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CEDAW Parallel Report: Ninth Examination of the Government of Denmark

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 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. At the local as well as the national level, the obligation to integrate equality into all legislation, policies and activities is given very little attention.



On 1 March 2019, the Danish Minister for Gender Equality even introduced a bill stating that gender equality policies are no longer mandatory in municipal government. Instead, municipalities must set non-binding targets for gender equality. Additionally, the bill changes the frequency of the gender equality reports for local authorities from every second year to every third year.

At government level, few bills and policies are gender mainstreamed properly; making it impossible to assess whether the policy has negative or positive consequences on the equality of women and men. Paradoxically, there is not even a policy on gender equality *within* the Ministry of Gender Equality¹, representing an unsatisfactory example to companies and other organisations.

The Women's Council welcomes the ministerial reshuffle of 2020 that moved The Ministry of Equality to the Ministry of Labour. This signals an intention to give the area a higher priority, which is sorely needed. However, there is also a risk that violations of women's rights taking place in the home, in public and other spaces outside the workplace will lose focus.

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 not recognised in NAPs**

Generally, the Women's Council is concerned that the government does not recognise the gendered dimension of domestic violence. 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.

The Women's Council calls 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). This was enacted by the Danish Parliament in 2019.

¹ [Ligestillingen halter i regeringens eget ligestillingsministerium | Politik | DR](#)



- **Better data on Gender-Based Violence**

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). This is still a matter of concern.

Like the Committee, we believe that data, disaggregated by age, ethnicity, nationality, disability, and the relationship between the victim and perpetrator, is crucial to the formulation of policies and the development of targeted interventions (no. 18a). This data is either lacking (e.g. on disability) or official data is diverging. When it comes to sexual violence, intimate partner violence and sexual harassment, for instance, public authorities report very different numbers. Consequently, the Women's Council points to the need for comprehensive and consistent data on violence against women/ gender based violence.

As for data on women's shelters, the Ministry for Children and Social Affairs and Statistics decided in 2018 to reorganise data collection. From 2020 it will only be published biannually, and include data from shelters and counselling services. However, it will be disaggregated by ethnicity, age, education, employment status, types of violence etc. The Ministry of Social Affairs has also 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 registration of individual data in shelters is given a low priority in the day-to-day operations, as registration is not mandatory and no funding is allocated for this administrative task.

- **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 processes rather than integrated policies and coordinated responses to all forms of violence against women and in the family, which would be preferable.

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.



Article 6: Trafficking and Exploitation of Prostitution

The most recent data on the selling of sex in Denmark shows that the vast majority of the most vulnerable sellers – those in street-based prostitution – are foreign nationals, many of whom are in the country illegally. The data on these women is scarce, making the assessment of their situation difficult.

Danish local authorities are legally obligated to assist an individual if they want to exit prostitution, yet few truly perform this task. Most foreign prostituted individuals do not know about this service, or are afraid to access it due to their immigration status. Furthermore, many women in prostitution fear discrimination and stigma from authorities, dissuading them from realising their right to health care and social support, this is especially pertinent to victims of trafficking.²

The Women's Council calls for comprehensive data collection and surveys on prostitution; especially on the situation on foreign women in the sex industry in Denmark. This is needed in order to develop policies for improving their situation and setting up the right framework for assistance.

Article 7: Participation in Political and Public Life

• Women in Management

In 2015, the Committee acknowledged the adoption of the bill introducing soft quotas to promote 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, soft quotas has had no significant 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.³ Among the largest 1500 companies, half of them have no women in their boards⁴.

The Women's Council calls for action in this field; the legislation needs to be revised and implemented more efficiently e.g. by introducing binding targets or quotas and sanctions if they are not met.

In addition, public companies and institutions must lead by example. At present, only one out of five permanent secretaries in government are women and one out of six top managers in the municipalities are women. In government itself, only 35 pct. of the ministers are women.

² <https://www.vive.dk/media/pure/4491/273575>

³ [samlet-evaluering-af-maal-og-politikker-april-2018.pdf \(em.dk\)](#)

⁴ [Nul kvinder i bestyrelsen i halvdelen af Danmarks største virksomheder | Institut for Menneskerettigheder](#)



- **Women in Politics**

In 2015, the Committee welcomed the results achieved in increasing the participation of women in the Danish parliament (no. 23).

However, no further progress has been made. At the parliamentary election in June 2015, the share of elected female MPs dropped from 38.9 to 37.1 pct. Increasing to 39 pct again in 2019. The problem is that only one of out three candidates on the electoral lists are women.

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. However, only one out of seven mayors are women.

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 (no. 24). Regrettably, such measure still have not been taken.

The Women's Council believes that this recommendation needs to be repeated ahead of local elections in November 2021.

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.

The Women's Council recommends that "gender equality and bias" be included in basic training of all school teachers.



Article 11: Employment

The gender pay gap continues to be a major area of concern for the Women's Council.

A report launched by the Government in October 2020 revealed that the un-adjusted gender pay gap is 14,4 pct⁵. Though the unadjusted pay gap has declined by 5 percentage points from 2007 to 2016, the adjusted (residual) pay gap remains unchanged around 7 pct.

- **Discriminatory Pay Concepts**

It is a great concern that Government, as well as the private sector, uses discriminatory pay concepts and methodology to analyze the gender pay gap.

In the report launched in October 2020, the Government concludes that the adjusted pay gap is in fact only 1,8 pct. They reach this conclusion using non-objective and gender-biased factors (e.g. absence due to maternity leave and the gender of your colleagues) to adjust the gender pay gap.

The Women's Council strongly opposes such gender-biased methodology.

According to the Equal Pay Act, employers with 35 employees or more are obliged to make equal pay statistics. However, they are not obliged to secure that the statistic is gender neutral.

For instance, the employer may compare *earnings per hour present*. Women have more paid time off because they are more on maternity leave and take more care of sick children than their male counterparts. This family related absence is highly compensated and reimbursed by government and private schemes. However, *Earnings per hour present* does not, take these compensations into account. Consequently, the wages of women appear much higher in the statistics than on their paycheck; Moreover, the pay concept *earnings per hour present* also gives a false picture of employers "expense burden" when employing women.

The Women's Council believes that a gender-neutral pay concept (such as e.g. *standardized hourly earnings*) must be used in equal pay statistics. If discriminatory pay concepts and methodology continues to question *whether* Denmark has a problem of unequal pay, policies and interventions are not formulated and implemented.

- **No Pay Transparency**

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). This continues to be an issue of concern.

As an individual, you still have no chance of checking whether your right to equal pay is violated.

⁵ [Ny rapport gør os klogere på forskellen mellem mænd og kvinders løn \(bm.dk\)](#)



Current legislation states that only companies with 35 employees should make a yearly statistical overview of pay distribution segregated by sex - but only for job categories with a minimum of 10 men AND 10 women. These statistics need not be published, but shown to an employee representative on request.

The problem is that very few people are in fact included in these statistics. The Danish labour market is characterised by a high degree of gender segregation and by small and medium enterprises (SMEs). As mentioned above, it is also a problem that these statistics might give a wrong picture of the gender pay gap - depending on the pay concept and methodology used.

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

- **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.

Despite the obligation to secure equal pay for work of equal value the Danish legislation does still not have a definition of work of equal value.

- **Maternity Equalisation Scheme for the Self-Employed**

In 2015, the Committee welcomed the introduction of a Maternity Equalisation Scheme for maternity, paternity, and parental leave for self-employed persons. This was set on hold for years. However, January 1st 2021 it finally came into force.

In the Women's Council we hope that this equalisation scheme will promote female entrepreneurship. From 2012 - 2017 the share of female entrepreneurs dropped from 1 out of 3 entrepreneurs to 1 out of 4⁶.

The Women's Council recommends that special attention be given to the situation for self-employed women during the COVID19 pandemic.

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.

⁶ »Bekymrende og opsigtsvækkende« udvikling blandt kvindelige iværksættere (berlingske.dk)



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. Further, reporting of the violence is 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, excluding a host of other reasons that a woman might be victimized. 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.

