooperation on equal pay at the work place and to create better conditions for the identification of equal pay cases.

DIHR finds the legislative amendment positive, but insufficient to create a good local dialogue on equal pay or to help potential claimants in equal pay cases. To reach a better understanding of the factors that influence bringing equal pay

claims forward to the complaints mechanisms, DIHR has interviewed a number of complainants in equal pay cases. The most remarkable findings are that there is a taboo on discussing wages and obtaining information on pay differences and that the complainants carefully consider the potential negative consequences of filing a complaint. Many of them later on experience victimization and half of them had obtained a new job at the time of the interview.

DIHR finds that there is a need for measures aimed at supporting the social dialogue and the exchange of information on the subject of equal pay at the workplace, so that the employer and the employees can explore the dilemmas and the complexity of equal pay in a secure environment.

DIHR recommends that Denmark:

- Strengthen the Danish Equal Pay Act further by obligating employers to inform employees about the Equal Pay Act including the right to discuss wages (section 2a) and the protection against victimization (section 3).
- Clarify the concept of equal pay for job of equal value making it operational for the social partners and all, who negotiate wages.

ARTICLE 12: VIOLENCE AGAINST WOMEN

Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence. The CEDAW Committee has addressed violence against women in its General Recommendations no. 12 (1989) and no. 19 (1992).

Denmark ratified the Council of Europe Convention on preventing and combating Violence against women and domestic violence (the Istanbul Convention) on 23 April 2014.

An analysis of the legal consequences of the Istanbul Convention in accordance with Danish Law was published in June 2014 by DIHR stresses that the work of the police authority on domestic violence is currently a matter for local police districts. This results in an unequal judicial protection of victims.


Denmark launched a national action plan to address domestic violence in the summer of 2014. The action plan focuses on strengthening knowledge about victims of violence and increases focus on early efforts in relation to young victims . The Danish government has set a target for 2020 to reduce the share of women who have had more than one stay at a crisis centre, by at least 30 percent.

In its Concluding Observations from 2009 the CEDAW Committee called on Denmark to ensure that foreign married women, being victims of domestic violence, were provided with flexible solutions concerning their residence permits and recommended that clear legal guarantees and administrative guidelines for their protection were set.

According to the Danish Aliens Act section 19(7) a residence permit granted on the basis of marriage or marital status will not be revoked in cases where a foreigner has been exposed to domestic violence, mistreatment or any other form of abuse. The duration of a person's residence in Denmark should no longer be taken into account. A victim, who shows will and ability to integrate, can be entitled to maintain a residence permit. If the integration has been hindered by a spouse or partner, e.g. through a prohibition to integrate or confinement, this fact will be taken into consideration.



DIHR recommends that Denmark:

- Adopts guidelines for a uniform handling of cases about domestic violence in all police districts.
 - Disseminates knowledge about restraining orders, barring orders and evictions, and access to long-term psychological treatment for women victims of violence.
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PART 4

IMPLEMENTATION OF CEDAW IN GREENLAND

Greenland is a self-governed part of the Kingdom of Denmark. Denmark's ratification of CEDAW (1983) and its optional protocol (2000) applies to Greenland with no territorial exclusion. The Danish Institute for Human Rights is national human rights institution for Greenland and works in close cooperation with the Human Rights Council of Greenland in order to monitor the promotion and protection of human rights in Greenland. The following topics and recommendations have been prepared in cooperation with the Human Rights Council of Greenland.

ARTICLE 1: GATHER MORE KNOWLEDGE ON GENDER EQUALITY AND DISCRIMINATION AGAINST WOMEN

There is little evidence and there are few research studies on discrimination against women as well as on gender equality in general in Greenland. For instance, there is a lack of information on possible exploitation of women or girls in vulnerable situations, including working conditions for immigrant women working in the service industries.

DIHR recommends that Greenland:

- Provides analyses or funding for research studies on discrimination against women and gender equality in Greenland in order to obtain a planning base for necessary actions against gender discrimination.

ARTICLE 2: ESTABLISH PROCEDURE FOR INDIVIDUAL COMPLAINTS

Gender discrimination is regulated by the Greenlandic act on equality of men and women (Greenlandic act no. 3 of 29 November 2013). The act establishes the

Council of Gender Equality in Greenland. Danish gender equality law does not apply to Greenland.

The mandate of the Council of Gender Equality in Greenland includes to examine, on its own initiative or by request, measures relating to gender equality. The preparatory works of the act underlines that the council is of no obligation to take under consideration cases referred to it from individuals. However, the council can decide to give advice to individuals if found relevant. Consequently, no national complaints procedure for individuals exists other than taking a case to court or (concerning public authorities) refer the case to the parliamentary ombudsman (Ombudsmanden for Inatsisartut).

Establishing an independent complaints mechanism for individuals could give easier access for citizens to having cases on gender discrimination heard and solved rather than through formal court procedures. Cases of employment issues would be relevant in this context (e.g. dismissal of pregnant women or omission of employment of young women with no children) as well as other issues arising in the private sector (e.g. gender discrimination related to services).

DIHR recommends that Greenland:

- Establishes an independent mechanism or consideration of gender discrimination cases ensuring that this mechanism can award compensation and bring a case to court in the event of non-compliance with the mechanism's ruling in the case.

ARTICLE 12: FURTHER EFFORTS TO MINIMIZE VIOLENCE AGAINST WOMEN

According to the Greenlandic governments official website on violence in close relations (www.brydtavsheden.gl, 'Break the silence') 62.4 % of women over 17 years of age in Greenland have at some point during their lives been subjected to violence or to serious threats of violence. When women are subjected to violence, the perpetrator is in 65.2 % of the cases her partner or a previous partner.

The Greenlandic parliament (Inatsisartut), has adopted a Strategy and Action Plan against Violence 2014-2017. The strategy focuses among other topics on ensuring better counselling opportunities for victims of violence as well as treatment/counselling opportunities for perpetrators in order to prevent future violent behaviour. A prerequisite for the fulfilment of the strategy is skilled and professional counselling personnel. In Greenland, however, far from all persons employed in these matters have a relevant education.



DIHR recommends that Greenland:

- Provides information on how the government (Naalakkersuisut) will ensure that all persons employed to give counselling or treatment to victims of violence and their perpetrators have the necessary skills to fulfil the goals of the Strategy and Action Plan against Violence 2014-2017.
- Provides information on how developments in relation to the goals of the Strategy and Action Plan against Violence 2014-2017 are monitored and followed-up on during the strategy period.

