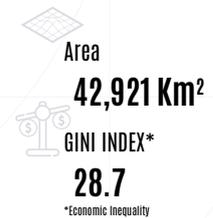
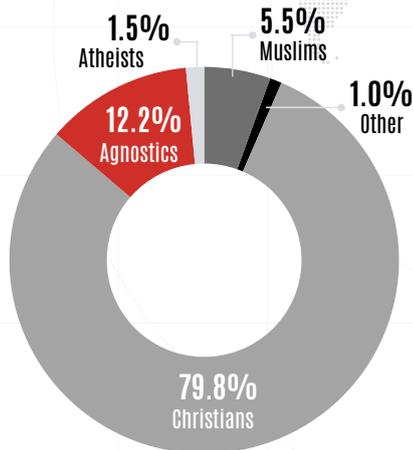




DENMARK

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Danish Constitution guarantees the right of individuals to worship and form congregations according to their beliefs so long as they are not contrary to morals, and do not disturb the public order.¹ No one may be deprived of their civil and political rights because of religious beliefs (Section 70) and no one is required to make contributions to a denomination other than his or her own (Section 68).

The Evangelical Lutheran Church (ELC) is the national Church and is supported by the state (Section 4). The reigning monarch must also be a member of the Church (Section 6). Other denominations are regulated by law and can be freely formed, practice their religions, rituals, and customs, as well as their religious education.² Registration for recognition is not required, and unrecognised groups are entitled to engage in religious practices. Official registration gives religious groups special rights, including the right to perform marriages and baptisms, provide residence permits for clergy, and tax exemptions.³

To register for recognition, the religious community must have at “least fifty adult members who have either permanent residence in Denmark or Danish citizenship, and

do not encourage or do anything contrary to provisions of law or provisions laid down pursuant to law.”⁴ Required information includes the statutes or regulations of the faith community, a description of the “basis of faith or the teaching tradition in the religion of the religious community” and its central rituals, as well as an audited financial statement.⁵

The Ministry of Culture and Ecclesiastical Affairs divides the list of registered religious communities and congregations into the following categories: Christian and Christianity-inspired; Jewish; Islamic and Islam-inspired; Buddhist; Hindu and Hindu-inspired; and other religious communities.⁶

There are several laws which regulate “religious preachers who seek to undermine Danish law and values and who support parallel conceptions of law.”⁷ In January 2020, it was revealed that Saudi Arabia had donated 4.9 million kroner (approximately US \$790,000) to the Taiba Mosque in Copenhagen through its embassy. The Saudi embassy said it was given as an aid to society and Danish Muslims,⁸ but in February 2020, the government presented a bill based on a parliamentary agreement with the opposition from 2019 to restrict foreign donations from entities “that oppose or undermine democratic values and fundamental

freedoms and human rights⁹ The bill was still under consideration in early 2021.¹⁰

In September 2020, an imam in Odense was arrested after being reported to the police for preparing a Shari'a law divorce contract with requirements on the wife that violated Danish law.¹¹ The mayor of the city also launched an investigation of an Islamic "religious council" which deals with divorce and other matters, expressing concern about parallel legal structures in Odense.¹² The Minister of Foreign Affairs and Integration announced in October 2020 that a bill would be presented to criminalise so-called Shari'a contracts.¹³

In the first week of February 2021, the parliament was set to consider a proposed law that would require all "religious organisations" to translate all sermons, talks, and public addresses in languages other than Danish to the government before they are given. Religious leaders of various denominations with diaspora communities in Denmark objected, including the Roman Catholic Commission of the Bishops' Conferences of the European Union (COMECE), the Lutheran World Federation, Muslim leaders, and Jewish leaders.¹⁴ The Conference of European Churches wrote to the Danish government to argue that compulsory translation legislation would be "an unreasonably negative signal in relation to religion and the role of religious communities in society."¹⁵

Religious instruction in Evangelical Lutheran theology is compulsory in public schools, as are world religions, life philosophies, and ethics. Parents may however request that their children be exempt. All public and private schools, including religious schools, are publicly funded. Non-compulsory prayer in schools is permitted at the discretion of the schools.¹⁶ In May 2019, the Education Ministry formed an advisory group to "revitalize the subject of Christian knowledge."¹⁷

Slaughter practices not preceded by stunning (including halal and kosher practises) are illegal, and there are no religious exemptions. Halal and kosher food may be imported.¹⁸

Judges are prohibited from wearing any religious symbols while in court proceedings.¹⁹ In August 2018, Denmark's ban on full-face coverings in public went into effect. While the wording is religiously neutral, it mainly affects Muslim women who wear the burqa and niqab.²⁰ 23 people were fined under the law during its first year.²¹ In December

2018, the parliament added a handshake requirement to the citizenship ceremony, but mayors in several municipalities opposed the rule.²² In April 2020, the rule was temporarily suspended due to the coronavirus pandemic.²³

Circumcision of male individuals is legal so long as it complies with Danish law and is performed by a doctor. A citizens' petition was filed in 2018 requesting that parliament ban the procedure, but the government did not support the ban, nor was there widespread support in the parliament.²⁴

In January 2018, the Danish government established the Office of the Special Representative for Freedom of Religion or Belief and the protection of Religious and Belief Minorities in the Ministry of Foreign Affairs with the aim to "to promote Freedom of Religion or Belief globally with an approach firmly rooted in the individual's right to freedom of religion or belief as stipulated in article 18 of the International Covenant on Civil and Political Rights (ICCPR) as well as in article 18 of the Universal Declaration of Human Rights (UDHR)."²⁵

INCIDENTS AND DEVELOPMENTS

An April 2019 report by the Danish Institute for Human Rights examined religious-related issues and challenges at Danish asylum centres.²⁶ The report outlined four challenges related to human resources skills: "lack of uniformity in operators' knowledge, and handling of religious practice, and conflicts related to religion". Some members of the staff were found to consider religion as a private matter and to consider asylum centres as "neutral" on religion. Other staff, however, appeared to favour one religion over another or were negative in their views of religion generally.²⁷

The report also found that there was "insufficient protection against harassment and social control" for "Christian converts, atheists, women, and LGBTI people." Converts to Christianity reported hiding their religious symbols and bibles.²⁸ Muslim women reported harassment by other Muslim residents about who they socialised with or what they wore.²⁹ The findings include that these kinds of incidents were significantly underreported to centre employees or officials.³⁰

Another important finding of the report is a crucial violation of the right to freedom of religion, and that is expressed in the "limitation of religious practice to the private sphere". This happened because, in the name of a flawed under-

standing of neutrality. Indeed, collective religious practice was generally prohibited in centres, based on an understanding of religious neutrality to mean “religion-free” rather than making room for all faiths.³¹ The risk of limiting religious practices for certain groups meant that because of the religious landscape of Denmark, Christian asylum seekers often had “easy access” to a church, while non-Christians or non Lutheran-Evangelical Christians, had a more difficult time finding a faith community nearby, so the prohibition was applied to all confessions.³²

The Danish government reported hate crime data for inclusion in the OSCE Hate Crime Reports for 2018 and 2019: 63 crimes with a bias against Muslims in 2018 and 109 in 2019; 26 anti-Semitic crimes in 2018 and 51 in 2019; 14 crimes with a bias against Christians in 2018 and 8 in 2019. The nature of the crimes were unspecified and may include hate speech.³³

In October 2020, the police announced via press release that hate crimes had increased from 449 cases in 2018 to 569 cases in 2019 and that the increase was primarily found in crimes relating to race and religion. The police noted that the increase did not necessarily indicate that there had been more crime, but instead could be increased reporting as a result of the “Stop the Hate” campaign launched to encourage reporting. Reports of incidents increased around the period after the Christchurch, New Zealand attack and around the anniversary of Kristallnacht.³⁴

In April 2019 Rasmus Paludan, lawyer and founder of the

far-right political party Stram Kurs (Hard Line), qualified to run for parliament by collecting more than 20,000 signatures. The party ran on a platform of banning Islam and deporting Muslims. The party received 1.8 percent of the vote in the June elections, just under the 2 percent needed to enter parliament. Paludan led Quran-burning demonstrations in Muslim-majority areas across the country, and was arrested in June 2020 on charges including racism and defamation.³⁵

PROSPECTS FOR RELIGIOUS FREEDOM

In the period analysed, there were few significant incidents reported. Several legal developments, however, may have a negative impact, or create a burden, on the exercise of religious freedom in Denmark. The authorities are eager to comply with the principle of “neutrality” towards religion, in such a way that rules clearly intended for one group end up affecting the others disproportionately, increasing animosity between religious communities and the authorities. The tension and difficulty to apply these rules of “neutrality” are comparable in several aspects to the rules on “laïcité” or “secularism” that other EU countries were considering at the end of 2020. Prospects for freedom of religion are not negative but tension is likely to increase in the coming years.

SOURCES / ENDNOTES

- 1 Denmark 1953, Section 64, Constitute Project, https://constituteproject.org/constitution/Denmark_1953?lang=en (accessed 25th January 2021).
- 2 Lov om trossamfund uden for folkekirken (Nr 1533 19/12/2017), Chapter 2, <https://www.retsinformation.dk/eli/ta/2017/1533> (accessed 3rd February 2021).
- 3 “Religious Freedom and Authorisation,” Kirkministeriet, <https://eng.andretrossamfund.dk/religious-freedom-and-authorization> (accessed 3rd February 2021).
- 4 Lov om trossamfund uden for folkekirken, Chapter 3, Section 7, op. cit.
- 5 Ibid.
- 6 “Recognised and Authorised Religious Communities in Denmark,” Kirkministeriet, <https://eng.andretrossamfund.dk/religious-freedom-and-authorization/recognised-and-authorised-religious-communities-in-denmark>; Full list: “Liste over anerkendte trossamfund og tilknyttede menigheder,” Kirkministeriet, <https://www.andretrossamfund.dk/religionsfrihed-og-ankendelse/trossamfundsregistret/liste-over-ankendte-trossamfund-og-tilknyttede-menigheder> (both accessed 3rd February 2021).
- 7 Eva Maria Lassen, “Limitations to Freedom of Religion or Belief in Denmark,” Religion & Human Rights, 23rd April 2020, <https://doi.org/10.1163/18710328-BJA10008> (accessed 3rd February 2021).
- 8 “Saudi-Arabien har doneret millioner til moské i København,” Berlingske, 22nd January 2020, <https://www.berlingske.dk/politik/saudi-arabien-har-doneret-millioner-til-moske-i-koebenhavn> (accessed 3rd February 2021).
- 9 “Opgør med antidemokratiske donationer,” Udlændinge- og Integrationsministeriet, February 2020, <https://uim.dk/nyheder/2020/2020-02/opgor-med-antidemokratiske-donationer> (accessed 3rd February 2021).

- 10 “Følg L 81 Lov om forbud mod modtagelse af donationer fra visse fysiske og juridiske personer (Udlændinge- og Integrationsministeriet),” Altinget, <https://www.alinget.dk/decisionchain/lovforslag-l-81-lov-om-forbud-mod-modtagelse-af-donationer-fra-visse-fysiske-og-juridiske-personer-udlaendinge-og-integrationsministeriet> (accessed 4th February 2021).
- 11 Christian Birk, “Efter dokumentation af shariaskilsmisse: Odense Kommune politianmelder nu imam,” Berlingske, 24th September 2020, <https://www.berlingske.dk/danmark/efter-dokumentation-af-shariaskilsmisse-odense-kommune-politianmelder-nu> (accessed 4th February 2021).
- 12 Christian Birk, “Nu reagerer Odense-borgmester på hemmeligt religiøst råd: ‘Vi slår hårdt og kontant ned på det’,” Berlingske, 23rd September 2020, <https://www.berlingske.dk/danmark/nu-reagerer-odense-borgmester-paa-hemmeligt-religioest-raad-vi-slaar> (accessed 4th February 2021).
- 13 “S vil straffe sharia-imamer med op til tre års fængsel,” TV2, 6th October 2020, <https://nyheder.tv2.dk/samfund/2020-10-06-s-vil-straffe-sharia-imamer-med-op-til-tre-ars-faengsel> (accessed 4th February 2021).
- 14 Pierluigi Zoccatelli, “Denmark: “Translation Law” vs. Religious Liberty,” Bitter Winter, 30th January 2021, <https://bitterwinter.org/denmark-translation-law-vs-religious-liberty/> (accessed 4th January 2021).
- 15 “Religious freedom alarms raised over proposed compulsory translation law for Danish churches,” Barnabas Fund, 3rd February 2021, <https://barnabasfund.org/news/religious-freedom-alarms-raised-over-proposed-compulsory-translation-law/> (accessed on 9th February 2021).
- 16 Office of International Religious Freedom, “Denmark,” 2019 Report on Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/denmark/> (accessed 3rd February 2021).
- 17 “Ny rådgivningsgruppe skal revitalisere faget kristendomskundskab,” Børne- og Undervisningsministeriet, 2nd May 2019, <https://www.uvm.dk/aktuelt/nyheder/uvm/2019/maj/190502-ny-raadgivningsgruppe-skal-revitalisere-faget-kristendomskundskab/> (accessed 3rd February 2021).
- 18 “Legal Restrictions on Religious Slaughter in Europe: Denmark,” Library of Congress, <https://www.loc.gov/law/help/religious-slaughter/europe.php#denmark> (accessed 3rd February 2021).
- 19 “Denmark,” 2019 Report on Religious Freedom, op. cit.
- 20 “Denmark passes ban on niqabs and burkas,” BBC News, 31st May 2018, <https://www.bbc.com/news/world-europe-44319921> (accessed 2nd February 2021).
- 21 Anders Redder, “Professor: Effekten af burkaforbud er vanskelig at spå om,” Kristeligt Dagblad, 31st July 2019, <https://www.kristeligt-dagblad.dk/danmark/effekten-af-burkaforbud-er-vanskeligt-spaa-om> (accessed 2nd February 2021).
- 22 Jon Henley, “Danish mayors vow to ignore citizenship handshake plan,” 20th September 2018, <https://www.theguardian.com/world/2018/sep/20/danish-mayors-vow-to-ignore-citizenship-handshake-rule> (accessed 4th February 2021).
- 23 Nathan Walmer, “Government suspends handshake rule,” CPH Post, 16th April 2020, <https://cphpost.dk/?p=112983> (accessed 4th February 2021).
- 24 Eva Maria Lassen, “Limitations to Freedom of Religion or Belief in Denmark,” op. cit.
- 25 “Office of the Special Representative for Freedom of Religion or Belief,” Ministry of Foreign Affairs of Denmark, <https://um.dk/en/foreign-policy/office-of-the-special-representative-for-freedom-of-religions-or-belief/> (accessed 2nd February 2021).
- 26 Eva Maria Lassen, Marie Juul Petersen, Marya Akhtar, Tros- Og Religionsfrihed På Danske Asylcentre, Institut for Menneskerettigheder, 2019, https://menneskeret.dk/sites/menneskeret.dk/files/media/document/_%2019_02922-5%20rapport_religion_asylcentre_19pdfua%20446887_1_1.PDF (accessed 1st February 2021).
- 27 Ibid, pp. 36-37.
- 28 Ibid, p. 42.
- 29 Ibid, p. 44.
- 30 Ibid, p. 38.
- 31 Ibid, pp. 57- 58.
- 32 Ibid, p. 59.
- 33 Office for Democratic Institutions and Human Rights, “2018 Hate Crime Reporting – Denmark,” Organization for Security and Co-operation in Europe, <https://hatecrime.osce.org/denmark?year=2018>; Office for Democratic Institutions and Human Rights, “2019 Hate Crime Reporting – Denmark,” Organization for Security and Co-operation in Europe, <https://hatecrime.osce.org/denmark?year=2019> (both accessed 4th February 2021).
- 34 “Flere anmelder hadforbrydelser,” Politi, 7th October 2020, <https://politi.dk/rigspolitiet/nyhedsliste/flere-anmelder-hadforbrydelser/2020/10/07> (accessed 4th February 2021).
- 35 “Danish far-right leader Paludan jailed for racism,” BBC News, 15th June 2020, <https://www.bbc.com/news/world-europe-53185194> (accessed 4th February 2021).