THE DANISH INSTITUTE FOR HUMAN RIGHTS

PARALLEL REPORT TO CEDAW (2021)

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 (2021) 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 has been established in accordance with the UN Paris Principles. The Institute is accredited as an 'A status' NHRI.

DIHR has been appointed as a 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 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 have been produced in cooperation with the HRCG. 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

According to the Danish acts on equal treatment, public authorities have an obligation to promote equality and to incorporate gender equality in all planning and management.

In 2019, Denmark adopted an amendment to the Act 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, shows that most of the authorities have organised the equality work in a decentralised and non-strategic manner and based on limited 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 develops action plans with measurable goals that promotes gender equality.
- Denmark changes the frequency of the gender equality reports from three to two years in order 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 in the perception of violence which has led to a broader understanding of violence as a phenomenon that affects both men and women. The Danish national action plans from 2002-2014 use gender-neutral terms, 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 is separate from gender dynamics.⁴

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

DIHR recommends that:

• Denmark ensures a continued focus on the gender dimension of violence in relation to prevention and protection.

1.2.2 PSYCHOLOGICAL VIOLENCE

On 1 April 2019, the new provision in the Penal Code in section 243 – which criminalises psychological violence – came into force. It appears from the comments to section 243, that the provision can be used in situations where a person is retained in a marriage against his or her will.⁵ It must be assumed that this also includes religious marriages.

In 2020, VIVE⁶ published a report which shows that a great number of Muslim women are likely to experience difficulties as they cannot achieve (a religious and, in some cases, also a civil) divorce if the husband is against it.⁷ The report shows that some women experience being locked in a violent marriage, and they often have a lack of knowledge of their equal right to civil divorce.⁸

DIHR recommends that:

• Denmark considers applying section 243 about psychological violence in connection with cases of retention in religious marriages.

1.2.3 RAPE

In December 2020, the Danish government adopted an amendment to the legislation on rape. The legislation on rape is now based on a criterium of consent rather than coercion.

In the consultation response, DIHR underlined that preventive actions in the form of awareness-raising and education for children and young people as well as pedagogical training for teachers and professionals are of importance in order to counteract inappropriate norms of sex, gender and personal boundaries.⁹

DIHR recommends that:

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

1.2.4 SEXUAL HARASSMENT

Since August 2020, driven by the second wave of #MeToo, sexism and sexual harassment have been widely debated in the Danish media. Sexual harassment has proven to be a widespread and acknowledged problem in many sectors of the labour market and educational system in Denmark.

DIHR recommends that:

• Denmark takes steps to ensure that an employer may be liable under the Act on Equal Treatment for sexual harassment committed by employees (or third parties to whom the aggrieved employee has been subjected in relation to the work), if the employer has not taken sufficient measures to prevent and handle sexual harassment.

1.3 ARTICLE 6 – HUMAN TRAFFICKING

In Denmark, 827 persons were identified as victims of human trafficking from 2007-2018. The majority of these are women, and most have been exploited for prostitution.¹⁰ The number of trafficked humans is probably higher than the official statistics due to the difficulties in identifying 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 2018.¹¹

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 elected to political positions in Denmark.¹² The increase in female representation in Danish politics has been progressing very slowly over the last three elections and shows sign of stalling at the current level. This is a challenge, since a low share of women in politics can hinder the long-term democratic development.

DIHR recommends that:

• Denmark takes measures to enhance female representation in politics, especially at the municipal level.

1.4.2 WOMEN IN ONLINE DEBATE

Research published by DIHR shows that women shy away from the public debate online more often than men.¹³ 40 percent of women abstain from the public debate online. 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 are less active in the public debate both online and offline, this may compromise the foundation of a democracy. Freedom of expression and its limits (threats etc) also apply to social media online, where there should be an effective enforcement of legislation.

DIHR recommends that:

• Denmark ensures effective law enforcement in relation to liability on social media for unlawful user-generated content.

1.5 ARTICLE 10 – EDUCATION

1.5.1 EDUCATION IN DIVERSITY AND SEXUALITY

An evaluation from the Danish Ministry of Children and Education from 2019 shows 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.¹⁴ It is a stated purpose in Denmark that students in upper secondary education programmes are introduced to fundamental human rights and gender equality.¹⁵

DIHR recommends that:

- Denmark takes measures to enhance and prioritise education in diversity and sexuality in the public schools.
- Denmark takes steps to ensure that all students in upper secondary education programmes receive 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 Act 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. In addition, the act ensures that the employee may disclose information on the employee's own salary to other employees.

According to Statistics Denmark, the difference between the salaries of men and women dropped from 15.6 percent in 2008 to 12.8 percent in 2018, calculated as the standard estimated hourly earnings.¹⁶ 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 considerable economic inequality between men and women during their work life. The pay gap between men and women is most prevalent in the public sector.

DIHR recommends that:

- Denmark, in collaboration with the social partners, takes the initiative to a long-term plan on how to ensure equalisation of the pay gap between the traditional female and male dominated occupations in the public sector.
- Social partners inform employees that according to the Equal Pay Act they have the right to disclose and exchange information on salary amongst themselves.

1.6.2 WOMEN IN MANAGEMENT AND LEADERSHIP POSITIONS

According to the Danish Act on Commercial Enterprises, the Companies Act and the Act on Gender Equality – it is mandatory for large companies (classes C and D) and all public institutions to ensure women's participation on boards and at the management level.

Furthermore, according to section 11(4) of the Act 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 Act on Equal Gender Composition on Company Boards and in 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 on the boards, from 9.6 percent in 2012 to 15.9 percent in 2017.¹⁷ In accordance with the act, a distribution of 40 percent women and 60 percent men (or opposite) is considered as equal distribution of women and men. However, the calculation method behind the distribution was changed in 2016 which means that it is considered equal distribution if, for example, a board of seven people consists of two women and five men, equal to only 29 percent women.

If companies do have an equal distribution of men and women, there is no requirement for a gender equality policy. Therefore, the changed calculation method has had a negative 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 on the boards in more than half of the 1,595 largest companies in Denmark.¹⁸

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

Data from Statistics Denmark (2020) show that fathers took an average of 29.3 days of parental leave in 2015. In 2018, fathers took 31.9 days of parental leave.¹⁹ The data show that fathers take more parental leave, and mothers take less. However, the progress toward a more equal distribution of parental leave is very slow.

This uneven distribution of parental leave taken undermines the progress toward gender equality in Denmark. An earmarked leave model is often presented as one significant way to ensure a more equal distribution of parental leave between parents.

DIHR recommends that:

 Denmark takes measures to reform the Danish legislation on parental leave when implementing the new EU-directive on work-life balance for parents,²⁰ in order to create a more equal distribution of parental leave, more self-determination for the parents and inclusion of different family forms.

CHAPTER 2

GREENLAND – GENERAL PROVISIONS

2.1 ESTABLISHMENT OF AN INDEPENDENT COMPLAINTS MECHANISM

Gender discrimination is regulated by the Greenlandic Act on Equality of Men and Women.^{21 22} The act establishes the Council of Gender Equality in Greenland. The mandate of the Council of Gender Equality in Greenland includes the right to examine, on its own initiative or by request, measures relating to gender equality. The preparatory works of the act underlines that the Council has no obligation to take under consideration cases referred by individuals. However, the Council can decide to give advice to individuals, if deemed relevant.

Consequently, no national complaints procedure for individuals exists other than the possibility of taking a case to court or (concerning public authorities) referring the case to the parliamentary ombudsman (Ombudsmanden for Inatsisartut). Establishing an independent complaints mechanism for individuals would make it easier for citizens to introduce cases on gender discrimination rather than having to go 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, ensuring that this mechanism may 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 MINIMISE 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.²³ However, the figures from the 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 where the largest proportion has been exposed to violence during the last year (11 percent). When women are exposed to violence, most incidents include domestic violence, and in seven out of ten incidents, the perpetrator is a present or former partner.²⁴

The level of women who have been exposed to sexual abuse during their childhood is also higher. Among persons born from 1970-79, up to 37 percent of the women report sexual abuse during childhood. The number for men is lower, but also significant, with 20 percent reporting the same.²⁵

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 the 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 strengthens data collection and analyses 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 the goals 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 includes the distribution between men and women in municipal councils. Presently, three out of ten members of Naalakkersuisut are female.

However, the political participation in decision-making is not exclusively related to gender distribution. In practice, the debate environment and the social practices in politics also play a big part in the decision-making.

The public debate in 2020 shed light on similar episodes and a sexist and maledominated culture in Greenlandic politics. This has led observers to announce that #MeToo arrived in Greenland in 2020, under the hashtag '#Killiliisa' ('Let's set boundaries').²⁶ The debate has also led to actors such as Sermersooq Municipality and the political party Siumut to draft policies or strategies on sexual harassment.²⁷ At the beginning of 2020, ten women from one political party announced that they had been sexually harassed by the same man from the party. In January 2021, the case was tried in Sermersooq District Court.²⁸

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 and 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 of sexually transmitted diseases in Greenland.²⁹ Whilst the occurrence of both 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 than men.

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

Additionally, young women are a particularly vulnerable group in relation to suicide. In a study from 2018, 22 percent of women aged 15-24 responded that they had considered suicide during the last year, and 13 percent had attempted suicide during the last year.³⁰

DIHR and HRCG recommend that:

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

CHAPTER 4

COVID-19 – WOMEN'S RIGHTS AND GENDER EQUALITY

4.1 DENMARK

4.1.1 VIOLENCE AGAINST WOMEN

The Danish civil society organisation 'Lev Uden Vold' has experienced a significant increase in demand for women's shelter places via their telephone hotline. During the lock down period in spring 2020, 'Lev Uden Vold' experienced a doubling in telephone inquiries.³¹ In addition, Denmark has secured 55 extra emergency places in the Danish women's shelters as a response to the increase of violence against women in the context of the COVID-19 pandemic.

Under the COVID-19 pandemic, there has been an increase of violence in close relations and, in some families, the violence has been more brutish and more frequent.³²

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's shelter in Nuuk has reported an increase in inquiries.³³ Additionally, the Council for Gender Equality in Greenland has expressed concern for violence in close relationships under the pandemic.³⁴

END NOTES

¹Inatsisartut Act No. 20 of 27 November 2018 on the Human Rights Council of Gr eenland (Inatsisartutlov nr. 20 af 27. november 2018 om Grønlands Råd for Men neskerettigheder).

² Report from Rambøll Management Consulting with the title: "Forenkling og afbureaukratisering af ligestillingsredegørelserne", november 2018.

³ Report from Rambøll Management Consulting with the title: "Forenkling og afbureaukratisering af ligestillingsredegørelserne", november 2018, page 4.

⁴ The Danish Institute for Human Rights: Gender – Status 2019 (Køn – Status 2019), page 24, available in Danish with a brief English summary on pages 7-8 at: <u>https://www.humanrights.dk/publications/gender-status-2019</u>

⁵ See comments to the Penal Code on page 11, available in Danish at: <u>https://www.ft.dk/ripdf/samling/20181/lovforslag/l139/20181 l139 som</u> <u>fremsat.pdf</u>

⁶ The Danish Center For Social Science Research.

⁷ See report: A. Liversage og J. Petersen, Etniske minoritetskvinder og skilsmisse
 – med fokus på muslimske praksisser, VIVE, 2020, pages 8-11.

⁸ See report: A. Liversage og J. Petersen, Etniske minoritetskvinder og skilsmisse – med fokus på muslimske praksisser, VIVE, 2020, page 15.

⁹ Consultation response from The Danish Institute for Human Rights, available in Danish at:

https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8 ringssvar%20over%20udkast%20til%20forslag%20til%20lov%20om%20%C3%A6n dring%20af%20straffeloven%20%28Samtykkebaseret%20voldt%C3%A6gtsbeste mmelse%29.pdf

¹⁰ See statistics on human trafficking in Denmark, available in Danish at: <u>https://www.cmm.dk/statistik/tal-over-tid</u>

¹¹ See statistics on human trafficking in Denmark, available in Danish at: <u>https://www.cmm.dk/statistik/sigtelser-og-domme-1</u>

¹² Statistics Denmark, Elections, available in Danish at:

https://www.dst.dk/da/Statistik/emner/befolkning-og-valg/valg

¹³ The Danish Institute for Human Rights: Demokratisk deltagelse på Facebook, available in Danish with a brief English summary on pages 10-14 at:

https://menneskeret.dk/sites/menneskeret.dk/files/04_april_19/Rapport%20om %20demokratisk%20deltagelse.pdf ¹⁴ Børne og undervisningsministeriet, Evaluering af sundheds- og seksualundervisning og familiekundskab, available in Danish at: <u>https://www.uvm.dk/aktuelt/nyheder/uvm/2019/jan/190118-sundheds--og-seksualundervisningen-halter-efter-i-grundskolen</u>

¹⁵ List of issues in relation to the ninth periodic report of Denmark: Replies of Denmark, point 125, available at:

https://tbinternet.ohchr.org/ layouts/15/treatybodyexternal/Download.aspx?sy mbolno=CEDAW%2fC%2fDNK%2fQ%2f9%2fadd1&Lang=en

¹⁶ Statistics Denmark, "Equality - Pay" ("Ligestilling -

Løn"), 2018, available in Danish at: <u>https://www.dst.dk/da/Statistik/emner/leve</u> vilkaar/ligestilling/ligestillingswebsite#4

¹⁷ The Danish Business Authority: Evalueringsrapport om lov om måltal og politikker for det underrepræsenterede køn, 2017, available in Danish: <u>https://erhvervsstyrelsen.dk/sites/default/files/201902/180921_evaluering_af_maaltal_og_politikker_2018.pdf</u>

¹⁸ The Danish Institute for Human Rights: Gender – Status 2019 (Køn – Status 2019), page 31, available in Danish with a brief English summary on pages 7-8 at: https://www.humanrights.dk/publications/gender-status-2019

¹⁹ Statistics Denmark, Parental leave, available in Danish at: <u>https://www.dst.dk/da/Statistik/bagtal/2020/2020-05-04-far-tager-lidt-mere-barsel</u>

²⁰ Directive (EU) 2019/1158 of the European Parliament and the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, available in English at: <u>https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158&from=DA</u>

²¹ Greenlandic Act no. 3 of 29 November 2013.

²² Danish gender equality acts do not apply to Greenland.

²³ Greenland Police, Yearly Statistics 2019, p. 11, available in Danish at: <u>https://politi.gl/statistik-og-udgivelser/aarsstatistik</u>

²⁴ Violence and sexual abuse in Greenland (mainly based on the Population study in Greenland 2005-10), p. 2, available in Danish at:

https://www.sdu.dk/da/sif/rapporter/2019/vold og seksuelle overgreb i groe nland

²⁵ Violence and sexual abuse in Greenland (mainly based on the Population study in Greenland 2005-10), p. 2, available in Danish at:

https://www.sdu.dk/da/sif/rapporter/2019/vold og seksuelle overgreb i groe nland

²⁶ Article in Sermitsiaq.AG: "Women come forward: This is about violations – not about power struggles" ("Kvinder står frem: Det handler om krænkelser - ikke om magtkamp"), 29 February 2020. Available in Danish at: https://sermitsiaq.ag/node/219672

²⁷ Article, KNR.gl: "Siumut prepare new strategy to stop sexual harassment" ("Siumut laver ny strategi for at stoppe sexchikane"), 19 January 2021. Available in Danish and Greenlandic at: <u>https://knr.gl/da/nyheder/siumut-laver-ny-</u> <u>strategi-stoppe-sexchikane</u>

Article, KNR.gl: "Municipality: New policy on sexual harassment on its way" ("Kommune: Ny politik om sexchikane på vej"), 21 October 2020. Available in Danish and Greenlandic at: <u>https://knr.gl/da/nyheder/kommune-ny-politik-om-</u> <u>sexchikane-p%C3%A5-vej%C2%A0</u>

²⁸ For more information on the case and comments of the Human Rights Council of Greenland and the Equal Treatment Council of Greenland, see:

Article, KNR.gl: "Judgement on sexual harassment: Two human rights councils commend women for coming forward" ("Dom om sexchikane: To menneskerettighedsråd roser kvinder for at stå frem"), 16 January 2021.

Available in Danish and Greenlandic at:

https://knr.gl/da/nyheder/dom-om-sexchikane-menneskerettighedsr%C3%A5droser-kvinder-st%C3%A5-frem

²⁹ Naalakkersuisut (Government of Greenland), Notat "Seksuelt overførte sygdomme i Grønland, 2018", available in Danish at:

https://nun.gl/Nyheder/2019/05/Seksuelt%20overfoerte%20sygdomme%20i%2 0Groenland%20i%202018?sc_lang=da

³⁰ Danish National Institute of Public Health, "The Greenlandic Population Survey 2018 – living standards, lifestyle and health" ("Befolkningsundersøgelsen i Grønland 2018 – levevilkår, livsstil og helbred"), 2018, p. 19, available in Danish at: <u>https://www.sdu.dk/da/sif/rapporter/2019/befolkningsundersoegelsen i gro</u> <u>enland</u>

³¹ The civil society organization "Danner": COVID-19: The pressure on women shelters is increasing, available in Danish at: <u>https://danner.dk/nyt/covid-19-presset-p-krisecenterpladser-stiger</u>

³² The civil society organization "Lev Uden Vold": Brief om domestic violence under COVID-19 pandemic (August 2020), available in Danish at: https://levudenvold.dk/media/n02aqnb2/indsigt_partnervold-under-covid19.pdf
³³ Article in Sermitsiaq.ag: "Domestic violence escalates under the corona crisis" ("vold i hjemmet eskalerer under corona-krisen"), 24 March 2020, available in Danish at: https://sermitsiaq.ag/node/220355
³⁴ The Council for Gender Equality in Greenland: "A special time in the homes and at the workplaces" ("on spring tid i biommone og nå arbeidspladsorpo")

and at the workplaces" ("en særlig tid i hjemmene og på arbejdspladserne"), May 2020, available in Danish at: <u>http://nali.gl/da/om-os/formandens-</u> <u>klumme/en-saerlig-tid-i-hjemmene-og-paa-</u> <u>arbejdspladserne/?fbclid=lwAR3IJY29-</u>

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