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DIHR SUBMISSION TO REQUEST FOR INPUTS - CURRENT LEVELS OF REPRESENTATION OF WOMEN IN HUMAN RIGHTS ORGANS AND MECHANISMS

Questionnaire on current levels of representation of women in human rights organs and mechanisms

1. Do current processes in the State allow for, or encourage, a consideration of gender balance when nominating, electing and appointing experts for human rights organs such as the Advisory Committee and treaty bodies? Do these processes ensure publicity, transparency, and participation by civil society organizations and/or other actors?

The Danish Institute for Human Rights (DIHR)¹ and the Board of Equal Treatment² are the two Danish Human Rights institutions.

The DIHR is part of the public administration, but is an independent self-governing institution.³ The DIHR is controlled by a board, consisting of fourteen members, of whom six are nominated by civil society organizations.⁴ Six members are nominated by the principals of the four major Danish universities, one by each university and two members are

¹ See the website of the Danish Institute for Human Rights, available in English at: <https://www.humanrights.dk/>

² See the website of the Danish Board of Equal Treatment, available in Danish at: <https://ast.dk/naevn/ligebehandlingsnaevnet>

³ Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution (Consolidated Act on the Danish Institute for Human Rights), section 7, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=142116>

⁴ See the Members of the Council for Human Rights on the website of the Danish Institute for Human Rights <https://www.humanrights.dk/about-us/the-council-human-rights>

chosen jointly by the Danish Rector's Conference.⁵ The last two members are appointed by the employees of the DIHR and the Greenlandic Human Rights Council respectively.

Whilst neither the Act on the Danish Institute for Human Rights,⁶ nor the DIHR's rules of procedure establish any rules for gender balance on the institute's advisory board,⁷ the DIHR is subject to the Danish Act on Equal Treatment for Women and Men.⁸ The Act on Equal Treatment for Women and Men requires public institutions to work towards equal treatment in work related instances.⁹ The Act prohibits searching for people of a specific gender when announcing for new positions within the public sector. The Board of the DIHR currently features a balanced gender ratio of seven women to seven men.¹⁰

The Act on the Board of Equal Treatment requires, that both genders are represented in the Board Presidency. The Act further requires, that there is an equal distribution of gender throughout the Board.¹¹

⁵ Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution (Consolidated Act on the Danish Institute for Human Rights), section 3, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=142116>

⁶ Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution (Consolidated Act on the Danish Institute for Human Rights), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=142116>

⁷ See the website of the Danish Institute for Human Rights for the Rules of Procedure at the institute, available in English at:

https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/about_us/rules_of_procedure_for_the_board.pdf

⁸ Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Act on the Equal Treatment of Men and Women with regard to employment, etc.), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=137042>

⁹ Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Act on the Equal Treatment of Men and Women with regard to employment, etc.), see chapter 2, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=137042>

¹⁰ See the website of the Danish Institute for Human Rights for the current board members, available in English at:

<https://www.humanrights.dk/about-us/board>

¹¹ Bekendtgørelse af lov om Ligebehandlingsnævnet (Act on the Board of Equal Treatment), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=179851>

The Act on Equal Treatment also applies to the Board of Equal Treatment, as it is a public institution. The three members of the Board who are judges are appointed by Domstolsstyrelsen (The Danish Court Administration) and the other nine will be nominated by the Ministry of Employment.¹²

2. Does the State take into account the gender composition of the treaty bodies or the Advisory Committee at the time of nomination or election?

As discussed in the answer to question 1, the state does require gender balance on the Board of Equal Treatment. Generally, the Act on Equal Treatment of Women and Men requires public institutions to incorporate equal treatment of women and men into all its planning and management.¹³

The members of the DIHR Board are not state appointed, but there is an even gender distribution in the DIHR Board currently.¹⁴

3. Does the State have any good national practices related to the nomination, election and appointing processes for human rights organs such as the Advisory Committee and treaty bodies? Do these processes take into account gender when nominating, electing, or appointing?

As both the DIHR and the Board of Equal Treatment are subject to the Act on Equal Treatment of Women and Men, every employer needs to treat both women and men equal at the time of employment, transfers and promotions.¹⁵

¹² See the website by the Ministry of Employment further explaining the Board of Equal Treatment, available in Danish at:

<https://bm.dk/arbejdsmraader/arbejdsvilkaar/forskelsbehandling/ligebehandlingsnaevnet/>

¹³ Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Act on the Equal Treatment of Men and Women with regard to employment, etc.), see section 1a, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=137042>

¹⁴ ¹⁴ See the website of the Danish Institute for Human Rights for the current board members, available in English at:

<https://www.humanrights.dk/about-us/board>

¹⁵ Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Act on the Equal Treatment of Men and Women with regard to employment, etc.), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=137042>

4. How does the State take into consideration its obligations concerning non-discrimination and women's right to equal access to participation, as well as its obligations under Article 8 of CEDAW to ensure women's equal participation in the work of human rights organs when nominating or appointing candidates for those organs and mechanisms?

The Act on Equal Treatment for Women and Men prohibits the state from discriminating against any gender¹⁶ and secures women the right to equal access to participation in the work of human right organs. The Act on the Board of Equal Treatment requires an even gender distribution.

The DIHR continuously works on gender equality to ensure the equal treatment of both women and men in the labour market and regularly comments on the impact on gender equality in proposed legislation¹⁷ and issues reports on various topics.¹⁸

5. How many women has the State nominated to human rights organs and mechanisms in the last five years (such as the Advisory Committee or treaty bodies)?

The members of the Board of the DIHR are not state appointed.¹⁹ However, of the fourteen board members, the gender ratio is seven women to seven men.²⁰

¹⁶ Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Act on the Equal Treatment of Men and Women with regard to employment, etc.), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=137042>

¹⁷ See the Public Consultation Portal which allows for the public to gain access to legislative proposals, draft regulations, etc. as well as consultation responses. Available in Danish at: <https://hoeringsportalen.dk/>

¹⁸ See the website of the Danish Institute for Human Rights <https://www.humanrights.dk/research>

¹⁹ Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution (Consolidated Act on the Danish Institute for Human Rights), section 3, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=142116>

²⁰ See the website of the Danish Institute for Human Rights for an overview of the current board members, available in English at: <https://www.humanrights.dk/about-us/board>

The members of the Board for Equal Treatment are appointed for a period of three years at a time.²¹ There are twelve members, of which the gender ratio is six women to six men.²² As discussed in the answer to question 1, the state does require gender balance on the Board of Equal Treatment.

6. Does the State take any action to publicize and encourage women to apply for the special procedures mandate-holders vacancies?

As the DIHR is part of the public administration, it is required by law, that all vacancies are publicized in a way, that is best suited to familiarize the public with the posting.²³

As mentioned in the answer to question 1, three members of the Board of Equal Treatment are appointed by the Danish Court Administration and nine members are appointed by the Ministry of Employment. The nine members are nominated by the Ministry of Employment, the Ministry of Social Affairs and the Interior (formerly the Ministry of Social Affairs and Integration) and the Ministry of Environment and Food of Denmark (formerly the Ministry for Equal Treatment and the Church).²⁴

7. What are the main challenges within your country in tackling the issue of gender balance when nominating and electing candidates for human rights organs and mechanisms such as the Advisory Committee, treaty bodies and the special procedures?

See answer to question 1 for a review of how the Board of the DIHR is appointed. Whilst the DIHR system allows for broad influence by civil society organisations, it does not specifically address the gender

²¹ Bekendtgørelse af lov om Ligebehandlingsnævnet (Act on the Board of Equal Treatment), section 3, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=179851>

²² See the current members on the website by the Board of Equal Treatment <https://ast.dk/naevn/ligebehandlingsnaevnet/om-ligebehandlingsnaevnet/ligebehandlingsnaevnets-medlemmer>

²³ Bekendtgørelse om opslag af tjenestemandstillinger i staten (Act on the posting of public servant positions in the State), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=131087>

²⁴ Bekendtgørelse af lov om ligebehandlingsnævnet (Act on the Board of Equal Treatment), section 3, subsection 3, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=179851>

balance on the board. However, the gender balance of the current board is seven women to seven men.²⁵

8. Are there good practices by the State or other stakeholders that ensure gender parity? If yes, could you please share these practices?

See the answer to question 4.

9. Are there recommendations directed to States, international bodies, or other entities, that you wish to make in order to strengthen and inform this report?

The DIHR does not wish to make any recommendations.

Yours sincerely,

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LEGAL ADVISER

²⁵ See the website of the Danish Institute for Human Rights for an overview of the current board members, available in English at: <https://www.humanrights.dk/about-us/board>