

DENMARK

CEDAW A/41/45 (1986)

32. The Committee considered the initial report of Denmark (CEDAW/C/Add.22) at its 66th and 72nd meetings, on 11 and 14 March (CEDAW/C/SR. 66 and 72).

33. The representative of Denmark, in her introduction of the country report, stated that the report was completed in 1984 and was prepared by the Danish Government with the involvement of the whole Government Administration. Her presentation of the report included the provision of a booklet of statistical data.

34. The representative of Denmark informed the Committee that the official work on equality between men and women began in 1975 with the establishment of the Equal Status Council. However, even before that, organizations for women have played an important role in, for example, obtaining the right to vote in 1915 and in discussions on important issues facing the Government. The proportion of women holding elected offices has been rising over the years and at present it stands at 26.3 per cent, but organizations for women as well as the Danish Parliament have considered that improvement is required. The new bill on equality between women and men in connection with selecting members to public councils, committees, etc. passed in April 1985 seemed to have had a positive effect already.

35. It was pointed out that the number of women in the labour force had increased from 49.1 per cent in 1967 to 64.2 per cent in 1984. However, at the end of 1985, the unemployment rate for women was 11 per cent as compared with 6.8 per cent for men. Some of the reasons for this may lie in the fact that women chose fewer lines of work than men. However, campaigns and educational programmes for women have begun to increase the opportunities that are available to women. Equal opportunity consultants have also been appointed to deal with this question. Because of the sexually segregated labour market, in addition to the differences in length of service and academic attainment, there was also a discrepancy in salary scales for men and women.

36. The representative of Denmark drew attention to the Maternity Leave Act dated 21 February 1984 providing for maternity leaves of 4 weeks prior to childbirth and up to 24 weeks following childbirth, with 10 weeks also provided to the father. However, there are still instances, it was noted, of discriminatory practices in employment conditions with pregnancy and childbirth.

37. The representative of Denmark referred to the decline in the number of contractual marriages, the increase in the divorce rate and in consensual unions. Reference was also made to recommendations emanating from a committee established to deal with rape victims. The question of domestic violence in Denmark has given a great deal of attention and centres have been established to deal with such problems.

38. A considerable amount of money has been given to Danish research on women.

39. There have been improvements in the collection of statistics and research on the status of women and collaboration has also been established with the Parliament of Greenland. Since the ratification of the Convention, the Danish Parliament has amended legislation relating to certain aspects of old-age pensions to ensure equality of men and women, and reforms to the taxation system are presently being considered.

40. The representative of Denmark informed the Committee that following the Nairobi Conference, the Danish Parliament has requested the formulation of a national plan of action on equal rights by January 1987.

41. Members of the Committee commended the Government of Denmark for its report, which clearly reflected the commitment of the Danish Government to implement the articles of the Convention. It was observed from the report that the ratification of the Convention had not per se been of great significance in eliminating discrimination against women in Denmark, but that the establishment of the Equal Status Council in 1975 was the most important measure adopted in this respect. Nevertheless, the provisions of the Convention do serve as a basis, binding upon Denmark under international law, for a corresponding set of domestic rules of law.

42. Some members of the Committee noted that while there was much evidence of legislation, rules and regulations and programmes relating to the elimination of discrimination against women in Denmark, discrimination in some areas continued to persist in modern Denmark and the difficulty of changing attitudes continued to be a matter that required attention, as with other countries. It was important, therefore, several experts pointed out, to assess the obstacles encountered. At the same time, it was noted as encouraging that quite an amount of affirmative action programmes were being carried out in different fields.

43. Many members expressed interest in obtaining more statistical data, particularly in education, employment and social benefits, as well as demographic data.

44. More information, particularly in terms of statistical data, was requested on pre-school facilities, literacy rates, levels of education between males and females, academic attainment and the corresponding careers which were followed, types of jobs chosen, including employment and unemployment rates and vocational programmes. One expert asked whether education was free in Denmark and until what age was schooling compulsory.

45. Several members requested more data on women working at home; whether part-time employment was included in the figure given for female participation in the labour force; and whether part-time employment and employment at home affected the provision of social security, health and other benefits. One expert also asked whether women had equal access to credit.

46. Some members expressed interest in knowing whether there were statistical data on the number of men taking paternity leave; whether pensions were affected by maternity and paternity leave; and what pre-school facilities were available and at what cost. Questions were also raised on the low birthrate, whether it was compatible with Denmark's population policies, whether there were any

incentives given to achieve national goals in this area; and whether family planning programmes had a significant impact. Some members also requested statistics on the marriage age for men and women. One expert requested information on the rights given to women with regard to abortion.

47. Some members requested details on legislation against discriminatory advertising and on the new act on women's representation in committees, etc. It was asked whether any evaluation had been carried out on the effectiveness of the Equal Opportunities Act and whether the Act was only an anti-discrimination act not making affirmative action a general obligation.

48. Some questions were raised on laws concerning violence against women and on the Criminal justice system in the context of female offenders and victims. One expert questioned whether prostitution was considered an offence under Danish law and whether all parties involved were liable. The question of pornography was also raised by one expert.

49. Some members noted the high divorce rate and asked whether laws for division of property took into account the different roles, earning levels, etc. of the spouses. With regard to consensual unions, clarification was also requested on the division of property and rights of children if any involved.

50. More statistical information was requested on the participation of women in such areas as political parties, decision-making posts in the Government, the legal system and in international forums, as well as in the armed forces.

51. One expert wondered whether the principles of the Convention would be incorporated into the Constitution of Denmark, since such action would avoid changes of views that may be held by different political parties at different times.

52. The representative of Denmark, in responding to the questions raised, expressed regret that the report did not have sufficient statistical data and informed the Committee that such data would be included in the next report.

53. In response to questions concerning demographic matters, the representative stated that out of a population of 5 million people in 1985, women numbered 2,594,000 and the larger number of women was mainly because they lived longer than men in Denmark. She also stated that infant mortality was negligible.

54. With regard to questions concerning the Equal Status Council, the representative pointed out that recommendations from the Council were often implemented by the authorities, particularly since there was an official goal and policy for improving the situation of women in Denmark. The Equal Status Council had also dealt with more than 90 cases of discrimination in the labour market, many of which were concerned with the training of women for jobs that were traditionally held by men.

55. With regard to the question concerning the possibility of incorporating the principles of the Convention into the Danish Constitution, the representative replied that, while there had not been a change in the Constitution since 1953, the date of the amendment making it possible for Denmark to have a female monarch, there had not in practice been any difficulty in translating international

instruments into national legislation where necessary, and domestic rules were interpreted in accordance with Denmark's international obligations.

56. In response to questions concerning elected officials, the representative informed the Committee that with the new bill on equality of April 1985, approximately 25 per cent of the appointed members of the newly established committees were women. Moreover, the new bill has provided that the appointing authorities and organizations are required to appoint two persons, one of them being a woman, and that that would undoubtedly help to improve the representation of women on the committees. The Equal Status Council was also active in encouraging the political parties to promote more representation of women in the political parties. Two parties in Denmark had also taken positive action in order to improve women's representation. While there were at present no women holding high posts in the foreign office, there was one female judge on the Supreme Court, and it was expected that more women would be occupying higher posts in the near future, especially since more women were now rising through the ranks.

57. With regard to questions concerning discriminatory advertisements, the representative stated that both the Consumer Affairs Ombudsman and the Equal Status Council could request the withdrawal of such advertisements; non-compliance would result in a court case.

58. About 25 per cent of the men in Denmark had made use of the provisions under the Maternity Leave Act for leave of two weeks after the birth of his child. Only 5 to 10 per cent had made use of the 10 weeks' leave that he was sharing with the mother, since that meant a reduction of 10 per cent from his salary during his leave. The Ministry of Labour was reviewing favourably measures to ensure that those who had taken maternity leave would not suffer economic losses in terms of salary and pension rights.

59. The representative of Denmark informed the Committee that single parents received a higher family allowance and discussions were presently under way for better support for families. There was a strong network of child-care facilities in Denmark, a third of their resources being financed by public communities.

60. Health services in Denmark, the representative replied, were free and there were special facilities for pregnant women. In Denmark abortion was legal and free.

61. The representative of Denmark informed the Committee that even though domestic science and needlework were obligatory subjects for both boys and girls at school, women ended up performing three times as much household duties as men, but that this was gradually changing, particularly since men were beginning to be aware that their non-participation in household duties was often cited among the grounds for divorce.

62. In reply to questions, the representative informed the Committee that prostitution was not illegal in Denmark. It was neither encouraged nor subject to punishment, but women were encouraged to have a "normal" job as well, which was considered necessary for their survival. Child pornography was forbidden and other pornography was becoming less visible and less important an issue since women are beginning to find other kinds of work for support.

63. The representative indicated that women's organizations in Denmark were mostly private but basic expenses were usually covered by public funds.

64. The representative responded that adopted children received the nationality of their parents. In cases of divorce or separations, mothers usually were given custody of the children but, under new legislation, it was common to find joint custody.

65. Schools were now beginning to encourage girls to take courses that would enable them to seek employment in labour markets traditionally held by men. It has been found that women who have higher education make use of their education, even though many of them hold part-time positions. Although part-time workers received the same rights to pensions, unemployment support, etc., their salaries were generally lower. While equal pay was the law, differences in salaries were usually because of a sex-segregated labour market. Discriminatory practices were often related to pregnant women but labour organizations and the Equal Status Council have been successful in courts when dealing with such discrimination.

66. In response to a question on protective legislation, the representative of Denmark informed the Committee that there was no such legislation except for pregnant women in certain cases. Research was also carried out in order to find out what jobs are dangerous for pregnant women and, at the same time, it was found that many of these jobs are dangerous to men as well.

67. In response to questions about ownership of property, the representative of Denmark informed the Committee that spouses have joint ownership of property and the tax equality spouse act treated women and men on equal terms.

68. With regard to women's involvement in the peace movement, the representative of Denmark pointed out such involvement, although not an official government activity, reflected the democratic process and in fact many politicians often participated in such movements.

CEDAW A/46/38 (1991)

250. The Committee considered the second periodic report of Denmark (CEDAW/C/13/Add.14) at its 182nd meeting, on 28 January (see CEDAW/C/SR.182).

251. The representative of Denmark gave details on the progress that had been made to achieve equality in her country since the completion of the second periodic report in 1988. Denmark had celebrated the seventy-fifth anniversary of the right of women to vote in 1990. She reported that 33 per cent of the Danish parliament (the Folketing) were women and, at the municipal elections in 1989, the percentage of seats held by women had increased from 23.8 per cent to 26.2 per cent.

252. Responding to general questions posed by the members, the representative reported that the Equal Status Act of 1988 had strengthened the Equal Status Council (ESC). ESC could request information from employers, employees and their organizations, which had proved particularly useful, for example, in the effort to achieve equal pay. She said that, in Denmark, equality work at the official level was a very important issue on the political agenda. New goals would be set once the Folketing had discussed the report that ESC had prepared on equality. In the plan of action for equality in the administration, as contained in that report, important goals had been set, such as finding ways of successfully combining work and family life, improving the qualifications of clerical personnel, and appointing more women as managers. She added that a project on equal pay would be continued.

253. Since 1986, when Denmark had presented its initial report, research on women's issues had improved and much knowledge had been obtained by female researchers. In the Nordic countries, research on women was a very important issue. The birth rate had decreased from 70,802 live births per year in 1970 to 61,467 in 1989. The number of marriages was reported as 36,376 in 1970, 26,448 in 1980 and 32,080 in 1989. The number of divorces had increased slightly from 9,524 in 1970 to 14,717 in 1989, which represented a rate of 13.7 per 1,000 married couples in 1989. Data on the number of reported offences of violence were not disaggregated by gender, but had shown a gradual increase from 5,719 in 1980 to 10,291 in 1989.

254. In response to a question as to whether there were any plans to amend the Constitution to include entrenched equality provisions, the representative stated that no plans were envisaged further to those described in the second periodic report. The budget of ESC had been increased by 3 million Danish kroner, which had enabled ESC to make special efforts in selected areas, such as women in the decision-making process, equal pay, the possibility of combining work and family life, equality in education and improving equality in the public sector. For the years 1990 and 1991, Dkr 1.8 million had been allotted to ESC for special projects. The representative reported that second periodic report had been prepared by the Government of Denmark, the Ministry of Foreign Affairs and ESC; the entire government administration had also been involved. Women's organizations had not been consulted directly but they were aware of the report and of the Convention on the Elimination of All Forms of Discrimination against women. The report had been discussed at an international Equality Committee, held on 23 January 1991, at which both women's organizations and the Folketing had been represented. The report was being used to provide information on the

work of ESC, and other organizations were using it too. When the Convention had been ratified by Denmark, it had been published in the same way as all legislation and, in addition, in the annual report of ESC, together with the work of the Committee. The tenth anniversary of the Convention had been mentioned in the newsletter of ESC.

255. Women's organizations in Denmark, the representative reported, were very interested in international work in EEC, particularly in the European women's lobby. She also mentioned a growing interest in, and concern for, the conditions of women in Eastern Europe. A Nordic forum had been held in 1988 and another was planned to be held in 1994. She said that, nationally and internationally, the main concerns of the women's organizations were the promotion of research on women, the study of women in the decision-making process, the economic empowerment of women, the issue of equal pay and the provision of day-care facilities. The umbrella organizations of the Danish Women's National Council received a subsidiary from the Government of DKr 300,000 a year. The Government provided funds for one employee of the Danish Women's Society and, in addition, gave subsidies to the women's organizations on an irregular basis.

256. In response to a follow-up question on the membership of women's organizations, the representative said that few young women had participated in the Nordic forum in 1988 but she considered that the lack of participation had not been caused by a lack of interest but by the fact that women did not feel affected by discrimination.

257. In response to another question, the representative said that the 150 cases of positive discrimination that had been referred to ESC had been initiated by central government (specifically, the Ministry of Education), local government, enterprises and different institutions, such as employment centres; none of the cases had been initiated by the trade unions.

258. Regarding article 5, the representative explained that the goal of the plan of action for children was to improve the conditions of children. The subjects of day-care facilities, the right of parents to stay away from work in order to take care of their children and the possibility of combining family life and work were being examined. The provision of flexible working hours for parents was one of the main issues in the general labour agreements. The labour legislation entitled parents to only one day's leave at a time to care for a sick child, but that period was recognized as too short and an attempt was being made to improve the general agreements to increase such leave to 10 days a year. She said that Denmark had not yet ratified the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), but that ratification was imminent. In response to a request for further information on the success of endeavours to make equality a topic in the media, she said that in the newspapers and on radio and television, equality was often discussed. There were many female journalists who endeavoured to bring women's issues to the fore and ESC published results and developments, particularly during conferences and seminars.

259. On article 6, data on the number of prostitutes were not available but the police did not consider that there had been an increase. Part of the work of the police and social services was concerned with the prevention of prostitution. As in all other countries, there were connections between prostitution and drug addiction, and prostitution and the incidence of HIV infection/AIDS. Several social programmes to deal with the problem of prostitution had been undertaken both by local government

and voluntary groups, especially in the larger cities.

260. Responding to a further question on article 6, the representative said that all types of women were involved in prostitution but made particular mention of women from Greenland, who formed the largest single group and experienced difficult social conditions in Denmark.

261. On article 7, the representative explained that the Act on Equality of Men and Women in Appointing Members of Public Committees (1985) had had a great effect, which was reflected in the fact that 38 per cent of State committee members in 1990 were women, compared to 12.7 per cent before the Act had been adopted. A new act on boards, adopted in 1990, required all government services to appoint members of boards in the same way as had been provided for committees in the Act of 1985. She reported that, in some areas, especially technical ones, it had been difficult for organizations to appoint women to committees. With the new act, private boards would be forced to involve women when the activities had a public dimension. Some parts of the private sector found compliance difficult as there were not enough women at the senior levels and, therefore, it would take time to educate and to promote them first before the provisions could be implemented. In response to a question concerning the results of medical research on women as fighter pilots and the necessity for such research, the representative said that the research had not been concluded as was still in progress but it had been considered necessary to measure the effects of strong accelerations on women physically. The only area of the defence forces to which women were not admitted was that of training as fighter pilots but they could train as civil pilots. The representative said, in response to a follow-up question on women's participation in the Folketing and political parties, that women were encouraged to enter politics and to vote for women, which had influenced the inclusion of women in the lists of candidates for political positions. The women who were currently in the Folketing acted as role models for the younger women.

262. On article 8, the representative stated that one woman was an ambassador and some were in senior positions in the United Nations system. No specific details were given on the action taken by the Government to encourage the appointment of women to senior positions in the United Nations.

263. With regard to article 10, she said that the new forms of education and structural reforms had been continued, with the involvement of the teachers's trade unions. ESC would be publishing guidelines for educational institutions to assist the education authorities in their work for equality. In most, if not all, schools, sex education was available but it was not compulsory. The form of the curricula and training of teachers for sex education was being considered. In response to a question on the significant difference in the participation rates of men and women in apprenticeships, the representative said that, to some extent, apprenticeships were available in trades traditionally associated with men. At the university level, special attention had been given to counselling female students on careers that offered good prospects for employment. The representative provided data on the percentage of women in education at various levels and in the labour market in 1988. Women accounted for 51.5 per cent of the students in basic courses and basic vocational training and for 20.1 per cent of the students in apprenticeship courses. Women accounted for 60.3 per cent of the students in courses leading to a basic qualification. While 82.9 per cent of those taking part in short-term advanced education courses were women, only 44.6 per cent of those in medium-term courses and 43.6 per cent of those in long-term advanced courses were women.

264. On article 11, the representative provided statistics with regard to the conditions of employment and rates of participation in the labour force. The percentages of women in administrative posts at different levels were reported for the public and private sectors. In the central administration, women represented 51 per cent of the personnel at the entry level, 37 per cent at the middle level (academics) and 12 per cent at the leadership level. Corresponding figures for the private sector were 63 per cent, 25 per cent and 11 per cent, respectively. The representative reported that the pay of unskilled women was 89.4 per cent of the amount earned by unskilled men and at the official level, salaried women earned 71.7 per cent of the amount earned by men. More men occupied managerial positions. She said that there was still a need to find an acceptable definition for "equal pay for work of equal value" and that Denmark was following the code of EEC. The reasons given for the inequality in pay levels were a persisting tendency towards a gender-segregated structure of segments of the labour market, and the fact that women tended to have shorter lengths of service, to have spent less time in education and to be concentrated in greater numbers in part-time jobs. Those issues were main concerns of the Government and ESC was carrying out projects to identify and overcome the obstacles to achieving equality in pay. The Nordic countries were collaborating to pool their knowledge and experience in order to overcome the problems and a project on the gender segregation of the labour market had recently been finished. The project on equal pay was new and, therefore, no results could be reported yet.

265. In response to a question regarding part-time workers, the representative said there was no discrimination against part-time workers and that their working conditions were the same as those of full-time workers except for those who worked less than 15 hours a week. She reported that 36 per cent of the female employees were in part-time employment and most of those were elderly women. Young women could not afford to be in part-time employment because of the high cost of living. The standard working week for full-time employment was 37 hours. The representative informed members that sexual harassment did occur and was against the provisions of the Act on Equal Treatment between Men and Women. She said that a victim could claim compensation in cases of harassment. Three cases had been brought before the courts. In Denmark, the proportion of the female population in the labour force aged between 15 and 74 years had increased from 49.1 per cent in 1967 to 68.5 per cent in 1988. During the same period, the percentage of male participation had fallen from 86 per cent in 1967 to 81 per cent in 1988. In 1988, women represented 45.8 per cent of the total labour force. The data on unemployment showed that the average number of unemployed persons had risen over recent years. In 1987, 87,257 men and 126,154 women (representing 5.9 per cent and 9.8 per cent in the labour force, respectively) were unemployed. By 1989, those figures had risen to 120,000 men and 145,000 women (8.0 per cent and 11.1 per cent, respectively). Women's participation in the labour market was increasing, but the risk of unemployment was for women larger than it was for men. Responding to a question on whether any special measures existed to reduce the higher percentage of women who were unemployed, the representative said that several programmes had been set up for both women and men to improve their qualifications in order to reduce the risk of unemployment. Such programmes had had some success but, in general, there was an insufficient number of jobs.

266. Improvements to the Equal Opportunities Act and the Equal Pay Act, in 1988 and 1989, respectively, had been introduced to safeguard the interests of pregnant women employees and to prevent their dismissal solely on the grounds of pregnancy. An important condition of employment

for women was the availability of entitlements in connection with confinement. In Denmark, women had the right to a maternity leave of 4 or 8 weeks before childbirth and of 24 weeks afterwards, in accordance with the recommended 6-month breast-feeding period. In addition, a father had the right to a leave of 14 days after the birth of the child; approximately 50 per cent of the fathers took that leave. The last 10 weeks of the leave could be shared between the parents or be taken only by father; however, the representative reported that only 3 per cent of the fathers took advantage of their right to take such leave. The entitlement to full salary during maternity leave had recently become part of the collective agreement for civil servants and was also the case in several areas in the private sector. Social benefits were available to those who did not have the right to full pay during maternity leave. The provision of full salary during maternity leave was considered a way of encouraging men to take paternal leave and of avoiding a loss of income to the family. The issue of parental leave, in connection with the question of combining work and family life, was very important in Danish society. If women were to obtain equality in the labour market, men had to participate in the work at home. The representative concluded by stating that great changes, such as the introduction of flexibility, were required in the labour market in order to safeguard the needs of parents and thus achieve progress towards equality in society.

267. Denmark had 29 equality consultants who organized courses for the unions and the employers' organizations in order to improve the conditions of women's employment. The work of consultants was essential to show the consequences of gender-segregation in the labour market, and the impact of that segregation on the salary levels of women and men. The representative considered that the change in the way salaries were negotiated in the labour market, for example, the removal of indexing of salaries, had contributed to the increase in the difference between the average incomes of women and of men since the initial report had been considered. The representative said that general recommendation No. 13 (eighth session, 1989) had been used in job evaluation exercises and the value of qualifications had been carefully studied. The removal of the prejudice that the value of women's work and the qualifications of women were lower than those of men was closely connected with the abolition of the gender-segregated labour market and the achievement of equal pay. The main issues were remuneration as negotiated by the social partner, the way in which the legislation was enacted and the evidence from statistics.

268. Continuing on article 11, the representative reported that there were 271,929 day-care and child-care places available, to which parents contributed approximately 20 per cent of the total expenses. She said that although Denmark had the highest number of day-care places per capita in the world, 6 per cent of the children aged from 0-6 years did not have a place.

269. Data were requested for the following report on the number of women who were heads of companies and on the measures to assist women in setting up small businesses.

270. On article 12, data were not available on the incidence of violence between married couples. There were 34 crisis centres, located mainly in the larger cities. The number of reported rape cases had risen slightly from 422 in 1980 to 527 in 1989 but the increase was attributed to the improved treatment of rape victims and the easier access to social services, which had resulted in more cases being reported. The representative said that the increased economic independence of women made them less vulnerable to domestic violence and they had more opportunity to leave and seek help or

to obtain a divorce. The number of HIV-infected persons was about 5,000 and the number of AIDS cases was about 700, of whom 50 were women. The number of abortions had been stable over the last five to six years. Approximately 21,000 abortions were performed in 1988. Research was being undertaken to identify the reasons for the abortions and to attempt to reduce the number that were performed.

271. On article 13, the representative confirmed that the income of married women was taxed independently of that of their husbands. The standard amount of maintenance to be provided for children was the same for either parent. Similarly, if the non-custodial parent earned more than DKr 230,000, he or she had to provide an increase amount of maintenance.

272. In response to a question on a woman's right to own farm land, under article 14, the representative stated that all property, including farm land, could be owned by women.

273. On article 16, she said that partners living together had to support each other as far as social security, but not as far as taxation, was concerned. The allocation of maintenance upon separation depended on the amounts the couples had earned and the length of time for which they had been married. Maintenance was allocated for 10 years; previously it had corresponded to the length of the marriage, which had reflected the greater economic dependence of women. Upon a couple's separation, some pension rights, such as those under personal pension schemes, were shared, while others, such as employment pensions, were usually maintained by the contributor.

274. She said that it was possible that the number of de facto unions had increased. The normal pattern, however, was for partners to live together and then marry immediately before or after the birth of the first child for reasons of custody and their concern to provide the children with role models for both sexes by having both parents share the responsibility of the family. She said that the family unit remained stable as there had been little change in the divorce rate. Care of the children was a priority issue for parents who were striving to increase the time they could spend with their children and improve their standard of living. The Government's priorities were aimed at improving conditions for children.

275. Members commented that much of the progress had taken place in the public sector and asked if as many efforts were being made in the private sector. The representative replied that emphasis had been placed on the public sector and progress had been significant. It was easier to develop legislation in the public sector because of the influence of the female members of the Folketing and the fact that many women were employed in the public sector. The Government hoped that the private sector would follow the example that had been set by the public sector.

276. Members congratulated the Government on their achievements and on the preparation of the second periodic report while noting that efforts were still needed to remove gender-segregation from the labour market and to enable women to combine their work and family life.

CEDAW A/52/38 (1997)

248. The Committee considered the third periodic report of Denmark (CEDAW/C/DEN/3) at its 328th and 329th meetings, on 24 January 1997 (see CEDAW/C/SR.328 and 329).

249. In her introductory statement, the representative noted that the report had been prepared in a participatory way and included the comments of various women's organizations in Denmark. To further strengthen the outreach of the Committee on the Elimination of Discrimination against Women, both the Convention and the report had been translated into Danish and published by women's organizations.

250. The representative pointed out that much had been accomplished in terms of improving the status of women in Denmark, but the success went beyond the provision of legal rights. More importantly, Danish society had also started to change its attitude towards women. An understanding of the concept of gender, including the roles of both men and women, had gained ground. Denmark had focused its efforts on changing attitudes towards women and gender roles in Danish society. In the follow-up to the Beijing Platform for Action, Denmark had focused on mainstreaming gender issues in all levels of society.

251. The representative informed the Committee about recent efforts to strengthen the institutional framework for the advancement of women that had not been reflected in the report. An ad hoc committee had been established to develop new ideas and strategies to improve national machinery and to consult equality institutions in other countries. Furthermore, the Government of Denmark had increased its support to the Equal Status Council in terms of personnel and funding.

252. The representative highlighted some recent changes in legislation designed to advance the status of women further. For example, Danish counties were now obliged to report to the national Government on issues related to equality in employment in their region, and a proposal would be discussed in Parliament concerning women's right to join the army under conditions almost equal to those applicable to men.

253. The representative described the special efforts undertaken by Denmark to encourage fathers to share parental responsibility for the raising of children. The legal framework provided unmarried couples with the possibility of sharing custody and granted both parents the right to parental leave. The representative also pointed out that those measures had to be accompanied by programmes designed to motivate men actually to use the parental leave schemes. Therefore, the Minister of Employment was exploring new models to encourage fathers to make use of their newly acquired rights.

Concluding comments of the Committee

Introduction

254. The Committee expressed appreciation for the clear and well-organized third periodic report

of Denmark, which closely followed the Committee's guidelines.

255. The Committee was pleased to note that the report and Denmark's answers to the questions of the Committee's pre-session working group provided relevant and up-to-date statistics. That allowed the Committee to discern the evolution of conditions in relation to the majority of the articles of the Convention.

256. The Committee also commended the Government of Denmark for including comments of non-governmental organizations in its report and in particular the fact that those comments responded to the report of the State party. The Committee evaluated that practice as a positive innovation.

Positive aspects

257. Denmark's commitment to high standards of gender equality and its consistent efforts to create an egalitarian society with respect to gender were regarded by the Committee as exemplary.

258. The Committee was aware of the legal measures taken by Denmark and the fact that the statistics on different aspects of gender equality in Denmark reflected constant improvement over time. The Committee was pleased to observe the institutionalized participation of women's non-governmental organizations in the politics of equality and the main-streaming of gender equality through the creation of Equality Commissions in a majority of ministries in Denmark.

259. The Committee appreciated the Government's holistic approach to the implementation of the Convention and was pleased to note that conscientious efforts were already under way for the implementation of the Beijing Platform for Action.

260. The Committee was also pleased to learn that provisions concerning persecution on the basis of gender had been incorporated into the laws on the status of refugees in Denmark.

Principal areas of concern

261. The Committee noted with concern the challenges currently facing efforts to implement temporary special measures to hasten gender equality, such as the removal of quotas by political parties. Although the participation of women in politics was at a higher level than in other countries, Denmark had yet to reach gender parity in the political sphere.

262. The disproportionately low levels of women's participation in academe, in research positions and in management positions in the public and private sectors suggested that insufficient systematic and goal-oriented advocacy and action was taking place in the light of Denmark's leading role in those areas.

263. The inadequacy of culturally and gender-sensitive measures and programmes for immigrant and refugee women to enable them to benefit from legal and social services available in Denmark was noted as an area of concern by the Committee.

264. The absence of a specific law on violence against women was noted as a principal deficiency. The Committee expressed a desire to have fuller information about the actual incidence of violence, rape and incest and was concerned about the absence of specific legislation and/or measures to sensitize the police, the judiciary or the public in general regarding those issues.

265. The Committee noted with concern that stereotypical perceptions of gender role continued to exist in society and were related to the perseverance of attitudes and behavior that kept women away from decision-making positions and kept men from assuming an equal share of family responsibilities.

266. The fact that women, despite their high level of education, were more seriously affected by unemployment than men was noted with concern by the Committee. The Committee was also concerned that women were still paid less than men, despite efforts to initiate assessments of equal pay for work of equal value.

Suggestions and recommendations

267. Temporary special measures should be maintained and strengthened, particularly in the areas of reducing unemployment among women; ensuring that women and men receive equal pay for work of equal value; increasing women's participation in private-sector decision-making; increasing the number of female university professors and researchers; and encouraging men to devote more time to child care and housework. Such initiatives should include quantitative targets, time limits for their achievement, specific measures and sufficient budgetary resources.

268. More research should be conducted on the incidence of violence against women, particularly in vulnerable groups such as immigrants, as well as on the advantages of enacting legislation specifically directed at reducing such violence. The research finding should be included in the next report submitted in accordance with article 18 of the Convention.

269. In particular, more efforts should be made to determine whether trafficking in women and exploitation of prostitution are taking place and whether new communications technologies, especially the Internet, are being used for such purposes.

270. The gender and culture course, which is currently optional in pre-university curricula, should be made mandatory in secondary education.

271. In accordance with the Beijing Platform for Action, it is recommended that the value of non-remunerated work done by both women and men should be included in national accounts, through satellite accounts.

272. The Committee recommended that Denmark continue to include among the objectives of its development assistance programmes the promotion of the rights of women and the elimination of discrimination against women and, in particular, the implementation of the Convention in beneficiary countries.

273. In addition to information relating to the recommendations above, the Committee requested that the next report include information on:

- (a) Implementation of the Beijing Platform for Action and of the commitments announced by Denmark at the Fourth World Conference on Women;
- (b) The number of women and men who work: (i) part-time; (ii) on a flexible schedule; and (iii) outside the workplace, using new technologies;
- (c) The steps taken by trade unions and business organizations to implement the principle of equal pay for work of equal value;
- (d) The use, in cases of abortion, of the RU-486 pill;
- (e) The number of women who use medically assisted reproduction techniques and the number of children adopted;
- (f) Disabled women, especially in terms of their access to education and employment;
- (g) Concrete results and the de facto impact of policies on and programmes for women;
- (h) The economic situation of women, including successful measures to combat the unemployment of women.

274. The Committee requested the Government of Denmark to address the concerns included in the present concluding comments in its next report. It also requested wide dissemination of these comments throughout the country to make the people of Denmark aware of the steps that had been taken to ensure de facto equality for women and the further steps required in that regard.

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302. The Committee considered the fourth and the fifth periodic reports of Denmark (CEDAW/C/DEN/4 and CEDAW/C/DEN/5 and Add.1 and Corr.1) at its 561st and 562nd meetings, on 12 June 2002 (CEDAW/C/SR.561 and 562).

Introduction by the State party

303. In introducing the report, the representative of Denmark informed the Committee that non-governmental organizations had had the opportunity to comment on implementation of the Convention in Denmark. The Government had been implementing the actions identified in the Beijing Platform for Action, which had had a significant impact on Denmark's gender equality policy. Increasing emphasis had been placed on violence against women, trafficking in human beings, especially women and children, unemployment among women and sex segregation in the labour market, since the consideration of Denmark's last periodic report by the Committee.

304. A new law on gender equality had been introduced and there had been a change in the national machinery for the advancement of women since the submission, in 2000, of the fifth periodic report. The former Council for Gender Equality had been replaced by a new three-part structure comprising a Minister for Gender Equality, a Knowledge Centre for Gender Equality and a Gender Equality Board. The Knowledge Centre will be closed down in July 2002 as a State-funded organization. It will continue as a private foundation connected to the University of Roskilde. The Gender Equality Act May 2000 stated that the work to promote gender equality in Denmark consists of a two-pronged strategy, gender mainstreaming and affirmative actions/specific priorities. The Minister for Gender Equality presents an annual Report and an Action Plan to the Parliament on the concrete specific priorities. A Steering Committee has, on behalf of the Minister, prepared a five-year action plan on gender mainstreaming.

305. Gender mainstreaming and the integration of women's rights were critical elements in Denmark's development assistance strategy, in which special attention was paid to women living in poverty; women's rights, including the right to own and inherit land; violence against women, including trafficking; the access of women and girls to health and education; and women's access to financial services, business development assistance and trade opportunities.

306. The representative described the goal of Denmark's gender equality policy as ensuring that women and men were equal partners and were given equal possibilities to choose how they want to live their lives. Women made up 44 per cent of the newly elected committees. The share of women in Parliament was 38 per cent. Labour market participation of women was high at 75 per cent, and women had, on average, 1.7 children, indicating that work could be combined with family life. Factors contributing to that were the existence of many public care facilities for the young, the elderly and other dependants and the fact that young men were increasingly taking on their share of family responsibilities. The Government had expanded parental leave schemes, increased parental grants for childcare in the home and guaranteed day care. Access to part-time work had also been expanded.

Areas of concern included the pay gap between women and men and sex-segregation in the labour market. Only 41 per cent of women from ethnic minorities were active in the labour market, but the Government was making special efforts to address that issue.

307. The elimination of violence against women was a priority, and a three-year action plan with a special focus on women from ethnic minorities, women with disabilities and children had recently been presented by the Government. Efforts to eliminate trafficking in women and children had been intensified. To combat forced marriages, funds had been given to NGOs to ensure assistance to young people from ethnic minorities while the age for family reunification of spouses had, for all citizens, been raised from 18 to 24 years.

308. Another representative indicated that, in 2002, in Greenland, legislation focusing on equal treatment of women and men with respect to public services and employment had replaced older Danish and pre-Home Rule legislation. The Equal Status Council, which had been established in 1998, had provided input during the development of the new legislation and had commissioned a survey on gender equality in the household, workplace and other areas of public life. It had also appointed, as part of a pilot project, gender equality ambassadors to liaise between the Equal Status Council and the public in five municipalities. An action plan on gender and violence was also being produced under the auspices of the West Nordic Council, with the participation of Denmark, Greenland and the Faroe Islands. The Greenland Home Rule Government was sensitive to the importance of ensuring that family and working life were balanced, and legislation had been passed on maternity leave and pay for mothers and fathers in order to give both parents an opportunity to spend time with their infant children. The representation of women in the Government and the municipalities was high at 67 per cent, and they dominated the health, education and social affairs sectors. Six of the 12 Deputy Ministers, and 19 per cent of members of Parliament were women. Education and capacity-building were regarded as crucial to ensuring equal opportunities in the labour market, and data showed that the majority of those commencing education or training programmes were women and that the dropout rate of women was lower than that of men.

309. Another representative indicated that there were very few legislative obstacles to women's enjoyment of equal rights under Faroese Law. In 1994, the Faroese Parliament had enacted the Act of Equality between Men and Women, which sought to ensure gender equality in the labour market, education, all public committees, councils and boards. In 2002, the Act on Maternity Leave providing fully paid maternity leave for 28 weeks had been passed. The Government was seeking to increase the period of maternity leave to 52 weeks. In the Faroe Islands, the number of women in Parliament was low, as was the representation of women in decision-making positions in the private sector. Where gender-based violence was concerned, a domestic violence crisis centre had been established by a non-governmental organization.

310. Each representative expressed commitment to the implementation of the Convention in all parts of Denmark, including Greenland and the Faroe Islands, and assured the Committee that there would be a national follow-up and debate on its concluding comments.

Concluding comments of the Committee

Introduction

311. The Committee expresses appreciation to the State party for its fourth and fifth periodic reports, which comply with the guidelines for the preparation of periodic reports. It commends the State party for its interaction with non-governmental organizations in the preparation of the reports and is pleased that the comments of non-governmental organizations on the implementation of the Convention were again included as annexes to the report. The Committee also expresses its appreciation for the information given in response to the issues raised by the pre-session working group and during the oral presentation.

312. The Committee expresses appreciation for the inclusion of representatives from the Faroe Islands and Greenland in the delegation.

Positive aspects

313. The Committee commends the State party for its efforts to strengthen the promotion of gender equality and women's rights in Denmark through a wide range of laws, policies and programmes within the context of the provisions of the Convention and the Beijing Platform for Action. It also commends the realization of de jure equality of women and men in many areas of the Convention, especially with regard to economic and social benefits and marriage and family life.

314. The Committee commends the State party for appointing a Minister for Gender Equality, thereby making gender equality policy a part of the Government's politics and affording a greater potential to directly influence the political decision-making process, and for establishing the Gender Equality Board, comprising a judge and two lawyers with expertise in the areas of gender equality and labour market conditions, respectively, that handles complaints about gender-based discrimination in the labour market, the education, health, social and finance sectors, and in private enterprises.

315. The Committee commends the State party for its efforts to incorporate gender mainstreaming into its overall policy framework, including by formulating an action plan for 2002-2006 for the Danish inter-ministerial gender mainstreaming project with a steering committee comprised of representatives from all ministries, while at the same time implementing women-specific programmes to encourage gender equality.

316. The Committee welcomes the action plan to stop violence against women, which seeks to give victims the support they need, provide training for professionals and establish multidisciplinary cooperation, break the cycle of violence through corrective treatment of offenders and improve prevention through gathering data on the causes and scope of violence against women.

317. The Committee welcomes the State party's cooperation with the other Nordic and Baltic countries in two working groups under the Nordic Council of Ministers with regard to trafficking in women. The Committee commends the State party for signing the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons,

Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air. The Committee notes that the Parliament has given its consent to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

318. The Committee also commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention and for having ratified the Optional Protocol to the Convention. The Committee also welcomes the fact that a number of recommendations in its concluding comments, adopted when Denmark last reported, have been implemented.

Principal areas of concern and recommendations

319. The Committee is concerned that the Convention has not been incorporated into domestic legislation. It notes that the Committee on Incorporation of Human Rights Conventions into Danish Legislation, appointed by the Minister of Justice in 1999 to examine the advantages and disadvantages of incorporating the general human rights treaties into Danish legislation, on completing its work in October 2001, recommended that the Convention, despite being considered central to the protection of human rights, should not be incorporated into Danish legislation. The Committee also notes that the Constitution does not contain a specific provision on discrimination against women.

320. The Committee recommends that the State party take steps to incorporate the Convention into domestic law, when considering the recommendations of the Committee on incorporation of human rights conventions into Danish legislation. The Committee requests that the State party report on progress made in this regard in its next periodic report, including whether the Convention has been invoked before domestic courts.

321. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and European Union provisions, the Committee is concerned that the Convention has not been given central importance as a binding human rights instrument and basis for elimination of all forms of discrimination against women and the advancement of women.

322. The Committee urges the State party to place emphasis on the Convention as a binding human rights instrument, and to view the Platform for Action as a complementary policy document to the Convention in its efforts to achieve the goals of equality. It furthermore urges the State party to take proactive measures to raise awareness about the Convention.

323. The Committee is concerned at the closure of the Danish Board for Ethnic Equality, which had been established in June 1997, inter alia, to provide advice on the question of discrimination and ethnic equality for the Danish Parliament, the Government, the central and local administration and private organizations, and the Danish National Centre for Research and Information on Gender Equality, which had been established in May 2000 under the Act on Gender Equality. The Committee notes that some of the work of the former Centre will be done without State funding under different institutional arrangements.

324. The Committee recommends that the State party reconsider its decision to close these two

institutions and continue, in all circumstances, to earmark funds for their activities if those will be undertaken under other institutional arrangements, to enable them to continue their independent contribution to the achievement of gender equality in the State party.

325. While noting the creation of an equal pay network for companies interested in exchanging experience on the reasons for the gender-based division of labour, the pay differential and methods of guaranteeing equal pay and that women's participation in the labour market is at an impressive 75 per cent and their unemployment rate is low at 5.6 per cent, the Committee is concerned at the persistence of the wage gap between women and men.

326. The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including job evaluations, collection of data, further study of the underlying causes for the wage gap and provision of increased assistance for social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women in order to address the gender segregation in the labour market. The Committee requests the State party to provide more information in the next periodic report on its efforts to eradicate the wage gap.

327. While commending the State party for having surpassed the critical 30 to 35 per cent threshold in terms of representation of women in decision-making in Parliament, the Committee expresses concern that women's representation remains low in executive and decision-making positions in municipalities and counties as well as in the private economic sector.

328. The Committee urges the State party to take measures to increase the representation of women in decision-making positions in all sectors, including in the municipalities and counties as well as in the private economic sector. It recommends that the State party take steps to facilitate the options available to women in the private sector, inter alia, through the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention, wherever possible. It also recommends that the State party improve the design of the temporary special measures in accordance with article 4, paragraph 1, of the Convention and monitor their application.

329. Noting the high number of women in the lower ranks of the Foreign Service, the Committee nevertheless expresses concern about the low level of representation of women in the higher levels of the service, in particular in ambassadorial posts.

330. The Committee recommends that the State party introduce special temporary measures in accordance with article 4, paragraph 1, of the Convention to increase the representation of women at higher levels in the Foreign Service, particularly as ambassadors.

331. The Committee expresses concern that, despite the high achievement of women in tertiary education, there are distressingly few women professors in the universities. It also expresses concern at the apparent imbalance in the access of women academics, as compared with men academics, to research grants and other resources.

332. The Committee urges the State party to adopt policies to ensure that women professors are not

discriminated against with regard to access to professorships and senior positions, resources and research grants so as to increase the number of women in senior positions in universities.

333. The Committee is concerned about persistence of stereotypical attitudes towards women, which threaten to undermine their rights and make them vulnerable to violence, including domestic violence.

334. The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to undertake an assessment of the impact of its measures in order to identify shortcomings and to adjust and improve these measures accordingly.

335. Noting that reliable statistical material will become available later in 2002, the Committee regrets the very limited available data and information with regard to the scope of violence against women, including domestic violence.

336. The Committee urges the State party to include in the statistical material, sex-disaggregated data and information on the nature and scope of violence against women, including within the family and any new forms of abuse, and to include this information in its next periodic report. The Committee also urges the State party to continue its efforts to implement and strengthen policies and programmes aimed at combating violence, with special attention given to migrant and minority women.

337. The Committee is concerned that Danish residents who arrange for female genital mutilation abroad are not liable to prosecution in Denmark unless female genital mutilation is a crime in the country in which it is performed.

338. The Committee urges the State party to penalize all Danish residents who arrange for female genital mutilation regardless of where it is performed in order to eliminate this harmful traditional practice.

339. While noting that the State party places priority on efforts to address the issue of trafficking in women through, inter alia, seminars, analysis and cooperation with the other Nordic and Baltic countries, the Committee expresses concern that despite these efforts trafficking in women and girls continues to exist.

340. The Committee requests that the State party report on any developments in this regard in its next periodic report, including whether there have been any prosecutions for trafficking in women and girls. The Committee also encourages action in Denmark and, through the State party, continued efforts within the European Union to combat trafficking in women, including measures to prevent trafficking, the collection of data, the provision of services for trafficked women and measures to penalize those who facilitate such trafficking.

341. The Committee is concerned that the Aliens Act, which although gender-neutral, indirectly discriminates against women.

342. The Committee recommends that the State party review the Aliens Act and revoke those provisions that are incompatible with the provisions of the Convention, particularly article 2, which prohibits direct and indirect discrimination.

343. The Committee expresses concern about the situation of migrant, refugee and minority women in Denmark, including discrimination in education and employment and at the gender-based discrimination and violence that they experience.

344. The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against migrant, refugee and minority 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.

345. The Committee regrets the introduction in new legislation of an increase in the age limit for spousal reunification from 18 years to 24 years of age in order to combat forced marriage.

346. The Committee urges the State party to consider revoking the increase in the age limit for family reunification with spouses, and to explore other ways of combating forced marriages.

347. The Committee is concerned that the situation of foreign married women with temporary residence permits who experience domestic violence will worsen when the amendment to the Aliens Act enters into force on 1 July 2002, which will increase the required number of years of residence from three to seven before a permanent residence permit may be obtained. The Committee is also concerned that these women's fear of expulsion will be a deterrent to their seeking assistance or taking steps to seek separation or divorce.

348. The Committee recommends that revocation of temporary residence permits of foreign married women who experience domestic violence, and legislative changes on residency requirements should not be undertaken without a full assessment of the impact of such measures on these women.

349. The Committee is concerned that, under the amended Aliens Act, some women who do not have refugee status might be forcibly repatriated to where they had been subjected to rape and/or other atrocities and may face the threat of further persecution.

350. The Committee urges the State party to refrain from forcibly repatriating such women and to ensure that repatriation in these circumstances is voluntary.

351. While welcoming written material provided by the delegation during constructive dialogue, the Committee regrets that information in the report about the situation of women in the Faroe Islands and Greenland was very limited.

352. The Committee urges the State party to include detailed information on the implementation of all aspects of the Convention in the Faroe Islands and Greenland in the next periodic report.

353. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also requests that future reports not make reference to previous reports but briefly summarize previously stated information.

354. Taking account of the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

355. The Committee requests the wide dissemination in Denmark of the present concluding comments in order to make the people of Denmark, in particular administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century".