



CEDAW Parallel Report: Ninth Examination of the Government of Denmark 2020



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This parallel report to the UN Committee on the Elimination of Discrimination Against Women for the ninth examination of the Government of Denmark is submitted by Women's Council Denmark and our affiliated network of experts, the National Observatory of Violence. The report covers only Denmark.

The report focuses on our principal areas of concern relating to a number of articles in the Convention on the Elimination of Discrimination Against Women (CEDAW). We focus on the developments we have observed since the last examination in 2015.

Our principal areas of concern are:

- Article 2: Legislative Framework
- Article 3: Gender Mainstreaming
- Article 5: Gender Stereotypes and Violence Against Women
- Article 6: Trafficking and Exploitation of Prostitution
- Article 7: Participation in Political and Public Life
- Article 10: Education
- Article 11: Employment
- Article 12: Health
- Article 16: Marriage and Migrant Women

Article 2: Legislative Framework

As the Committee observed in 2015, CEDAW has not been incorporated into the domestic legal order in Denmark (no. 11). This remains an area of concern for the Women's Council. There is little knowledge of CEDAW in the Danish society and initiatives to secure women's right to equality with men (eg. with special programmes or quota) are often considered either unnecessary or even discriminatory. An incorporation would likely promote the visibility of CEDAW in Danish society and put focus on gender equality, not only as a human right but also as a precondition for sustainable development, peace and democracy.

Article 3: Gender Mainstreaming

Gender mainstreaming is covered by articles 1-3 in CEDAW. In 2015, the Committee was concerned that most municipal governments have no strategy or plan for gender mainstreaming (no. 14). We share this concern.

Regrettably, on 1 March 2019, the Danish Minister for Gender Equality introduced a bill that removes obligations regarding gender mainstreaming at the municipal level. The bill removes the obligation to make gender equality policies. Instead, it introduces an obligation to set targets for gender equality. Meanwhile, these targets are not binding. Additionally, the bill changes the frequency of the gender equality reports for local authorities from every second year to every third year.

In addition, following the 2019 parliamentary election, the Ministry of Gender Equality was fused with the Ministry of Food, the Ministry of Fishery, and the Ministry of Nordic Cooperation. This amalgamation indicates the governments's lack of prioritisation towards the area of gender equality. Furthermore, there is no policy on gender equality within the Ministry of Gender Equality, representing an unsatisfactory example to companies and other organisations.

Article 5: Gender Stereotypes and Violence Against Women

Article 5(a) in CEDAW focuses on eliminating cultural prejudices related to gender: Violence against women is one aspect of this.

- **Gender-based violence is not recognised in NAPs**

Generally, the Women's Council is concerned that the government does not recognise the gendered dimension of violence against women. In the latest NAPs, gender neutralising terms such as 'violence in close relationships' and 'family violence' have replaced the internationally recognised terms 'violence against women' or 'gender-based violence'.

The Council is worried that a gender-neutral way of dealing with violence against women fails to grasp the dimension that uneven power relations and harmful stereotypes actually help reproduce the violence. Thus, the action plans might overlook how seemingly unrelated phenomena such as digital sexual violations, rape, sexualised hate speech against girls and women online, partner violence, sexual harassment and so forth can be related and enabled by the same underlying gender structure.

We call for a more nuanced understanding of how norms and perceptions about gender can enable different forms of violence against women. Addressing this requires the inclusion of sexual violence in all forms.

- **New act on psychological violence**

In 2015, the Committee recommended that Denmark adopts a legislative framework that explicitly provides for the protection of women from psychological violence in line with the Istanbul Convention (no. 18c).

The Women's Council therefore welcomes a new separate act on psychological violence in close relations enacted by the Danish Parliament in 2019.

- **Better data from shelters**

In 2015, the Committee expressed concern regarding the absence of gender-disaggregated data for all forms of violence against women, including domestic violence and homicide by intimate partner (no. 17a).

Like the Committee, we believe that data, disaggregated by age, ethnicity, nationality, and the relationship between the victim and perpetrator, is crucial to the formulation of policies and the development of targeted interventions (no. 18a).

In December 2018, the Ministry for Children and Social Affairs and Statistics Denmark decided to reorganise data collection on women and children staying in women's shelters. It will now collect and publish statistical data from women's and men's shelters as well as counselling services. The statistical report will only be published biennially, but it will include data from two years which is disaggregated by ethnicity, age, education, employment status, types of violence etc. The upcoming data will be collected in 2020, and the first report will be published in 2021. Further, the Ministry of Social Affairs has introduced separate statistics on the range of requests for assistance that shelters receive. This will be implemented from January 2021.

At the moment, there is a risk that the individual registration of data in the shelters is given a low priority in the day-to-day operations, as registration of data is not mandatory and no funding is allocated for this administrative task. Additionally, the shelters have to provide data to three different authorities.

The Women's Council points to the need for comprehensive data on shelters as well as data from all sectors on violence against women so all sectors can refine their interventions. Among other things, data on sexual harassment in the public sphere as well as the work place is not collected systematically.

- **Developing a permanent planning and follow-up structure**

The current action plan on "violence in close relationships" has been prepared by three ministries only: The Ministry of Gender Equality, the Ministry of Justice, and the Ministry for Children and Social Affairs. Service providers and other civil society organisations working with violence against women are not represented in the working group.

The inter-ministerial working group has neither formal authority nor a budget, and NAPs tend to build on existing services and measures. Additionally, the responsibility for the implementation of NAPs and the activities under the NAPs are distributed among the ministries. This leads to compartmentalised rather than integrated policies and coordinated responses to all forms of violence against women and in the family.

The Women's Council supports the strong recommendation from GREVIO (2017) for the Danish authorities to develop a long-term, co-ordinated plan/strategy and a permanent planning and follow-up structure giving due importance to all forms of violence against women.

- **Amendment to the legislation on rape**

In accordance with GREVIO (2017), the government has, in 2019 and 2020, worked on a new amendment to the legislation on rape that will judge rape cases based on either consent or voluntariness. The current law defines rape according to the presence of physical violence. However, rape can also occur through other types of coercion, and passivity must never be mistaken for voluntariness. A legislation based on consent will not only encourage victims of rape and sexual violence to report to the police, but it may also act as prevention against rapes.

The Women's Council has expressed support of an amendment and the introduction of a law based on consent in accordance with art. 36 of the Istanbul Convention. Decisions on the amendment have not been concluded at the time of reporting.

Article 6: Trafficking and Exploitation of Prostitution

In 2015, the Committee recommended that the State party considers measures to discourage the demand for prostitution (no. 22). We support this recommendation.

We believe that the focus of the government should be on measures to support women who want to leave prostitution, measures to prevent prostitution, and measures to discourage the demand for it, and we welcome new research and data within the area.

Article 7: Participation in Political and Public Life

- **Women in management**

In 2015, the Committee acknowledged the adoption of the bill on the promotion of gender balance on the boards of private and public companies (no. 23) and urged the State party to closely monitor its implementation (no. 24).

In December 2017, the Act was evaluated by the Danish Business Authority. It concluded that, overall, the legislation had only had a limited effect on promoting an equal gender balance on the boards: From 2008 to 2012, the annual growth in female representation was 0.5 pct., whereas the growth from 2013 to 2017 was 0.7 pct. From 2016 to 2017 it even decreased by 0.1 pct.

The Women's Council calls for action in this field.

In addition, a small number of the permanent secretaries in government are women. In 2018 and again at the end of 2019 and the beginning of 2020, new permanent secretaries were appointed by the government. However, the percentage of women permanent secretaries remains around 20 pct. If the government wants private companies to promote a gender balance on their boards and in top management, we believe that it should consider leading by example.

- **Women in politics**

In 2015, the Committee welcomed the results achieved in increasing the participation of women in the Danish parliament (no. 23). However, in connection with the parliamentary election in June 2015, the share of female MPs dropped from 38.9 to 37.1 pct.

With the 2019 parliamentary election, the percentage of female political candidates on the electoral lists only rose from 31.3 pct. in 2015 to 34.3 pct. in 2019. The percentage of *elected* female candidates, however, went from 37.1 pct. in 2015 to 39 pct. in 2019. The Women's Council recognises the increase but encourages the government to take initiatives to increase the share of female candidates on the electoral lists. Additionally, the government should lead by example. Currently, there is only 35 pct. female ministers in the government.

The share of women in local government continues to be low. In the 2017 local election, the share of elected women in the municipalities increased to 32.9 pct.

In 2015, the Committee called on the State party to take measures, including temporary special measures such as statutory quotas or incentives for political parties, to include an equal number of women and men in their electoral lists, especially at the municipal level, in order to accelerate the equal representation of women in political and public life (no. 24). Such measures have still not been implemented but are still relevant.

Article 10: Education

In 2015, The Committee recommended that Denmark intensifies its efforts aimed at diversifying academic and vocational choices for women and men, girls and boys, and that it should introduce further measures to encourage women and men to choose non-traditional fields of education and career paths (no. 28a).

We acknowledge the efforts made by the government recently, especially to encourage girls/women to go into STEM programmes. However, the Danish labour market is still characterised by a high degree of occupational segregation due to the gendered differences in educational choices. Much more attention should be given to this at a much earlier stage in childhood.

Since 2014, "Gender bias and sex education" has been part of the curriculum for pre-school teachers. However, it is not included in the curriculum for teachers at primary and secondary schools. Consequently, little focus is put on fighting gender stereotypes and working systematically for equal opportunities and gender equality in schools.

Article 11: Employment

The gender pay gap continues to be a major area of concern for the Women's Council. Though the unadjusted pay gap has declined by 5 percentage points from 2007 to 2016, the adjusted (residual) pay gap remains unchanged.

- **A gender-neutral pay concept**

The Danish government (even in its initial report to the Committee) uses a gender-biased concept of pay to compare men and women's wages and thereby estimate the gender pay gap. This pay concept, *hourly earnings per hour present*, will wrongly give the impression that a woman on e.g. maternity leave is much higher paid than her male colleagues. This is deeply problematic and does not - in our opinion - belong in any official statistics on the gender pay gap.

In its answer to the List of Issues, the government acknowledges this and states that reports published by the Ministry of Employment and the Danish Centre for Social Science Research (VIVE) will now use the gender-neutral pay concept, *standardised hourly earnings*. Yet, the government and the employers continue to refer to the gender-biased pay concept, in all other platforms.

In short, the gender-biased pay concept - *hourly earnings per hour present* - divides hourly earnings by actual working hours. Thereby women on paid leave will suddenly have an artificially high hourly earning, reducing the gender pay gap significantly. Since payment during leave is highly subsidised by government as well as reimbursement schemes, this pay concept is not even a reflection on the costs of the employer, which they often argue. It is simply just a way to cover up a high gender pay gap.

As the Danish Pay Commission (2010) emphasised, only a gender-neutral pay concept (e.g. *standardised hourly earnings*) should be used when comparing men and women's wages.

- **Little transparency on wages**

In 2015, the Committee was concerned about the persistent gender wage gap and the lack of legal obligations requiring transparency. This includes comparative figures in individual cases, made by the employers, regarding data on remuneration (no. 29a).

In 2014, the former government signed a bill on equal pay statistics requiring companies with more than 10 employees to prepare statistics for job categories with a minimum of 3 men and 3 women. However, this Act never came into force as the present government rejected it. Meanwhile, one element was maintained: the official statistic from 2016 was now based on index numbers instead of real amounts, making the payment structure less transparent and making it impossible to compare individual cases and work of equal value across job categories.

Current legislation states that only companies with 35 employees or more must make available (to employee representatives) a yearly statistical overview of pay distribution segregated by sex - but only for job categories with a minimum of 10 men AND 10 women. However, this is only found in a few, large companies, narrowing the scope significantly.

According to the law, companies can decide on the pay concept they wish to choose. They are not obliged to use statistics generated by their own employer's organisation, the official statistics based on index numbers.

All in all, this allows for very little transparency - de facto making it impossible to compare individual cases.

- **The concept of equal pay for work of equal value**

In 2015, the Committee was concerned by a lack of legal clarity in the definition of work of equal value (no. 29a). This remains an issue of concern for the Women's Council.

- **Maternity equalisation scheme for self-employed**

In 2015, the Committee welcomed the introduction of a Maternity Equalisation Scheme for maternity, paternity, and parental leave for self-employed persons in 2014. However, this never came into force. In 2020, the government decided to re-introduce such a Maternity Equalisation Scheme. Nevertheless, as a result of the CoViD-19 crisis, the agreement has been postponed.

Among other things, it could have encouraged women to start their own business. Instead, we have seen a decrease in the numbers of businesses started by women: In 2017, only one in four new businesses were started by a woman according to figures from the Danish Business Authority.

Article 12: Health

In Denmark, there are laws and provisions that guarantee full and equal access to sexual and reproductive health services, including free access to induced abortion for all girls and women until the 12th week of pregnancy, just as sex and health education is obligatory in primary and lower secondary schools. Meanwhile, sex and health education is not mandatory in general and vocational upper secondary education or in teacher training colleges.

Article 16: Marriage and Migrant Women

Article 16 regards the elimination of discrimination against women in all matters relating to marriage and family relations. We believe there is an issue in Denmark regarding migrant women.

Interviews by a Danish NGO-based outreach programme (2012-2018) with migrant women expose cases of economic, physical, sexual, and psychological violence by abusers with both ethnic Danish background and ethnic minority background. The severity of the violence is magnified due to the social isolation of migrant women, economic dependence of the abuser, uncertainty regarding rights and lack of awareness regarding possibilities for help. Reporting of the violence is further scarce, as the migrant women fear that the authorities may not believe that they are exposed to violence and that they may end up in a worse situation.

According to Danish Law, it is possible for migrant women under family reunification to retain their residency permit in case of a divorce if they can prove that they are exposed to violence, but the vulnerability of the migrant women is not reflected in national policies.

However, if a migrant woman has resided in Denmark for less than two years, she must also prove that she has been willing and able to integrate into Danish society through work or studies. This requirement does not take into consideration that being exposed to violence considerably affects the ability to maintain a job or participate actively in studies.

The Danish Gender Equality Action Plan (2019) reasons that 'obsolete gender roles in ethnic minority communities' put women at risk of violence. Interventions such as government-funded initiatives on rights and gender equality (2018-2020) focus on norms and 'ethnic minorities in parallel communities'. This initiative provides information to specific target groups but do not offer specialised counselling and do not offer bridge-building to relevant authorities who can aid the woman in asserting her right to retain her residency permit.

In the recent 'Action plan to prevent physical and psychological violence (2019-2022)', only safe houses for victims of honour-related crimes are mentioned as a permanent priority targeting ethnic minorities. In addition, the category 'migrant women' is omitted in Danish strategies and action plans.

The Women's Council calls for a more holistic approach and the inclusion of the broader category *migrant women* in strategies on gender equality and action plans. This will allow for comprehensive prevention and protection initiatives which address additional drivers of violence in addition to specific cultural factors.

We also call for data collection on the number of women who apply for an extension of their residence permit due to violence in order to obtain a better assessment of the extent and the actual fall out.