



Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination
against Women**
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Concluding observations of the Committee on the Elimination of Discrimination against Women

Denmark

1. The Committee considered the seventh periodic report of Denmark (CEDAW/C/DEN/7) at its 888th and 889th meetings, on 22 July 2009 (see CEDAW/C/SR.888 and 889). The Committee's list of issues and questions is contained in CEDAW/C/DEN/Q/7 and the responses of the Government of Denmark are contained in CEDAW/C/DEN/Q/7/Add.1.

Introduction

2. The Committee commends the State party for the submission of its seventh periodic report, which followed the Committee's former guidelines for the preparation of periodic reports and took into account its previous concluding observations. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee. The Committee regrets, however, that information in the report about the situation of women in the Faroe Islands and Greenland is still too limited.

3. The Committee commends the State party for its delegation headed by the Deputy Permanent Secretary, Department of Gender Equality, which included representatives of various Government ministries, as well as representatives of the Faroe Islands and Greenland. The Committee expresses its appreciation for the frank, open and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations to the preparation of the State party's report but regrets that it has not received information regarding the Faroe Islands and Greenland.



Positive aspects

5. The Committee commends the Consolidation Act on Gender Equality of September 2007, which introduced the possibility of applying temporary special measures in target pilot and development initiatives in fields other than employment.

6. The Committee notes with satisfaction the amendment to the Act on Gender Equality of May 2006 extending the requirement of ensuring equal gender nominations for positions on councils, boards and committees of municipalities and regions, as well as the amendment of May 2009, making the provisions on gender composition more rigorous.

7. The Committee welcomes the State party's adoption of the 2005-2008 national plan of action to combat men's domestic violence against women and children aimed at increasing information and services to women, including ethnic minority women, as well as improving public awareness through various initiatives targeted at women and men, boys and girls, as well as minority women.

8. The Committee welcomes the efforts made to raise public awareness of trafficking in human beings and to combat this scourge, notably through the national plan of action for the period 2007-2010, which sets concrete and measurable goals. The Committee also welcomes the establishment of the inter-ministerial working group on trafficking mandated to implement the State's initiatives. It also welcomes the creation of the Anti-Trafficking Centre, which manages the social dimensions of the national plan of action, as well as the stationing of trafficking coordinators in each police district.

9. The Committee congratulates the State party for mainstreaming gender equality and empowerment of women in its development cooperation activities and for allocating substantial financial resources for that purpose.

Principal areas of concern and recommendations

10. The Committee recalls the State party's obligation systematically and continuously to implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the Governments of Denmark, the Faroe Islands and Greenland to submit the present concluding observations to all relevant ministries, to the Parliament and the judiciary, so as to ensure their full implementation.

Previous concluding observations

11. The Committee acknowledges the relative short time between the adoption of the previous concluding observations and the examination of their implementation. It regrets, however, that some of the concerns it expressed and the recommendations it adopted after the consideration of the State party's sixth periodic report (CEDAW/C/DEN/6) in 2006 have been insufficiently addressed. These include for instance those regarding the underrepresentation of women in politics at the municipal level, the wage gap, parental leave, the situation of foreign married

women with temporary residence permits, and the minimum age requirement for spousal reunification.

12. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been fully implemented, as well as the concerns contained in the present concluding observations.

Parliament

13. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party, including the Faroe Islands and Greenland, to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Legal status of the Convention

14. While recognizing that some of the State party's domestic laws reflect the articles enshrined in the Convention, the Committee is concerned at the decision taken by the State party not to incorporate the Convention into its domestic legal order. It also reiterates the concerns expressed in its previous concluding observations that the Convention's provisions and rights have not been fully incorporated in the Faroe Islands and Greenland. Furthermore, given the special status of the self-governing and autonomous territories of the Faroe Islands and Greenland, the Committee considers that the incorporation of the Convention into the Constitution or other appropriate legislation would provide full protection to all citizens under the Danish Realm. The Committee notes that under Home Rule legislation the Danish Parliament has delegated legislative and executive powers to the authorities of the Faroe Islands and Greenland. It underlines, however, that the State party bears the primary responsibility of ensuring the full implementation of the Convention within the Danish Realm and dividing responsibilities with self governing and autonomous territories in that regard. In addition, while noting the existence of gender equality machineries and regulations in Denmark, the Faroe Islands and Greenland, the Committee is concerned that there is inadequate effective coordination of the application of the Convention in all Territories of the State party and of reporting as required under article 18 of the Convention.

15. The Committee calls on the State party to reconsider its decision not to incorporate the Convention into its domestic legal order, with a view to ensuring that all rights protected under the Convention are given full effect in domestic law. It recalls the State party's obligation, as stated in article 2 (a) of the Convention, to embody the principle of the equality of men and women in its national Constitution or other appropriate legislation. The Committee recommends that the State party ensure that full implementation of the Convention is achieved throughout the State party's entire territory, including the Faroe Islands and Greenland. It also requests that an efficient division of responsibilities and reporting under the Convention is guaranteed through the establishment of effective coordination and reporting mechanisms.

Visibility of the Convention and its Optional Protocol

16. The Committee takes note of the efforts made by the State party to increase the visibility of the Convention and the Optional Protocol, but remains concerned that the Convention and its Protocol have not received a high degree of visibility and importance, and are therefore not regularly used as the central legal basis for measures, including legislation, aimed at the elimination of discrimination against women and the promotion of gender equality in the State party, including in the Faroe Islands and Greenland. The Committee is further concerned that the provisions of the Convention have been used only once in a court case, which may indicate a lack of awareness of the Convention among the judiciary and the legal profession.

17. The Committee calls upon the State party, including the Faroe Islands and Greenland, to place greater emphasis, in their efforts to eliminate discrimination against women, on the Convention as a central legally binding women's human rights instrument. It also calls upon the State party to take proactive measures to enhance awareness of the Convention and its Optional Protocol at all levels, in particular among the judiciary and the legal profession, political parties, Parliament and Government officials, including law enforcement officials, as well as the general public, in order to strengthen the use of the Convention in the development and implementation of its legislation, policies and programmes aimed at the practical realization of the principle of equality between women and men. The Committee encourages the State party to systematically promote knowledge and understanding of the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and enquiries, and to ensure that they are made an integral part of educational curricula, including legal education and the training of the judiciary.

Gender mainstreaming

18. While commending the second plan of action for the implementation of the gender mainstreaming strategy in all Ministries for the period 2007-2011, the Committee regrets the uneven implementation of the gender mainstreaming strategy within ministries, regions and municipalities and notes that only 6 per cent of the municipalities have a concerted strategy for working with gender mainstreaming. The Committee is further concerned at the lack of a coordination mechanism to effectively implement this strategy, as well as at the low number of bills for which gender impact assessment has been applied.

19. The Committee calls upon the State party to establish a dedicated coordination mechanism and to introduce at all levels — ministerial, regional and municipal — effective monitoring and accountability mechanisms for the implementation of the gender mainstreaming strategy, as well as to include sanctions for non-compliance in such mechanisms. The Committee also recommends that the State party apply the gender impact assessment of all new bills in order to ensure that implementation of laws does not have an adverse impact on achieving de facto gender equality. The Committee recommends that the Governments of the Faroe Islands and Greenland also envisage the adoption of a gender mainstreaming strategy.

Temporary special measures

20. Welcoming the fact that the legislation provides the framework for the adoption of temporary special measures, the Committee is concerned about the State party's limited application of article 4, paragraph 1, of the Convention on temporary special measures and regrets the self-governing and autonomous territories' insufficient understanding of the need for the introduction and implementation of temporary special measures.

21. The Committee recommends that the State party, including the Faroe Islands and Greenland, take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 to accelerate the practical realization of women's de facto equality with men.

Political participation and participation in public life

22. While noting the rather strong representation of women in decision-making in the Danish Parliament and the increase of such representation in the Faroe Islands, the Committee reiterates its concern about the low representation of women in local politics. It notes with particular concern that despite the State's initiatives in this area this proportion has barely changed in the past 20 years and that the percentage of women mayors has declined since 1997 and stands now at only 8 per cent.

23. The Committee urges the State party to take proactive measures in order to improve significantly the representation of women in politics at regional and local levels and to achieve full gender equality in Parliament. The Committee acknowledges the position of the State party that the introduction of a quota system on the number of seats in the Danish Parliament or regional and local governments is unlikely to be in accordance with the Danish Constitution, and note that this would be resolved with the incorporation of article 4, paragraph 1, of the Convention. It also considers that this position should not constitute an impediment to the establishment of other temporary special measures for national and local elections, as indicated in the Committee's general recommendation No. 25. The State party therefore urges the State party to adopt appropriate temporary special measures in order to increase the number of women in politics, in particular at the regional and local levels, in the State party, including the Faroe Islands and Greenland.

Women in top management positions in academia and the public and private sectors

24. The Committee remains concerned at the low percentage of women in high ranking posts, particularly in academia, where the presence of women declines as they move up the academic ladder and where they currently hold only 13 per cent of professorships. The Committee welcomes the adoption in 2008 of a Charter on women in management whereby companies commit themselves to developing strategies and setting goals to increase the percentage of women in management, but it continues to be concerned at the very low representation of women in top management positions and on boards of private companies.

25. The Committee urges the State party to strengthen its efforts to increase the number of women in high-ranking posts, particularly in academia. It

recommends that the State party adopt effective proactive measures to encourage more women to apply for high-ranking posts and it encourages the State party to draw on the University of Copenhagen's example on the use of temporary special measures to recruit more female professors. It therefore encourages the State party to review its position on the use of temporary special measures in order to accelerate the realization of women's de facto equality with men in all areas. The Committee recommends that the strategy on women in management positions in the labour market and business sector include effective monitoring and accountability mechanisms, including sanctions for non-compliance with voluntary commitments taken by employers and other relevant groups, and encourages the State party to take further legislative measures as required. In addition to the above-mentioned recommendations, the Committee requests the Governments of the Faroe Islands and Greenland to provide full statistical data on women in management positions in elected and appointed bodies and as high-ranking officials within executive bodies, including in the judiciary, in their respective territories in the next periodic report.

Labour market

26. The Committee commends women's continued high level of participation in the labour market and measures taken by the State party in support of such participation, which enable both women and men to reconcile work and family life through extended maternity and paternity leave schemes. However, it reiterates the concerns expressed in its previous concluding observations about the significant occupational segregation and the persistence of the wage gap, due to the fact that women still hold a majority of part-time jobs.

27. **The Committee urges the State party to take proactive concrete measures to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. The Committee recommends that the State party consider extending the equal pay monitoring and reporting obligations to companies with fewer than 35 employees. It reiterates the recommendation formulated in its previous concluding observations directed to ensuring that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee further calls upon the State party and the Governments of the Faroe Islands and Greenland to conduct surveys in order to gain a better understanding of the persistence of occupational segregation and the pay gap between women and men and to monitor trends, including through the collection and analysis of data disaggregated by sex, skills and sectors in part-time versus full-time work, as well as the impact of measures taken and results achieved, and to take the necessary corrective steps. The Committee recommends that the State party, including the Faroe Islands and Greenland, continue their efforts to ensure reconciliation of family and professional responsibilities and the promotion of equal sharing of domestic and family tasks between women and men, including by increasing incentives for men to take up their right to parental leave and to give women priority for available full-time employment positions.**

28. The Committee notes with concern that the new legislation on public procurement in the State party fails to introduce a gender equality policy.

29. The Committee recommends the State party to ensure that the implementation of a gender equality policy constitutes a requirement for granting public procurement contracts.

Violence against women

30. The Committee welcomes the political and legal measures taken by the State party to combat violence against women and the generally high-quality protection and services offered to victims of sexual violence in Denmark. It takes note of the decrease in women victims of partner violence during the period 2000-2005, but remains concerned that the total number of women subjected to physical violence increased during that period and that immigrant women are most affected. While noting the information provided by the delegation that the number of residence permits granted to foreign women victims of domestic violence increased, it remains concerned that the weak legal basis of protection, combined with the strict requirements for granting an exemption from the normal seven years of residence to obtain a permanent residence permit, may prevent foreign married women victims of domestic violence from leaving their abusive partner and seeking assistance. With regard to the Faroe Islands and Greenland, the Committee is concerned about the lack of legislation providing for effective protection of victims, including restraining orders, and about the insufficient data on the prevalence of all forms of violence against women.

31. The Committee calls upon the State party, including the Faroe Islands and Greenland, to pursue their efforts to prevent and combat violence against women and to adopt a coordination policy on violence against women that would ensure that victims of domestic violence have access to immediate means of redress and protection, including protection orders, access to a sufficient number of State-funded safe shelters and to legal aid. It further recommends that the State party consider adopting a specific law on violence against women, including domestic violence, in line with the Committee's general recommendation No. 19. The Committee calls on the State party to ensure that foreign married women victims of domestic violence are provided with flexible solutions with regard to their resident permits and recommends that clear legal guarantees and administrative guidelines for their protection are set. The Committee encourages the State party to draw on other Nordic countries' good practices regarding the introduction of gender-based persecution as a ground for refugee status determination.

Trafficking

32. The Committee commends the State party for ratifying the Council of Europe Convention on Action against Trafficking in Human Beings on 19 September 2007 and the many other measures taken to address the issue of trafficking in women and children. The Committee also commends the financial assistance provided to countries of origin as well as non-governmental organizations based in these countries for victims of trafficking outreach, identification and rehabilitation, trafficking prevention and law enforcement anti-trafficking projects. It welcomes the amendment of the Aliens Act on 1 August 2007 which, among other things, provides for an extended reflection period of up to 100 days during which victims of trafficking may stay in Denmark and are offered legal, medical and psychological assistance if they agree to be repatriated and cooperate in investigations. The

Committee regrets, however, that the emphasis in the State party is laid on the victims' prompt repatriation to their country of origin rather than on their recovery and rehabilitation and that the Refugee Board and the Ministry of Immigration seldom grant residence permits on the basis of these women belonging to a particular social group — gender or victims of trafficking — or on humanitarian grounds.

33. The Committee calls on the State party to give greater attention to the recovery and reintegration of all victims of trafficking, regardless of the victim's cooperation in investigations. The Committee encourages the State party to continue working closely with countries of origin to ensure safe repatriation of victims and their access to adequate care and rehabilitation and to pursue its bilateral, regional and international cooperation so as to further curb this phenomenon. It calls upon the State party to develop guidelines on the handling of claims of gender-related persecution within Danish asylum law and practice so as to develop a more thorough way of identifying victims of trafficking and gender-based persecution.

Exploitation of prostitution

34. The Committee commends the many measures and initiatives taken in the framework of the 2005 action plan "A new life", which initiated a holistic approach to prostitution, as well as the establishment of the Competence Centre for Prostitution. It also welcomes the strategy launched in 2006 to reinforce police action against criminals who control prostitution, which resulted in a mapping of the prostitution environment. It is concerned, however, that the number of women involved in prostitution increased during the reporting period and is expected to further increase as a result of the ban on the purchase of sexual services in other Scandinavian countries. In this context, the Committee is concerned about the absence of legal and other measures aimed at further discouraging the demand for prostitution.

35. The Committee requests the State party to strengthen measures aimed at addressing the exploitation of prostitution in the country and, in particular, the demand for prostitution. It further calls upon the State party to address the factors driving women and girls into prostitution and strengthen the services put in place for their rehabilitation and reintegration into society.

Health

36. The Committee welcomes the follow-up in the period 2008-2011 to the action plan aimed at reducing the number of abortions and sexually transmitted infections in Denmark. It expresses concern, however, about the steady increase of the abortion rate among young women aged 15 to 19 years.

37. The Committee calls upon the State party to continue its efforts to widely promote sex education among adolescents and young adults in order to increase their knowledge and use of contraceptive methods. The Committee also encourages the State party to undertake studies and/or surveys on the root causes of the increase in abortions among young women.

Minority women

38. While noting the measures taken to enhance the integration of minority women into Danish society and including such women in the labour market, the Committee continues to be concerned at the human rights situation of minority women and the fact that they continue to suffer from multiple forms of discrimination. The Committee welcomes the 2006-2009 action plan "Employment, Participation and Equal Opportunities for All" aimed at dismantling gender-based barriers to education, work and association activities among persons with a non-Danish ethnic background, but remains concerned at the situation of minority women with respect to access to education, employment and health care and exposure to violence. It also reiterates its previous concern that most women who are HIV-positive are foreign-born minority women.

39. The Committee urges the State party to intensify its efforts to eliminate discrimination against minority women. It encourages it to prevent discrimination against those women, both within their communities and in society at large, to combat violence against them, and increase their awareness of the availability of social services and legal remedies as well as familiarize them with their rights to gender equality and non-discrimination. The Committee recommends that foreign women's health needs, in particular with regard to information on preventing and addressing HIV infection, be fully addressed. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on discrimination against minority women, collect statistics on their situation in employment, education and health and on all forms of violence that they may experience, and include this information in its next periodic report.

Family reunification

40. While noting the positive effects of the awareness-raising campaign on forced and arranged marriages within the State party, the Committee reiterates the concerns expressed in the previous concluding observations that the 24-year-old age limit for the reunification of migrant spouses may constitute an impediment to the right to family life in the State party.

41. While calling upon the State party to continue placing the issue of forced marriage high on its political agenda, it recommends the review of the 24-year-old age limit in order to bring it into line with the rules applying to Danish couples. Furthermore, in view of the positive results of the awareness-raising campaign, the Committee encourages the State party to continue exploring alternative ways of combating forced marriages.

Cooperation with non-governmental organizations

42. The Committee notes with satisfaction the cooperation of the State party with civil society organizations, particularly women's organizations, which is mostly achieved through Government cooperation with such organizations on specific programmes and projects. The Committee is concerned that the amount of funds available for non-governmental organizations has not changed over the past few years in Denmark and that the access to funding for women's non-governmental organizations has been made more difficult.

43. While encouraging the State party, including the Faroe Islands and Greenland, to continue to develop its collaboration with civil society, the Committee recommends that the State party ensure that an adequate level of funding is made available for the non-governmental organizations to carry out their work, including to contribute to the work of the Committee on the Elimination of Discrimination against Women.

Follow-up to the Beijing Declaration and Platform for Action

44. The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

45. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

Ratification of other treaties

46. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Denmark to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Dissemination of concluding observations

47. The Committee requests the wide dissemination in Denmark, the Faroe Islands and Greenland of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to

¹ 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.

strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Follow-up to concluding observations

48. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 and 31.

Date of next report

49. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its eighth periodic report by 21 May 2013.
