



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS



SELECTED LIST OF
ISSUES ON THE UN
CONVENTION ON THE
ELIMINATION OF ALL
FORMS OF
DISCRIMINATION
AGAINST WOMEN

DENMARK 2019



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Authors: The Danish Institute for Human Rights

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Wilders Plads 8K
DK-1403 Copenhagen K
Phone +45 3269 8888
www.humanrights.dk

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CHAPTER 1

1 PREFACE

This report by the Danish Institute for Human Rights contains information to the UN Committee on the Elimination of Discrimination against Women. The report aims to assist the Committee in the preparation and adoption of the list of issues in relation to the 9th periodic report of Denmark and Greenland regarding implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

1.1 COOPERATION WITH THE HUMAN RIGHTS COUNCIL OF GREENLAND

Greenland is a self-governed part of the Kingdom of Denmark. The Danish Institute for Human Rights is the national human rights institution of Greenland and works in close cooperation with the Human Rights Council of Greenland to monitor the promotion and protection of human rights.¹ The Council is a politically independent council established by law with reference to the UN Paris Principles.²

The information and recommendations concerning Greenland has been produced in cooperation with the Human Rights Council of Greenland.

CHAPTER 2

2 GENERAL OBLIGATIONS

2.1 INCORPORATION

The European Convention on Human Rights (ECHR) is the only international human rights convention incorporated into Danish law thus making it a part of Danish legislation. None of the UN core human rights conventions are incorporated into Danish law.

The Danish government has stated that CEDAW and other UN conventions are relevant sources of law in Denmark, which are applied by the Danish courts and other law applying authorities. Studies of Danish case law, however, suggest that courts are reluctant to include human rights instruments in Danish judgments even if a case party bases an argument on human rights. Furthermore, the Danish Supreme Court has stated that non-incorporated treaties do not have full effect in Danish Law.

Suggested inquiry:

- How many times has CEDAW been applied by Danish courts?
- What steps have Denmark taken to reconsider its decision not to incorporate CEDAW into its national legal order?

CHAPTER 3

3 SPECIFIC RIGHTS

3.1 ARTICLE 3 – GENDER MAINSTREAMING

Section 1a of the Danish Act on Equal Treatment for Men and Women obliges all public authorities covered by the act to promote equality and to incorporate gender equality in all planning and management. A similar obligation is set out in section 1b of the Danish Act on Equal Pay to Men and Women and in section 4 in the Danish Act on Gender Equality.

Suggested inquiry:

- What measures are taken to ensure gender mainstreaming in accordance with the Danish Act on Equal Treatment for Men and Women, the Danish Act on Equal Pay to Men and Women and the Danish Act on Gender Equality?

3.2 ARTICLE 3 – VIOLENCE AGAINST WOMEN

Gender neutral terms

In 2017, GREVIO criticized Denmark for using gender neutral terms when addressing issues of violence.³ The use of gender neutralizing terms is seen in Danish national action plans from 2002-2014 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 This will potentially lead to an inadequate understanding of the gendered dimensions of violence and potentially a lack of data on gender-based violence.



Suggested inquiry:

- How does the Danish state party ensure sufficient, high quality data on how gender dimensions shape violence?



Psychological abuse

In line with the requirement set out in article 33 of the Istanbul Convention, an amendment to the Danish Criminal Code about psychological abuse entered into force on 1 April 2019.⁵

Following the enactment of the legislative act, the Director of Public Prosecution published guidelines on handling cases regarding psychological abuse directed at the Danish police and the Prosecution Service.⁶



Suggested inquiry:

- What measures are taken to ensure that the protection against psychological violence can be operationalised by the police?
- Are there plans to revisit section 243 in two or three years to ensure it has the desired effect?



Non-consensual sex is rape

Article 36 (2) of the Istanbul Convention on preventing and combating violence against women and domestic violence stipulates that consensual sex implies that consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances. Although Denmark has ratified the convention the right to refrain from applying the provision laid down in article 36, 37 and 39 was maintained.

There have been 1,079 reports on sexual assault or attempts on sexual assault in 2018, while 2017 saw 86 convictions on sexual assault.⁷ The Ministry of Justice estimates that there are up to 5,400 sexual assaults or attempts of sexual assault in total.⁸ Hence, there is a vast number of unreported cases.



Suggested inquiry:

- Will the Danish state party change the legislation on sexual violence and rape to comply with the requirement of the Istanbul convention for consent?
- What measures will be taken to address the underreporting of cases about rape?



Sexual harassment

The Danish Act on Equal Treatment protects specifically against sexual harassment within the work place. However, an examination 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.⁹ In general, however, data collection on sexual harassment does not provide a precise and consistent overview of sexual harassment in Denmark.



Suggested inquiry:

- What plans are in place to ensure that national research on sexual harassment, both relating to work, work environment and educational settings, meets the highest methodological standards of data collection?
- Please provide information on how widespread sexual harassment is in Danish society today?

- Will the Danish state party add a section to the Act on Equal Treatment of Men and Women requiring employers and other responsible persons to prevent sexual harassment?

3.3 ARTICLE 6 – TRAFFICKING IN HUMAN BEINGS

From 2007-2017, 827 persons have been identified as victims of human trafficking in Denmark out of which 87 percent are women.¹⁰ The majority of these are women who are trafficked into prostitution. The number of trafficked is properly higher than the official statistics, since it is difficult to identify victims of trafficking, and since they have not always had contact with public authorities such as the police.

Once they have been identified as victims, most are placed at crisis centres, where they are offered support and guidance. Others are kept in confinement due to a lack of identification papers or the absence of a residence or work permit.

Suggested inquiry:

- What are the specific measures taken to ensure that potential victims of trafficking are not subjected to confinement but placed at a safe house during the identification process?
- What are the measures taken to ensure that relevant authorities possess the necessary skills to identify victims of trafficking, for instance through regular education and training?

3.4 ARTICLE 7 – PARTICIPATION IN POLITICAL AND PUBLIC LIFE

Women in politics

FEMALE REPRESENTATION IN POLITICS ¹¹		
Municipal elections		
Year	Running	Elected
2009	31,0%	31,8%
2013	30,7%	29,7%
2017	31,7%	32,9%
Parliamentary elections		
Year	Running	Elected
2011	33,2%	39,1%
2015	31,3%	37,4%
2019	34,3%	39,1%

Fewer women than men are running for and elected to political positions. The increase in female representation has been happening at a very slow pace over the last three decades and shows signs of staling at the current level. This is challenging, since a low share of women in politics can hinder the long term democratic development.



Suggested inquiry:

- What measures are taken to enhance female representation in politics, especially at the municipal level?



Taking part in the public debate online

To some extend both men and women shy away from the public debate online, but research conducted by the Danish Institute for Human Rights shows that women do this more often than men.¹² In our survey 60 percent of men responded that they take an active part in the public debate, only 40 percent of women did so. 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 society take a less active part in the public debate both online and offline, this may compromise the very basis of democracy.



Suggested inquiry:

- What measures are taken to ensure digital education and etiquette for the public debate online?



3.5 ARTICLE 10 – EDUCATION

A study conducted by the Danish Ministry for Children and Education shows that health and sexuality education is not sufficiently prioritized in the primary school and that neither teachers nor principals have a clear framework for how to implement the theme into other teaching activities.¹³ Furthermore, there is currently no health and sexuality education in higher secondary educational institutions.



Suggested inquiry:

- What are the measures taken to enhance and streamline the teaching about life skills and sexual education in the primary school?
- Will the Danish state party take steps to expand the current program of health and sexuality education to encompass higher secondary education?



3.6 ARTICLE 11 – EMPLOYMENT

Equal pay and a lack of transparency

According to the Danish Equal Pay Act employers are liable to secure equal pay not only for the same work, but also for work to which equal value is attributed. The law provides no clear definition of what is meant by work to which equal value is attributed. Thus, the social partners have no guidance when they aim to apply the law in their assessment of whether jobs are of equal value.

The principle of work to which equal value is attributed cannot function without transparency. The Equal Pay Act supports this in section 2a by permitting the employee to forward information on own pay data to everybody.

Gender segregated wage statistics can be a helpful tool for women when they negotiate their salary. Currently, Statistics Denmark collects data on companies with more than 35 employees and at least 10 men and 10 women with the same job function to produce a gender segregated wage statistic.

Given that the Danish job market is by and large gender segregated according to sector, the biggest differences are seldom found within one company. Since only a limited number of large companies are obliged to produce a gender segregated wage statistic, it limits the effects of the law.



Suggested inquiry:

- What measures will be taken to make the concept of work to which equal value is attributed useful and understandable for the social partners in wage negotiations and disputes on equal pay?
- Will the Danish state party consider broadening the scope of companies being subjected to gender segregated wage statistics?
- Will the Danish state party initiate an information campaign on the right to share information about their own pay?



Women in management and leadership positions

According to Danish legislation – both the Danish Act on Commercial Enterprises, the Danish Companies Act and the Act 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 Act on Gender Equality, public institutions and companies exceeding 50 employees are required to formulate a policy to balance the number of women and men employed.

The legislation regarding 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 2017.¹⁴ This amounts to an annual increase of only 1.1 percent in the proportion of women on the boards of the companies covered by the legislation.

Moreover, companies are considered to have an equal distribution of men and women, if they have 40/60 percent distribution. However, the calculation behind the distribution has been changed from 2015 to 2016. Because of this change, it would be considered an equal distribution of men and women, if a board of seven people has two women and five men. This equals only 28.6 percent women on the board and is thus far away from the desired 40/60 percent.

If companies do have an equal distribution of both men and women, they are not required to formulate a policy on further balancing this gender distribution. The change in the calculation method distorts the data and requires less companies to consider how to improve the gender balance.

Finally, a 2018 study by the Danish Institute for Human Rights showed that more than half of the 1,595 largest companies in Denmark do not have a single woman on their board.¹⁵



Suggested inquiry:

- What initiatives are taken to strengthen the equal recruitment of men and women at all levels of public institutions and companies?

- What are the measures taken to enhance and speed up the share of women in management positions?
- Please provide information on the gender distribution in boards across different industries?
- How will companies be enticed to improve their performance in relation to gender equality on boards and in management positions?



CHAPTER 4

4 GREENLAND

The information and recommendations concerning Greenland has been produced in cooperation with the Human Rights Council of Greenland.

4.1 LACK OF DATA AND STATISTICS

Lack of both data and continued availability of data on a multitude of issues remain a problem when considering the progression of women's rights and the elimination of discrimination against women in Greenland.

The importance of availability of high-quality, timely and reliable data disaggregated by disability and other characteristics is one of the global Sustainable Development Goals (SDG 17.18).

Suggested inquiry:

- What measures are taken to strengthen the collection of data and statistical systems that can help analysing progress in the above-mentioned issues.

4.2 POLITICAL PARTICIPATION OF WOMEN IN DECISION-MAKING

Generally, the representation of women at both the national and municipal level has stayed the same between 2014 and 2019 on around 36,5 percent.

However, the number of women in parliament, including the two members of the Danish Parliament, the level rose from 33 percent of women in parliament in 2014 to 42 percent in 2019.

Generally, there is a very uneven distribution between men and women in the municipal councils, where some councils are 43 percent women, others only have 13 percent women. The average amount of women in the municipalities is 34 percent.



Suggested inquiry:

- What measures are taken to further balance the gender distribution in politics on both the municipal and national level?



4.3 VIOLENCE AGAINST WOMEN

The level of violence in Greenland is high compared to Denmark: according to the Greenland Police, 13 out of 1,000 citizens were exposed to violence in 2018, whereas the number is 5 for Denmark.¹⁶ However, the numbers from Greenland Police are not disaggregated by gender.

According to the population study from 2010, 62 percent of the women in Greenland has been exposed to violence in their adult life.¹⁷ According to a study from 2019, women in the age group 25-34 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 7 out of 10 incidents, the perpetrator is a present or former partner.¹⁸

In 2013, Greenland's government, Naalakkersuisut, launched its Strategy and Action Plan against Violence 2014-2017 and launched the website <http://brydtavsheden.gl/> ('Break the silence').



Suggested inquiry:

- What measures are taken to strengthen data collection and analysis on violence against women in close relationships?
- What measures are taken to strengthen data collection on violence against women with disabilities?
- What measures are taken to decrease violence in Greenland?
- What measures are taken to follow-up on and evaluate the effects of the Strategy and Action Plan against Violence 2014-2017?



4.4 THE EFFORT AGAINST SEXUAL ABUSE

Whilst the number of Greenlandic children and youth who experienced sexual abuse has decreased over the last decades, there is still a significant number of Greenlandic children and youth that have had sexual experiences without their consent. In a study from 2018, 24 percent of the 15-29-year-olds responded that they had experienced “forced or attempted forced sexual activity before they turned 18 years”.¹⁹

In 2018, Naalakkersuisut (Government of Greenland) launched a strategy against sexual assault, “Killiliisa – Let us set boundaries.”²⁰ The aim of the strategy is to ensure that persons born from 2022 and onwards do not experience sexual assault before they turn 18 years.



Suggested inquiry:

- What measures are taken to ensure coordination between different authorities with a view to conducting strategies and action plans in consolidated and effective efforts to support vulnerable families and to protect children and young people against neglect, violence and sexual abuse?
- What measures are taken to survey and protect children with disabilities against sexual abuse?



4.5 EMPLOYMENT AND PAY GAP

According to Statistics Greenland, the average gross income for men was DKK 277,000 in 2017, whereas it was DKK 209,000 for women.²¹ This is a substantial difference of around 25 percent.

Part of the explanation on the gender pay gap is the segregated work force. According to Statistics Greenland, more than 70 percent of the employed women are employed in the public sector, whilst this only applies to 24 percent of the employed men. Furthermore, there is an overrepresentation of men in sectors such as fishing, hunting and agriculture.²²

However, the available information and knowledge on the pay gap and on specific measures to overcome the gap is insufficient. In its concluding observations the Committee noted a concern about the lack of information on concrete measures to overcome the gender wage gap and their results in Denmark and Greenland.²³



Suggested inquiry:

- What measures are taken to strengthen gender equality in employment?

- What measures are taken to decrease the gender pay gap?



4.6 HEALTH

A recent study shows, that there is a high occurrence in sexually transmitted infections in Greenland.²⁴ Whilst both the occurrence in Chlamydia and Gonorrhoea has decreased in recent years, it is still significantly higher than in Denmark. Women are more often infected with both Chlamydia and Gonorrhoea. There have also been reports of underaged girls being infected with Chlamydia and Gonorrhoea. Every 10th fourteen-year-old girl had a Chlamydia infection in 2018.

Greenland has also seen a rise in reported infections with Syphilis since 2011, with no decrease so far. As with Chlamydia and Gonorrhoea, women are more often infected with Syphilis than men.



Suggested inquiry:

- What measures are taken to combat the recent rise in Syphilis infections?
- What are the measures taken to prevent the increasing infections with Gonorrhoea and Chlamydia, especially considering underaged girls being infected at a high rate?

END NOTES

¹ In 2019, the Danish Institute for Human Rights and the Human Rights Council of Greenland jointly published a status report on equal treatment in Greenland. The report is available in Danish and Greenlandic at: <https://menneskeret.dk/udgivelser/ligebehandling-status-groenland-2019>

²

Inatsisartut Law No. 20 of 27 November 2018 on the Human Rights Council of Greenland (Inatsisartutlov nr. 20 af 27. november 2018 om Grønlands Råd for Menneskerettigheder).

³ See recommendations to Denmark from Grevio Committee available at:

<https://www.coe.int/en/web/istanbul-convention/denmark>

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:

<https://www.humanrights.dk/publications/gender-status-2019>

⁵ Denmark, Act no. 329 of 30 March 2019 on amending the Criminal Code inserting an independent section on psychological abuse (Lov nr. 329 af 30. marts 2019 om en selvstændig bestemmelse om psykisk vold), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=208457>.

⁷ The Crime Prevention Council (Det Kriminalpræventive Råd), Numbers available in Danish at: <https://dkr.dk/vold-og-voldtaegt/fakta-om-voldtaegt/>

⁸ The Crime Prevention Council (Det Kriminalpræventive Råd), Numbers available in Danish at: <https://dkr.dk/vold-og-voldtaegt/fakta-om-voldtaegt/>

⁹ Det Nationale Forskningscenter for Arbejdsmiljø, "Danskernes arbejdsmiljø 2016", page 182, available in Danish at:

nfa.dk/da/Forskning/Udgivelse?journalId=388d976b-b86c-4126-8f3d-9eb63584bddd

¹⁰ The Danish Ministry of Foreign Affairs: Ny handleplan til bekæmpelse af menneskehandel af 10. september 2018, available in Danish at:

<https://via.ritzau.dk/pressemeddelelse/ny-handlingsplan-til-bekaempelse-af-menneskehandel?publisherId=2012662&releaseId=13506858>

¹¹ Statistics Denmark, Elections, available in Danish at:

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

¹² 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.

¹³ Børne og undervisningsministeriet, Evaluering af

sundheds- og seksualundervisning og familiekundskab, available in Danish at: <https://www.uvm.dk/aktuelt/nyheder/uvm/2019/jan/190118-sundheds--og-seksualundervisningen-halter-efter-i-grundskolen>

¹⁴ The Danish Business Authority: Evalueringsrapport om lov om måltal og politikker for det underrepræsenterede køn, 2017, available in Danish: https://erhvervsstyrelsen.dk/sites/default/files/2019-02/180921_evaluering_af_maaltal_og_politikker_2018.pdf

¹⁵ 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>

¹⁶ Greenland Police, Yearly Statistics 2018, p. 3, available in Danish at: <https://politi.gl/statistik/aarsstatistik>

¹⁷ Statens Institut for Sundhed og Naalakkersuisut, The population study in Greenland 2005-2009 (Befolkningsundersøgelsen i Grønland 2005- 2009), 2010, page 17, available in Danish at:

https://www.sdu.dk/da/sif/rapporter/2010/levevilkkaar_livstil_og_helbred

¹⁸ Violence and sexual abuse in Greenland (mainly based on the Population study in Greenland 2005-10), page 2, available in Danish at:

https://www.sdu.dk/da/sif/rapporter/2019/vold_og_seksuelle_overgreb_i_groenland

¹⁹ Statens Institut for Folkesundhed, The population study in Greenland 2018 (Befolkningsundersøgelsen i Grønland 2018) page 18, available in Danish at: https://www.sdu.dk/da/sif/rapporter/2019/befolkningsundersoegelsen_i_groenland

²⁰ Naalakkersuisut (Government of Greenland), strategi mod seksuelle overgreb 2018-2022, available in Danish at:

https://socialstyrelsen.nanoq.gl/Borger/Seksuelle%20overgreb/Killiliisa?sc_lang=da

²¹ Statistics Greenland, Greenland in numbers (Grønland i tal), 2019, page 31; <http://www.stat.gl/publ/da/GF/2019/pdf/Gr%C3%B8nland%20i%20tal%202019.pdf>

²² Statistics Greenland, Statistical Yearbook – Labour Relations (Statistisk Årbog - Arbejdsmarkedsforhold), 2017, page 4, available in Danish at: <http://www.stat.gl/epub/temp/t21-08-2019103824.pdf>.

²³ Human Rights Committee, Concluding observations on the sixth periodic report of Denmark, 15 August 2016, CCPR/C/DNK/CO/6, para. 17-18.

²⁴ Naalakkersuisut (Government of Greenland), Notat “Seksuelt overførte sygdomme i Grønland, 2018”, available in Danish at: https://nun.gl/-/media/landslaegeembedet/nyheder/notat%20om%20seksuelt%20overfrbare%20sygdomme%202018_final_dk.pdf?la=da&fbclid=IwAR320dDP1W1-WsTQdoTm5F3wudqdi9udRPdkuXcqsq53j62kZM5Ck2yEeU

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