

9TH EXAMINATION OF DENMARK

PARALLEL REPORT CEDAW (2020) 9TH EXAMINATION OF DENMARK

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PREFACE

This parallel report is submitted by the Danish Institute for Human Rights (DIHR) for the 9th examination (2020) of the Kingdom of Denmark by the Committee on the Elimination of Discrimination against Women. DIHR is Denmark's national human rights institution.

DIHR is an independent, self-governing institution within the public administration and is established in accordance with the UN Paris Principles. The Institute is accredited as an A-status NHRI.

DIHR is appointed as National Equality Body in Denmark in accordance with EU directives on equal treatment of all persons without discrimination on the grounds of gender and race or ethnic origin.

Greenland is a self-governing part of the Kingdom of Denmark. Denmark's ratification of CEDAW (1983) and its optional protocol (2000) applies to Greenland with no territorial exclusion. DIHR is the national human rights institution of Greenland and works in close cooperation with the Human Rights Council of Greenland (HRCG) in order to promote and protect human rights and to monitor human rights challenges in Greenland. The Council is a politically independent council established by law with reference to the UN Paris Principles.¹

The information and recommendations concerning Greenland has been produced in cooperation with the Human Rights Council of Greenland. For all recommendations, it is important to note that the initiatives should not solely focus on the largest towns but also include smaller towns and settlements.

DIHR's mandate does not extend to the Faroe Islands.

CHAPTER 1

DENMARK – SPECIFIC PROVISIONS

1.1 ARTICLE 3 - GENDER MAINSTREAMING

In the Danish Law on Equal Treatment of Men and Women as well as the Danish Law on Equal Pay to Men and Women and the Danish Law on Gender Equality, public authorities have an obligation to promote equality and to incorporate gender equality in all planning and management.

In 2019, Denmark made an amendment to the Law on Gender Equality in relation to gender equality reports from public authorities and changed the frequency from two to three years. A report from Ramboll from 2018,² where 22 municipalities, three regions and nine state authorities participated, show that most of the authorities have organized the equality work decentralized, non-strategic and with low knowledge and experience. One of the recommendations in the report is to maintain the two-year interval between the equality reports.³

DIHR recommends that:

- Denmark develop action plans with measurable goals that promotes gender equality.
- Denmark changes the frequency of the gender equality reports from three to two years to monitor the area more frequently.

1.2 ARTICLE 3 - VIOLENCE AGAINST WOMEN

1.2.1 GENDER NEUTRAL TERMS

There has been a gradual political change in Denmark regarding the perception of violence which has led to a broader perception of violence as a phenomenon that affects both men and women. In the Danish national action plans from 2002-2014, gender neutral terms are seen, and the gradual move from a conceptualisation of violence as: "violence against women" to "violence in close

relationships" increasingly portrays violence as a phenomenon that can be seen separated from gender dynamics.⁴

The use of gender neutral terms can potentially lead to an inadequate understanding of the gendered dimensions of violence and potentially a lack of data on gender-based violence.

DIHR recommends that:

- Denmark ensures sufficient and high-quality data on how gender dimensions shape violence.
- Denmark ensures a continued focus on the gender dimension in violence in relation to prevention and protection.

1.2.2 RAPE

The Danish Commission on Criminal Law launched their recommendations in February 2020 after reviewing more than 600 rape convictions from the Danish courts. The Commission unanimously agreed that the section on rape should be amended. The majority proposed that an amendment should be based on a criterium of voluntariness, while the minority, consisting of one member, proposed that it should be based on a criterium of consent. The Danish Prime Minister made a statement in February 2020 that the amendment should be based on consent.

DIHR has underlined in the consultation response to the recommendations from The Commission on Criminal Law that both voluntary and consent-based rape legislation will constitute a positive step in terms of human rights. DIHR also underlines that the concept of "inaction" in relation to sexual acts must be clear, to avoid uncertainty as to when a sexual act is illegal. In addition, preventive action in the form of awareness-raising and education for children and young people and pedagogical training for teachers and professionals is also of importance to counteract inappropriate norms of sex, gender and (personal) boundaries.

DIHR recommends that:

• Denmark ensures that the concept of "inaction" is made clear in the new legislation on rape.

 Denmark takes steps to develop preventive action for children and young people in relation to sex, gender and personal boundaries.

1.2.3 SEXUAL HARASSMENT

The Danish Act on Equal Treatment protects specifically against sexual harassment within the work place. However, a study by the National Research Centre for Work Environment shows a steady rise in the period from 2012 to 2016 in relation to persons who experienced sexual harassment within the last 12 months in the work place. In general, data collection on sexual harassment does not provide a specific and consistent overview of sexual harassment in Denmark.

DIHR recommends that:

 Denmark takes steps to ensure that national research on sexual harassment in relation to work environment and educational settings, is collected and meets the highest methodological standards of data collection.

1.3 ARTICLE 6 - HUMAN TRAFFICKING

In Denmark, 827 persons have been identified as victims of human trafficking from 2007-2018 – the majority of these are women and the majority are exploited for prostitution. The number of trafficked humans is properly higher than the official statistics, since it is difficult to identify victims of trafficking, who do not always have contact with public authorities such as the police. Data from The Danish Centre against Human Trafficking shows that the number of charges has decreased over the last few years – from 14 in 2014, 25 in 2015 to two charges in 2016, nine in 2017 and one in 2018.

DIHR recommends that:

 Denmark takes steps to ensure that effective investigations are carried out before, during and after trafficking has been identified.

1.4 ARTICLE 7 - PARTICIPATION IN POLITICAL AND PUBLIC LIFE

1.4.1 WOMEN IN POLITICS

Data from Statistics Denmark show that fewer women than men are running for and are elected to political positions in Denmark.¹¹ The increase in female representation in Danish politics has been developing very slowly over the last

three elections and shows sign of staling at the current level. This is challenging, since a low share of women in politics can hinder the long term democratic development.

DIHR recommends that:

- Denmark takes measures to enhance the female representation in politics, especially at the municipal level. For instance, by motivating women to run for political positions through campaigns and supportive initiatives such as mentoring programs.
- Denmark takes steps to ensure that the political parties appoint more women and use a preferred form of arrangement, such as appointment by district with party lists, when running for elections.

1.4.2 WOMEN IN ONLINE DEBATE

Research published by the DIHR shows that women shy away from the public debate online more often than men. 12 60 percent of men respond that they take an active part in the public debate, whereas 40 percent of women abstain from the public debate. Women increasingly decide not to participate in the debate because of the harsh tone. Women also experience offensive or derogatory comments that target their gender. If certain groups in a society take a less active part in the public debate both online and offline, this may compromise the basis of a democracy.

DIHR recommends that:

 Denmark takes measures to ensure digital education and etiquette for the broader population.

1.5 ARTICLE 10 - EDUCATION

1.5.1 EDUCATION IN DIVERSITY AND SEXUALITY

An evaluation from the Danish Ministry for Children and Education from 2019 show a lack of priority and limited knowledge in areas such as norms, sexual health, diversity in relation to gender, body and sexuality in the public schools.¹³ It is a stated purpose in Denmark that students in upper secondary education are introduced to fundamental human rights and gender equality.¹⁴

DIHR recommends that:

- Denmark takes measures to enhance and prioritize education in diversity and sexuality in the public schools.
- Denmark takes steps to ensure that all students in upper secondary education receive the relevant education in fundamental human rights and gender equality.

1.6 ARTICLE 11 - EMPLOYMENT

1.6.1 GENDER PAY GAP AND TRANSPARENCY

The Danish Equal Pay Law from 1976 in combination with the Danish collective agreements with social partners aim at ensuring that employers pay women and men equally in all salary elements and all salary conditions for equal work or for work of equal value. The law also obligates the employer to compile gender segregated pay statistics. In addition, the Law on Equal Pay ensures that the employee can disclosure information on the employee's own salary to other employees.

According to Statistics Denmark the difference between the salary of men and women dropped from 15,6 percent in 2008 to 12,8 percent in 2018, calculated as the standard estimated hourly earnings. The right to equal pay for equal work is broadly acknowledged in Denmark, but there is still an unexplained salary difference between men and women, which leads to a considerable economic inequality between men and women during their work life.

Gender segregated wage statistics can be a helpful tool for women when negotiating salary. Currently, Statistics Denmark collects data from companies with more than 35 employees and at least 10 men and 10 women with the same job function to produce gender segregated wage statistic. Since only the mentioned companies are obliged to produce gender segregated wage statistic, it can limit the effects of the law.

DIHR recommends that:

 Social partners inform employees that according to the Equal Pay Law they have the right to disclose and exchange information on salary amongst themselves. Denmark consider broadening the scope of companies being subjected to gender segregated wage statistics.

1.6.2 WOMEN IN MANAGEMENT AND LEADERSHIP POSITIONS

According to the Law on Commercial Enterprises, the Companies Law and the Law on Gender Equality – it is mandatory for large companies (class C and D) and all public institutions to ensure women's participation on boards and at the management level. Furthermore, section 11(4) in the Law on Gender Equality, public institutions and companies exceeding 50 employees are required to formulate a gender policy to balance the number of women and men employed. The legislation on equal gender composition in company boards and management positions was introduced in 2012. An evaluation carried out by the Danish Business Authority in late 2017 showed only a slight increase in the proportion of women in the boards from 9.6 percent in 2012 to 15.9 percent in 2017.¹⁶

In accordance with the law a distribution of 40 percent women and 60 percent men (or opposite) is equal distribution of women and men. However, the calculation method behind the distribution has been changed in 2016, which means that equal distribution occurs, if for example a board of seven people has two women and five men, which equals only to 29 percent women.

If companies do have an equal distribution of both men and women, there is no requirement of a gender equality policy. Therefore, the change of calculation method has had an impact on the number of companies that have to formulate a policy on their gender balance.

A study by DIHR in 2018 showed that there are no women in the boards in more than half of the 1,595 largest companies in Denmark.¹⁷

DIHR recommends that:

- Denmark takes measures to enhance and speed up the share of women in management and leadership positions.
- Denmark obliges more companies to improve gender equality on boards and at management level.

1.6.3 EARMARKED PARENTAL LEAVE

According to section 7(3) in the Danish Law on Maternity, fathers and co-mothers are entitled to two weeks of earmarked paternity leave, which they must take during the first 14 weeks after the birth of a child.

Data published in May 2020 from Statistics Denmark show that fathers took 29,3 days of parental leave in average in 2015. In 2018 fathers took 31,9 days of parental leave. The data show that fathers take more parental leave, and mothers takes less. However, the progress is very slow.

This uneven distribution of parental leave taken undermines the progress towards gender equality in Denmark. Earmarked parental leave is an effective means towards altering gender roles and thus providing more equality both in the home and at work.

DIHR recommends that:

 Denmark ensures that the implementation of the EU Directive on worklife balance will provide more gender equality both in the home and at work.

CHAPTER 2

GREENLAND – GENERAL PROVISIONS

2.1 ESTABLISH AN INDEPENDENT COMPLAINTS MECHANISM

Gender discrimination is regulated by the Greenlandic Law on Equality of Men and Women. The law establishes the Council of Gender Equality in 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 law underlines that the council has no obligation to take under consideration cases referred to 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 introduce cases on gender discrimination rather than through formal court procedures. Cases of employment issues would be relevant in this context (e.g. dismissal of pregnant women) as well as other issues arising in the private sector (e.g. gender discrimination related to services).

DIHR and HRCG recommend that:

 Greenland establishes an independent mechanism with mandate to consider cases of gender discrimination and ensure that this mechanism can award compensation and bring a case to court in the event of noncompliance with the mechanism's ruling in the case.

CHAPTER 3

GREENLAND – SPECIFIC PROVISIONS

3.1 ARTICLE 3 - VIOLENCE AGAINST WOMEN

3.1.1 FURTHER EFFORTS TO MINIMIZE VIOLENCE

The level of violence in Greenland is high compared to Denmark and the Faroe Islands: according to the Greenland Police, 17 out of 1,000 citizens were exposed to violence in 2019, whereas the number is five for Denmark and 1,3 for the Faroe Islands.²¹ However, the figures from Greenland Police are not disaggregated by gender.

According to a study from 2019, women in the age group 25-34 years represent the group of adults with the largest proportion of persons exposed to violence during the last year (11 percent). When women are exposed to violence, most incidents are domestic violence, and in seven out of ten incidents, the perpetrator is a present or former partner.²²

The level of women who have been exposed to sexual abuse in the childhood is also higher. Among persons born in 1970-79, up to 37 percent of the women report sexual abuse in the childhood. The number for men is lower, but also significant, with 20 percent reporting the same.²³

In its state report, Naalakkersuisut states that initiatives from the Strategy and Action Plan against violence 2014-2017 continue even though the period has expired. However, lack of both data and continued availability of data on a multitude of issues related to violence and discrimination against women remain a problem.

DIHR and HRCG recommend that:

 Greenland strengthen data collection and analysis on violence against women in close relationships. Greenland provides information on developments in relation to the goals
of the Strategy and Action Plan against Violence 2014-2017 and how
these are monitored and followed-up on.

3.2 ARTICLE 7 – PARTICIPATION IN POLITICAL AND PUBLIC LIFE

3.2.1 POLITICAL PARTICIPATION IN DECISION-MAKING

The representation of women at both the national and municipal level is uneven in some areas. This include the distribution between men and women in the municipal councils. Where some councils have 46 percent women, others only have 13 percent women. The average amount of women in the municipalities is 34 percent. Now, two out of seven members of Naalakkersuisut are female.

However, the political participation in decision-making is not exclusively related to gender distributions. The debate environment and the social practices in politics also plays a big part in the decision-making in practice. In the beginning of 2020, ten women from the same political party announced that they had been violated by the same man from the party. The following public debate shed a light on similar episodes and a sexist and male dominated culture in Greenlandic politics. This has led spectators to announce that #MeToo arrived in Greenland in 2020, under the hashtag "#Killiliisa" ("Let's set boundaries").²⁴

DIHR and HRCG recommend that:

- Greenland applies measures to further balance the gender distribution in politics on both the municipal and national level.
- Greenland provides analyses or funding for research studies on discrimination against women in politics and other decision-making positions in order to obtain a planning base for necessary actions against gender discrimination.

3.3 ARTICLE 12 - HEALTH

A recent study shows that there is a high occurrence in sexually transmitted infections in Greenland.²⁵ Whilst both the occurrence in Chlamydia and Gonorrhoea has decreased in recent years, it is still significantly higher than in Denmark. There have also been reports of underaged girls being infected with Chlamydia and Gonorrhoea.

Greenland has also seen a rise in reported infections with Syphilis since 2011, with no decrease so far. Women are more often infected with Chlamydia, Gonorrhoea or Syphilis compared to men.

As pointed out by the Committee, the abortion rate in Greenland is high. However, there are no specific studies on the causes for the high abortion rates.

Additionally, young women are a particularly vulnerable group in relation to suicide. In a study from 2018, 22 percent of women between 15-24 years responded that they had thought of suicide during the last year and 13 percent had attempted suicide during the last year.²⁶

DIHR and HRCG recommend that:

- Greenland provides analyses or funding for research studies on the causes for the high abortion rates.
- Greenland provides information on how the initiatives related to suicide prevention are monitored and followed-up on.

COVID-19 – WOMEN'S RIGHTS AND GENDER EQUALITY

4.1 DENMARK

4.1.1 VIOLENCE AGAINST WOMEN

The Danish civil society organization "Lev Uden Vold" has experienced a significant increase in demand for women shelter spaces via their telephone hotline. In the lock down period, "Lev Uden Vold" has seen a doubling in telephone inquiries. ²⁷ In addition, Denmark has secured 55 extra emergency spaces in the Danish women shelters as a respond to the increase of violence against women in the context of COVID-19 pandemic. Since the re-opening of Denmark, the occupancy rate for shelters for women, has been falling slightly, which is an indication that there are now more vacancies available nationally. ²⁸

4.1.2 HEALTH

In most of the Danish regions it has not been possible to give birth at home in the lock down period in Denmark. The measure was justified by the fact that the hospitals wanted to assembly the resources at the hospital physically and to protect the midwifes against the risk of COVID-19. This measure has among others influenced the women's rights to give birth in a homely environment. The regions have repealed the measure after the re-opening of Denmark.²⁹

4.2 GREENLAND

4.2.1 VIOLENCE AGAINST WOMEN

As reported in section 3.1, the level of violence in Greenland is high compared to Denmark and the Faroe Islands, and especially women are exposed to violence in close relationships. Under the COVID-19 pandemic, the women shelters in Nuuk have reported an increase in inquiries.³⁰ Additionally, the Council for Gender Equality in Greenland has expressed concern for violence in close relationships under the pandemic.³¹

END NOTES

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