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Translation of International Norms: Prevention of Gender-Based Violence Against Asylum Seeking Women in Denmark

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Abstract

Women who are seeking asylum in Denmark fall into a particular legal gap. This gap prevents them from being fully protected from gender-based violence while waiting for asylum approval in comparison to women who have a permanent residence permit. Previous research has shown that women who are seeking asylum in Denmark are facing gender-based violence. This study aims to explore possible reasons for the existence of this phenomenon. Equally, the objective of this paper is to answer the problem question of why female asylum seekers are not protected in the same way as women with a permanent residence permit, despite Denmark's support of global norms on the protection of women against gender-based violence?

This study is conducted by applying qualitative content analysis of international and domestic documents. By using norm translation theory, the analysis aims to recognise norms and compare them in order to distinguish the potential appropriation or contestation processes of it in the policy of Denmark. By exploring these processes, the analysis seeks to explain the reasons behind the Danish policy towards gender-based violence against female asylum seekers.

Finally, the analysis provides the results that only global norms about state actions towards asylum seekers that were recognised in the *Geneva Convention* were fully appropriated. Despite Denmark's official support of global and European Union norms on state actions towards gender-based violence, these norms have not been fully adopted. Moreover, Denmark has contested norms towards asylum seekers that were recognised in the European Union documents. Also, the negative attitude of the political majority in Denmark is distinguished towards immigrants.

The results indicated that unfavourable views on immigrants and the rejection of norms that supposes a gender-sensitive approach might cause unequal protection and assistance to female asylum seekers. However, it is recognised that further research is required to identify domestic factors that impacted such current setting.

Abbreviation list

CEDAW - the Convention on the Elimination of All Forms of Discrimination against Women

The Alone - Alone between the Immigration Service and the Red Cross on accommodation and maintenance of asylum seekers

The Directive 2012/29/EU - the Directive 2012/29/EU on the rights and protection of victims of crime

The Directive 2013/33/EU - Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection

The Geneva Convention - the Convention Relating to the Status of Refugees

The Istanbul Convention - Convention on preventing and combating violence against women and domestic violence

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1.0. Introduction

In the international arena, Denmark has officially declared its commitment to combat gender-based¹ violence against women by signing and ratifying the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and the *Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)* (Council of Europe, 2020; Office of the United Nations High Commissioner for Human Rights, n.d.). Such a decision indicates a determination to combat gender-based violence against women. Also, ratification of international conventions can be understood as support for the norms² that are disseminated by these conventions.

Nonetheless, prior studies have shown that women who are seeking asylum in Denmark are not always protected from violence and that do not always receive appropriate help in case of violence (Canning, 2019a).

Denmark showed the commitment to combat gender-based violence against women by taking actions to provide assistance and protection from violence against women who have stable residency status in Denmark (Council of Europe, n.d.; European Institute for Gender Equality, 2016; Minister for Equal Opportunities, 2019). However, looking at the national action plans and the studies carried out, one can observe that such assistance and protection are not provided for asylum seekers (Canning, 2019, Canning, 2019a; Minister for Equal Opportunities, 2018; Minister for Equal Opportunities, 2019).

Furthermore, previous studies have shown that female asylum seekers are not provided with a safe environment where they could talk about experienced violence (Canning, 2019a; Canning, 2019). Also, it was discovered that due to the fact that most of the asylum shelters are male-dominated, women do not have guaranteed access to essential services such as psychological assistance or safe use of showers that are dedicated for women (Canning, 2019a; Canning, 2019; Canning, 2016). One can argue that women without permanent resident status and waiting for a response to asylum are not as protected as other groups of women in Denmark.

Based on these indications and previous studies, this paper aims to interpret how global norms towards asylum and violence against women influenced the social development of the prevention of violence against asylum seekers in Denmark. Also, to discover a possible cause of unequal protection of women against gender-based violence. The research aims to contribute to previous studies by confirming or denying existing knowledge about the impact of international norms on the national

¹ According to the Convention on preventing and combating violence against women and domestic violence, gender-based violence against women can be understood as a harm that is “directed against” female because of their gender or “affects women disproportionately”. It is violence and discrimination that is possible because of vulnerabilities of women that are determined her gender. (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, p. 3)

² Based on ideas that were produced by scholars of translational norms, this paper norms are recognised as phenomena which is the produced during socialisation (Sun in Hu, 2016, p. 137). It means that norms can be understood as ideas and expected behaviour in specific situations shared by group or community (Hermans and Toury in Hu, 2016, pp. 137 -139).

policy of Denmark. Likewise, it aims to explore international norms on how to behave towards asylum seekers and gender-based violence against women and the impact of these international norms on Danish policy towards violence against female asylum seekers. Additionally, by scrutinising the relation between these norms and their recognition at the domestic level of Denmark, this analysis aims to answer the following problem question:

Why are female asylum seekers not protected in the same way as women with a permanent residence permit, despite Denmark's support of global norms on the protection of women against gender-based violence?

This problem is intriguing to investigate because of Denmark's pursue to combat violence against women. However, women who seek asylum may find themselves in a legal and procedural gap in terms of gender-based violence prevention. As the research aims to explore the possible reasons for such issue, it seeks the answer to the following questions:

- What are the global and the European Union norms for behaviours of the states towards asylum seekers and problems with gender-based violence?
- How the norms towards asylum seekers and gender-based violence relate to each other?
- How are the norms for the behaviour of the state towards asylum seekers and problems with gender-based violence translated in Denmark?
- How are legislation of Denmark towards asylum and legislation towards gender-based violence related together?

Finally, the following sections will provide a more detailed presentation of the problem. Likewise, it will present the methodological and theoretical guidelines that will be used to answer the problem question.

1.1. Problem Description

Denmark easily can be seen in the international arena as a country that promotes gender equality because of ratification of *CEDAW* in 2000, also because of ratification of the *Istanbul Convention* in 2014 (Council of Europe, 2020; Office of the United Nations High Commissioner for Human Rights, n.d.). As *Istanbul Convention* provides a framework to combat violence against women, further in this work, violence against women and prevention of it will be understood in the terms that were proposed by the *Istanbul Convention* (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011). By complimenting *CEDAW*, *Istanbul Convention* recognises gender-based violence against women as a form of discrimination, since it is based on "socially constructed" unequal position and power relation between women and men in the society. It states that gender-based violence against women can include "sexual", "economical", "physical" and "psychological" forms of harm (Council of Europe Convention on preventing and combating violence

against women and domestic violence, 2011, pp. 8-22). At the same time, the *Istanbul Convention* introduces the need to prevent gender-based violence against women as a need of assisting all victims of such crime, and to ensure the integration and implementation of equality policies as much as prosecuting the perpetrators (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 5-36).

Furthermore, Denmark in international documents and reports has repeatedly underlined its determination to combat violence against women (Council of Europe, 2017, pp. 1-24; United Nations, 2006). The ratification and seek to implement these significant conventions can be seen as strong support to the norms of that are encouraged by *CEDAW* and *Istanbul Convention*. However, according to a report published in 2019, "policies and practices" of Denmark is contributing to the increasing vulnerability of women to gender-based violence (Canning, 2019a, pp. 4-66). Due to the current situation, often, asylum seeking-women are financially dependent on men (Canning, 2019a, pp. 4-66). Such dependency on men occurred in sexual exploitation "in return for money, goods or place to stay" (Canning, 2019a, pp. 5-6). One can argue that this could be seen as evidence of gender-based violence against females who are seeking asylum.

Likewise, the report uncovered that women who are victims of violence are unable to get the help they need due to the strict living conditions, lack of autonomy and uncertainty about the future (Canning, 2019a).

Moreover, the report mentions, that help is often impossible due to the processes which women experience when seeking for asylum (Canning, 2019a, pp. 2-6). Taking into consideration latest report, one can argue that women who are seeking asylum in Denmark are not entirely protected from gender-based violence and assistance in case of violence is not ensured regardless of where that violence was experienced.

Moreover, looking at the action plans towards the implementation of gender equality principles and prevention of violence against women in Denmark, one can notice that they do not include actions towards asylum seekers (Minister for Equal Opportunities, 2019; Minister for Equal Opportunities, 2018). Furthermore, the representative of Folketinget [the Danish parliament] confirmed that there is no additional legislation towards violence against asylum-seeking women and cases of violence are dealt with according to the *criminal code* (see Appendix).

Finally, one can argue that women who are seeking asylum may be falling into "gap" of the prevention of gender-based violence against women. Such an assumption can be supported by the evidence that national action plans for preventing gender-based violence do not mention asylum-seekers (Minister for Equal Opportunities, 2018; Minister for Equal Opportunities, 2019). Also, women are experiencing violence while seeking asylum in Denmark (Canning, 2019; Canning, 2019a). Likewise, it is difficult to obtain help while staying in asylum shelters (Canning, 2016; Canning, 2019a). It means that, because of their situation, they cannot receive the same help as other female residents of Denmark.

1.2. Literature Review

There are numerous studies about gender-based violence and several investigations on how international norms are translated into a domestic level. However, there is less literature on the gender-based violence against female asylum seekers and where the international norms towards such violence would be questioned. Further, this section presents previous research in a field of prevention of gender-based violence against female asylum seekers.

Regarding the protection of female asylum seekers, in the article "Protecting Women Asylum Seekers and Refugees: From International Norms to National Protection?" Jane Freedman seeks to explore which policies have integrated gender-specific protection of asylum seekers and how effective this implementation has been (Freedman, 2010, pp. 175 - 198). The author analyses the uneven norm translation and diffusion of the protection of female immigrants between states. She argues that the uneven impact of such norms depends on gendered roles and power balance between gender at the domestic level (Freedman, 2010, pp. 175 - 198). It means that the integration of norms about the protection of female immigrants may depend on which extend gender equality is valued in the state and on the social roles or behaviour expectations of women. Likewise, another overseen reason for failing to protect immigrant women is that female asylum seeker is often perceived as mother and guardian of her children (Freedman, 2010, p. 193). According to the author, such perception leads to protection only of women whose children are in danger (Freedman, 2010, p. 194).

Moreover, in another article "Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis"", she argues that "EU policies increases" the insecurity of refugee women (Freedman, 2016, pp. 18 - 26). The study reveals that women who left countries because of exposition to violence remained to experience violence in Europe when sought for asylum. One of the highlighted reasons for such issue is a lack of specific policy towards such matters (Freedman, 2016, pp. 18 - 26).

Furthermore, a Victoria Canning, a specialist in criminology and asylum rights, in the article "Degradation By Design: Women and Asylum a Northern Europe" researches how actions that were taken by "European governments" towards asylum seekers had a negative effect on female survivors of violence (Canning, 2019, pp. 46-63). The author argues that strict policies in Britain, Sweden, and Denmark have made asylum-seeking women more vulnerable to violence (Canning, 2019, p. 59). In other words, due to the strict approach towards asylum seekers, women are not recognised as a group who may be more vulnerable to violence.

Also, the author notices that despite Denmark's appropriation of *Istanbul Convention*, norms that are coming from convention are not translated into lives of asylum-seeking women in Denmark (Canning, 2019, pp. 46-60). The analysis revealed that violence against females continued during the asylum-seeking process (Canning, 2019, p. 54). The author claims that these countries contribute to asylum-

seeking female vulnerability to violence due to forced poverty or "dependency" (Canning, 2019, p. 54). By such claims, the author meant to say that deprivation, the neglect of specific needs can make women more dependent on men, which in many cases can lead to various forms of violence. Also, it is observed that another reason for existing vulnerabilities was the inability of the state to provide support to victims of violence (Canning, 2019, p. 54).

Additionally, same scholar in another article "Sexual Torture: Responses to Refugees and Asylum Seekers in Denmark" analyses how sexual violence is "silenced" due to organisational response of the state to asylum-seeking survivors (Canning, 2016, pp. 438 - 455). The author argues that legislative definitions of "torture" and violence do not include gendered considerations, thus excluding most women from access to protection and help. (Canning, 2016, pp. 440 - 443). It means that gender-based violence or gender for life are not recognised as a valid reason for granting asylum. Moreover, she claims that violence and torture are silenced with a distinction between support for asylum seekers and those who already gained refugee status (Canning, 2016, pp. 445-447). It means that silence is produced by the fact that persons who have been granted with asylum can receive all necessary services and assistance due to their residency status, unlike those who are still seeking asylum.

Likewise, in the article "Violence Against Migrant Women: The *Istanbul Convention* Through a Postcolonial Feminist Lens" Lourdes Peroni explores "the recognition of the problem of violence against women" (Peroni, 2016, p. 49). The author scrutinises the *Istanbul Convention* perspective towards women who are seeking asylum. She argues that the *Istanbul Convention* determines countries to ensure that it is implemented without discrimination on grounds as asylum seeker status (Peroni, 2016, p. 57). In conclusion, the author praises the *Istanbul Convention* and its attempts to combat structural inequality that arises from "asylum legal regimes" such as "dependence on partner" or "gender blind asylum procedures" (Peroni, 2016, pp. 57- 59).

Finally, in terms of international norms impact on migration policy, authors Cristof Roos and Natascha Zaun in their article "Norms matter! The role of international norms in EU policies on asylum and immigration" scrutinises what effect international norms has on "EU asylum and immigration policy" (Roos & Zaun, 2014, pp. 45 - 68). Authors argue that despite that Asylum policy is frequently "criticised" for undercutting human rights, international norms on asylum and "individual freedom", "family unity", "physical integrity" are appropriated into EU legislation (Roos & Zaun, 2014, p. 67).

Further, an overviewed literature will be used in the discussion section to compare and scientifically substantiate the results of the analysis

2.0. Methodology

The methodology section introduces the tools that are used in order to conduct the research and to answer the problem question. That is to say, this paper scrutinises how international norms about

asylum and violence against women correlate with each other and how it has influenced Danish policy to prevent violence against women who are seeking asylum. It is done by looking at international conventions and agreements, European Union legislation and national legislation of Denmark. In order to understand the social context in which international norms are translated the official political stance of the majority and public statements by the government of Denmark will be analysed.

Therefore, the methodology section presents the theoretical framework for this research, which describes the theory and the key concepts that are used to conduct the analysis. Furthermore, it is followed by an introduction to the methods that are employed in this paper.

Lastly, the analytical strategy is presented to familiarise the reader with the structure and the logic of the analysis.

2.2. Methodological Considerations and Approach to the Analysis

The research is grounded on the interpretative paradigm with a constructionist approach. Interpretative paradigm presumes that connotations are shaped and created through interpretative processes (Flick, 2015, p. 24). The research has to scrutinise views and conceptions that are formed in these processes (Flick, 2015, p. 24). Said differently, based on interpretative paradigm, views and actions towards violence against asylum-seeking women are produced and taken over through translation of international agreements and obligations. It means that this research is based on analysis of norms [towards gender-based violence against asylum-seeking women], that are produced and used in the processes of international agreements and later on translated by the government of Denmark. That is to say, that the researcher observes the texts of international and domestic documents and its content and interprets it accordingly to the chosen methods and theories.

Moreover, based on constructionist approach, the political reality is seen as an outcome of constructive processes (Flick, 2015, pp. 25-264). That is to say that national actions towards violence against asylum-seeking women can be influenced by what norms towards asylum rights or violence against women are dominating in the international arena.

Eventually, the following section will present how the interpretative paradigm and constructivist approach will be reflected in terms of methods.

2.3. Qualitative Research Design

To begin with, this analysis is based on the phenomenon of not equally protected female asylum seekers in Denmark. With this in mind, the analysis will be based on a case study because a case study involves inquiry “into specific, complex and real-world phenomenon” (Yin, 2015, p. 194). In order to find the causality for such phenomenon, the study will aim to recognise international and domestic norms about state actions on gender-based violence against asylum-seeking women and then to explore how these norms relate with each other. The study will be mostly based on the examination of

international and domestic documents. The analysis of these documents will be realised through a qualitative content analysis method. Such decision was based on the supposition that content analysis a "classical" tool for investigating and assessing various word-based materials (Flick, 2015, p. 164).

Moreover, such choice of methods was strengthened by a suggestion that qualitative content analysis can assist in discovering a more profound meaning and sense of the given material or understanding the causes of consequences (Flick, 2015, pp. 167-195). As the examination of translation of norms will be analysed through qualitative content analysis, the three techniques will be employed in order to exploit the chosen method successfully (Flick, 2015, pp. 163-169).

Regarding the techniques of qualitative content analysis, by using the first technique, a text will be summarised, meaning that irrelevant parts of the text or phrases will not be presented, and the essential information will be summarised in different words (Flick, 2015, p. 167). Further, by using the following "explicative content analysis" technique, relevant data will be selected and explained in details (Flick, 2015, pp. 167-168). Also, the reader will be provided with additional information "outside the text" (Flick, 2015, pp. 168-169). It will be done with the aim to recognise not only the essential content but also the context in which the content is created or exists. The third technique of "structuring content analysis" will be used to search for a particular structure, recurrence, or logic (Flick, 2015, p. 169). It means that the structure of the content will be briefly analysed. The main domains that are defining a and characterising the text will be introduced. Such a technique will be used to discover the silent features of the content (Flick, 2015, p. 169).

2.4. Theoretical Framework and Theory Application

In order to capture the answer for a problem question and explain the causality of the previously described phenomenon, this paper will use the norm translation theory. The theory section is grounded on the theorist Susanne Zwingel, who specialises with the global discourse on women rights norms as well other international actors that use norms to protect gender equality in domestic level (Florida International University, n.d.). Scholar offers the theoretical perspective in which the "translation of global gender norms" is exposed and examined by concentrating into responsive domestic actions towards international agreements (Zwingel, 2012, pp. 115-129). To put it more simply, this approach intends to promote an analysis of domestic response and actions towards international agreements. By doing so, the analysis aims to comprehend the influence of norms that can be recognised in these international negotiations and arrangements.

Furthermore, in order to explain the phenomena of development of combat against gender-based violence against female asylum seekers in Denmark and to establish an understanding of the possible causes of this issue, norm translation theory will be used in this paper as a system of ideas about consistencies of international norms within the context of violence against women and asylum seekers (Rienecker, Jørgensen, & Skov, 2015, p. 224). It means that this theory will present not only

world view but also will provide an explanation of what caused current Danish policy towards the problems of violence against female asylum seekers. This decision was based on the supposition that political reality is shifting because of the influence and interpretations of "international norms" (Zwingel, 2012, pp. 115-129).

In addition, the theorist S. Zwingel argues, that global norms are produced by constant and joint "interpretations" and "practices" (Zwingel, 2012, p. 126). It means that international agreements towards asylum or women's rights create certain norms to apply at a domestic level that is exposed to interpretation within some boundaries. With that in mind, norm translation theory will be used to focus on national response and actions to international treaties and conventions (Zwingel, 2012, pp. 125-127).

Furthermore, the norm translation theory investigates the influence of the power of global norms. It tries to identify "multidirectional processes of appropriation and contestation of global norms" (Zwingel, 2012, p. 115). Because of limited time and capacity to access different international and national actors that are involved in processes of norm translation, this study is mostly based on the analysis of various documents. It means that the theory will be applied within norm translation processes of "appropriation" and "contestation" and will not include multi-level norm translation patterns within different actors (Zwingel, 2012a; Zwingel, 2012).

Correspondingly, in the norm translation theory, contestation process assists in explaining unexpected behaviour or actions that are contrary to the global norms (Jose, 2018, pp. 3-33). As the norm translation theory recognises that norms can be uncertain or vague, the content of the norms can be interpreted differently (Jose, 2018, pp. 3-50). Contestation process can help to explain the discrepancies by taking into consideration that decision-makers may also be influenced by different contexts and backgrounds (Jose, 2018, pp. 3-50). It means that the interpretations of the norm that are based on different contexts produce norm contestations where interpretations towards the same issue are not corresponding with the norm (Jose, 2018, p. 5). Such a proposition suggests that contestation process characterises a rejection or disagreement over the norms (Zimmermann, Deitelhoff, & Lesch, 2017). Also, a discrepancy from expected actions that are promoted by international norms can be explained by contestation process, while domestic actors are holding diverse interpretations about the norms and how it should be implemented (Jose, 2018, pp. 1-16). Further in this paper, contestation process of different understandings towards responsibilities of the state will be used to explain different actions and behaviour within the implementation of norms towards asylum and violence against women (Jose, 2018, p. 21).

Meanwhile, norm appropriation process explains national reaction to promoted global norms which are adopted to "national construction" (Lorentzen, 2017, pp. 658 - 659). It means that the appropriation process contains practice through which norms are shaped and used at the domestic level. It includes a process through which norms are negotiated in order to constitute norms as sole (Zwingel, 2012, p. 116). In other words, during the appropriation process, the norm can be altered and gain additional purposes in diverse contexts. However, the norm is not disputed or "rejected" like in

contestation process (Lorentzen, 2017, p. 663). That is to say that that appropriation process will be used to explain the implementation and insertion of global norms towards asylum and gender-based violence against women in the domestic level.

Moreover, considering that norm translation theory examines the processes of global discourse around the international norms, it will be used to show what global norms towards asylum and violence against women are most widespread globally and in the European Union. Also, it will be used to explain how they interlink with each other (Zwingel, 2012a, pp. 115 - 117).

Likewise, the norm translation theory states that with the creation of the convention, norms that are proposed in it are not just implemented domestically (Zwingel, 2012a, pp. 115-116). Instead, it is shaped and interpreted within the international and domestic context. (Zwingel, 2012a, p. 116) It means that norm translation theory will assist finding the causality of decisions of Denmark towards asylum and violence against women by looking at prevailing domestic context and attitudes towards asylum and violence against women and how international norms were translated in such setting.

The theory will be used to capture and explain how global norms about asylum and gender-based violence against women are translated, appropriated and contested by the government of Denmark. This decision is based on the notion that domestic actions towards female human rights are influenced by interpretations and negotiations of global norms (Zwingel, 2012, pp. 115-129).

Furthermore, by employing norm translation theory, the global and European Union norms towards asylum and gender-based violence against women will be perceived as a system of guidelines and criteria of expected actions for explicit actors towards specific issues (Sikkik & Finnemore, 1998, p. 891). It means that the central values of international and domestic agreements, decisions and documents will be captured as the content containing the standards of actions towards asylum and violence against women.

Finally, the idiom of "translation of norms" is used very often in this theory. It is vital to mark that such expression proposes that differently "contextualised" norms can be translated into different fields. (Zwingel, 2012, pp. 115 - 129). With that in mind, the analysis will be executed by examining and comparing the norms [within global, European Union, and Denmark levels] about action towards asylum and gender-based violence against women. During the analysis, the processes of appropriation and contestation will be applied to explain norm translation into domestic law of Denmark.

Finally, the examination of national decisions of Denmark will be presented in light of norm translation theory. In other words, the theory will be used to explain the phenomenon of not equal protection of female asylum seekers compared with women with a permanent residence permit.

2.4.1. Critique

The norm translation theory is expected to contribute to the analysis by helping to explain the causality of the phenomenon. However, the application of this theory may raise some doubts, as other scholars criticised the theory before. Such criticism must be accounted for, as the flaws of the theories can influence the quality of the research.

Likewise, there is some criticism towards studies of norms because it does not provide enough equipment for the aim of "explaining change" (Hofferberth & Weber, 2015, p. 80). It is argued that the research of norms has a tendency to separate norms as independent elements and place down and not recognise individual actors (Hofferberth & Weber, 2015, p. 81). In other words, such an approach can position the state just as a liaison of norms between culture and "international system" (Hofferberth & Weber, 2015, p. 81). It means that from such a critical perspective, the quality of the analysis may suffer because of overstressed attention to norms and insufficient consideration of other actors. Also, if more resources could be obtained for the analysis, an additional theory could be incorporated to analyse additional actors and their role in the development of policies on asylum and gender-based violence against women.

Furthermore, the studies of norms are accused of inconsistency (Hofferberth & Weber, 2015). It is argued that the meaning of the norms is often seen as depended on the social aspects and sometimes the norms are seen as stable or unambiguous, and other times - collectively constructed phenomenon (Hofferberth & Weber, 2015, p. 80). Such criticism is understandable since this norm translation theory will be used by interpreting and analysing the content of the documents. It means that some inconsistencies can occur because of subjective interpretations of the researcher, compared to other approaches. Taking this into consideration, the perspective towards the norms may seem a bit fluid.

Nevertheless, norms themselves are quite and negotiable phenomena which tend to change, so it is possible that norms can be viewed from different perspectives in different situations (Zwingel, 2012a; Zwingel, 2012).

2.5. Data Collection Methods

For this research selected form of data, is a collection of documents. This decision was based on the choice of a theoretical framework. Also, it was grounded on the goal to scrutinise the norms about actions of the state regarding gender-based violence on asylum seekers.

Therefore, this paper will present a secondary analysis of primary and secondary data. It means that the researcher did not collect the data which will be used in the analysis for this study (Flick, 2015, p. 152). The analysis will be done on primary data, as the norms are found and explored in official international and domestic documents (Flick, 2015, p. 60). Secondary data such as articles, previous researches will be used in order to understand the social and political context in Denmark. Such a

decision was grounded on the objective to investigate the prevailing norms in Denmark and possible reasons for appropriation or contestation of norms.

Moreover, it is essential to underline that a timeline for international documents is not limited because international agreements or domestic documents are still relevant and still used as a foundation for international or national law development and implementation. That is to say that one of the main criteria for data selection was relevancy and how widely these documents are agreed and implemented.

Also, the choice of data for the analysis was influenced by the Danish Parliament's Information Centre and the Red Cross. These institutions were contacted in order to gain knowledge of primary legislation that may regulate the actions of the state towards violence against asylum seekers.

Additionally, due to the limited time to execute this study, only most used in practice documents that are providing guidelines towards the fight against violence or state action on asylum seekers were selected. These documents include *CEDAW*, the *Istanbul Convention*, *European Union guidelines on violence against women and girls and combating all forms of discrimination*, the *Directive 2012/29/EU on the rights and protection of victims of crime (the Directive 2012/29/EU)*, *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (the Directive 2013/33/EU)*, *Danish Criminal Code*, *Social Service Act*, *Act on Gender Equality*, and *Alone Between the Immigration Service and the Red Cross on Accommodation and Maintenance of Asylum Seekers*, *Aliens Act* (Convention on the Elimination of All Forms of Discrimination Against Women, 1979; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011; Directive 2012/29/EU 2012/29/EU on the rights and protection of victims of crime, 2012; Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 2013; Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven; 2019; Lovbekendtgørelse 2019-08-07 nr. 798 om social service, 2019; Lovbekendtgørelse 2013-12-19 nr. 1678 om ligestilling af kvinder og mænd, 2013; Lovbekendtgørelse 2019-10-02 nr. 1022 Udlændingeloven, 2019; The Immigration Office & Red Cross Asylum Department, 2019).

Such a decision was made on the basis that these documents are most recognised and used as a legal basis in the international and domestic domain of asylum and gender-based violence against women.

Also, to deepen the knowledge gained about recognised norms from the documents and the context in where norms are translated, a data such as speeches of government representatives, articles about policy shifts and actions towards migration issues were collected.

In order to find information on global agreements and European Union and domestic legislation, the keywords in English and Danish languages such as "asylum", "asylum seekers", "gender-based violence" "violence prevention" were used in the search function on "Eur-lex", "google.com", "Karnov", Danish government websites (Statsministeriet, n.d.; Statistics Denmark, n.d.; Karnov Group Denmark A/S, n.d; Publications Office of the European Union, n.d.).

2.6. The Analytical Strategy for the Analysis

The research is going to be conducted in order to discover why are female asylum seekers are not protected in the same way as women with a permanent residence permit, despite Denmark' support of global norms on the protection of women against gender-based violence? It is going to be achieved by applying qualitative content analysis and evaluating analysis results with norm translation theory. Also, to answer the problem question, the additional questions are raised, which will serve as a template and a structural framework in the analysis.

The analysis will start with exploring norms for the behaviour of the states towards asylum seekers and behaviour of the states in reaction upon problems with gender-based violence. During this part of the analysis, the content of selected international documents will be scrutinised in order to recognise norms about gender-based violence and asylum seekers. It will be done by recognising norms about gender-based violence within the global and European Union scale. Later the same will be done within norms about actions towards asylum seekers.

Further, the analysis will be continued by exploring a relation between recognised norms about state actions towards asylum seekers and gender-based violence. This part of the analysis will aim to identify the international attitude towards the issue of gender-violence against female asylum seekers. Also, it will be done in order to understand if prevailing norms complement each other and are favourable towards female asylum seekers, or they are incompatible and makes prevention of violence against female asylum seekers more difficult.

Later, the analysis will seek to explore the prevailing norms about state actions towards gender-based violence and asylum seekers in the domestic policy of Denmark. It will be done by scrutinising domestic documents that are mentioned in the data section. The recognised norms will be compared with ones that were recognised in international documents in order to identify appropriation or contestation processes. This part of the analysis will aim to identify how international norms affected Danish policy. The results of this part of the analysis will assist in predicting an answer whether the current phenomena is due to the appropriation or contestation of norms.

Additionally, the analysis of how the legislation of Denmark towards asylum and legislations towards gender-based violence is related together will be provided. This part of the analysis aims to understand the logic and norms about the issue of gender-based violence against female asylum seekers. Also, the primary intention is to discover possible "holes" because of which women are not receiving protection from violence or assistance after the case of violence. Similarly, this section scrutinises statements of government of Denmark and public articles to understand the context in which international norms have been appropriated or contested.

Finally, based on data that was collected during the analysis, a summary will be provided. The results of the analysis will be presented later in the discussion section, where they will be compared with previous studies. Also, methodological choices, implementation of the analysis and its results will

be evaluated. Lastly, a conclusion of the study and the answer to the problem question will be presented to the reader.

3. Analysis

3.1. Global and European Norms for Behaviours of the States Towards Asylum Seekers and Behaviours of the States in Reaction Upon Problems with Gender-Based Violence

In order to answer the question, why are female asylum seekers are not protected in the same way as women with a permanent residence permit, despite Denmark's support of global norms on the protection of women against gender-based violence, the analysis aims to examine and compare the norms in the global arena, European Union and Denmark towards actions on asylum seekers and gender-based violence. This section is dedicated to capturing norms in international agreements globally and in the European Union.

3.1.1. Global Norms for Behaviours of the States in Reaction Upon Problems with Gender-Based Violence

During the evaluation of what could be recognised as the most significant source of norms towards problems with gender-based violence at the international level, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* could be positioned in front of others. It is because this convention was not only signed but also ratified by 189 of 195 sovereign states (United Nations, n.d.). This convention supplements other international agreements related to human rights by paying attention to the protection of women's human rights (United Nations, n.d.a). A closer look at the *CEDAW* content revealed the underlined importance and value of equality between men and women (Convention on the Elimination of All Forms of Discrimination Against Women, 1979). The norm of equal treatment of men and women is emphasised by mentioning equality between men and women seven times in the preamble of one page (Convention on the Elimination of All Forms of Discrimination Against Women, 1979, p. 1). Also, the norm is articulated by emphasising the right to equal rights and treatment regardless of "gender", "sex", "social", "cultural" or "political" situation (Convention on the Elimination of All Forms of Discrimination Against Women, 1979, p. 1). Likewise, *CEDAW* promotes prevention of "any distinction, exclusion or restriction" which is based on motives that are introduced above (Convention on the Elimination of All Forms of Discrimination Against Women, 1979, p. 2). One could argue that states are expected to ensure equality between men and women. Also, they are expected to provide equal protection of rights for all women, regardless of their legal, social or political situation. In other words, gender-based violence against women may be understood as a form of discrimination based on gender or sex from which all women should be protected alike.

Furthermore, *CEDAW* produces not only an international norm of equal rights and treatment for women but also sets directions for actions towards prevention of discrimination against women for

the countries (Convention on the Elimination of All Forms of Discrimination Against Women, 1979). The agenda of *CEDAW* is divided into fourteen articles. These articles establish criteria for the sovereign states of how they should ensure equal rights for women (Convention on the Elimination of All Forms of Discrimination Against Women, 1979). The convention is also apprehensive about relationships between men and women, where gender-based violence can occur. Article 16 of the convention is intended to provide guidelines for ensuring the equal relationship between men and women. It involves guaranteeing equal rights and responsibilities in relationships despite the gender (Convention on the Elimination of All Forms of Discrimination Against Women, 1979, pp. 6-7). It means that the convention declares that it is the responsibility of the state is to ensure that both in public life and in a family institution, women would have availability to have the equal "responsibilities" and "rights" compared with men (Convention on the Elimination of All Forms of Discrimination Against Women, 1979, pp. 6-7). One can argue that the most prominent norm that can be seen in this convention is the "non-discrimination" what should be guaranteed by the state in all matters (Convention on the Elimination of All Forms of Discrimination Against Women, 1979). According to the norms promulgated by *CEDAW*, it can be concluded that states are expected to take action to protect all women from gender-based violence, regardless of their legal position in the state.

Moreover, another document that establishes international norms concerning violence against women is the *Council of Europe Convention on Preventing and Combating Violence against women and domestic violence (Istanbul Convention)*. This convention is significant because it is a legal instrument that directly focuses on the problem of violence against women (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011). Violence against women is recognised as a human rights violation and a form of gender-based discrimination (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011). Based on the norm translation theory, such violence definition can be understood as a global or international norm, which encourages the states to treat violence against women as an intolerable crime against human rights (Zwingel, 2012, pp. 115-129; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 5-37).

Additionally, the main goal of this convention is to prevent "violence against women" and to assure the protection of the rights of survivors of violence (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 5-36). It means that the first norm that can be recognised in the *Istanbul Convention* is that the state is responsible for protecting women from violence by ensuring implementation of equality policies, prosecution of perpetrators and assistance for the victims of violence (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 5-37).

Moreover, the *Istanbul Convention* recognises violence against women as a result of inequality between genders (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 5-7).

Thereinafter, gender-based violence is understood as the result of unequal power relations between men and women (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 4-10). Taking this into consideration, one could argue that states are expected to adopt a gender dimension in regards to gender-based violence. In other words, states should ensure that women should be protected from structural gender inequality³. Further, the text of the convention encourages the states to change social and cultural behaviour (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, p. 11). One may argue that such proposition creates the norm that gives accountability for the state to protect a woman from the impact of culture or traditions that encourage any form of violence against women.

Most importantly, the *Istanbul Convention* enhances the value of the "non-discrimination", where the implementation of the protection of victims should be carried out without discrimination on "gender", "religion", "birth", "age", "marital status", "migration" "refugee or other status" or on any other grounds (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, p. 8). It means that the agreed norm, that declares the duty of the state to provide assistance and protection from violence to all women.

Finally, after looking at the two important international documents towards the issue of violence against women, one can argue that, based on the norms circulated in these documents, it is the duty of the states to ensure equality between the genders in order to protect women from the social, economic, legal and other factors that cause gender-based violence. That is to say that all women should be protected from such a form of discrimination. Also, the state should provide all necessary assistance for the survivor of gender-based violence.

3.1.2. European Union Norms for Behaviours of the States in Reaction Upon Problems with Gender-Based Violence

While assessing the norms towards the issue of violence against women that can be seen in the European Union, it is essential to note that the before mentioned *Istanbul Convention* has also received the recognition. It could be reflected by the European Union accession to it (European Parliament, 2019). It means that all European Union members must ratify the *Istanbul Convention* and recognise violence against women as "violation of human rights and a form of gender-based discrimination" (European Parliamentary Research Service, 2019, pp. 1-4; European Parliament, 2019). One can argue that such a step shows that European Union appropriated the globally recognised norms that articulate

³ Structural inequality is " the inequality that is built into the very institutions and norms that govern society " (Newton, 2019, p. 160). This means that structural inequality can be understood as circumstances where one group of people have an unequal position, possibilities or rewards in relation to other groups of people.

the responsibility of the stay to prevent gender-based violence against women. Also, the norms mentioned above that can be recognised in the *Istanbul Convention* are approved and transmitted to the members of the European Union.

Moreover, before scrutinising documents of the European Union that could be considered as norm-setting, it is important to mention that there is no sole binding document or tool which would be directly focused only on the issue of violence against women (European Parliamentary Research Service, 2019, p. 1). It means that in recognition of the issue of violence against women, the problem is not addressed directly. The problem is tackled through various legal acts, and documents that are addressing equal treatment, trafficking in human beings, victims protection (European Parliamentary Research Service, 2019, pp. 5-9). One could argue that such an indirect approach towards gender-based violence against women uncovers that all these policy-making instruments are gender-neutral.

Furthermore, the European Union level documents that are setting norms on protection of female victims of gender-based violence could be considered including: *the guidelines on violence against women and girls and combating all forms of discrimination against them* and *the Directive 2012/29/EU on the rights and protection of victims of crime (the Directive 2012/29/EU)* (European Parliamentary Research Service, 2019, pp. 5-9). To begin with the *European Union guidelines on violence against women and girls and combating all forms of discrimination against*, it could be recognised as a direct document which is reflecting the norm on how the member states together should deal with violence against women. It is because this document directly makes suggestions on what actions the European Union countries should take to combat this issue (International Organisation, 2008, pp. 1-2). The document states that strategies and practices within the European Union and its' member states should focus on the protection and support for victims in all levels and sectors of society. To put simply, the member states are held responsible for combating gender-based discrimination against women in both the public and private sphere. Also, the text states that any obstacle to the exercise of their "socio-economic" and "political" rights increases exposure to violence and that countries must ensure that victims are not economically dependent on the "perpetrator" (International Organisation, 2008, pp. 1-15). Based on the content of this document, one can argue that the translating norm safeguards equal opportunities and treatment in all levels of society, as well as assistance to survivors of violence. Likewise, the norm that can be recognised in this document suggests that European Union member states are responsible and obliged to implement full protection and assistance to female victims of gender-based violence.

Additionally, the *Directive 2012/29/EU* on the rights and protection of victims of crime establishes the minimum requirements and principles regarding victims of crime (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012). This directive suggests that victims should have all possibilities to provide information about the crime without fear (Directive 2012/29/EU of the European Parliament and of the

Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012). Most importantly, it underlines that support should be available from the moment when authorities are aware of such crime and needed assistance. Also, protection should be provided for all victims of crime, regardless of the nationality or residency status in the member state (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012, pp. 57-71). It is stated that the assistance should be provided as long as the victim is in that member state and all measures should be taken to prevent the repeat of crime which is often within gender-based violence (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012, pp. 57-71). Additionally, despite the fact that this directive is gender-neutral, one can argue that the most recognisable norm in the directive is the obligation for the member states to provide a comprehensive service to all victims of violence. This service should be provided without discrimination on the basis of residency status in that country. Also, the special needs of the victim should be considered.

In conclusion, one can argue that European Union norms that can be recognised in documents related to gender-based violence against women and assistance to victims of violence declare that member states are expected to ensure and provide the protection from the circumstances in which women may become more vulnerable to gender-based violence. In case of violence, the country where violence occurred should provide help and support to survivors of such crime.

3.1.3 Global Norms for Behaviours of the States in Reaction Upon Asylum Seekers

The *Convention Relating to the Status of Refugees (Geneva Convention)* has been recognised and signed by 146 states (United Nations High Commissioner for Refugees, n.d, pp. 1-2). Given such figures, the *Geneva Convention* can be considered as a main normative document in which jointly developed international norms about expected actions of the states towards asylum seekers, and refugees are declared. The document describes the rights that have to be guaranteed for the by the state (Office of the United Nations High Commissioner for Refugees, 2011).

However, as the refugee is recognised as a person who fled his own country based on "fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion", the definition of an asylum seeker is not provided (Office of the United Nations High Commissioner for Refugees, 2011, p. 3). One can argue that such lack of recognition leaves the space for different interpretations as who should be granted the rights that are set out in the *Geneva Convention*: whether legally recognised refugees or the asylum seekers who are still waiting for legal status approval. It means that such a norm could be contested by providing and ensuring the expected

rights of refugees that are declared in the *Geneva Convention* only to a person who has been granted asylum. However, after scrutinising the content of the *Geneva Convention*, it is notable that asylum seekers are referred as refugees. Article 31 declares that individual who illegally crosses the border because of danger and deprivation of their freedom and presents himself to the authorities should not be punished (Office of the United Nations High Commissioner for Refugees, 2011, pp. 27-30).

Likewise, one can interpret that the legal concept of the asylum seeker is not distinguished from the refugee since the exclusion is defined by the reason why the person is outside the country of his and cannot go back (Office of the United Nations High Commissioner for Refugees, 2011). One can argue that those who fit the definition of the refugee with or without legal recognition of the state could be treated as refugees.

Looking at the content of the *Geneva Convention* from such standpoint, it is recommended that the state should support "non-governmental organisations" in order to provide "moral, legal and material" "welfare services" to asylum seekers (Office of the United Nations High Commissioner for Refugees, 2011, pp. 10-11). It means that the global norm that can be recognised in the *Geneva Convention* is the provision of support services for the asylum seekers that should be ensured by the state. However, one could argue that such motion could likely be explained that the state is not expected to provide welfare services and other assistance itself. It is only expected to arrange these services to be provided, in this case by non-governmental organisations.

Furthermore, the analysis of the content of the *Geneva Convention* has shown that the gender or the additional issues that may or are arising for persons who are seeking asylum is not mentioned (Office of the United Nations High Commissioner for Refugees, 2011). Such exclusion of gender shows that there is no reflection on person gender when it comes to the assistance that may be needed or the reasons why the individual need the asylum. Taking this into consideration, one can argue that the norm about actions of the state towards asylum seekers indicates that additional services or consideration of gender-related issues are not obligatory for the host state.

Furthermore, another convention as a shared agreement establishing international norms that talks about the obligations of the states to asylum seekers is the *Istanbul Convention*. (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011). Unlike most international conventions directed towards asylum, the present document is unique because it draws attention to the vulnerability of women (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 25-26).

The *Istanbul Convention* introduces the responsibility of the state to establish "gender-sensitive reception procedures and support services for asylum-seekers" (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 25-26). It means that actions of the state towards asylum seeker are expected to be taken considering the gender perspective. Likewise, gender-specific circumstances are expected to be taken into account. Also, the text presents the guidelines for the state to consider the gender-related danger in the country of the

asylum-seeker as an important aspect to approve the asylum request (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 24-26). Most importantly, the state is expected to provide full assistance and protection from violence for the asylum seekers (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, pp. 8-26).

Finally, in the light of the documents examined, which provide international models for countries' approaches to asylum, one can conclude that global norms on the reaction of the states towards asylum seekers set the standard for the responsibility of the state. This responsibility includes the requirement to ensure accommodation and maintenance of asylum seekers. However, it is challenging to recognise norms and specific actions of the states about persons who are seeking asylum in these documents. Therefore, this may uncover that this topic possibly is not recognised as an issue at a global perspective.

Furthermore, in the two conventions that were examined, they can be characterised by the lack of clarification of differences between refugees and asylum-seekers. Such an approach leaves room for countries' decision-makers to interpret the norms broadly and decide whether they apply it only to officially approved refugees or also to asylum seekers. It is also important to stress that the more internationally recognised *Geneva Convention* does not have a gendered perspective towards asylum seekers.

Moreover, considering that the *Istanbul Convention* clearly communicates the norms about the necessity of a gender perspective in the provision of asylum and assistance to asylum seekers, the fact that the *Geneva Convention* is more widely accepted shows that there is no international pressure on states to react upon asylum seekers with the gender-sensitive approach.

3.1.4 European Union Norms for Behaviours of the States in Reaction Upon Asylum Seekers

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Directive 2013/33/EU) was created on the basis of the *Geneva Convention* mentioned above (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 2013). It means that the previously analysed norms, which can be found in the *Geneva Convention*, have been translated into the level of the European Union.

After scrutinising the content of the text, one can argue that the *Directive 2013/33/EU* purpose is to establish minimum standards for the reception of asylum seekers (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013, pp. 96-116). In other words, the Directive 2013/33/EU can be seen as a document affirming the norms on how member states should act towards asylum seekers throughout the asylum application process.

The Directive 2013/33/EU is distinct from the above-mentioned *Geneva Convention*, because it includes more specified requirements for living conditions that the state should provide to asylum seekers at the time of reception. Moreover, it presents a gender perspective to it. The word "gender" is mentioned in the text two times (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013, p. 105).

The document presents that states should take into account gender-related considerations and possible vulnerability when dealing with the accommodation of an asylum seeker (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013, p. 105). The state must also take action to prevent "gender-based violence" throughout accommodation (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013, p. 105). It means that the norm that can be recognised in the *Directive 2013/33/EU* indicates the duty of the state to ensure the safety of asylum-seeking individuals concerning their potential vulnerability because of their gender. Furthermore, the *Directive 2013/33/EU* recognises the obligation of the states to provide the necessary treatment for victims of violence, consisting of both "medical and psychological" assistance (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013, p. 108). One could argue that such claims mean that the state is responsible for the recovery of victims of violence. It means that, across the European Union, countries are expected not only to provide a safe environment for asylum seekers but also to help them recover from medical and psychological trauma.

Finally, one can conclude that European Union norms advocate that the state should provide a safe environment with regard to gender and possible factors that could make asylum seekers more vulnerable. In summary, likewise, in the event of violence before or during the stay in the country, European Union members are expected to provide the necessary assistance to victims of violence.

3.2. Relations Between the International Norms Towards Asylum Seekers and Gender-Based Violence

After looking at the documents where norms on actions towards violence against women can be recognised, one can argue that both globally and in the European Union, gender-based violence against women is understood not only as a crime against the individual but also as a form of discrimination (International Organisation, 2008; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011; European Parliament, 2019; Convention on the Elimination of All Forms of Discrimination Against Women, 1979). Also, gender inequality is widely understood as a cause of violence against women. (International Organisation, 2008; Council of Europe Convention on preventing and combating violence against women and

domestic violence, 2011; European Parliament, 2019; Convention on the Elimination of All Forms of Discrimination Against Women, 1979). It means that countries are expected to prevent circumstances that could lead to violent or discriminatory behaviour.

However, it was noted that in the European Union, documents where norms about the state's actions towards violence against women, are predominantly gender-neutral (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012). Taking this into account, one can argue that the uncovered norms establish the responsibility of the state to address the prevention of gender-based violence against women with a gender perspective. However, one can recognise that when it comes to cases of violence, it is not expected from the state to approach the occurrences of violence with a gender perspective.

Moreover, it was recognised that global and European Union norms hold the necessity to provide the equal protection and help to victims of gender-based violence despite the judicial, societal or political situation of the person (International Organisation, 2008; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011; European Parliament, 2019; Convention on the Elimination of All Forms of Discrimination Against Women, 1979; Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2012).

In a comparison of the norms towards the gender-based violence, global and European Union norms about the state actions towards asylum seekers are opposed. It is because there is no distinction that assistance and help for asylum seekers should be provided regardless of the legal or political status of the person (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 2013; Office of the United Nations High Commissioner for Refugees, 2011). It means that norms that were recognised did not provide the necessity for the state to provide support without discrimination compared to other individuals with different status.

Likewise, unlike the norms about gender-based violence, which declare that equal treatment should be provided without any discrimination, norms about asylum do not distinguish the necessity of non-discrimination in terms of accessible service.

Furthermore, another difference compared to norms on the prevention of gender-based violence against women is that globally declared norms about the actions of the state towards asylum seekers are appropriated with more alterations at the European Union level. It means that countries such as Denmark, which have decided to opt-out of security and defence, citizenship, police and justice matters, can translate such norms more diversely and broadly (The Danish Parliament EU Information Centre, 2020). In case of actions towards gender-based violence against female asylum seekers, the norm can be translated diversely in terms of a gender-sensitive perspective and responsibilities of provided

services (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013).

Moreover, the norms about state actions towards asylum issues differ from the norms towards problems of gender-based violence by being vague. It is because provided expectations do not identify the specific actions or persons [refugee or asylum-seeker] to whom those actions must be applied.

However, looking at the norms about asylum related issues, one can argue that the responsibility of the state to provide gender-sensitive reception of asylum seekers is recognised without evident interference. These norms match with the norms about actions towards gender-based violence against women. These norms about gender-based violence express the responsibility of the state to ensure the prevention and protection of women from gender-based violence and to provide the necessary assistance.

Correspondingly, both European Union and global norms are comparable by declaring the duty of the state to protect and assist asylum seekers from the violence that may occur during the time of accommodation (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013; United Nations High Commissioner for Refugees, n.d).

Finally, given the similarities and the differences between the recognised norms, one can argue that norms towards asylum seekers and gender-based violence are similar because of the aim to ensure a gender-sensitive approach to prevent gender-based violence. Also, these norms are comparable due to setting standards for the states of being responsible for the identification of vulnerable persons and efforts to prevent crimes against them.

However, the analysis has discovered that global and European Union norms about actions of the state towards asylum seekers do not provide the equality and non-discrimination principles in the provision of services in comparison with other individuals with different status. In this respect, global norms towards asylum and gender-based violence issues differ from each other because recognised norms about gender-based violence emphasise the equal rights to receive help. One can argue that such non- recognition of the anti-discrimination criteria could be seen as the main difference between norms about asylum and gender-based violence against women; nevertheless, they do not contradict each other.

3.3. Translation of Norms of how States Should Behave Regarding Asylum Seekers and the Problems with Gender-Based Violence in Denmark

It is essential to mention that Denmark has four derogations or "opt-outs" from the EU cooperation. These "opt-outs" were targeted to the concerns of monetary union, common security and defence policy, justice and home affairs and the and the citizenship of the European Union (The Danish Parliament EU Information Centre, 2020). Such decision to derogate from these matters could mean strong opposition to standards and norms of the European Union. In other words, it could be seen as a

contestation process in terms of decisions that are made towards asylum or gender-based violence-related issues.

However, the fact that Denmark distanced itself from some European Union matters should not suggest that all standards that are agreed and established within European Union members are not integrated in Denmark. Likewise, Denmark still participates in some European Union matters from which it derogated (The Danish Parliament EU Information Centre, 2020)

Furthermore, Denmark has ratified the *Geneva Convention*, *CEDAW*, and the *Istanbul Convention* (Council of Europe, 2020; Office of the United Nations High Commissioner for Human Rights, n.d.; International Committee of the Red Cross, n.d.). It means that global norms that can be recognised in these agreements were approved by Denmark. Such data suggest that global norms may have more influence on Danish policy on asylum and gender-based violence than the norms of the European Union.

Finally, the following sections of this chapter will analyse in detail what norms can be recognised in the documents regulating the combat against gender-based violence against women or the actions towards asylum seekers. These norms will also be compared with the norms that are found in international documents.

3.3.1. Norms of How State Should Behave Regarding Gender-Based Violence in Denmark

In order to assess and recognise the norms which are prevailing in Denmark, it is essential to recall that *Istanbul Convention* and *CEDAW* has been ratified (Council of Europe, 2020; Office of the United Nations High Commissioner for Human Rights, n.d.). It means that Denmark officially expressed the support for the objectives and the norms that can be recognised in these conventions. One can argue, that such step alone can be seen as a sign of appropriation, where the state shows support in international level but also takes established standards of action for its domestic use (Zwingel, 2012). Further, this section will scrutinise what norms about gender-based violence can be recognised in Denmark and will compare it with Global and European Union norms.

To begin with, the Danish *Criminal Code* is a legal tool that foresees the protection of individual and property from harm in domestic level. The content of the *Criminal Code* identifies what activities are illegal and punishable (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019). Based on this, one can argue that it is one of the most important legal instruments that set standards and norms about what is acceptable and what is not regarding domestic criminal law in Denmark. In this case, the *Criminal Code* sets the most accurate norms about gender-based violence. Likewise, in the light of prevention of gender-based violence, *Criminal Code* recognises offences based on gender (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, p. 20) It means that gender-based violence is considered an aggravating circumstance in deciding sentence. According to the norm translation theory, such regulation could be understood as the process of appropriation of norms. Therefore, these

regulations are declaring the responsibility of the state to prevent discrimination and gender-based violence, both in the *Istanbul* and *CEDAW* conventions (Convention on the Elimination of All Forms of Discrimination Against Women, 1979; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011).

Moreover, during the content analysis of the *Criminal Code*, it can be observed that not only physical violence but also sexual and psychological violence are prohibited by law (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, pp. 20-27). Such interdiction could be interpreted as the appropriation of norms that can be recognised in *Istanbul* and *CEDAW* conventions. It is because the state accepts the responsibility of protecting victims from various forms of violence and discrimination by recognising them legally.

However, in terms of sexual violence or rape, the *Criminal Code* recognises such crimes if "violence threats of violence" are used "to have sexual intercourse" (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, p. 24). Also, it is recognised as sexual violence if a person "engages" a sexual act with a person who is "incapable of resisting" it (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, p. 24). It means that sexual activity that is committed because of violence or threats is prohibited by law.

Therefore, the norms uncovered by scrutinising *Criminal Code* is compared with international norms. The *Istanbul Convention* protection from sexual violence against women is based on the criminalisation of the non-consensual sexual acts (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, p. 10). Considering this discrepancy, Denmark has agreed to resolve it by changing the "legal definition of rape to a content-based one". However, this legal definition has not been changed until today (Amnesty International, n.d.). Considering this, regulation by the Danish *Criminal Code*, it could be interpreted as a process of contestation, where understandings about the prevention of sexual violence are rejected.

Furthermore, when assessing domestic norms about gender-based violence in Denmark, the *Social Service Act* declares that the "support to prevent social problems" is guaranteed for "everyone who resides legally" (Lovbekendtgørelse 2019-08-07 nr. 798 om social service, 2019, pp. 1-2). This committed responsibility can be recognised as a norm with regard to gender-based violence prevention. Such claim is made due to the interpretation, that if a person "who resides legally" experiences gender-based violence, he or she would receive a "support".

Therefore, considering those mentioned above, one can argue that such development can be interpreted as a similarity to the international norms that promote the assistance to victims of gender-based violence. One can argue that such development can be interpreted as a similarity to the international norms that promote entailment of victims of gender-based violence to assistance which should be provided by the state.

However, such limitation of provided support in terms of residency opposes the internationally recognised norm. It is due to the fact that recognised international norms prohibit any exclusions when

assisting the survivors of gender-based violence. One could interpret that such difference could be a sign of contestation process where the international standard of extensive inclusion is rejected.

Further, the *Social Service Act* introduces the responsibility of the local authorities to provide the necessary amount of housing for "women who have been subjected to violence" or are specifically vulnerable to such violence (Lovbekendtgørelse 2019-08-07 nr. 798 om social service, 2019, p. 23). Taking this into account, one can argue that such recognition of obligations for the authorities towards victims of violence shows a gender-sensitive perspective towards the issue of gender-based violence against women. Also, such acknowledgement could be held as a sign of appropriation of global and European Union norms that declare responsibility of the state to protect women from violence and acknowledge unequal vulnerability to violence in terms of gender.

Additionally, it is important to mention the *Act on Gender Equality* when assessing the domestic actions of Denmark that refer to gender-based violence. The primary purpose of such a document is the protection and promotion of gender equality between men and women (Lovbekendtgørelse 2013-12-19 nr. 1678 om ligestilling af kvinder og mænd, 2013, p. 1). This document aims to prevent the discrimination "on the ground of gender" (Lovbekendtgørelse 2013-12-19 nr. 1678 om ligestilling af kvinder og mænd, 2013, pp. 1-2). One can argue that such promotion of equal norms corresponds with global and European norms about gender equality and anti-discriminatory standards. Also, it could be seen as one of the tools to change cultural patterns that can cause gender-based violence against women (Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011).

Finally, based on the documents reviewed, it can be argued that violence against women is a recognisable issue by the government of Denmark. Also, different forms of violence are acknowledged, thus showing that the state is responsible not only for protecting victims from physical violence but also from other forms of it. The norms that can be recognised in the analysed legislation require the responsibility of the state in providing assistance to victims of violence. Moreover, one can argue that the appropriation process of the international norms that hold the state responsible for addressing gender inequality as a cause of violence against women can be captured.

However, one can observe that some of the support that is directed towards victims of gender-based violence and is granted only for legal residents in Denmark. It means that the international norm of protecting and assisting all female victims of violence is not fully appropriated. Also, one can recognise that due to the existing legislation and the norms captured in it, not all victims of sexual violence can be protected. This is due to the reason that consensus is not required with violence recognition.

3.3.2. Norms of How State Should Behave Regarding Asylum Seekers in Denmark

Further, this section will scrutinise what norms about actions towards asylum seekers can be recognised in Denmark and will compare it with global and European Union norms. Despite prior references to the documents that declare behaviour towards asylum seekers in Denmark, 157 results were found with the word "Asylum" in the "Karnov" search engine of the Danish law. Of these, 35 were principal laws, 80 of them were amendments, and the remaining results belonged to the sections of international documents (Karnov Group Denmark A/S, n.d). All these documents where asylum issues are mentioned were not meant to prohibit and prevent gender-based violence against women. It means that cases of violence against asylum-seeking women are dealt with in the same way as other cases of violence against females with permanent residency permits. Such results of the analysis of legal documents showed that violence against women who are seeking asylum is not recognised as a distinct issue.

Furthermore, by looking at the search results, one can argue that there is no main law that could be recognised as the primary reference to the norms of actions towards asylum seekers. Likewise, one of the legislations that shows the responsibilities of the state to asylum-seekers and their right is the *Social Service Act*. Asylum is mentioned three times in the text of this document (Lovbekendtgørelse 2019-08-07 nr. 798 om social service, 2019). The document states that the state is authorised to provide accommodation to all lawful residents in the state (Lovbekendtgørelse 2019-08-07 nr. 798 om social service, 2019, p. 1). It means that once a person applies for asylum, he is no longer held as an unlawful resident and has a right to receive accommodation. One could argue that this approach could be found similar to the norms encouraged by the *Istanbul Convention*. Such an argument is made due to the norm to provide accommodation for the asylum seeker.

However, unlike the documents of the European Union, a commitment of Denmark to provide accommodation does not recognise gender approach where accommodation issues should be addressed on the basis of gender-related vulnerability.

Furthermore, the *Aliens Act* is identified as another legal document where norms about actions towards asylum seekers can be recognised. This act includes the guidelines on asylum, accommodation and maintenance of asylum seekers (Lovbekendtgørelse 2019-10-02 nr. 1022 Udlændingeloven, 2019). According to this act, a right to apply for asylum belongs to all persons who have entered Denmark (Lovbekendtgørelse 2019-10-02 nr. 1022 Udlændingeloven, 2019). It means that all individuals who applied for asylum earn the right to the assistance until a decision about granting the asylum status is taken. The content of this document introduces the right for an asylum seeker to receive housing, necessary health care and monetary benefits for clothing and other similar expenses (Lovbekendtgørelse 2019-10-02 nr. 1022 Udlændingeloven, 2019, pp. 1-61). It means that the state recognises a responsibility to asylum seekers to provide necessary aid and help. Taking this into consideration, one could argue that such acknowledgement of obligations of the state could be recognised as an

appropriation process, where Danish legislation approves the intention of the European Union to make the commitment for the well-being and the recovery of asylum seekers by its' member states.

Furthermore, one of the documents that uncover the norms adopted by Denmark in regard of the treatment of asylum seekers is most evident in the *Alone between the Immigration Service and the Red Cross on accommodation and maintenance of asylum seekers (the Alone)* (The Immigration Office & Red Cross Asylum Department, 2019). The content of this document sets out the functions that the Red Cross undertakes to perform (The Immigration Office & Red Cross Asylum Department, 2019, pp. 3-28). It means that this document indicates what services and rights the state ensure to asylum seekers. *The Alone* specifies the capacity that has to be ensured to assist the asylum seekers (The Immigration Office & Red Cross Asylum Department, 2019, p. Annex 1a).

Furthermore, it states the requirement to identify the physical and psychological needs of the asylum seeker for further assistance (The Immigration Office & Red Cross Asylum Department, 2019, pp. 13-16). However, the document does not specify the conditions of accommodation for asylum seekers or the minimum standards for how much and what kind of assistance an asylum seeker should receive (The Immigration Office & Red Cross Asylum Department, 2019). Therefore, as in other documents analysed above, there is no more precise rule on how comprehensive assistance to asylum seekers should be provided. In other words, in this section of the analysis, it was not possible to recognise specific standards about the quality of treatment that is provided for asylum seekers. It indicates that the state has not identified such matter as problematic or necessity to address it by disseminating specific standards.

Further, given the subject of this study, it is essential to emphasise that the content of *the Alone* did not mention gender or issues related to it. However, the analysis of the text revealed the potential risk of unaccompanied minors (The Immigration Office & Red Cross Asylum Department, 2019, pp. 9-26). It is presented that the immigration office obliges red cross workers to prevent such risks. One can argue that the agreement is not carried out without real effort and provides specific activities that are needed to address the problem. The fact that asylum-seeking women and their vulnerability to violence are not mentioned in the text shows that this problem is not recognised. Taking this into consideration, one can claim that this can be explained by the contestation process, where global and European Union concepts about the need to consider gender and prevent gender-based violence against vulnerable asylum seekers are rejected.

Finally, it can be concluded that government of Denmark successfully appropriated norms that can be recognised in the *Geneva Convention* by executing the right to request the asylum, and by implementing the obligation to support non-governmental organisations to deliver assistance to the asylum seeker. Also, taking into consideration the lack of recognition of gender caused vulnerability of asylum seekers, one can argue that Denmark contested norms that can be recognised in the *Istanbul Convention* and European Union documents as they declare states responsibility to take gender into account when dealing with asylum seekers related issues.

3.4. The Relation Between Norms That Can Be Recognised in Legislation of Denmark Towards Asylum and Gender-Based Violence

To answer this question, the legislation in which the norms of the state actions towards asylum seekers and gender-based violence has been captured has been scrutinised. Therefore, one can recognise that both of the norms are sharing one significant similarity – a standard that the state is responsible for ensuring that are the essential social services for the victims of violence and asylum seekers. Therefore, it can be interpreted that these norms correspond with each other. Likewise, under these norms, in case of violence, a female asylum seeker should receive the same necessary psychological and physical assistance.

Correspondingly, given that victims of gender-based violence are treated equally, it can be assumed that, as sexual violence is recognised under current law, not all asylum-seekers who have experienced sexual violence may receive assistance. This presumption arises from the fact that the law does not provide a requirement of consent for a sexual act to be considered legal (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, p. 24). It means that due to additional vulnerability, possible economic or social dependencies and cultural differences, a victim may not be able to resist the perpetrator in such a way that his or her actions would be counted as illegal (Canning, 2019a, pp. 4-66).

Also, one can argue that norms that can be recognised in legislation of Denmark towards asylum and gender-based violence relate with each other only as they cover assistance to victims of violence and punishment of perpetrators. However, asylum-seeking women face additional concerns regarding their uncertainty about their future and residency status. It can be claimed that even under the same opportunities to receive assistance, quality of it may be unequal compared with the individuals with more stable residency status (Canning, 2019a).

Furthermore, while scrutinising norms on gender-based violence prevention, it was noticed that Denmark recognises the vulnerability of women to gender-based violence. Therefore, it takes responsibility for solving this problem from its root causes – inequality between genders. Similarly, norms that have been recognised in documents regulating the reception, accommodation and maintenance of asylum seekers, did not deliver the need for gender-sensitive approach. Taking this into account, one can argue that these two norms are not compatible in terms of prevention of gender-based violence against women seeking asylum. It means that according to expectations that are created by these norms, gender-based violence against asylum-seeking women is not only an unrecognised problem which has no method of prevention. One can argue that the prevention of gender-based violence against women does not include female asylum seekers.

Also, such a step back from a gender-sensitive approach to violence and prevention can be interpreted as a consequence of contestation process of norms that were recognised in global and European Union level documents. It can be noticed that the only norms that were recognised in the

Geneva Convention were fully appropriated since gender aspect is also not recognised in terms of asylum related issues.

3.4.1. Political Reality in Denmark Regarding Gender-Based Violence Against Asylum Seekers

In order to understand the political situation in Denmark and the prevailing norms on asylum seekers and gender-based violence against them, an analysis of the official statements of the government representatives was carried out. During the analysis, the speeches of the Prime Minister was analysed. The search keyword "asylum" was used during the search, which gave 111 results (Statsministeriet, n.d.). Also, 22 results were found for the keyword "violence against asylum seekers" (Statsministeriet, n.d.a). However, it is critical to mention that in the evaluation of the results, none of the 22 speeches mentioned gender-based violence against asylum seekers (Statsministeriet, n.d.a) Violence and asylum seekers were discussed as different issues. Based on this search, one can argue that the problem of violence against women seeking asylum is not escalated publicly or recognised at all.

Furthermore, after scrutinising the content of the official speeches that are mentioning asylum, it was noted that the vast majority of them were about future goals. Female asylum seekers are not mentioned in any of speeches. However, the most commonly used word along with "asylum" was a "humane" (Statsministeriet, n.d.). In other words, most official speeches about the asylum system in Denmark expressed a desire to make it more "humane" and "fair". Such statements could be interpreted as an official acknowledgement that the asylum system is not sufficiently developed in terms of fair and humane treatment. Also, it could be understood as a sign of willingness to improve. However, there was not found a speech that would indicate what falls within the terms of humane or fairness (Statsministeriet, n.d.).

Furthermore, while assessing the political situation in Denmark, it was recognised that the dominant political party since 2015 with the largest number of the seats in the parliament is Social Democrats or "Socialdemokratiet" (Statistics Denmark, n.d.). It means that the majority of public opinion coincides with the views of this party. It is essential to mention that this party have adopted an anti-immigration attitude. It was done by shifting immigration policy from "integration" to returning immigrants to their countries of origin, and by making more strict reception procedures (O'Sullivan, 2016; European Council on Refugees and Exiles, 2019; The Local, 2019). Such steps could be interpreted as an "anti-immigration" policy that is unfortunate to asylum seekers.

Furthermore, one can argue that such actions could mean that decision-makers seek to reduce the number of asylum seekers. Such statement could be supported by a statement issued by the Danish government in 2015, where the tighten conditions for asylum seekers are introduced in order to ensure "social cohesion of our own country" (Regeringen, 2015). It means that attitude towards persons who are seeking asylum is not positive since there is an understanding that a significant number of such persons can threaten the social unity and harmony of Denmark. It can be interpreted that the political

mood that is prevailing in Denmark is not favourable towards asylum seekers. It means that this attitude can affect not only the policy of granting asylum but also the conditions under which asylum seekers are maintained. It can also affect the inadequate approach to the problems which asylum seekers are facing, in this case - gender-based violence against women.

Finally, after looking at the political situation towards asylum in Denmark, one can conclude that the prevailing political mood in the country is against the immigrants. There was found no intentions to look like a welcoming country for asylum seekers. Fears that asylum seekers will disturb the established social order may affect approach towards the issue of asylum seekers. However, the speeches of the Prime Minister revealed the aim to provide more humane conditions. Having this in mind, one can interpret that the current actions towards asylum seekers are not enough.

3.5. Sub-conclusion

After the analysis, it was recognised that global norms about gender-based violence against women which can be recognised in international agreements are escalated with gender equality as the main tool to prevent gender-based violence.

It is foreseen that the countries share a duty not only to prevent possible discrimination against women but also to provide all necessary assistance to the victims. The analysis showed that the norms about the behaviour of the state on issues of gender-based violence against women that were reflected in Danish legislation matched with global norms. Such determination to address the problem by promoting gender equality, prevention of various forms of violence, and assistance to the victims of violence, revealed signs of appropriation.

Nevertheless, it is important to stress that global norms about the actions of the state towards gender-based violence have not been fully implemented or appropriated despite the official position of Denmark. One such discovered example could be held the conflicting recognition of rape in Denmark (Lovbekendtgørelse 2019-09-17 nr. 976 Straffeloven, 2019, p. 24; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, p. 10).

Furthermore, the analysis examined the prevailing European Union norms on issues of gender-based violence. By examining these norms, the responsibility of the states to provide support to all victims of gender-based violence has been uncovered. It was recognised that the states are held obligated to identify and prevent potential vulnerabilities that could lead to such violence. Taking this into account, as such support in Denmark is provided only to legal residents, it can be argued that the recognised norms of the European Union were not appropriated.

Moreover, after scrutinising global norms about actions on asylum seekers, it has been observed that there was left space for interpretations. There were no specific actions, issues or responsibilities that were recognised besides the obligation of the state to provide temporary accommodation and maintenance. Meanwhile, the norms that were recognised in official documents of the European Union

that promote a gender-sensitive approach in terms of asylum seekers and assuring accommodation of asylum seekers. Considering such differences between norms that are prevailing globally and in the European Union, one can conclude that global norms have been assimilated in Denmark.

Likewise, after comparing the norms of the behaviour towards gender-based violence and asylum seekers that were recognised in the policy of Denmark, it was revealed that the main difference is that no gender-sensitive approach is required when dealing with asylum seekers. Such discovery can be explained by the appropriation of norms that were recognised in the *Geneva Convention*. Also, the evident contestation of norms that declare the responsibility of the state to adopt a gender-sensitive approach to asylum seekers was recognised. It means that processes that are activated after the occurrence of gender-based violence are the same for both victims that are seeking asylum or have another residency status.

However, when talking about the prevention of gender-based violence, it was observed that asylum seekers are not included because of not recognised gender-related vulnerabilities. It means that potential vulnerabilities that may trigger or allow gender-based violence against female asylum seekers are not recognised and managed.

Finally, analysis has shown that the Danish government acknowledges that the current system for asylum seekers is not humane enough, confirming this by officially declaring its intentions to make it more humane. Also, the revealed sceptical political environment towards immigrants in Denmark allows interpreting that one of the reasons for the contestation of some mentioned norms are based on the distress that being attractive country for asylum may rise numbers of immigrants and disrupt the current social order.

4.0. Discussion

Given the results of the analysis, one can discover evidence that the majority of international norms on how to behave towards asylum seekers and gender-based violence against them was contested by Danish decision-makers. It means that Danish policy towards violence against female asylum seekers was not influenced by international norms.

One can observe that the results of this analysis have shown that Denmark has made efforts to ensure equality between men and women and to prevent discrimination and violence against women. However, one can argue that international norms in regard to gender-sensitive approach towards asylum seekers are not assimilated in the Danish policy. Such outcome contradicts the conclusions of the study done by Jane Freedman, that adoption of gender-sensitive perspective depends on gendered roles and power balance between gender at domestic level (Freedman, 2010, pp. 175 - 198). The outcome of this research did not agree with J. Freedman statement because the results of the analysis showed that strict and unfavourable conditions for asylum seekers could exist even with official state position that promotes gender equality and prohibition of gender-based violence.

It was discovered that it comes from an unwillingness to create too comfortable conditions for asylum seekers. As analysis results have shown, this reluctance comes from fears of being too attractive a country for asylum seekers, which could change established Danish social norms, values and traditions (Regeringen, 2015).

Also, this study opposes the Jane freedman, wherein another article "Sexual and gender-based violence against refugee women: a hidden aspect of the refugee "crisis"" she argues that "EU policies increases" the insecurity of asylum-seeking women (Freedman, 2016, pp. 18 - 26). In other words, the author stated that the existing laws do not take into account the possible vulnerabilities that can arise due to gender. As a result, this is causing additional insecure situations for women who are seeking asylum (Freedman, 2016). Meanwhile, the norms recognised in the analysis of the *Directive 2013/33/EU* presents an obligation for the states to appropriate a gender-sensitive perspective in order to prevent potential vulnerability to gender-based violence (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection , 2013).

Furthermore, one can argue that founding's of the analysis completely coincide with the claims made by the scholar Victoria Canning in her article "Degradation By Design: Women and Asylum a Northern Europe" (Canning, 2019, pp. 46-63). Scholar argued that policies in Denmark made asylum-seeking women vulnerable to violence despite the appropriation of norms that can be found in the *Istanbul Convention* (Canning, 2019, pp. 46-60). These claims made by V. Canning can be supported by the results of this study since non-existing prevention of gender-based violence against asylum-seeking women in Denmark was discovered. Also, this study strengthened claims made by Victoria Canning that asylum-seeking females are more vulnerable to gender-based violence than those who

already have been granted asylum (Canning, 2016, pp. 445-447). These claims have supported the results of the study, which showed that prevention and support are fully available for females with clear and stable residency status.

Moreover, as the Lourdes Peroni explored "the recognition of the problem of violence against women", this study has also discovered norms that can be recognised in the *Istanbul Convention* and the attempt of these norms to combat unrecognized vulnerability of women in asylum system (Peroni, 2016, p. 49). The persistence of the *Istanbul Convention*, which was described by L. Peroni, was discovered during the analysis of documents of the European Union. In these documents, it was possible to recognise the direct influence of the norms about actions on asylum seekers that can be found in the *Istanbul Convention*.

However, as further analysis exposed, these norms were contested in domestic policy towards actions on asylum seekers of Denmark. Even though all other norms [that can be found in the *Istanbul Convention*] were applied to protect other residents of the country from the gender-based violence.

Furthermore, the results of the analysis support claim made by authors Cristof Roos and Natascha Zaun that global norms towards behaviour with asylum seekers was appropriated in European Union policies (Roos & Zaun, 2014, pp. 45 - 68). Despite the rather broadly interpreted *Geneva Convention*, the *Istanbul Convention* and *CEDAW* are reflected in the norms that can be recognised in the European Union documents.

These results of the analysis have uncovered the international norms on how to behave towards asylum seekers and gender-based violence. Also, they have shown how norms have affected Danish policy towards gender-based violence against female asylum seekers. The results, in many cases, confirmed the existing knowledge about international norms and their impact on the national policy of Denmark.

By scrutinising the relation between norms on actions of the state towards gender-based violence and asylum seekers, it was recognised that these norms do not conflict with each other and in many cases overlap or complement each other. However, prevailing global and European Union norms towards actions on asylum seekers were contested in Denmark and had little influence on domestic decisions.

Also, the unexpected discovery was that domestic approach towards gender equality and the prevention of gender-based violence does not affect the resolution of parallel problems of female asylum seekers. Considering the results of the research, it can be assumed that it may be caused by the fact that even the global norms about prevention of gender-based violence have not been fully adopted and appropriated.

These results are significant because it shows that female asylum seekers are not protected in the same way as women with a permanent residence permit, despite Denmark's support of global norms on the protection of women against gender-based violence because of contestation prevailing global ant

European Union norms. It means that the reason for the problem is rooted not in issues and processes of international relations but may be caused by domestic social development processes.

Also, this could be seen as the starting point for further study in order to explore the domestic causes of issues related to gender-based violence against female asylum seekers.

Furthermore, it is important to consider that methodological choice may have influenced the results of the analysis of this work. Because of that, it is important to evaluate the methodological application. As this analysis is grounded on interpretative paradigm, it scrutinised norms that are created through international and domestic documents in order to recognise norms that could affect actions of the states towards gender-based violence against female asylum seekers (Flick, 2015, pp. 24-26). One may argue that comparison and interpretation of official documents enabled the successful application of norm translation theory by scrutinising the domestic response of Denmark to the international norms.

Correspondingly, it is essential to emphasize that the analysis succeeded to identify why asylum-seeking women are not protected from gender-based violence as persons with a permanent residence permit. However, the answer to why females who are seeking asylum in case of violence do not receive the same help as women who have permanent residence permit was not answered. It was because the law of Denmark provided the same expected procedures and actions for asylum seekers and women with a permanent residence permit. It means that in the case of violence, no group of people was excluded from assistance and in practice, asylum-seeking women should receive needed assistance. According to this, it can be argued that selected theory and methods for the analysis were not able fully to understand the causes of the phenomenon.

Moreover, the analysis could have been executed by scrutinising more dimensions if the time was taken into consideration. The investigation of timeline and change of norms during different periods of time would have helped to find a more veridical answer to the problem question.

Likewise, the norms translation theory could have been executed more successfully, if more dimensions such as different actors, history, stakeholders would have incorporated in the research in terms of creation and interpretation of norms. Also, since the research was grounded on reflection on official documents, one can argue that analysis results may appear subjective.

In terms of methodological considerations, qualitative content analysis facilitated the analysis of norms and their impact on the issue of gender-based violence against female asylum seekers, since all norms were recognised in the content of the documents (Flick, 2015, pp. 230-234). The validity of the content can be considered as achieved since it covers the research object [gender-based violence and asylum seekers] (Flick, 2015, pp. 231-234). The qualitative content analysis is closely linked to the analysis of documentation in which norms are recognised. Also, variables that are captured during qualitative content analysis are theoretically justified. Such shows the validity of the research (Flick, 2015, pp. 233-234).

However, one can argue that qualitative content analysis could bring more validity and reliability of research design if more documents that are mentioning actions towards gender-based

violence or asylum seekers were analysed by using qualitative content analysis and strict systematic coding.

5.0. Conclusion

This paper investigated and interpreted how the international norms about actions towards asylum seekers and gender-based violence were translated into a domestic policy of Denmark. By using norm translation theory, *CEDAW*, the *Istanbul Convention*, *European Union guidelines on violence against women and girls and combating all forms of discrimination*, the *Directive 2012/29/EU*, *Directive 2013/33/EU*, *Danish Criminal Code*, *Social Service Act*, *Act on Gender Equality*, *Agreement Between the Immigration Service and the Red Cross on Accommodation and Maintenance of Asylum Seekers*, and *Aliens Act* were analysed to identify and compare norms about actions towards gender-based violence against female asylum seekers. Such analysis was designed to discover ***Why are female asylum seekers are not protected in the same way as women with a permanent residence permit, despite Denmark's support of global norms on the protection of women against gender-based violence?***

The results of the analysis have shown that the norms on actions towards gender-based violence and asylum seekers do not oppose and are approving each other. Especially, norms that were recognised in the documents of the European Union has directly correlated with each other. Norms on actions towards gender-based violence and asylum seekers equally corresponded to the promotion of responsibility of the state to provide comprehensive and non-discriminatory protection from the gender-based violence as the assistance to victims of violence. It was discovered that global norms that were recognised in the *Geneva Convention* had been fully appropriated. However, these norms did not recognise the gender-sensitive approach or gender-related vulnerabilities which are visible in the European Union documentation.

Analysis has shown that primary values of global norms towards the fight against gender-based violence were not fully appropriated. It was because expected standards about the behaviour of the state towards asylum seekers or gender-based violence were not implemented. Also, the norms that defined the need for the state to take actions to prevent gender-based violence against asylum-seeking females were contested in the domestic policy of Denmark.

Finally, considering the results of the analysis, female asylum seekers being not protected in the same way as women with a permanent residence permit may be caused by contestation of global and European Union norms that are promoting a non-discriminatory and gender-sensitive approach and unfavourable public and state view towards immigrants. Also, as the analysis revealed, the possible reason of such contestation process can be the negative attitude towards immigrants and fear that too good conditions for asylum seekers will make Denmark too attractive a destination to seek asylum.

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Appendix

The Danish Parliament's Information Centre answer about legislation towards gender-based violence against asylum seekers

In order to delve into the problem and find suitable sources for analysis, a letter with questions about the current laws in Denmark was sent to *folketinget@ft.dk* - official email of the Danish Parliament's Information Centre on 9 of March.

The questionnaire that was sent:

1. *Are there any legislation, policy or action plans towards actions and procedures on how to deal with gender-based violence cases in asylum camps?*
2. *Do women who had experienced gender-based violence before they arrived in Denmark receive any additional help?*
3. *Are there any preventive measures that have been taken to protect asylum-seeking women from violence in Denmark?*
4. *Perhaps you could target which legislation defines and targets violence against women who are seeking asylum. If not, what is the applicable law in cases of violence against asylum-seeking women?*

The answer that was received:

Dear Urte Ciegyte,

Thank you for your email.

I will recommend that you try to contact the Danish Red Cross who are responsible for most of the asylum centers in Denmark.

As for your last question I am not familiar with any specific legislation when it comes to violence against women who are seeking asylum in Denmark. You can find the Danish act nr. 979 of September 17th 2019 on criminal code here:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209398> (in Danish only). Your university library might have access to Karnov Law where you can find a translation into English of the criminal code.