

United Nations

CEDAW/C/DNK/CO/8



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

#### Concluding observations on the eighth periodic report of Denmark\*

1. The Committee considered the eighth periodic report of Denmark (CEDAW/C/DNK/8) at its 1287<sup>th</sup> and 1288<sup>th</sup> meetings, on 24 February 2015 (see CEDAW/C/SR.1287 and 1288). The Committee's list of issues and questions in relation to the eighth periodic report of Denmark is contained in CEDAW/C/DNK/Q/8 and the responses of the State party are contained in CEDAW/C/DNK/Q/8/Add.1.

#### A. Introduction

2. The Committee appreciates that the State party submitted its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party delegation which was headed by H.E. Mr. Carsten Staur, Ambassador and Permanent Representative of Denmark to the United Nations Office at Geneva. The delegation also included representatives from the Ministry of Employment, the Ministry of Children, Gender Equality, Integration and Social Affairs, the Ministry of Defence, the Ministry of Justice, the Ministry of Health, the Ministry of Foreign Affairs, the Office of the Prime Minister of Faroe Islands, the Ministry of Trade and Industry of the Faroe Islands, the Ministry of Family, Gender Equality and Social Affairs of Greenland and the Permanent Mission of Denmark to the United Nations Office at Geneva.

4. The Committee welcomes the State party's acknowledgement of the important role played by its national human rights institute and non-governmental organisations, in particular women's rights organisations, in the preparation of the State party's report.

#### B. Positive Aspects

5. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's seventh periodic report (CEDAW/C/DNK/7) in undertaking legislative reforms, in particular the adoption of:

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\* Adopted by the Committee at its sixtieth session (16 February – 6 March 2015).

- (a) The adoption of a Gender Equality Act for Greenland for 2013; and,
  - (b) The Act on target figures and policy on gender balance in corporate boards in 2012.
6. The Committee also welcomes the following policy measures undertaken by the State party:
  - (a) The adoption of a third national action plan for the implementation of Security Council Resolution 1325 in 2014;
  - (b) The introduction of a Maternity Equalisation Scheme for maternity, paternity and parental leave for self-employed persons in 2014;
  - (c) The appointment of a Minister of Gender Equality in Greenland in 2011; and,
  - (d) The adoption of the Strategy and Action Plan against Violence in Greenland (2014 – 2017).
7. The Committee welcomes the ratification of the following international treaties since the consideration of the previous report:
  - (a) The Council of Europe Convention on preventing and combating violence against women and domestic violence in 2014; and,
  - (b) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2009.

## **C. Principal areas of concern and recommendations**

### **Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament of Denmark and the parliaments of the territories of Greenland and the Faroe Islands, in line with their mandates, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Visibility of the Convention, the Optional Protocol and the Committee's general recommendations**

9. The Committee notes that the State party's report and opening Statement to the Committee are available on the website of the Ministry of Foreign Affairs and that the Committee's concluding observations are circulated to relevant ministries, authorities and non-governmental organizations. The Committee is nonetheless concerned that there is inadequate awareness of the Convention in general, the procedures under the Optional Protocol to file claims of violations of women's rights, the Committee's general recommendations and the Committee's views and recommendations on individual communications and inquiries.

10. **The Committee recommends that the State party:**

- (a) **Disseminate and give publicity to the Convention, the Optional Protocol and the Committee's general recommendations among all segments of society and facilitate access to information, including with Danish language translations, on the Committee's views and recommendations on individual communications and inquiries, including through capacity-building programmes for lawyers, judges, prosecutors, police officers and other law enforcement officials; and,**

**(b) Raise awareness among women of their rights under the Convention and of legal remedies available at the national and local levels, including through information campaigns and the media.**

#### **Legislative framework**

11. The Committee regrets that notwithstanding its previous recommendation (CEDAW/C/DEN/CO/7, para. 15), the State party decided, in October 2014, not to incorporate the Convention into its domestic legal order. In this light the Committee is concerned that the State party's Supreme Court has ruled that non-incorporated treaties do not have the same status in domestic law as incorporated treaties. The Committee reiterates that notwithstanding the special self-governing and autonomous status of the territories of Greenland and the Faroe Islands, the primary responsibility for ensuring the implementation of the Convention across its territory remains with the State party. The Committee is also concerned that the absence of legislation for the general prohibition of all forms of discrimination against women covered under the Convention and the absence of a comprehensive law on the prohibition of discrimination covering all internationally recognised grounds. The Committee is concerned that this could result in legal ambiguity and inconsistency in addressing the rights of women belonging to disadvantaged or marginalised groups who face intersecting forms of discrimination.

**12. The Committee reiterates its call to the State party to reconsider its decision not to incorporate the Convention into its domestic legal order or at least to adopt a comprehensive law on prohibition of sex discrimination in all areas covered by the Convention. The Committee also recommends that the State party consider the enactment of a comprehensive law on the prohibition of discrimination covering all internationally recognised grounds and the establishment of institutionalised structures for information exchange and coordination amongst its various bodies for addressing discrimination with a view to ensuring the legal clarity and consistency, particularly for women who are victims of intersecting forms of discrimination.**

#### **Gender mainstreaming**

13. The Committee welcomes the State party's launch of a National Strategy for Gender Mainstreaming for the public sector in 2013. However, it notes with concern that the said Strategy does not encompass education and that its impact on assessing new legislation remains limited in practice. The Committee is also concerned that notwithstanding the National Strategy for Gender Mainstreaming, the majority of municipal level government authorities do not have a strategy or plan for gender mainstreaming.

**14. The Committee recommends that the State party establish time-bound objectives regarding educational initiatives and the involvement of the educational sector. The Committee also recommends that the State party undertake measures for facilitating the development of gender mainstreaming tools for legislation and for context-specific strategy plans for gender mainstreaming at the municipal level, including in the territories of Greenland and the Faroe Islands.**

#### **Temporary Special Measures**

15. The Committee welcomes existing, although rather limited, temporary special measures and the progress made in increasing the participation of women in Parliament and in management boards of companies and autonomous public enterprises. However, the Committee remains concerned about the under-representation of women in academia and in the private sector, particularly in technical areas, especially at decision-making levels owing to the continuing existence of stereotypes of the role of men and women in the family and society. The Committee is also concerned about the limited use of temporary

special measures in Greenland and the Faroe Islands, as well as with regards to migrant women.

16. **In accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party, particularly in its territories of Greenland and the Faroe Islands as well as with regards to migrant women, evaluate the impact of existing temporary special measures, including through the collection and analysis of gender disaggregated data, and take new measures to accelerate the achievement of substantive gender equality in all areas under the Convention where women continue to be disadvantaged or under-represented, and also to combat stereotypes of the traditional roles of men and women in the family and society.**

#### **Violence against women**

17. The Committee welcomes the continued progress achieved by the State party in combating violence against women, including the establishment of systematic training for health care professionals, police, teachers, educators and other professionals who may deal with victims of such violence. However, the Committee remains concerned:

(a) The absence of gender disaggregated data on all forms of violence against women, including domestic violence and homicide by intimate partners;

(b) The inadequacy of protection and restraining orders for victims of violence against women in Greenland and the Faroe Islands; and,

(c) The absence of explicit legal provisions ensuring the protection of women from psychological violence.

18. **The Committee recommends that the State party:**

(a) **Enact legislation providing for the collection of data, disaggregated by age, ethnicity, nationality and relationship between the victim and the perpetrator, on all forms of violence against women and establish a mechanism with a clear mandate as well as adequate human, technical and financial resources for the analysis of such data;**

(b) **Further strengthen the quality and accessibility of protection measures, including restraining orders, for women who are victims of violence in Greenland and the Faroe Islands; and,**

(c) **Adopt a legislative framework that explicitly provides for the protection of women from psychological violence, in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) to which Denmark is a party.**

#### **Trafficking and exploitation of prostitution**

19. The Committee welcomes the State party's adoption of its fourth National Action Plan against Human Trafficking (2015 to 2018), the extension to 120 days of the so-called "reflection period", which allows for the victim to remain in the State party and receive medical and psychological support, and the adoption of a specific legal provision on granting temporary residence to victims who participate in criminal investigations and/or prosecutions against traffickers. However, the Committee remains concerned at the continued practice of subjecting potential victims of trafficking, particularly those without regular migration status, to confinement by law enforcement authorities for up to 72 hours while the identification process is ongoing.

20. **The Committee recommends that the State party takes measures to ensure non-custodial accommodation, with full access to appropriate medical and psychological support, of potential victims of human trafficking while identification processes are ongoing. Furthermore, the Committee encourages the State party to continue strengthening its efforts aimed at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at prosecution of traffickers.**

21. The Committee notes as positive the programmes that the State party has for supporting women who wish to leave prostitution. However, the Committee is concerned that these programmes do not adequately address the needs of women who are not nationals of the State party. The Committee is also concerned about the inadequacy of measures taken to discourage the demand for prostitution. While noting that the purchase of sex from a victim of human trafficking is a criminal offence in the State party, the Committee is concerned that there have been no prosecutions for such offences to date. Furthermore, the Committee is concerned that the majority of women involved in street prostitution in the State party are non-nationals, which may be indicative of specific needs and vulnerabilities not being adequately addressed by existing State party measures to combat exploitation of prostitution.

22. **The Committee recommends that the State party consider measures to discourage the demand for prostitution. The Committee also recommends that the State party strengthen its measures to prosecute and punish human traffickers. Furthermore, the Committee recommends strengthening assistance provided to victims of human trafficking who have been subjected to forced prostitution and ensure the effective prosecution of individuals who have purchased sex from victims of human trafficking. The Committee also encourages the State party to further strengthen its measures to support women who want to leave prostitution, particularly those who are non-nationals. The Committee also recommends that the State party undertake an analysis of the factors leading to the involvement of non-national women in prostitution with a view to applying such analysis for strengthening measures to address specific vulnerabilities to human trafficking and exploitation of prostitution.**

#### **Participation in political and public life**

23. The Committee acknowledges Parliamentary Bill on the promotion of gender balance on the boards of private and public companies in 2012. The Committee welcomes the results achieved in increasing the participation of women in the Parliament of Denmark. However, it remains concerned at the low representation of women in the Parliaments of Greenland and the Faroe Islands. Furthermore, the Committee is concerned about the under-representation of women in municipal councils and executive bodies.

24. **The Committee calls upon 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, particularly at the municipal level and in Greenland and the Faroe Islands, to accelerate women's equal representation in political and public life. In doing so, the State party should pay particular attention to the representation of women in legislative and executive bodies at the municipal level as well as in Greenland and the Faroe Islands, including in decision-making positions. The Committee also urges the State party to closely monitor the implementation of the Parliamentary Bill on the promotion of gender balance on the boards of private and public companies in 2012.**

### Nationality

25. The Committee notes the State party policy of generally ensuring gender equality in transmission of nationality. However, it remains concerned that the existing law on citizenship continues to have an adverse impact on stateless women and girls, given that it does not grant automatic citizenship to children born in the State party's territory to stateless parents.

26. **The Committee encourages the State party to ensure that its national citizenship legislation fully comply with the 1961 Convention on the Reduction of Statelessness, in particular by providing for the automatic granting of nationality to all children born in Denmark who would otherwise be stateless. In doing so, the State party should ensure that its procedures for addressing statelessness are timely and gender-sensitive in accordance with General Recommendation No. 32 (2004) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women on asylum.**

### Education

27. The Committee commends the State party for the high level of education of women in it. However, it remains concerned about:

(a) The continued prevalence of stereotypical educational choices by women and girls as well as men and boys resulting in women's and girls' under-representation in traditionally male dominated fields of studies such as science, technology, engineering and mathematics;

(b) The low number of women advancing in academic careers, particularly at the professorial level; and,

(c) The lack of comprehensive Master and Doctoral programmes in Gender Studies.

28. **The Committee recommends that the State party:**

(a) **Intensify its efforts aimed at diversifying academic and vocational choices for women and men, girls and boys, and take further measures to encourage women and men to choose non-traditional fields of education and career paths; such as science and technology for women and care-giving roles for men;**

(b) **Further encourage and facilitate academic careers by women, including through special temporary measures, particularly at the professorial level; and,**

(c) **Consider promoting the establishment of comprehensive Master and Doctoral programmes in Gender Studies.**

### Employment

29. The Committee welcomes the establishment in 2011 of a tribunal for equal pay. However, the Committee remains concerned at:

(a) The persistent gender wage gap and the lack of legal obligations guaranteeing transparency, including on comparative figures in respective individual cases, on the part of employers regarding remuneration data, the lack of legal clarity on the definition of work of equal value, and successful decisions in redress and compensation for relation to gender-based wage differences;

(b) The concentration of women in part-time work, which adversely affects their career development and pension benefits;

(c) The absence of clearly defined sanctions for companies that fail to meet targets for equal gender representation;

(d) The prevalence of de facto employment discrimination related to pregnancy and childbirth; and,

(e) The lack of legal obligations on public authorities to promote gender equality in the context of public procurement.

**30. The Committee recommends that the State party:**

**(a) Continue reducing the gender pay gap, with a view to eliminating it, including by improving its data collection system to provide regular and independently verifiable data on gender and wages that is cross-comparable, and to analyse the data collected as a basis for assessing progress achieved in the realization of gender equality in pay and for designing policies and programmes to eliminate gender-based wage differences; provide clear guidance on the concept of equal pay for work of equal value; and, provide effective mechanisms for seeking redress and compensation for violations of the principle of equal pay for work of equal value;**

**(b) Undertake proactive measures to eliminate occupational segregation, including facilitating the provision of options for transitioning part-time jobs to full-time ones and creating more opportunities for women to access full-time employment;**

**(c) Provide for adequate and clearly defined sanctions for companies that fail to meet equal gender representation targets and provide concrete mechanisms for the prompt enforcement of such sanctions;**

**(d) Consider strengthening of the legal protection of women in cases of discrimination in the work place related to pregnancy and child birth; and,**

**(e) Provide for an obligation for public authorities to promote gender equality and to increase the participation of women in the labour market in public procurement contract performance conditions.**

### **Health**

31. The Committee is concerned about the high prevalence of abortions, particularly underage abortions, in Greenland. The Committee notes that the legislation on abortion in the Faroe Islands does not allow for equal access to abortion services or women there compared to their counterparts in Greenland and mainland Denmark. (The Committee is concerned that given the geographic isolation of the Faroe Islands may lead to situations in which women or girls there seeking a termination of pregnancy may be subject to unnecessary risks or are disadvantaged compared to their counterparts in mainland Denmark and Greenland.

**32. The Committee recommends that the State party take measures to reduce the high prevalence of abortion in Greenland, including through education on sexual and reproductive health, especially in schools. Furthermore, the Committee urges the State party to review its position on abortion in the territory of the Faroe Islands, with a view to ensuring women and girls there have equal access to safe and legal abortion services. as their counterparts in mainland Denmark**

### **Disadvantaged groups of women**

33. The Committee remains concerned about discrimination against migrant women, including intersecting forms of discrimination on the basis of sex and other grounds such as ethnic or religious background. The Committee further reiterates its previous concern that the majority of women living with HIV/AIDS in the State party are foreign-born women belonging to ethnic minorities.

34. **The Committee recommends that the State party take measures to eliminate discrimination against migrant women, including intersecting forms of discrimination, both in society at large and within their communities, and promote positive images of women belonging to ethnic and religious minorities. The Committee also recommends additional targeted measures for ensuring migrant women's and girls' access to sexual and reproductive health services and education, especially targeting foreign-born women belonging to ethnic minorities, with a view to preventing and addressing HIV/AIDS and other sexually transmitted diseases.**

35. The Committee notes the inadequacy of support services, including for ensuring non-discrimination, for lesbian, bisexual and transgender women.

36. **The Committee recommends that the State party envisage undertaking an assessment of difficulties faced by lesbian, bisexual and transgender women with the aim of ensuring the full fulfilment of their rights.**

37. The Committee notes with concern that older women in the State party face intersecting forms of discrimination.

38. **In line with its General Recommendation No. 27 (2010) on older women and protection of their human rights, the Committee recommends that the State party raise awareness about intersecting forms of discrimination faced by older women and pay special attention to their precarious situation, develop measures that adequately address their health, economic and emotional needs in order to avoid poverty and isolation, and ensure the availability of care centres to meet the needs of older women, especially single older women and those without family support.**

#### **Equality before the law**

39. The Committee is concerned that the increasing use of gender-neutral language and policies in the State party could unintentionally result in an increase of substantive inequality between women and men. In particular, the Committee is concerned that the gender-neutral application of the Criminal Code may lead to lack of available gender-disaggregated data on domestic violence, thus obscuring the prevalence of women as victims of such violence, and to the decrease of funding for women's only programs and services.

40. **The Committee urges the State party to undertake a comprehensive assessment of the gender-neutral approach in legislation and policy-making, with emphasis on the potential negative implications of gender-neutral policy for public funding of women-specific programmes.**

#### **Family relations/Economic consequences of divorce**

41. The Committee is concerned that the State party's Act on the Legal Effects of Marriage, while providing for community property regime, does not adequately address gender-based economic disparities between spouses resulting from traditional work and family-life patterns, which often lead to enhanced human capital and earning potential of men while women may experience the opposite. However, neither existing legislation nor caselaw address distribution of personal goodwill, future earning capacity or increased human capital so as to redress possible gender-based economic disparities between spouses. The Committee is further concerned that the protection of the economic rights of women living in de-facto relationships is only safeguarded through partial and inconsistent caselaw.

42. **The Committee calls upon the State party to conduct research on the economic consequences of divorce on both spouses, taking into account the length of the marriage and the number of children, and to adopt such legal measures as may be necessary to redress economic disparities between men and women upon the dissolution of marriage, including, in particular, the recognition of all career assets**



(i.e. earning potential; personal goodwill; enhanced human capital) as part of the marital assets to be distributed upon divorce, or the award of post-divorce periodic payments. The Committee further urges the State party to adopt legal measures necessary so as to guarantee women living in de-facto relationships economic protection, in the form of recognizing their rights in the property accumulated during the relationship, in line with the CEDAW General Recommendation No. 29 (2013) on Economic consequences of marriage, family relations and their dissolution.

#### **Family reunification**

43. The Committee notes that the State party has recently conducted an evaluation of its policy of stipulating a general minimum age of 24 years for family reunification of migrant spouses as a measure to combat forced marriages. The Committee also notes the State party's assertion, during the dialogue with it, that this requirement is de jure gender neutral. However, the Committee remain concerned that this may nonetheless de facto and unduly restrict women's right to family life in the State party.

44. **The Committee recommends that the State party establish monitoring and follow-up procedures for evaluating if the minimum age requirement for family reunification of migrant spouses may result in de facto gender discrimination. It also urges the State party to continue exploring alternatives to this minimum age requirement as a means for combating forced marriages.**

#### **Data collection and analysis**

45. The Committee is concerned about the inadequacy of sex-disaggregated statistical data, and systems for the compilation and cross-comparison of existing data. It notes that data disaggregated by sex, age, nationality, geographical location and socioeconomic background are necessary for an accurate assessment of the situation of women, to determine whether they suffer from discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of progress achieved towards the realization of women's substantive equality in all areas covered by the Convention.

46. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data that is cross-comparable and disaggregated by sex and other relevant factors necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to the Committee's General Recommendation No. 9 (1989) on statistical data concerning the situation of women.**

#### **Amendment to article 20 (1) of the Convention**

47. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

#### **Beijing Declaration and Platform for Action**

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

#### **Millennium Development Goals and the post-2015 development framework**

49. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

### Dissemination

50. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the Parliament and the judiciary, in Denmark as well as in the territories of Greenland and Faroe Islands, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

### Ratification of other treaties

51. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to which it is not yet a party. The Committee also encourages the State party to consider ratifying the International Labour Organisation Convention No. 189 concerning decent work for domestic workers.

### Follow-up report

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraph 18.

### Preparation of the next report

53. The Committee invites the State party to submit its ninth periodic report in March 2019.

54. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1).

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.