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Non-discrimination

Denmark

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B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Denmark

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Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

In the 1960s and 1970s, the Danish Parliament debated whether legislation on discrimination in the labour market due to race, religion and other grounds should be enacted. The social partners, i.e. employers' organisations and employees' organisations in the labour market, rejected the proposal, arguing that Denmark had a tradition of collective agreements rather than legislation in the labour market. As no such collective agreements on anti-discrimination were concluded, victims of discrimination on grounds of race, ethnicity, sexual orientation and religion were not protected until 1996, when anti-discrimination legislation was finally enacted. A prohibition on discrimination based on age and disability was adopted in 2004 and in 2021 a prohibition of discrimination on grounds of 'gender identity, gender expression or gender characteristics' was adopted.

Up until the 1960s and 1970s, the Danish population was relatively homogeneous and the majority were members of the Evangelical Lutheran Church by conviction, tradition and/or culture. With new groups of migrant workers and the arrival of different groups of refugees, this picture has changed. During the past 50 years, Denmark has become a more multicultural and multi-ethnic country.

The domestic debate on whether, and to what extent, international human rights obligations should be followed can be quite fierce. Many politicians are sceptical about the limitations that international obligations impose on their legislative power.

In particular, there has been an emphasis on encouraging immigrants and descendants from third countries to explicitly sign up to 'basic Danish values'. In Denmark, the requirement to adapt and assimilate as understood by officials and the public is stronger than in some neighbouring countries.

The Faroe Islands and Greenland are closely tied to Denmark as parts of the Danish Realm but are not members of the European Union. In general, the various anti-discrimination acts include provisions stating that they do not apply to the Faroe Islands and Greenland.

In May 2024, Inatsisartut (the Parliament in Greenland) enacted its first equality and anti-discrimination legislation.¹ The new act aims to combat discrimination and ensure equal rights regardless of 'gender, pregnancy, adoption, parental leave, sexual orientation, gender identity, gender expression, gender characteristics, race, skin colour, national, social or ethnic origin, disability, age, political opinion, religion or belief'.²

2. Main legislation

Anti-discrimination legislation in Denmark does not consist of one single piece of legislation. It is, rather, a combination of many acts, which have been introduced or amended when public debate or international and EU obligations have focused on a specific field of application or a specific vulnerable group. Hence, protection against discrimination is ensured by a web of civil and criminal legislation, ranging from the Constitution to specific acts covering areas outside and inside the labour market, making it a challenge to explain, and for the public to understand.

The Danish Constitution provides that no Danish subject shall be deprived of their liberty because of their political or religious convictions or because of their descent. Moreover, no person shall be denied the right to full enjoyment of civil and political rights by reason of

¹ Human Rights Council of Greenland (28 May 2024). See: <https://humanrights.gl/da/node/292>.

² Inatsisartut Law on Equality and Anti-Discrimination (*Inatsisartutlov om ligestilling og anti-diskrimination*), Act No. 36 of 4 June 2024. Available at: https://nalunaarutit.gl/groenlandsk-lovgivning/2024/inatsisartutlov-nr-36-af-04_06_2024?sc_lang=da.

their creed or descent, nor shall they, for such reasons, evade any common civil duty. Furthermore, the Constitution provides that no one shall be liable to make personal contributions to any denomination other than the one to which they adhere. Finally, the Constitution provides that citizens shall be entitled to form congregations for the worship of God in a manner consistent with their convictions, provided that nothing at variance with good morals or public order shall be taught or done.

The Act on the Prohibition of Discrimination due to Race etc. makes it a criminal offence to refuse, in connection with a commercial or non-profit business, to serve or allow entrance to a person on the basis of race, colour, national or ethnic origin, religious belief or sexual orientation.³ In December 2021, the Act was amended to include the discrimination grounds of 'gender identity, gender expression or gender characteristics'.⁴ The amended Section 1 entered into force on 1 January 2022.

The Act on Ethnic Equal Treatment aims to ensure protection against discrimination based on race or ethnic origin, and to implement the non-employment aspects of the EU Racial Equality Directive.⁵ The Act on Ethnic Equal Treatment includes a prohibition of discrimination on the grounds of racial and ethnic origin as regards access to social protection, including social security and healthcare, social benefits, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations whose members carry on a particular profession. The Act also includes a prohibition of harassment on the grounds of race and ethnic origin.

The Act on the Prohibition of Discrimination in the Labour Market etc. prohibits direct and indirect discrimination in the labour market based on race, skin colour, religion or faith, political conviction, sexual orientation, gender identity, gender expression or gender characteristics, age, disability and national, social or ethnic origin.⁶ The Act prohibits discrimination in connection with recruitment, dismissal, transfer and promotion as well as discrimination with regard to pay and working conditions, and it also provides protection against harassment. Similarly, employers are not allowed to discriminate among employees as regards access to vocational education and training, continuing training and retraining. The same prohibition applies to people providing guidance and training, as well as to those involved in work placement activities and in making rules and decisions about the right to perform professional activities and about membership of workers' and employers' organisations. In April 2022, the Act was amended and, from the amended Section 5(2), it follows that an employer may not request information about an applicant's age in connection with the recruitment process.⁷

The Act on the Prohibition of Discrimination due to Disability is a civil law, which prohibits direct and indirect discrimination on the ground of disability.⁸ The Act applies to all public and private activities in all areas of society, except for areas covered by the Act on the

³ Act on the Prohibition of Discrimination due to Race etc. (*Lov om forbud mod forskelsbehandling på grund af race m.v.*), Consolidated Act No. 626 of 29 September 1987 with later amendments.

⁴ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022. Descriptions of the terms 'sexual orientation' and 'gender identity' etc. follow from the preparatory works for this amendment (Bil No. 18 2021/1) (translation by the author): 'In relation to the protection of LGBTI people against discrimination, the working group has looked at protection in relation to 1) Sexual orientation, which includes a person's persistent sexual attraction pattern based on which gender they fall in love with and are sexually attracted to. 2) Gender identity that refers to a person's inner and individual experience of their gender. 3) Gender expressions that refer to the way a person expresses their gender, e.g. choice of clothes, hairstyle, make-up, behaviour, movements and speech. 4) Gender characteristics that cover the bodily characteristics that characterise and differentiate gender, e.g. the number of X and Y chromosomes, the type of internal and external genitalia, endocrine conditions, beard growth and breast development.'

⁵ Act on Ethnic Equal Treatment (*Lov om etnisk ligebehandling*), Consolidated Act No. 438 of 16 May 2012 with later amendments.

⁶ Act on the Prohibition of Discrimination in the Labour Market etc. (*Lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v.*), Consolidated Act No. 399 of 5 April 2024.

⁷ Amendment Act No. 372 of 28 March 2022 entering into force on 1 July 2022.

⁸ Act on the Prohibition of Discrimination due to Disability (*Lov om forbud mod forskelsbehandling på grund af handicap*), Consolidated Act No. 1071 of 10 August 2023.

Prohibition of Discrimination in the Labour Market etc. The Act was adopted on 8 June 2018 and entered into force on 1 July 2018. In December 2020, the Act was amended to include a legal duty to provide reasonable accommodation for young people and children with disabilities in public and private day-care institutions and schools.⁹ This provision in Section 9(a) entered into force on 1 January 2021.

The discrimination grounds of age, and religion or belief do not currently enjoy protection outside the labour market in Danish civil law. On 1 January 2022, an amended Act on Equality between Men and Women entered into force, adding the prohibition of discrimination based on 'sexual orientation, gender identity, gender expression or gender characteristics' to the existing discrimination ground of gender.¹⁰ The Act on Equality between Men and Women covers areas outside the labour market.

Criminal law prohibits direct differential treatment regarding access to public places and services on the grounds of race, colour, national or ethnic origin, religious belief, sexual orientation, gender identity, gender expression or gender characteristics outside the labour market, but not age or disability. Moreover, criminal law does not cover indirect discrimination, harassment or victimisation.

Denmark has signed and ratified all major human rights conventions except the UN Convention on Migrant Workers and Protocol 12 to the European Convention on Human Rights (ECHR). Denmark has signed but not yet ratified the CoE Revised European Social Charter.¹¹

3. Main principles and definitions

Direct discrimination is defined as a situation where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of, for example, racial or ethnic origin.¹²

Indirect discrimination is deemed to occur where an apparently neutral provision, criterion or practice would put persons of a particular racial or ethnic origin, for example, at a disadvantage compared to other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.¹³

Harassment, instruction to discriminate and victimisation are also prohibited.¹⁴

Two main exceptions to the prohibition of discrimination apply in the labour market:¹⁵

1. Employers whose establishments have the aim of promoting a certain political or religious ethos are exempted from the Act's prohibition of discrimination in situations where a certain political or religious requirement is of importance to the job in question.
2. If it is of crucial significance that a person has a particular race, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, or national, social or ethnic origin, has a particular skin colour, age or disability or is of

⁹ Amendment Act No. 2218 of 29 December 2020.

¹⁰ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022.

¹¹ Denmark has not accepted the collective complaints protocol to the European Social Charter.

¹² See Section 1(2) of the Act on the Prohibition of Discrimination in the Labour Market, Section 3(2) of the Act on Ethnic Equal Treatment and Section 5(2) of the Act on the Prohibition of Discrimination due to Disability.

¹³ See Section 1(3) of the Act on the Prohibition of Discrimination in the Labour Market etc., Section 3(3) of the Act on Ethnic Equal Treatment and Section 5(3) of the Act on the Prohibition of Discrimination due to Disability.

¹⁴ See Sections 1(4), 1(5) and 7(2) of the Act on the Prohibition of Discrimination in the Labour Market etc.; Sections 3(4), 3(5) and 8 of the Act on Ethnic Equal Treatment; and Sections 5(4), 5(5) and 9 of the Act on the Prohibition of Discrimination due to Disability.

¹⁵ See Section 6 of the Act on the Prohibition of Discrimination in the Labour Market etc.

a certain religion or belief and if the requirement for such a characteristic is reasonable in relation to the concrete work in question, the employer can apply for a dispensation from the relevant Government minister. After having obtained a statement from the Minister of Labour, the minister may issue a concrete exemption from the prohibition of differential treatment.

Regarding reasonable accommodation for persons with disabilities, employers are obliged to adapt the workplace in order to accommodate persons with disabilities, unless this will place a disproportionate burden on the employer.¹⁶ In a landmark case, the Danish Supreme Court has stated that if an employee needs reduced working hours because of a disability, the employer must show a willingness to look into possible accommodations like flex-jobs, part-time jobs, etc. If the employer refuses such accommodations, the courts might conclude that the obligation to provide reasonable accommodation has been violated.¹⁷ Outside the labour market, the Act on the Prohibition of Discrimination due to Disability establishes an obligation to provide reasonable accommodation within public and private day-care institutions and schools.

The Danish acts on discrimination distinguish between natural persons and legal persons and state that only natural persons are protected against direct or indirect discrimination.

Discrimination based on association with an individual is explicitly covered by the Act on Ethnic Equal Treatment and the Act on the Prohibition of Discrimination due to Disability. Discrimination based on association is not mentioned in the wording of the Act on the Prohibition of Discrimination in the Labour Market etc., but it is covered in case law.

Discrimination based on a perception or assumption of a person's characteristics is not directly prohibited in Danish law. The commentary to Section 3 of the Act on Ethnic Equal Treatment states that the prohibition of differential treatment is applicable irrespective of whether or not the actual race or ethnic origin of the victim is as assumed by the perpetrator. Discrimination based on assumptions about a person's race or ethnic origin is therefore prohibited within the scope of the Act on Ethnic Equal Treatment.

Multiple or intersectional discrimination are not directly covered by legislation. In cases of multiple discrimination, the different discrimination grounds are dealt with individually. In recent cases, discrimination on more than one ground has involved higher amounts of financial compensation.

4. Material scope

In the public and private labour market, discrimination is prohibited on the grounds of race, skin colour, religion or faith, political conviction, sexual orientation, gender identity, gender expression or gender characteristics, age, disability and national, social or ethnic origin according to the Act on the Prohibition of Discrimination in the Labour Market etc. In civil law covering areas outside the labour market, discrimination on the grounds of race and ethnic origin as well as disability is prohibited according to the Act on Ethnic Equal Treatment and the Act on the Prohibition of Discrimination due to Disability. Discrimination on the grounds of sexual orientation, gender identity, gender expression or gender characteristics is prohibited outside the labour market according to the Act on Equal Treatment of Men and Women in Society prohibiting discrimination based on gender.¹⁸

5. Enforcing the law

If the alleged case of discrimination is a criminal matter, the victim should report it to the police.

¹⁶ See Section 2(a) of the Act on the Prohibition of Discrimination in the Labour Market etc.

¹⁷ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Judgment published in U2018.853H.

¹⁸ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022.

If the case is a civil matter, the victim can choose to go to:

- 1) Board of Equal Treatment
- 2) Civil courts
- 3) Trade union if it is a case within the labour market
- 4) Citizen's advice services, which exist in some municipalities (advice/assistance)
- 5) Danish Institute for Human Rights (advice/assistance)
- 6) NGOs (advice/assistance)

Most victims of alleged discrimination file complaints with the Board of Equal Treatment.¹⁹ The act establishing the Board was amended in 2021 to include the discrimination grounds of gender identity, gender expression and gender characteristics.²⁰ Thus, the Board of Equal Treatment covers all protected grounds (gender, race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin). The Board of Equal Treatment is competent to hear individual complaints related to discrimination in the labour market based on gender, race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression, gender characteristics, age, disability or national, social or ethnic origin. Outside the area of employment, the Board deals with complaints related to discrimination based on disability, race, ethnic origin, gender, gender identity, gender expression and gender characteristics. Victims of discrimination can be awarded compensation for non-pecuniary damages directly by the Board. The Board is entitled to take the case to court if the discriminating party is not willing to pay compensation.

The Danish Institute for Human Rights (DIHR) is the national equality body and, besides providing advice and assistance, it has the authority to bring discrimination complaints on behalf of individuals to the Board of Equal Treatment. The DIHR also has the authority to bring complaints to the Board in cases that are a matter of principle and in cases that are a matter of general public interest (*actio popularis*).²¹

A. Non-governmental organisations

Trade unions and other membership organisations can represent their members in civil court cases dealing with pay and employment conditions. No particular legislation exists regarding the possibility of NGOs representing victims of discrimination in civil court proceedings. In comparison with trade unions on questions of pay and employment conditions, NGOs do not have the legal standing before domestic courts of law in relation to cases of discrimination. Only certified lawyers who have obtained a mandate from the individual victim of discrimination can litigate a case for the civil courts. This means that an NGO can help to examine the case, but when it comes to representing and promoting the case before the civil courts, the individual victim of discrimination must get legal representation from a certified lawyer.

B. Shared burden of proof

The Act on Ethnic Equal Treatment, the Act on the Prohibition of Discrimination in the Labour Market etc. and the Act on the Prohibition of Discrimination due to Disability include provisions on the shared burden of proof, ensuring that the principle of equal treatment is applied effectively. The shared burden of proof implies that when there is a *prima facie* case of discrimination, the burden of proof shifts to the respondent.

¹⁹ Act on the Board of Equal Treatment (*Lov om Ligebehandlingsnævnet*), Consolidated Act No. 1779 of 25 November 2024.

²⁰ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022.

²¹ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment (*Lov om ændring af lov om Ligebehandlingsnævnet*).

C. Level of sanctions and monitoring the number of complaints

Statistics on the number of complaints made to the Board of Equal Treatment can be found in the Board's annual report.

The level of compensation for discrimination in the labour market seems effective, proportionate and dissuasive. Outside the labour market, sanctions are so mild that it could be questioned whether they are sufficiently effective, proportionate and dissuasive.

D. Statistical evidence used in practice

Statistical evidence has been used in some cases of age and gender discrimination. In a landmark ruling from the Supreme Court, the Court concluded that statistical information – if authentic and sufficiently significant – can, by itself, establish an assumption of discrimination because of age.²²

6. Equality bodies

Legal basis

The Danish Institute for Human Rights – the national human rights institution of Denmark (DIHR) has, since 2003, been designated as a body for the promotion of equal treatment and effective protection against discrimination on grounds of racial or ethnic origin, as set out in Article 13 of the Racial Equality Directive.²³ The act establishing the DIHR clarified the role of the Institute as a separate and independent institution. The act also specifies the role of the DIHR regarding the promotion of equality and non-discrimination, and it specifies the mandate of the Institute under the EU directives as a specialised equality body on race and ethnic origin as well as on gender. The act establishing the DIHR was amended in 2021 to include the discrimination grounds of sexual orientation, gender identity, gender expression and gender characteristics, and the DIHR today has the formal competence of a specialised equality body in respect of these grounds as well.²⁴ Furthermore, according to Parliament Decision B15 of 17 December 2010, the DIHR is responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) and thus deals with issues of disability. In practice, the DIHR takes a horizontal approach and works across other discrimination grounds as well.

Mandate and competences

The DIHR has been given the authority to assist victims of discrimination, to conduct surveys concerning discrimination and to publish reports and make recommendations on discrimination. In addition, the DIHR issues a yearly report to the Parliament on the human rights situation in Denmark, which includes the situation of ethnic minorities and persons with disabilities. Finally, the DIHR has the authority to bring complaints to the Board of Equal Treatment in cases that are a matter of principle or of general public interest.

²² Supreme Court judgment No. 28/2015 of 14 December 2015.

²³ Act on the Institute for Human Rights – the National Human Rights Institution of Denmark (*Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution*), Consolidated Act No. 553 of 18 June 2012 with later amendments.

²⁴ Amendment Act No. 2591 of 28 December 2021, entered into force on 1 January 2022.

7. Key issues

The key issues highlighted in this section represent the views of the author of this report.

Legislative initiatives targeting foreigners deal with the following:

- access to healthcare
- legislation to abolish so-called ghettos
- social assistance system and work requirement
- adoption of burqa ban(s)
- handshake as a requirement for Danish citizenship
- initiatives against homeless unregistered migrants causing issues of discrimination because of ethnic origin

As described and elaborated on in Section 11.2, it is a widely held view among experts and civil society organisations that these initiatives pose challenges to protection against discrimination because of ethnic origin and/or religion.

There is no obligation for, and very limited access to the establishment of, positive action measures by employers. Legal barriers have made it very difficult in practice for employers to initiate genuine positive action measures.²⁵

The DIHR serves as a specialised equality body.²⁶ Previously, the obligation set out by the EU directive and Danish legislation to provide assistance to victims of discrimination has not seemed to be a priority. Discrimination enquiries to the Discrimination Helpline have increased but numbers are still relatively low, illustrating that, for possible victims of discrimination, either the DIHR appears invisible or there is no general confidence that approaching it would help in concrete terms.

As in previous years, there is a lack of recognition that discrimination takes place in Danish society, and monitoring of case law in Danish courts regarding discrimination was hindered due to a lack of free public access to all case law.

No information has been found in relation to discrimination caused by the use of artificial intelligence (AI).

²⁵ Section 4 of the Act on the Prohibition of Discrimination in the Labour Market etc.

²⁶ Section 2(2) of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark.

INTRODUCTION

The national legal system

The basic law of Denmark is the current Constitution, which was adopted by referendum in 1953. This is the latest successor to the 1849 Constitution. The Constitution sets out the essential rules governing the most important institutions of the state, the Government, the Parliament and the judiciary, as well as the relationship between these institutions.

National legislative authority rests jointly with the Government and the Parliament.

The legal system is a continental system following primarily German traditions. Fundamental legal principles are laid down by the Constitution in very general terms. Constitutional rules are expounded in laws, while detailed regulation is provided by administrative orders (delegated/secondary legislation). In contrast to the German legal system, however, Denmark has no Constitutional Court. The Supreme Court has traditionally been very reluctant to use its power to annul laws that may contradict the Constitution.

The legal system is structured as legal fields (criminal law, civil law, labour law, administrative law, etc.), and anti-discrimination laws are represented in all fields.

Public authorities are governed by a general principle of equality applicable under administrative law. The general principle has the force of legislation (and not constitutional law) and means that public authorities must treat equal matters with full equality before the law.

The Danish private and public labour market has traditionally been based on the 'Danish model', as it is known. This means a labour market that is largely regulated by collective agreements between the labour market social partners. A specialised Labour Court exists to resolve conflicts between the social partners regarding breaches of collective agreements. Anti-discrimination is also, to some degree, covered by collective agreements, for example on the question of equal pay.

The Board of Equal Treatment was established on 1 January 2009 to deal with individual complaints of discrimination.

The Danish Institute for Human Rights (DIHR) holds two EU mandates as a specialised equality body on race or ethnic origin as well as on gender. In addition, the DIHR monitors the Danish implementation of the UN Convention on the Rights of Persons with Disabilities in accordance with Article 33 of the Convention. On 1 January 2022, the DIHR became competent to act as a specialised equality body on sexual orientation, gender identity, gender expression and gender characteristics as well.²⁷

Denmark is a member of the Council of Europe and has acceded to the European Convention on Human Rights and all its protocols, apart from Protocol 12. The European Convention on Human Rights is the only human rights convention currently incorporated into Danish law.

With regard to unincorporated and ratified human rights conventions, it is generally assumed that they constitute a relevant source of law, which may be invoked and must be applied by national courts and administrative authorities.

²⁷ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022.

List of main legislation transposing and implementing the directives

Official title of the law: Act on the Prohibition of Discrimination in the Labour Market etc.²⁸ Name used in this report: N/A Abbreviation: N/A Date of adoption: 24 May 1996 Entry into force: 1 July 1996 Latest amendments: 1 July 2022 Web link: https://www.retsinformation.dk/eli/lta/2024/399 Grounds covered: Race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin Civil law Material scope: Employment Principal content: Prohibition of direct and indirect discrimination, harassment, instruction to discriminate
Official title of the law: Act on Ethnic Equal Treatment²⁹ Name used in this report: N/A Abbreviation: N/A Date of adoption: 28 May 2003 Entry into force: 1 July 2003 Latest amendments: 1 January 2013 Web link: https://www.retsinformation.dk/forms/r0710.aspx?id=141404 Grounds covered: Race and ethnic origin Civil law Material scope: Access to social protection, including social security and healthcare, social advantages, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations whose members carry out a particular profession Principal content: Prohibition of direct and indirect discrimination, harassment, instruction to discriminate
Official title of the law: Act on the Prohibition of Discrimination due to Race etc.³⁰ Name used in this report: N/A Abbreviation: N/A Date of adoption: 9 June 1971 Entry into force: 1 August 1971 Latest amendments: 1 January 2022 Web link: https://www.retsinformation.dk/forms/r0710.aspx?id=59249 Grounds covered: Race, skin colour, national or ethnic background, belief or sexual orientation, gender identity, gender expression or gender characteristics Criminal law Material scope: Provision of goods or services and access to public places or events Principal content: Direct discrimination (denial of services)
Official title of the law: Act on the Board of Equal Treatment³¹ Name used in this report: N/A Abbreviation: N/A Date of adoption: 27 May 2008 Entry into force: 1 January 2009

²⁸ Lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., Consolidated Act No. 399 of 5 April 2024.

²⁹ Lov om etnisk ligebehandling, Consolidated Act No. 438 of 16 May 2012 with later amendments.

³⁰ Lov om forbud mod forskelsbehandling på grund af race m.v., Consolidated Act No. 626 of 29 September 1987 with later amendments.

³¹ Lov om ligebehandlingsnævnet, Consolidated Act No. 1779 of 25 November 2024.

Latest amendments: 2 August 2022

Web link: <https://www.retsinformation.dk/eli/lta/2024/1779>

Grounds covered: Gender, race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin

Civil law

Material scope:

- Within labour market: all protected discrimination grounds;
- Outside labour market (access to social protection, including social security and healthcare, social advantages, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations whose members carry out a particular profession): gender, disability, race and ethnic origin.

Principal content: Creation of a specialised body

Official title of the law: Act on the Institute for Human Rights – the National Human Rights Institution of Denmark³²

Name used in this report: N/A

Abbreviation: N/A

Date of adoption: 18 June 2012

Entry into force: 1 January 2013

Latest amendments: 1 January 2022

Web link: <https://www.retsinformation.dk/forms/r0710.aspx?id=142116>

Grounds covered: Race, ethnic origin, disability, gender, sexual orientation, gender identity, gender expression or gender characteristics

Civil law

Material scope: Danish society in general

Principal content: Creation of a specialised body

Official title of the law: Act on the Prohibition of Discrimination due to Disability³³

Name used in this report: N/A

Abbreviation: N/A

Date of adoption: 8 June 2018

Entry into force: 1 July 2018

Latest amendments: 29 December 2020

Web link: <https://www.retsinformation.dk/eli/lta/2023/1071>

Grounds covered: Disability

Civil law

Material scope: All public and private activities in all areas of society except for areas covered by the Act on the Prohibition of Discrimination in the Labour Market etc.

Principal content: Prohibition of direct and indirect discrimination, harassment, instruction to discriminate

Official title of the law: Act on Equal Treatment of Men and Women in Society³⁴

Name used in this report: N/A

Abbreviation: N/A

Date of adoption: Information has not been found on the exact adoption date in 2000

Entry into force: 1 June 2000

Latest amendments: 1 January 2023

Web link: <https://www.retsinformation.dk/eli/lta/2025/5>

Grounds covered: Gender, sexual orientation, gender identity, gender expression or gender characteristics

Civil law

³² *Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution*, Act No. 553 of 18 June 2012 with later amendments.

³³ *Lov om forbud mod forskelsbehandling på grund af handicap*, Consolidated Act No. 1071 of 10 August 2023.

³⁴ *Ligestillingsloven*, Consolidated Act No. 5 of 6 January 2025.

Material scope: All public and private activities in all areas of society except for areas covered by gender legislation on employment Principal content: Prohibition of direct and indirect discrimination, harassment and sexual harassment, instruction to discriminate
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The Faroe Islands and Greenland are not members of the EU and the various anti-discrimination acts listed above include provisions stating that they do not apply to the Faroe Islands and Greenland. In May 2024, Greenland adopted its first equality and anti-discrimination legislation.³⁵

³⁵ Inatsisartut Law on Equality and Anti-Discrimination (*Inatsisartutlov om ligestilling og anti-diskrimination*), Act No. 36 of 4 June 2024. Available at: https://nalunaarutit.gl/groenlandsk-lovgivning/2024/inatsisartutlov-nr-36-af-04_06_2024?sc_lang=da. See also press release from Human Rights Council of Greenland (28 May 2024): <https://humanrights.gl/da/node/292>.

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Constitution of Denmark does not contain a general provision prohibiting discrimination or a general equality clause. The Constitution includes four articles dealing with non-discrimination and these provisions do not apply to the material areas covered by the EU directives. The Danish Constitution only covers one discrimination ground listed in the directives, namely religion.

Section 71(1) of the Constitution provides that 'No Danish subject shall, in any manner whatsoever, be deprived of his liberty because of his political or religious convictions or because of his descent.' As a point of departure, the Section only covers Danish citizens, but the liberty of foreigners is to some extent protected by Section 70: 'No person shall by reason of his creed or descent be deprived of access to the full enjoyment of civic and political rights, nor shall he escape compliance with any common civic duty for such reasons.'

Section 68 of the Constitution provides that 'No one shall be liable to make personal contribution to any denomination other than the one to which he adheres.'

Section 67 of the Constitution provides that 'Citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done.'

The constitutional anti-discrimination and equality provisions are directly applicable and can be enforced against private individuals (as well as against the state).

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

In general, the grounds of discrimination are only vaguely defined and described in Danish legislation.

a) Racial or ethnic origin

There is no definition of race in the Act on Ethnic Equal Treatment or in the Act on the Prohibition of Discrimination in the Labour Market etc. implementing the Racial Equality Directive.

The explanatory notes to the above two acts describe race in the following way:

‘The term shall be understood in accordance with usual terminology, as specified in national and international law, as well as case law from the Court of Justice of the European Union (CJEU) in relation to the Directive. Race is understood as a general belonging to a group of people being defined on the basis of physical criteria, including colour.’

Anti-discrimination criminal law on hate speech and access to public places was passed in 1971 in order to ratify the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), and consequently the definition of ‘racial discrimination’ in Article 1 of the ICERD is particularly relevant.

On that basis, race must be understood in accordance with international human rights law as a social construct rather than a biological concept.

Like race, ethnic origin is not defined in the laws implementing the Racial Equality Directive. The explanatory notes to the Act on Ethnic Equal Treatment and the Act on the Prohibition of Discrimination in the Labour Market etc. implementing the Racial Equality Directive describe ethnic origin as follows: ‘The term is generally understood as the belonging to a group of people, who are defined on the basis of shared history, traditions, culture or cultural background, language, geographical origin, etc.’³⁶

The only legally recognised ethnic minority in Denmark is the German minority in Southern Jutland.³⁷

In 2024, 44 % of immigrants of non-Western origin and their descendants experienced discrimination based on their ethnic background.³⁸ The survey for the National Integration Barometer is carried out every second year and the percentage has stayed almost the same since the indicator was first measured in 2012.

In late 2023, the DIHR published a report on experiences of ethnic discrimination in Denmark. To date, the report is the most comprehensive study of racism in Denmark based on perceived discrimination and prejudice.³⁹ The study is based on adult minority-ethnic persons who grew up in Denmark, i.e., persons who were born in Denmark or came here

³⁶ Ministry of the Interior, Committee on implementation in Danish law of Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2002), *Report No. 1455*, p. 264.

³⁷ Regulation No. 24 of 7 June 1955 on the general rights of the German minority (*Bekendtgørelse nr. 24 af 7/6 1955 angående det tyske mindretals almindelige rettigheder*).

³⁸ National Integration Barometer 2024 (*Det Nationale Integrationsbarometer*): [Ligebehandling \(Equal Treatment\)](#).

³⁹ Danish Institute for Human Rights, *Oplevet etnisk diskrimination i Danmark* (Experiences of ethnic discrimination in Denmark), November 2023. See: <https://menneskeret.dk/udgivelser/oplevet-etnisk-diskrimination-danmark>.

as children.⁴⁰ Overall, the survey responses show that more than eight out of 10 minority-ethnic persons state that they have experienced discrimination or prejudice in the past year.⁴¹

There is limited Danish case law on the meaning of ethnic origin.

An older preliminary ruling by the CJEU, requested by the Danish Western High Court, illustrated that ethnic origin could not be determined on the basis of a single criterion.⁴² On the contrary, ethnic origin should be based on a number of objective and subjective factors such as shared nationality, religious faith, language, cultural and traditional origins and backgrounds. The question for the CJEU was whether credit institutions were allowed to request different documentation from loan applicants depending on whether they were born in an EU/EFTA country or not. The Court determined that the birthplace of a person is only one of several factors determining their ethnic origin. The Court concluded that it was not direct or indirect discrimination because of ethnic origin to request additional identity information from a person who was born outside the EU/EFTA. In a case brought by the Danish Institute for Human Rights to the Board of Equal Treatment, the Board referred to the *Jyske Finans* ruling and concluded that the criterion 'non-Western origin' did not say anything about ethnic origin and the use of this criterion was not covered by the prohibition of discrimination based on ethnic origin.⁴³

The CJEU has now reformulated the restrictive definition given in the case mentioned above - *Jyske Finans* - in light of its rulings in *Feryn* and *CHEZ*,⁴⁴ as well as the case law of the European Court of Human Rights. In a 2025 preliminary ruling, the CJEU made reference to this body of case law.⁴⁵ This ruling was also requested by a Danish court (the Eastern High Court in the 'ghetto case') and also deals with the meaning of ethnic origin. The case concerned public housing legislation that provided for an obligation to adopt development plans designed to reduce the percentage of public family housing units in residential areas that are characterised among other things by the fact that, during the last five years, the proportion of 'immigrants from non-Western countries and their descendants' residing there has exceeded 50 %. The CJEU found that that the concept of ethnic origin must be interpreted broadly and that the legal criterion 'immigrants from non-Western countries and their descendants' may constitute both direct and indirect discrimination based on ethnic origin. According to the CJEU, the referring Danish court must make the final determination as to the presence of discrimination because the case concerns the interpretation of Danish law. Nevertheless, the Court reasoned as to how the Danish Eastern High Court in the upcoming case may determine whether the Danish housing legislation constitutes direct or indirect discrimination in violation of Directive 2000/43.

A 2025 ruling from the Board of Equal Treatment illustrates that a higher car rental price because of the customer's foreign-sounding name constituted discrimination based on ethnic origin (see Section 12.2).⁴⁶ In the case, the Board did not state whether the discrimination was direct or indirect but awarded compensation of EUR 670 (DKK 5 000).

⁴⁰ More precisely, the study focuses on persons with residence in Denmark aged 18 or over (as of 1 May 2023), who are either non-Western descendants or non-Western immigrants, who immigrated to Denmark for the first time before they turned 13 years of age. See Danish Institute for Human Rights, *Oplevet etnisk diskrimination i Danmark*, November 2023, p. 14.

There are no comparable studies of individuals who have come to Denmark as adults.

⁴¹ Danish Institute for Human Rights, *Oplevet etnisk diskrimination i Danmark*, November 2023, p. 99.

⁴² Judgment of 6 April 2017, *Jyske Finans*, C-668/15.

⁴³ Board of Equal Treatment, Decision No. 9518 of 29 April 2022.

⁴⁴ Judgment of 10 July 2008, *Firma Feryn* NY, Case C-54/07. Judgment of 16 July 2015, *CHEZ*, Case C-83/14.

⁴⁵ Judgment of 18 December 2025, *Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge*, C-417/23.

⁴⁶ Board of Equal Treatment, Decision No. 10160 of 29 September 2025.

b) Religion or belief

The term 'religion' is not defined in the laws implementing the Employment Equality Directive. According to the guidelines for the Act on the Prohibition of Discrimination in the Labour Market etc. religion is understood as formally approved or recognised religions.⁴⁷ A definition may thus be found indirectly through the Danish authorities' practice of approving religious communities. The Ministry of Church Affairs may approve a group of adult citizens (over 18 years) belonging to a particular religion as a religious community or congregation in accordance with the Marriage Act (*Ægteskabsloven*).⁴⁸

A standing advisory committee on religious communities (*Det Rådgivende Udvalg vedr. Trossamfund*) is appointed to assess whether the conditions for approval as a religious community are fulfilled. The criteria for approval follow from the Act on Religious Communities outside the Danish National Church (*Lov om trossamfund udenfor folkekirken*).⁴⁹ The committee is independent of the ministry and has expertise in religious sociology, religious history, law and theology.

Since religion in the non-discrimination legislation is understood as formally approved or recognised religions, there is a theoretical link between the recognition as a religious community and the possibility to avail oneself of the non-discrimination rules on the ground of religion. Because of the wider discrimination ground of belief, the establishment of such a link is not required in practice.

'Belief' is not defined in the legislation but is generally assumed to provide wider protection than religion.⁵⁰ Thus, belief includes religions that are not formally recognised. In short, belief is considered to be a more defined conviction covering something other than formally recognised religions. Examples of belief are atheism and other philosophical orientations.

Research from the University of Copenhagen using the method of situation testing has found that wearing a hijab has a negative effect on a job applicant's chances of gaining employment.⁵¹ The research shows that ethnic minority women wearing a hijab have to send in 60 % more applications than ethnic Danish women in order to be called for an interview.

Antisemitism is becoming an increasing problem across Europe, and in September 2025, the Danish Institute for Human Rights published a comprehensive study on the conditions of Jewish life in Denmark.⁵² The study shows that Jews in Denmark face significant barriers in the form of antisemitism, discrimination, social exclusion and self-censorship. Consequently, the space to live a Jewish life in Denmark has been considerably restricted. In recent years, several studies have also been published indicating that Muslims in Denmark experience discrimination and racism. The Danish Institute for Human Rights 2023 report on experiences of discrimination shows that 84 % of minority ethnic individuals have experienced discrimination or prejudice, for example due to their ethnicity, appearance, migrant background or religion.⁵³

⁴⁷ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 63.

⁴⁸ Since 28 June 2015, the Ministry of Church Affairs has had the competence to approve religious communities. See <http://www.km.dk/andre-trossamfund/>. For selected information in English, see <http://eng.andretrossamfund.dk/>.

⁴⁹ Act No. 1533 of 19 December 2017 on religious communities outside the Danish National Church (*Lov om trossamfund udenfor folkekirken*).

⁵⁰ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 64.

⁵¹ Dahl, M. (2019), 'Alike but different: How cultural distinctiveness shapes immigrant-origin minorities' access to the labour market' in *Detecting discrimination. How group-based biases shape economic and political interactions: Five empirical contributions*, PhD dissertation, University of Copenhagen.

⁵² Danish Institute for Human Rights (2025), *Jewish Life in Denmark - English summary* (September 2025).

⁵³ Danish Institute for Human Rights (2023), *Oplevet etnisk diskrimination i Danmark* (Experiences of ethnic discrimination in Denmark) (November 2023).

In its 2019 annual report, the Board of Equal Treatment stated that in cases of discrimination on the grounds of religion or belief, the Board will assess whether there is a sufficiently close and direct connection between a complainant's act or omission (causing differential treatment by a defendant) and the complainant's religious beliefs.⁵⁴ Referring to European Court of Human Rights case law, the Board underlined that such a connection is a condition for the complainant to be covered by the protection against discrimination on the grounds of religion or belief.

There is limited case law on discrimination because of religion and belief in Denmark. In 2022, the Supreme Court ruled in a case about a physical education teacher who was dismissed from his job because he declined to comply with instructions from his employer.⁵⁵ The teacher was a Seventh Day Adventist and it was a crucial part of his religion and belief not to work on Saturdays. After a detailed assessment, the Supreme Court agreed with the employer that requiring the teacher to work for three hours at an open house event on a Saturday was necessary and that indirect discrimination because of religion or belief had not taken place.

The Eastern High Court dealt with a handshake requirement in a judgment from 2025 (see Section 12.2).⁵⁶ In the case, two female Muslim student teachers were required, as part of their internship, to attend a welcome meeting at the school assigned to them. At the welcome meeting, the female student teachers, for religious reasons, did not wish to shake hands with a male internship supervisor. The school required that, as a condition for continuing the internships, the female student teachers should set aside their religious beliefs by shaking hands with all persons regardless of their gender. When the female student teachers refused to do so, their internships were terminated with immediate effect. The student teachers then filed a complaint to the Board of Equal Treatment and claimed that they had experienced indirect discrimination based on their religion or belief. The Board agreed with the complainants. However, subsequently the case was taken to the civil courts where the Eastern High Court found that the school's requirement to shake hands with all persons regardless of their gender was necessary to adhere to the municipality's values of equal treatment, neutrality and professionalism. Thus, the court concluded that the two student teachers had not been discriminated against based on their religion or belief. The judgment has been appealed to the Danish Supreme Court.

In a 2024 decision by the Board of Equal Treatment, a woman who was a Jehovah's Witness complained that she had been discriminated against based on her religion and belief.⁵⁷ Her employer had required her to wear a costume in the preschool for *Fastelavn* celebrations (Danish carnival tradition), which she had refused to do and, subsequently, her employment was not extended. The Board concluded that the requirement to wear a costume was appropriate but not necessary and awarded compensation of EUR 1 349 (DKK 10 000). In another 2024 decision by the Board of Equal Treatment, a woman who was a Muslim unsuccessfully claimed that her employer at a hospital had discriminated against her on the grounds of religion or belief because she had been dismissed from her position as an audiologist for not complying with the employer's uniform policy. The Board found that the employer's requirements that employees in patient-facing roles should wear a uniform with short sleeves was objectively justified by the legitimate aim of maintaining hygiene standards and preventing the spread of infection. The Board also assessed that it was appropriate and took into account that the hospital had explored possible alternatives before dismissing the audiologist from her position. The woman was therefore not successful in her complaint.⁵⁸

⁵⁴ Board of Equal Treatment (2020), *Annual Report 2019*, p. 18.

⁵⁵ Supreme Court Case No. BS-31220/2021-HJR of 7 September 2022. Judgment published in U2022.4461H.

⁵⁶ Eastern High Court case No. BS-33470/2022-OLR of 27 June 2025.

⁵⁷ Board of Equal Treatment, Decision No. 9560 of 15 May 2024.

⁵⁸ Board of Equal Treatment, Decision No. 10095 of 25 October 2024.

c) Disability

Danish legislation implementing the Employment Equality Directive does not contain a definition of 'disability'. The concept of disability has been the subject of a large body of case law from the Danish courts and the Board of Equal Treatment, and it can be questioned whether the Danish interpretation of the concept is fully aligned with the definition of disability set by the CJEU. The focus on medical information to establish a disability and the lack of consideration of environmental factors does not seem to align with the CJEU's case law. The medical model of disability in other words has dominated in Danish case law, and still does to a large extent, despite the Supreme Court landmark ruling from November 2017, which established that a medical diagnosis is not a requirement to establish a disability covered by discrimination law.⁵⁹ Following the ruling, the impairment must be evaluated based on all circumstances of the case, including information from doctors and other health professionals describing the impairment. Thus, a comprehensive assessment must determine whether an employee has a disability or not.

In cases regarding dismissals, the employee has to prove that they had a disability at the time of the dismissal.

Regarding the impairment in question, it is generally not difficult to assess whether the individual has a disability covered by the law in situations where the condition is congenital or caused by an accident (for example, cerebral palsy or paralysis). In relation to illness, the assessment is less straightforward. However, as described in the following paragraph, the CJEU and the Danish Supreme Court have made clarifications illustrating that an illness can result in an impairment, which hinders full participation in professional life on an equal basis with others and thus constitutes a disability.

Whether an illness is diagnosed or by other means sufficiently documented must be based on a comprehensive evaluation of available information from doctors and other health professionals as well as all other circumstances of the case. However, it is not a requirement that the impairment is caused by a medically diagnosed illness. This follows from the landmark Supreme Court ruling of 22 November 2017,⁶⁰ referring to CJEU case law.⁶¹ The ruling also confirmed that the burden of proof rests with the employee. An employee has to prove that they have a disability, including that the impairment is of a long-term nature. In reality, most case law relies on medical records to provide documented proof of disability, rather than giving consideration to environmental factors.

In a landmark ruling, the Eastern High Court dealt with the issue of sequelae/complications stemming from a disorder (in this case, diabetes).⁶² The Court found that sequelae must be regarded as individual illnesses that cannot be considered together resulting in one long-lasting limitation.

A growing number of cases relate to psychosocial disabilities. Figures show that 53 % of persons with major psychosocial disabilities have experienced discrimination.⁶³ In a case for the Board of Equal Treatment, a woman complained of disability discrimination because she was being refused companion tickets to a concert, a musical and a stand-up show.⁶⁴ The woman was diagnosed with an antisocial personality disorder, generalised anxiety and

⁵⁹ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Judgment published in U2018.853H.

⁶⁰ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Judgment published in U2018.853H.

⁶¹ CJEU, judgment of 11 April 2013, *Ring and Skouboe Werge*, joined cases C-335/11 and C-337/11, ECLI:EU:C:2013:222; judgment of 11 July 2006, *Chacón Navas*, C-13/05, ECLI:EU:C:2006:456; judgment of 9 March 2017, *Milkova*, C-406/15, ECLI:EU:C:2017:198; judgment of 1 December 2016, *Daouidi*, C-395/15, ECLI:EU:C:2016:917.

⁶² Eastern High Court judgment of 6 December 2016, Case No. B-2828-15.

⁶³ Danish Institute for Human Rights, *2012-2021: Otte år uden reelle forbedringer i levevilkår for mennesker med handicap*, (2012-2021: Eight years without improvements in living conditions for persons with disabilities), December 2021, p. 11.

⁶⁴ Board of Equal Treatment, Decision No. 10020 of 22 November 2023.

periodic depression and therefore had a companion card. She had contacted the respondent ticket provider to order tickets for herself and for her companion. However, the ticket provider told her that companion tickets were only issued to wheelchair users. The woman was awarded compensation for direct discrimination based on disability in violation of the Act on the Prohibition of Discrimination due to Disability.

To be considered a disability, the impairment must constitute a limitation on the individual's participation in professional life on an equal basis with others. This is also true for cases outside employment as the disability concept applied in the Act on the Prohibition of Discrimination due to Disability is the same as the standard applied in the Act on the Prohibition of Discrimination in the Labour Market etc.

In a 2016 ruling, the question for the city court of Kolding was whether obesity could be deemed a disability.⁶⁵ In December 2014, the CJEU had issued a preliminary ruling in the case (C-354/13). On that basis, the city court stated that obesity might constitute a disability. However, in the case in question, the city court found that, according to medical information, the claimant's obesity did not constitute a disability because of the fact that the obesity did not entail a physical limitation that hindered the claimant's participation in professional life. The city court did not evaluate whether it was the employer's view of the claimant's obesity that led to the dismissal. The city court's reasoning and judgment was upheld by the Western High Court in 2020.⁶⁶ In a similar decision by the Board of Equal Treatment in a case concerning matters of principle,⁶⁷ the Board found that a woman who was severely overweight did not have a disability.⁶⁸ The case dealt with a woman who was refused life insurance as well as insurance against loss of working capacity in connection with a pension scheme on the grounds that she had a BMI of 37.5. The Board argued that there was no medical information describing diseases or treatments due to obesity and her overweight did not entail limitations that prevented her from functioning on equal terms with other persons in similar life situations.

Finally, it follows from case law that the impairment limiting an individual's participation in professional life has to be either permanent or long-term to constitute a disability. Long or long-term has not been defined and no minimum period of time as to what constitutes 'long-term' has been indicated by the courts. According to the Supreme Court whatever constitutes 'long-term' has to be based on a specific assessment of the individual case.⁶⁹

This is illustrated in two decisions by the Board of Equal Treatment. The first case dealt with an employee's broken wrist and dismissal (see Section 12.2).⁷⁰ The ruling shows that when assessing the employer's knowledge or presumed knowledge of the expected duration of a functional limitation, the Board makes a comprehensive evaluation of the information available at the time of dismissal, including the medical information about the prognosis. In the case, the Board concluded that the impairment was not long term and thus did not constitute a disability. The same situation is illustrated in the second case dealing with an employee's ruptured Achilles tendon and dismissal (see Section 12.2).⁷¹

Even if, at the time of a dismissal, an illness has not imposed long-term limitations on an individual, it can still constitute a disability if the limitations based on medical information are expected to be lasting or long term. In the *Daouidi* case (C-395/15), the CJEU held that if the duration of an illness is uncertain, it should be regarded as long term. Danish rulings on the long-term conditions have reached a different result, questioning whether

⁶⁵ City Court of Kolding judgment of 31 March 2016.

⁶⁶ Western High Court judgment of 6 November 2020, Case No. BS-1716/2016-VLR.

⁶⁷ In complaints concerning matters of principle, the president of the Board of Equal Treatment can decide that four additional board members participate instead of two. See Section 6 of the Act on the Board of Equal Treatment.

⁶⁸ Board of Equal Treatment, Decision No. 9517 of 29 April 2022.

⁶⁹ Supreme Court judgment of 23 June 2015, Case No. 25/2014. Published in U2015.3301H.

⁷⁰ Board of Equal Treatment, Decision No. 10169 of 11 November 2024.

⁷¹ Board of Equal Treatment, Decision No. 9084 of 11 November 2024.

Danish law aligns with the CJEU's case law. One example is a judgment from the Maritime and Commercial Court.⁷² This ruling seems to illustrate that alcoholism is not seen as a disability because it is not long term. The Court emphasised that even though the craving for alcohol continued to be present for the woman in the case, because of the fact that she did not actually drink anymore, her alcoholism could not be seen as a long-term impairment.

In a 2025 decision by the Board of Equal Treatment, a woman who was diagnosed with post-traumatic headache had been on sick leave since January 2022 (see Section 12.2).⁷³ According to the Board of Equal Treatment, at the time of her dismissal in July 2022, the limitation had not lasted long enough to be considered of long duration. Therefore, the assessment of whether the illness caused a long-term limitation at the time of dismissal had to be based on a prognosis. Established by medical information, the Board found that the prognosis was unclear. Thus, the woman had not demonstrated that, at the time of dismissal, there was a sufficiently established prognosis indicating that her impairment would be long term. The Board concluded that the woman did not have a disability, and she was therefore unsuccessful in her complaint.

d) Age

Age is not defined in the legislation implementing the directives but, according to the guidelines for the Act on the Prohibition of Discrimination in the Labour Market etc., everybody is protected against discrimination on account of age.⁷⁴ This applies to young people and old people – all ages are protected discrimination grounds.

Since July 2022, it has been prohibited for employers to request information about a job applicant's age, both in job postings and in electronic recruitment systems (Section 5(2) in the Act on the Prohibition of Discrimination in the Labour Market etc.). The ban may help prevent age discrimination as it prohibits employers from asking for people's age when applicants are submitting, uploading, entering or otherwise providing their job applications.

That employers are prohibited from using age as a screening criterion in online job application forms is illustrated in a 2024 decision by the Board of Equal Treatment (see Section 12.2).⁷⁵ In the case, the Board assessed that a company had acted in violation of the advertising provision in Section 5(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. by including in its application form a field in which applicants were required to state their age.

In another decision by the Board of Equal Treatment, a 31-year-old man claimed that he had experienced age discrimination because he was asked about his age during a job interview.⁷⁶ The Board stated that the Act on the Prohibition of Discrimination in the Labour Market etc. did not prohibit asking about an applicant's age during the actual job interview. At the same time, the Board underlined that an employer may not discriminate on the ground of age against employees or applicants for vacant positions in relation to hiring. According to the information provided by the parties, there was, however, disagreement about what was said during the job interview. On that basis, the Board found that the complainant had not established facts that gave rise to a presumption of discrimination and the complainant was therefore not successful in his complaint. Since job applicants may still experience age discrimination during job interviews, the Danish Institute for Human Rights has recommended that the Government monitor and evaluate whether the ban against age discrimination in Section 5(2) is effective.⁷⁷

⁷² Maritime and Commercial Court judgment of 3 December 2020, Case No. BS-45652/2019-SHR.

⁷³ Board of Equal Treatment, Decision No. 9209 of 13 January 2025.

⁷⁴ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 48.

⁷⁵ Board of Equal Treatment, Decision No. 9119 of 2 December 2024.

⁷⁶ Board of Equal Treatment, Decision No. 9573 of 24 May 2024.

⁷⁷ See DIHR recommendation: <https://menneskeret.dk/aeldre>.

The Board of Equal Treatment has issued landmark decisions in two test cases regarding job advertisements on Facebook.⁷⁸ The question for the Board was whether it was contrary to the Act on the Prohibition of Discrimination in the Labour Market etc. to target job advertisements on Facebook, so that the advertisements were displayed only on profiles belonging to Facebook users of a certain gender and age. The respondent companies had not indicated in the actual job advertisement that they preferred a person of a certain gender or of a certain age. However, by using Facebook's advertising platform, the companies arranged for the advertisements to appear only on the profiles belonging to certain Facebook users. In other words, the companies had actively indicated in the Facebook settings that the advertisements should be targeting certain age and gender groups. In one of the cases, the defendant had encouraged Facebook recipients to share the advertisement with anybody, and in the end the defendant hired an applicant who was over 50 years of age for the position. On that basis, the Board found that the advertisements were not in breach of the prohibition against discrimination on the ground of age.⁷⁹ In the other case, the Board found that discrimination had taken place.⁸⁰

In 2020, the DIHR reviewed a total of 526 cases relating to age and discrimination.⁸¹ The cases had been decided by the Board of Equal Treatment during the period from June 2009 to March 2018. The majority of cases concern situations of dismissal and recruitment, and in 25 % of the cases, the complaints of discrimination were upheld. The review notes that it can be difficult to lift the burden of proof and uphold a claim of discrimination based on age.

e) Sexual orientation

Sexual orientation has not been defined in the legislation implementing the directives. The core area for this criterion is the prohibition of discrimination against heterosexuals and homosexuals. According to the guidelines for the Act on the Prohibition of Discrimination in the Labour Market etc., the prohibition protects 'lawful sexuality, and therefore not paedophilia for example'.⁸² There is very limited case law on the issue. In the literature, sexual orientation has been given a broad interpretation.⁸³

On 1 January 2022, discrimination based on gender identity, gender expression or gender characteristics was prohibited, according to the amended Act on the Prohibition of Discrimination in the Labour Market etc.⁸⁴ According to the preparatory works for this amendment, sexual orientation includes 'a person's persistent sexual attraction pattern based on which gender one falls in love with and is sexually attracted to'.⁸⁵

2.2 Multiple and intersectional discrimination

In Denmark, multiple discrimination is not prohibited by law.

Multiple discrimination is taken into account when deciding on discrimination cases (e.g. when imposing a sanction). Civil court cases and decisions by the Board of Equal Treatment on multiple discrimination deal primarily with gender in combination with ethnic origin, disability or age. A city court has, for instance, dealt with a case involving the dismissal of

⁷⁸ Board of Equal Treatment, Decision No. 9134 and Decision No. 9135 of 25 February 2021. See Board of Equal Treatment (March 2022) *Annual Report 2021*, p. 8.

⁷⁹ Board of Equal Treatment, Decision No. 9134 of 25 February 2021.

⁸⁰ Board of Equal Treatment, Decision No. 9135 of 25 February 2021.

⁸¹ DIHR (2020), *Recommendation on openness about age*. See:

<https://menneskeret.dk/udgivelser/anbefaling-aabenhed-alder-ved-ansoegninger>.

⁸² *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 77.

⁸³ Schwarz, F. and Hartmann, J. J. (2011), *Forbud mod forskelsbehandling på arbejdsmarkedet – forskelsbehandlingsloven* (Prohibition of discrimination in the labour market – the Discrimination Act), p. 178.

⁸⁴ Amendment Act No. 2591 of 28 December 2021 entering into force on 1 January 2022.

⁸⁵ Bill No. 18 (2021/1): <https://www.retsinformation.dk/eli/ft/202112L00018>.

a wheelchair user during her maternity leave as if there were two different cases, assessing the claims of gender discrimination and disability discrimination separately.⁸⁶ With regard to gender, the court found that the decision to dismiss was made during the teacher's maternity leave and the employer had not submitted any proof that the teacher's absence had not influenced this decision. With regard to disability, the employer had told the teacher that she was considered to be the least flexible with regard to teaching in locations other than the school in that many of these places were inaccessible. The school had not provided information about the need for flexibility and thus had not proved that the dismissal was objective and proportional. The court thus concluded that the teacher had been indirectly discriminated against because of both her gender and her disability.

In dismissal cases, the awarding of six to 12 months' salary in compensation is common in cases of discrimination on account of a single discrimination ground. Case law seems to suggest that the Board may award higher damages when several discrimination grounds are at stake.⁸⁷

In Denmark, intersectional discrimination is not prohibited by law. There is no case law dealing directly with intersectional discrimination and no information or case law has been found on how the Board distinguishes between multiple and intersectional discrimination.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Denmark, discrimination based on a perception or assumption of a person's characteristics is not directly prohibited in national law. The following legislation therefore needs judicial interpretation.

The commentary to Section 3 of the Act on Ethnic Equal Treatment states that the prohibition of differential treatment is applicable irrespective of whether the actual race or ethnic origin of the victim is as assumed by the perpetrator or not. Discrimination based on perceptions or assumptions about a person's race or ethnic origin is therefore prohibited.

Such a statement is, however, not included in the commentary to Section 1 of the Act on the Prohibition of Discrimination in the Labour Market etc. or in the commentary to Section 5 of the Act on the Prohibition of Discrimination due to Disability.

A landmark Supreme Court ruling from November 2017 opens the way for discrimination based on perceived disability to be deemed illegal according to Danish non-discrimination law.⁸⁸ In the case concerned, the Supreme Court explicitly clarified that, in order to have a disability covered by the discrimination law, it is not a requirement that the condition in question be caused by a medically diagnosed illness. Instead, the impairment must be evaluated based on all the circumstances of the case, leaving room for discrimination by assumption. In some rulings (for example, the obesity ruling),⁸⁹ however, where persons with disabilities claim that they were dismissed because of their disability, the approach by the courts and the Board of Equal Treatment seems to be an assessment of disability from a purely medical point of view. If, on that basis, the court or the Board finds that the person in question does not have a disability, there is no protection against discrimination, and in these cases, there is no investigation into whether the employer regarded the person as a person with a disability and dismissed them on that basis.

⁸⁶ Randers City Court, judgment in Case No. BS-35572/2018-RAN of 24 September 2019.

⁸⁷ Board of Equal Treatment (2019), *Annual Report 2018*, p. 25.

⁸⁸ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Judgment published in U2018.853H.

⁸⁹ Western High Court judgment of 6 November 2020, Case No. BS-1716/2016-VLR.

b) Discrimination by association

In Denmark, discrimination based on association with persons with particular characteristics is prohibited in national law.

It follows from Section 3(1) of the Act on Ethnic Equal Treatment that no person may subject another person to direct or indirect discrimination on grounds of the latter's or a third party's race or ethnic origin.

It follows from Section 6 of the Act on the Prohibition of Discrimination due to Disability that no person may subject another person to discrimination on grounds of the latter's relationship to a person with a disability, provided that the discrimination is based on this person's disability.

Several decisions by the Board of Equal Treatment illustrate the prohibition of discrimination by association when it comes to disability and access to public places and services. In one example a mother and her six-year-old daughter were rejected at the entrance to a café. The daughter used a stroller with shoulder and headrests and a special belt. Because of her disability, she could not sit by herself. The Board stated that the rejection was not objectively justified and the mother and daughter were each awarded compensation.⁹⁰

No article on discrimination by association appears in the Act on the Prohibition of Discrimination in the Labour Market etc. However, discrimination in the labour market based on a third party's disability is prohibited according to case law, which concludes that direct discrimination by association is covered by Section 1 of the Act.

A landmark Supreme Court ruling from May 2016 deals with discrimination by association.⁹¹ The case dealt with a woman who claimed that she had been discriminated against due to the disability of her son who had Asperger's syndrome. The Supreme Court concluded that the son 'suffered from Asperger's syndrome to such a degree that he was covered by the concept of disability' in the Act on the Prohibition of Discrimination in the Labour Market etc. However, the Court argued that the complainant had been dismissed not because of her son's disability, but because of her long absence from her job. Thus, the Court concluded that the dismissal did neither constitute direct nor indirect discrimination because of disability. In the ruling, the Supreme Court established that it was uncertain whether the EU directives include a protection against indirect discrimination by association on grounds of disability. This uncertainty has been reflected in Danish case law, where there have been no (published) cases on indirect discrimination by association since the Supreme Court noted in 2016 that the legal situation was not settled.

A 2025 decision from the Board of Equal Treatment provides specific guidance on the concept of discrimination by association as well as the requirements in Directive 2000/78/EC of an employee to be 'competent, capable and available' (see Section 12.2).⁹² The Board considered the case to be of principal importance. The case dealt with a man whose son had been diagnosed with infantile autism and ADHD in June 2022. He believed that his employer had discriminated against him on the grounds of disability in connection with his dismissal on 2 November 2022. The employer justified the dismissal on the grounds of the uncertainty regarding when, and to what extent, the complainant would be able to return to work. His absence and the uncertainty about his return were due to his son's disability and need for care. On that basis, the Board found that the dismissal was based on circumstances directly related to the son's disability. The employer argued that it had been necessary to dismiss the complainant, as his unpaid leave was incompatible with the employer's operational needs. The considerable uncertainty regarding when he

⁹⁰ Board of Equal Treatment, Decision No. 9761 of 3 September 2020.

⁹¹ Supreme Court judgment of 27 April 2016, Case No. HR-151/2015.

⁹² Board of Equal Treatment, Decision No. 10015 of 29 August 2025.

would return to work meant that the employer could not plan operations in a responsible manner. In its conclusion, the Board found that, at the time of dismissal, the complainant was not available to perform the essential functions of his position, and that there was significant uncertainty as to whether and when he would become available again. Thus, the employer had not violated the principle of equal treatment.

With the *Bervidi* ruling from 11 September 2025 in case C-38/24, the CJEU has now established that employees associated with a person with a disability may not only be protected against direct discrimination by association on grounds of disability but also be protected against indirect discrimination by association on grounds of disability. The judgment is expected to significantly impact Danish employment law in this area.

Case law typically makes a line of argument illustrating the content of the required association, which is most often the association with a close family member. One example is a 2022 decision by the Board of Equal Treatment.⁹³ In the case, the Board stated that the complainant had proved that his son's obsessive-compulsive disorder at the time of dismissal constituted a disability within the meaning of the law. The Board then described that it was a condition for the complainant's legal protection against discrimination that most of the care that the child needed was provided by the person claiming discrimination, in this case the father. The Board argued that, prior to the dismissal, the complainant oversaw the primary care of his son on a day-to-day basis, and he was therefore covered by the Act. He was awarded compensation for discrimination because of his son's disability.

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Denmark, direct discrimination is prohibited in national law. It is defined.

Direct discrimination is deemed to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of race or ethnic origin, cf. Section 3(2) of the Act on Ethnic Equal Treatment. Section 5(2) of the Act on the Prohibition of Discrimination due to Disability defines discrimination in the same manner. Section 1(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. also defines direct discrimination in this manner referring to the discrimination grounds of race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin.

The Board of Equal Treatment has repeatedly referred to the preparatory works of the Act on the Prohibition of Discrimination due to Disability in stating that the Act does not entail an obligation to secure accessibility.⁹⁴ Lack of accessibility therefore does not constitute direct or indirect discrimination due to disability. In January 2021, the Board issued decisions in three test cases on website accessibility and concluded that the Act on the Prohibition of Discrimination due to Disability does not require further accessibility than what is required by other legislation.⁹⁵

This was also the result in a 2025 decision from the Board of Equal Treatment (see 12.2).⁹⁶ In the case, a man filed a complaint against his housing association. He believed that the housing association had discriminated against him on the grounds of disability because he was unable to attend department meetings and general assembly meetings in the housing association in person. The Board found that this part of the complaint essentially concerned

⁹³ Board of Equal Treatment, Decision No. 9229 of 3 February 2022.

⁹⁴ Board of Equal Treatment, Decision No. 9153 of 20 February 2020.

⁹⁵ Board of Equal Treatment, Decisions Nos. 9039, 9040 and 9041 of 19 January 2021.

⁹⁶ Board of Equal Treatment, Decision No. 9928 of 18 July 2025.

accessibility and based on its established practice, the Board declined to consider this part of the complaint.

The same conclusions were reached in two 2024 decisions by the Board. The first case dealt with a wheelchair user who claimed that a store owner had discriminated against her on the grounds of disability because she could not access a specific area to return her deposit bottles.⁹⁷ The second case dealt with a transport company, which had general guidelines preventing bus drivers from assisting wheelchair users when boarding buses.⁹⁸

b) Justification for direct discrimination

As a rule, the law does not permit direct discrimination – not even if it could be argued to be objectively justified and proportionate.

This is illustrated in two 2025 decisions from the Board of Equal Treatment. In the first case, the complainant had a foreign-sounding name (see Section 12.2).⁹⁹ He argued that an electrical company had discriminated against him on the basis of ethnic origin because the company had rejected his application for an apprenticeship. The rejection stated that the company preferred a person of Danish ethnic origin. On that basis, the Board found that discrimination had taken place and that the explanations provided by the company, including customers' preferences regarding employees' ethnicity, could not be given weight. The complainant was awarded compensation of EUR 3 348. In the second case, the complainant was of Russian origin (see Section 12.2).¹⁰⁰ He argued that a company had discriminated against him on the grounds of national origin in connection with the company's rejection of his application for employment. The company rejected the man's application because a team leader at the company, who was from Ukraine, was not comfortable working with a Russian. The Board concluded that the complainant had experienced discrimination based on his national origin and awarded him compensation of EUR 3 348.

Section 7 in the Act on the Prohibition of Discrimination due to Disability regulating areas outside of the labour market does allow for both direct and indirect discrimination based on disability. This is the case if the differential treatment pursues a legitimate aim and is appropriate and necessary to obtain the desired aim.

A case from 2024 illustrates the evaluation by the Board of Equal Treatment.¹⁰¹ The case dealt with a man diagnosed with Asperger's syndrome who complained that a student hall of residence had discriminated against him on the grounds of disability because they had withdrawn an offer of a room. It was established that the complainant had informed the residence's warden about his Asperger's syndrome diagnosis during a tour of the premises. Following this, the complainant received an email from the warden withdrawing the offer of a room because the warden found the complainant to be unsuitable to live at the residence due to his Asperger's syndrome. The Board found that the hall of residence had not met the burden of proof to show that the withdrawal was objectively justified by a legitimate aim and the complainant was awarded EUR 2 680 in compensation for discrimination.

In individual cases, the Board makes a detailed evaluation of the necessity requirement. One case dealt with a woman who was diagnosed with post-traumatic stress disorder.¹⁰² She was a member of an association training and certifying psychiatric service dogs. The association required her to use a vest for her service dog with the text: 'psych service dog',

⁹⁷ Board of Equal Treatment, Decision No. 9572 of 24 May 2024.

⁹⁸ Board of Equal Treatment, Decision No. 9650 of 6 June 2024.

⁹⁹ Board of Equal Treatment, Decision No. 9709 of 16 June 2025.

¹⁰⁰ Board of Equal Treatment, Decision No. 9234 of 24 February 2025.

¹⁰¹ Board of Equal Treatment, Decision No. 9663 of 6 June 2024.

¹⁰² Board of Equal Treatment, Decision No. 9915 of 28 October 2021.

which she found stigmatising. In the case, the Board emphasised that it must be possible to spread the knowledge of mental illness without individuals being obliged to display that they have a psychiatric service dog because of a psychosocial disability. The Board therefore concluded that the complainant had been discriminated against based on her disability.

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Denmark, indirect discrimination is prohibited in national law.

Definition:

Indirect discrimination shall be deemed to occur where an apparently neutral provision, criterion or practice would put persons of a particular racial or ethnic origin, for example, at a disadvantage compared to other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary (cf. Section 1(3) of the Act on the Prohibition of Discrimination in the Labour Market etc. and Section 3(3) of the Act on Ethnic Equal Treatment).

Section 5(3) of the Act on the Prohibition of Discrimination due to Disability states that indirect discrimination shall be deemed to occur where an apparently neutral provision, criterion or practice would put persons with disabilities at a disadvantage compared with other persons.

In a landmark judgment, the Eastern High Court concluded that an employee in a case of collective redundancy dismissal had to experience an actual disadvantage to claim that they had been discriminated against.¹⁰³

Language requirements may cause indirect discrimination based on ethnic origin. Case law illustrates that the Board makes an in-depth evaluation as to whether language requirements are objectively justified as well as appropriate and necessary. One 2023 case dealt with a refusal at a nightclub where the complainant was rejected at the entrance because of his lack of knowledge of the Danish and English languages.¹⁰⁴ The respondent nightclub stated that the company responsible for security at the nightclub had emphasised that language barriers could create a safety and security problem in the event of the need for evacuation. The Board, however, assessed that no factual circumstances had been demonstrated to indicate that indirect discrimination had occurred on the basis of ethnic origin, since a requirement to know English, which - in the words of the Board - is a world language, could not be considered to constitute indirect discrimination against persons of a particular ethnic origin.

b) Justification test for indirect discrimination

According to the justification test, indirect discrimination shall be deemed to occur where an apparently neutral provision, criterion or practice would put persons of a particular ethnic origin, for example, at a disadvantage compared to other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary. Cases of alleged indirect discrimination must be individually assessed. The justification test is compatible with the directives.

¹⁰³ Eastern High Court judgment of 8 July 2015, Case No. B-3983-13.

¹⁰⁴ Board of Equal Treatment, Decision No. 9845 of 20 September 2023.

In a landmark case, the Supreme Court assessed the question of indirect discrimination because of disability in a case concerning a reorganisation process at a hospital and the resulting redundancies.¹⁰⁵ The case dealt with a nursing assistant who had reduced capacity in one arm and was dismissed at the same time as a large number of other employees. The Court found that the dismissal criteria of physical strength and flexibility put the nursing assistant in a worse situation than other employees. However, the Court concluded that the differential treatment was legitimate because of the actual change in working tasks after the reorganisation. The Court also stated that the dismissal could not have been avoided by establishing reasonable accommodation. The Court concluded that the dismissal did not constitute indirect discrimination because of disability.

In a landmark judgment from 2004, the Supreme Court found that the dismissal of a female employee for having worn a headscarf for religious reasons in opposition to the rules on clothing did not amount to indirect discrimination. The Court recognised that the prohibition of wearing a headscarf would mainly affect Muslim women but found that differential treatment was objectively justified in the performance of the work.¹⁰⁶ Since the 2017 headscarf rulings from the CJEU,¹⁰⁷ the Danish practice seems to be in line with EU law.

The Board has dealt with several cases of claimed disability discrimination outside the labour market. The cases illustrate that the prohibition of indirect discrimination because of disability provides some protection against adverse treatment in, for example, access to services. Several new cases from 2025 deal with the question of bringing a service dog.

The first case dealt with a woman with impaired vision who had filed a complaint against a hotel (see Section 12.2).¹⁰⁸ The woman believed that the hotel had discriminated against her on the grounds of disability in connection with its refusal to allow her to bring the guide dog into the hotel's restaurant. The respondent stated that no animals were allowed in the main building, as the hotel was allergy certified. The Board, however, concluded that the difference in treatment was not necessary and the woman was awarded compensation for indirect discrimination of EUR 670. In a similar case, the Board reached the opposite conclusion because the respondent restaurant was arranged as an open buffet, where it was not possible to keep the complainant's service dog separated from the food and plates.¹⁰⁹ Likewise, in a case relating to a psychiatric hospital, the Board found that it did not constitute discrimination based on disability to refuse to allow a patient's service dog to accompany them during a hospitalisation.¹¹⁰ In this case, the Board argued that the refusal was objectively justified by a legitimate aim of ensuring the health of others and the safety at the hospital. The Board also found that the refusal was necessary because, typically, admissions to the hospital were of long duration and patients spent most of their time on the ward.

A legal obligation to provide reasonable accommodation would provide stronger protection, but as emphasised by the Board, the Act on the Prohibition of Discrimination due to Disability covering areas outside the labour market does not involve an obligation to provide reasonable accommodation.¹¹¹ However, as illustrated by the above decision on the hotel-restaurant, the prohibition of indirect discrimination provides a relatively wide protection of the right to bring a service dog.

¹⁰⁵ Supreme Court judgment of 12 September 2014, Case No. 163/2013.

¹⁰⁶ Judgment published in U2005.1265H.

¹⁰⁷ Judgment of 14 March 2017, *G4S Secure Solutions*, C-157/15, ECLI:EU:C:2017:203; judgment of 14 March 2017, *Micropole*, C-188/15, ECLI:EU:C:2017:204.

¹⁰⁸ Board of Equal Treatment, Decision No. 9727 of 25 June 2025.

¹⁰⁹ Board of Equal Treatment, Decision No. 9728 of 25 June 2025.

¹¹⁰ Board of Equal Treatment, Decision No. 9722 of 20 June 2025.

¹¹¹ Board of Equal Treatment, Decision No. 10020 of 22 November 2023 (see Section 12.2).

2.5.1 Statistical evidence

a) Legal framework

In Denmark, there is legislation regulating the collection of personal data. The Danish Data Protection Act implementing the GDPR defines sensitive data in accordance with the GDPR by referring directly to Article 9 of the GDPR.¹¹² In general, the Danish Data Protection Act has regulated the treatment of sensitive data in accordance with the GDPR.

In the labour market, Section 4 of the Act on the Prohibition of Discrimination in the Labour Market etc. contains an even stricter rule than the general Data Protection Act regarding protecting sensitive data. Section 4 of the Act on the Prohibition of Discrimination in the Labour Market etc. prohibits employers from asking for, obtaining, receiving or using information about the race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, or national, social or ethnic origin of a job applicant or an employee. Neither anonymity nor informed consent or any other exemption will allow an employer to ask about or use such information about ethnic origin, etc. The prohibition applies no matter how the employer gets the information, including if, for example, the employee herself refers to her 'Jewish family'.¹¹³

In Denmark, statistical evidence may be admitted to establish indirect discrimination. It is permitted by the general admissibility conditions of such evidence in court according to Chapter 32 of the Administration of Justice Act.¹¹⁴

According to the preparatory work for the Act on Ethnic Equal Treatment, the assessment of whether a criterion will place persons of a certain race or ethnic origin at a particular disadvantage can be made based on statistical material showing that the criteria actually place the group of persons proportionately at a particular disadvantage to other persons. Furthermore, it is stated that if it is not possible to produce statistical material, the assessment can be made in any other way demonstrating that the criteria are likely to have this effect.

The same statement regarding statistical material and indirect discrimination is not found in the preparatory work for the Act on the Prohibition of Discrimination in the Labour Market etc.

b) Practice

In Denmark, statistical evidence is primarily used to establish indirect discrimination. Typically, the courts and the Board of Equal Treatment require some other information in addition to the statistical evidence to establish facts of possible indirect discrimination.

The Supreme Court clarified the legal situation with regard to statistical evidence in a landmark judgment of 14 December 2015.¹¹⁵ The case dealt with A and B who had been dismissed with three other colleagues from their positions in a Government agency because of workforce reduction. The dismissed employees were all over 50 years of age. The Supreme Court referred to a CJEU case (C-127/92 – *Enderby*) and emphasised that statistical information – if reliable and sufficiently significant – by itself can establish a presumption for discrimination. In the case in question, the Court held that there was an overrepresentation of elderly employees among the dismissed employees and that none of the dismissed employees were younger than 53 years of age. The Court, however, also held that there were several employees in the Government agency who were older than A

¹¹² Consolidated Act No. 289 of 8 March 2024 (*Databeskyttelsesloven*).

¹¹³ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 81.

¹¹⁴ Consolidated Act No. 1298 of 7 November 2025 with later amendments (*Retsplejelov*).

¹¹⁵ Supreme Court judgment of 14 December 2015, Case No. 28/2015. Published in U.2016.1168H.

and B, and who did not get dismissed during the workforce reduction. The Court concluded that the information about the ages of A and B as well as the information about the age distribution in the Government agency did not establish facts of possible discrimination. Thus, the Supreme Court acquitted the Government agency.

In 2025, an Eastern High Court judgment provided a concrete example of how statistical information showing an overrepresentation of older employees selected for dismissal could be sufficiently significant to give rise to a presumption of age-based discrimination (see Section 12.2).¹¹⁶ In the case, 4 out of a total of 20 workmen in a maintenance department of a property company were dismissed due to a restructuring of the work and the resulting reorganisation of job tasks. The Court found that it had been established that the dismissals were concretely justified, without any consideration being given to age. The employer was not found liable for age discrimination. Thus, the judgment also illustrated that an employer can lift the burden of proof if they can demonstrate legitimate reasons for why the employees in question were selected for dismissal.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Denmark, harassment is prohibited in national law. It is defined.

In Denmark, harassment explicitly constitutes a form of discrimination, cf. Section 1(4) of the Act on the Prohibition of Discrimination in the Labour Market etc., Section 3(4) of the Act on Ethnic Equal Treatment and Section 5(4) of the Act on the Prohibition of Discrimination due to Disability.

Harassment within the labour market is deemed to be discrimination when conduct related to race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age and disability or national, social or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned, cf. Section 1(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. The offending acts can be concrete actions as well as failures to act.

In a decision by the Board of Equal Treatment, a woman from Turkey complained that her employer had discriminated against her on the grounds of race and ethnic origin.¹¹⁷ Another employee had sent emails to the complainant addressing her as 'shish' and 'shish kebab'. The Board assessed that these remarks from a colleague constituted harassment and found that the employer had failed to fulfil their obligation to provide a harassment-free environment. The complainant was therefore awarded compensation of EUR 3 350 (DKK 25 000).

Furthermore, according to the Act on Work Environment (*Arbejdsmiljøloven*), employers are obliged to ensure a healthy physical and psychological work environment.¹¹⁸ According to this Act, it is the employer's responsibility to work against harassment in general at the individual workplace. It is irrelevant whether the alleged harassment is an expression of thoughtlessness or an outright intention to harass, rather what matters is the person's experience of the offending act. The Board of Equal Treatment has clarified the obligation of employers to support their employees and to secure a working environment without harassment, including harassment committed by other employees or customers.¹¹⁹

¹¹⁶ Eastern High Court Case No. BS-60875/2023-OLR of 11 June 2025.

¹¹⁷ Board of Equal Treatment, Decision No. 10192 of 27 November 2024.

¹¹⁸ Consolidated Act No. 1108 of 15 September 2025.

¹¹⁹ Board of Equal Treatment, Decision No. 9077 of 11 January 2018.

Harassment outside the labour market is deemed to be discrimination when conduct related to race, ethnic origin or disability takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned, cf. Section 3(4) of the Act on Ethnic Equal Treatment and Section 5(4) of the Act on the Prohibition of Discrimination due to Disability. Outside the labour market refers to the following: access to social protection, including social security and healthcare, social advantages, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations whose members carry out a particular profession. For the discrimination ground of disability, the material scope is all public and private activity (except for the labour market and strictly private activities), cf. Section 2 of the Act on the Prohibition of Discrimination due to Disability.

A decision by the Board of Equal Treatment dealt with ethnic harassment at a school meeting.¹²⁰ The decision illustrates how a school's requirement to use an interpreter in a meeting amounted to ethnic harassment. From audio recordings of the meeting, it appeared that the complainant and the school's head of department had a dialogue in Danish without any problems. Under these circumstances, the Board assessed that the complainant had experienced harassment based on race and ethnic origin.

b) Scope of liability for harassment

Outside the labour market, according to Section 3(4) of the Act on Ethnic Equal Treatment and Section 5(4) of the Act on the Prohibition of Discrimination due to Disability, the prohibition of harassment applies to anybody who performs tasks within access to social protection, including social security and healthcare, social advantages, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations whose members carry out a particular profession. For the discrimination ground of disability, the material scope is all public and private activity, except for the labour market and strictly private activities (Section 2 of the Act on the Prohibition of Discrimination due to Disability). The legal situation is not clear regarding third-party harassment outside the labour market.

Where harassment is perpetrated by an employee, the employer is liable. In some cases, the employee is also liable. The following clarifications will deal with harassment in the labour market.

The prohibition of harassment in Section 1(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. applies in situations where the employer is the one exercising the harassment.

The guidelines to Section 1(4) of the Act¹²¹ state that the employer may also be liable for any harassment or other discriminatory behaviour exercised by employees, as the employer has to take necessary measures to ensure a harassment-free working environment. Thus, the employer can be held liable for third-party harassment.

Thus, where harassment is perpetrated by an employee, the main rule is that only the employer is liable.

This also follows from the general Danish principle of employer liability according to Provision 3-19-2 of the Danish Act (*Danske Lov*), which dates from 1683. According to this principle, employers are responsible not only for their own negligence and faults, but also for faults committed by their employees acting on their behalf. However, as harassment is not part of performing a job, harassment will not be considered as included in, or part of,

¹²⁰ Board of Equal Treatment, Decision No. 9283 of 22 March 2023.

¹²¹ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 7.

the employer's responsibility, unless the employer has neglected their duty to instruct or correct their staff as a good employer should do to avoid harassment among employees.

As described above, only employers are bound by Provision 3-19-2 of the Danish Act and by the Act on the Prohibition of Discrimination in the Labour Market etc. If the employer is not responsible for harassment by an employee against another employee, the employee who experienced harassment can claim compensation from their colleague, according to the general legislation on damage liability, and more precisely Section 26 of the Act on Damage Liability (*Erstatningsansvarsloven*).¹²²

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Denmark, instructions to discriminate are prohibited in national law. Instructions are not defined in detail.

The law simply prohibits an instruction to discriminate (see Section 1(5) of the Act on the Prohibition of Discrimination in the Labour Market etc., Section 3(5) of the Act on Ethnic Equal Treatment and Section 5(5) of the Act on the Prohibition of Discrimination due to Disability). It is not clear from legislation or case law whether instructions to discriminate include only explicit instructions or if preferences, suggestions and encouragement with a discriminatory impact are also included.

In Denmark, instructions explicitly constitute a form of discrimination.

In the labour market, an instruction to discriminate against persons on grounds of race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age and disability or national, social or ethnic origin shall be deemed to be discrimination, cf. Section 1(5) of the Act on the Prohibition of Discrimination in the Labour Market etc. Outside the labour market, an instruction to discriminate against persons on grounds of race, ethnic origin or disability shall be deemed to be discrimination, cf. Section 3(5) of the Act on Ethnic Equal Treatment and Section 5(5) of the Act on the Prohibition of Discrimination due to Disability.

In Denmark, instructions to discriminate require a hierarchical relationship between the person giving the instruction and the person who undertakes it. An employee who instructs a colleague to discriminate against another colleague is not covered by the prohibition, because they do not have the power of an employer to instruct.

b) Scope of liability for instructions to discriminate

In Denmark, the person instructing is liable for discrimination. The prohibition of instruction in Section 1(5) of the Act on the Prohibition of Discrimination in the Labour Market etc. applies in situations where the employer gives an instruction to employees to discriminate, for example in a recruitment situation where the employer tells the personnel manager to avoid hiring employees with an ethnic minority background.

The employer may be liable for discriminatory behaviour, including an instruction to discriminate that is carried out by employees, as the employer has to take the necessary measures to ensure a working environment without discrimination.

This also follows from the general Danish principle of employer liability according to Provision 3-19-2 of the Danish Act. However, as an employee's instruction to discriminate

¹²² Consolidated Act No. 1080 of 30 August 2025.

is not part of performing a job, it will not be part of the employer's responsibility, unless the employer has neglected the duty to avoid discrimination among employees.

As described above, only employers are bound by Provision 3-19-2 of the Danish Act and by the Act on the Prohibition of Discrimination in the Labour Market etc. If the employer is not responsible for an instruction to discriminate by an employee, the employee who experienced discrimination can claim compensation according to Section 26 of the Act on Damage Liability.¹²³ Compensation can be claimed from the person who issued the instruction to discriminate as well as from the person who was responsible for committing the discriminatory act.

The prohibition of instruction (discrimination on account of race and ethnic origin) in Section 3(5) of the Act on Ethnic Equal Treatment only involves service providers. As in the case of employers, the provision applies only where the person giving the instruction has some authority or right of supervision over the person receiving the instruction. In other words, there must be a certain hierarchical relationship between the person issuing the discriminatory instruction and the person receiving it. A situation where a customer encourages a shopkeeper to discriminate against third parties will not be covered by the provision.

The prohibition of instruction (discrimination on account of disability) in Section 5(5) of the Act on the Prohibition of Discrimination due to Disability applies to all public and private activities in all areas of society, except for the labour market. In practice, it will most often involve service providers in situations where there is a certain hierarchical relationship between the person issuing the discriminatory instruction and the person receiving it. One example described in the preparatory work is the owner of a nightclub who instructs their employees to reject customers who use a wheelchair.¹²⁴ Another example is the owner of a holiday home who instructs the estate agent not to rent their holiday home to individuals with intellectual disabilities.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

- a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Denmark, the duty on employers to provide reasonable accommodation for persons with disabilities is included in the law according to Section 2(a) of the Act on the Prohibition of Discrimination in the Labour Market etc.

Reasonable accommodation is described in the law but not defined in detail. Section 2(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. states that the employer shall take reasonable measures in view of the practical needs to provide a person with disabilities access to employment, to pursue employment or to advance in employment, or to give a person with disabilities access to vocational training. The obligation to provide accommodations does not apply if a disproportionate burden is thereby imposed upon the employer. It follows from Section 2(a) that the burden will not be considered to be disproportionate if it is sufficiently eased by public measures, including financial assistance from the state. Neither law nor practice indicates a difference in this duty for private sector workers and for civil servants in the general public sector.

¹²³ Consolidated Act No. 1080 of 30 August 2025.

¹²⁴ Bill No. L221 of 18 April 2018 on the Act on the Prohibition of Discrimination due to Disability.

b) Case law

Whether an employer has fulfilled the duty to provide reasonable accommodation will always depend on a concrete assessment. Case law in the area gives some indications on the criteria to be used when assessing the extent of this duty.

The employer's knowledge about the employee's disability

It is a precondition of the duty to provide reasonable accommodation that the employer knows – or ought to know – about the employee's disability. This is illustrated by two landmark Supreme Court rulings.

The first case was part of the CJEU *Ring and Skouboe Werge* joined cases.¹²⁵ In the Danish case, the parties had been emailing each other during the employee's sickness absence, but the note from the specialist doctor with the long-term prognosis was not sent to the employer. On that basis, the Supreme Court did not find that the employer knew or ought to have known at the time of the dismissal about the fact that the illness had caused a disability and the employer was acquitted.¹²⁶

The second case dealt with an employee who had told her employer when she received a diagnosis of arthritis.¹²⁷ She had also informed the employer about the need to modify her tasks. On that basis, the Court found that the employer knew about the disability and was obliged to establish reasonable accommodation.

The employee with a disability must be competent, capable and available

Recital 17 of the Employment Equality Directive is not directly reflected in the Danish legislation. It is, however, stated in the preparatory work for the Act on the Prohibition of Discrimination in the Labour Market etc. that an employer should only choose an applicant with a disability if the applicant is as qualified as an applicant without a disability. Thus, the duty of reasonable accommodation only applies when the applicant with a disability has the necessary qualifications to do the job if accommodation is made.

The Eastern High Court dealt with the case of a shop assistant who had a disability in the form of back and neck problems.¹²⁸ It was undisputed that the shop assistant had a disability covered by the Act on the Prohibition of Discrimination in the Labour Market etc. However, his disability worsened, and the High Court therefore concluded that, at the time of dismissal, the shop assistant was no longer competent, suitable and available to perform his job.

In a decision by the Board of Equal Treatment, a man with a back condition resulting from a workplace injury claimed that his employer had discriminated against him on the ground of disability because he was dismissed from his position as a specialist worker.¹²⁹ The employer argued that the complainant was not competent, capable and available to perform the essential functions of his job. However, according to the Board, the employer did not have sufficient grounds to draw this conclusion. The Board emphasised that the employer had not clearly defined the responsibilities included in the job in question of the specialist worker. The Board also stated that the employer had failed to engage in meaningful cooperation with the municipality's job retention consultant. The complainant was therefore successful in his claim and awarded compensation of EUR 53 615 (DKK 400 000), equivalent to approximately 12 months' salary.

¹²⁵ CJEU, judgment of 11 April 2013, *Ring and Skouboe Werge*, joined cases C-335/11 and C-337/11, ECLI:EU:C:2013:222.

¹²⁶ Supreme Court judgment of 23 June 2015, Case No. 25/2014. Published in U2015.3301H.

¹²⁷ Supreme Court judgment of 11 August 2015, Case No. 104/2014. Published in U2015.3827H.

¹²⁸ Eastern High Court judgment of 5 May 2022, Case No. BS-15105/2021-OLR.

¹²⁹ Board of Equal Treatment, Decision No. 9241 of 20 March 2024.

When comparing qualifications of job applicants and evaluating whether a person is competent, capable and available, it follows from case law that the person with a disability must be assessed according to their capacity to carry out the essential functions of the position after reasonable accommodation is made. This is illustrated in a decision from the Board of Equal Treatment describing that a lack of reasonable accommodation precludes an employer from assessing whether an employee is competent, capable and available to perform the job.¹³⁰

The nature of accommodation measures

Possible accommodation measures can be of a material and organisational nature, including adjustment of workplaces and workstations, modification of work patterns or divisions of labour, or reduction of working hours.

A landmark judgment from the Supreme Court illustrates that, if an employee needs reduced working hours because of a disability, the employer must show a willingness to look into possible accommodation measures such as flex-jobs, part-time jobs, etc.¹³¹ The case dealt with a woman who had undergone serious brain surgery.

A ruling from the Supreme Court demonstrates that an employer's obligation to reassign an employee to another position as a measure of reasonable accommodation is not limited to the employee's specific workplace but encompasses the entire scope of the employee's employment area.¹³² Additionally, the judgment shows that it does not constitute a disproportionate burden for the employer to allocate a certain amount of resources to explore reassignment possibilities within the employment area.

In a 2025 decision, the Board of Equal Treatment found that an employer had not fulfilled its obligation to provide reasonable accommodation in the form of appointing a staff member with a disability to another position. In the case, the employer had checked its website for vacant positions for similar jobs and had discussed two specific reassignment possibilities with the complainant's trade union. The employer had also offered to include the employee in an online reassignment/redeployment portal, which is an internal digital platform for public sector employees that lists vacant and relevant positions (see Section 12.2).¹³³

Another decision from the Board of Equal Treatment illustrates the obligation to provide reasonable accommodation for students in upper secondary schools (gymnasiums).¹³⁴ The Board found that students at such state schools were covered by the protection in the Act on the Prohibition of Discrimination in the Labour Market etc. because their secondary school education was aimed at them gaining paid employment. A similar decision by the Board of Equal Treatment illustrates the obligation to provide reasonable accommodation to university students with disabilities.¹³⁵

The accommodation must be reasonable

The obligation to provide accommodation measures does not apply if a disproportionate burden is thereby imposed upon the employer, meaning that the accommodation is not reasonable. The size of the employer's business is relevant when evaluating the reasonableness of an accommodation. This is illustrated by a landmark Supreme Court ruling on the dismissal of a swimming instructor.¹³⁶ In this case, the complainant worked

¹³⁰ Board of Equal Treatment, Decision No. 10024 of 22 November 2023.

¹³¹ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Appeal of Eastern High Court judgment of 30 June 2016, Case No. B-477-15. Published in U.2018.853H.

¹³² Supreme Court judgment of 3 December 2024, Case No. BS-19728/2024-HJR.

¹³³ Board of Equal Treatment, Decision No. 10023 of 11 August 2025.

¹³⁴ Board of Equal Treatment, Decision No. 9894 of 18 September 2024.

¹³⁵ Board of Equal Treatment, Decision No. 9684 of 30 August 2023.

¹³⁶ Supreme Court judgment of 6 September 2022, Case No. BS-26753/2021-HJR.

for a few hours a week as a sports coordinator in a small organisation for people with psycho-social challenges, which was primarily run by volunteers. Her position was a flex-job (an adapted job for individuals with disabilities) because of her diagnoses of anxiety, depression and ADHD. In addition to office work, the complainant conducted swimming lessons, which required her to take an annual lifeguard test. She had passed the lifeguard test in 2019 and had to take a new test in January 2020, which she refused because she did not think that she was up to it. In November 2019, the complainant was dismissed on the grounds that the sports association could not meet her special needs, which included the exemption from conducting swimming lessons, and taking a lifeguard test as well as a need for an available contact person when she was at work. The complainant argued that she had been discriminated against because of her disability. The Court argued that, taking into account the nature, size and finances of the association, there was no basis for challenging the employer's assessment that it would not be possible to exempt the sports coordinator from conducting swimming lessons or to make a contact person available. The Court therefore concluded that the employer had fulfilled its obligation to provide reasonable accommodation.

The obligation to provide reasonable accommodation also applies when employers hire new employees. This is illustrated in a 2025 decision by the Board of Equal Treatment (see Section 12.2).¹³⁷ The case dealt with a man with a hearing impairment who believed that a masonry company had discriminated against him on the grounds of disability in connection with being rejected for a position as a scraper. The company argued that it was a requirement for the position that the employee could speak with various stakeholders. This requirement was not stated in the job posting, which instead indicated that the employee would be working as part of a team with a colleague. The company did not, prior to the rejection, investigate whether the man could perform the job with other reasonable accommodations, including whether the burden of such accommodations could be alleviated through public measures. The company also did not enter a dialogue with the complainant about whether he could perform the specific job with possible assistive devices. On this basis, the Board found that the company had not met the burden of proof that the principle of equal treatment had not been violated.

In a case of dismissal, it is not a disproportionate burden for the employer to allocate resources to explore reassignment possibilities within an employee's employment area. This is illustrated in a ruling from the Supreme Court.¹³⁸ In this case, the Supreme Court found that the Copenhagen Region of Denmark did not investigate the possibilities of reassigning the employee to a vacant position within the entire region prior to the dismissal. The Court thus concluded that the employer had not demonstrated that it would have imposed a disproportionate burden to reassign the social worker to the position in another department and the failure to reassign her therefore constituted a breach of the employer's duty to provide reasonable accommodation. On that basis, the social worker received compensation amounting to nine months' salary.

When evaluating whether the burden placed on the employer is disproportionate, consideration is also given to whether public authorities will cover some or all of the expense. There is no obligation on the employer to apply for public funding to cover such expenses. However, in a concrete discrimination case before the Board or the courts, it can be detrimental to the employer if possible available funding has not been applied for. This is illustrated in an older landmark ruling from the Maritime and Commercial Court.¹³⁹ The case dealt with an employee who had severe permanent backache. Due to his illness, the employer decided to terminate the training agreement. The employer had refused a proposal from the municipality concerning a personal assistant arrangement paid for by the municipality. The Court concluded that discrimination based on disability had taken place.

¹³⁷ Board of Equal Treatment, Decision No. 9013 of 20 October 2025.

¹³⁸ Supreme Court judgment of 3 December 2024, Case No. BS-19728/2024-HJR.

¹³⁹ Published in U.2009.1948SH.

It is the employer who must prove that accommodation measures impose a disproportionate burden. In concrete terms, the employer must investigate and evaluate various possible accommodation measures. In cases of dismissal, an employer must be able to document that steps have been taken to provide reasonable accommodation with regard to an employee's specific needs before the decision on dismissal was made. This is illustrated in a 2025 decision from the Board of Equal Treatment dealing with the dismissal of a woman who had long-term effects after contracting COVID-19 (see Section 12.2).¹⁴⁰ In this case, the Board found that the employer had not sufficiently fulfilled its duty of reasonable accommodation prior to the woman's dismissal. For example, the employer had not offered the woman a part-time position corresponding to the number of hours she was available to work at the time of dismissal.

c) Definition of disability and non-discrimination protection

The definition of a disability for the purposes of claiming reasonable accommodation is the same as for claiming protection from discrimination in general. The definition is also the same in the private and the general public sectors.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Denmark, failure to meet the duty of reasonable accommodation in employment for persons with disabilities is recognised as a form of discrimination in both the private and the general public sectors.

If an employer denies or does not provide reasonable accommodation and if this is not justified, it will constitute indirect discrimination, cf. Section 2(a) of the Act on the Prohibition of Discrimination in the Labour Market etc., which refers to Section 1(3) of the Act. Reasonable accommodation cases are dealt with as cases of indirect discrimination meaning that the burden of proof will be shifted, cf. Section 7(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. The provision does not entail a total shift of the burden of proof, but a shared burden of proof.

A victim of indirect discrimination can claim compensation from the employer according to Section 7 of the Act on the Prohibition of Discrimination in the Labour Market etc. There is no penalty.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Denmark, there is no general legal duty to provide reasonable accommodation for persons with disabilities outside the area of employment, including vocational training.¹⁴¹ This is specifically stated in Section 3 of the Act on the Prohibition of Discrimination due to Disability. According to the preparatory work for this law, one of the reasons for not including a duty to provide reasonable accommodation was what was referred to as 'unpredictable socio-economic costs'.¹⁴²

In 2020, the Act on the Prohibition of Discrimination due to Disability was amended to include a legal duty in Section 9(a) to provide reasonable accommodation for young people and children with disabilities in public and private day-care institutions and schools. It follows from Section 9(a) that in assessing what is considered reasonable, special attention must be paid to the effect of removing the barriers as well as to the costs associated with

¹⁴⁰ Board of Equal Treatment, Decision No. 9712 of 16 June 2025.

¹⁴¹ Board of Equal Treatment (2022), *Annual Report 2021* p. 5.

¹⁴² Memorandum of 21 August 2017 from the Ministry of Children and Social Affairs and the Ministry of Finance on reasonable adjustment of public services – Answer to Question 1 (*Notat af 21. august 2017 fra Børne- og Socialministeriet og Finansministeriet om rimelig tilpasning af offentlige ydelser – Svar på Spørgsmål 1.*) See: <https://www.ft.dk/samling/20171/lovforslag/L221/spm.htm>.

the accommodation, taking into account the resources of the individual day-care institution or school.

The Board dealt with the question of reasonable accommodation in schools in a case concerning a six-year-old boy with cerebral palsy.¹⁴³ The father of the boy argued that his son had experienced discrimination based on disability in connection with selection and admission to a municipal school. From the medical information in the case, the child had cerebral palsy and therefore had difficulty with actively expressing himself verbally. In the case, the Board assessed that the respondent municipality's offer of extra time for the screening process was not a relevant accommodation for the child in question and that the municipality knew or should have known this. The Board therefore assessed that the municipality had not provided reasonable accommodation and the complainant was awarded compensation.

The wording of the obligation to provide reasonable accommodation in schools etc. is more specific than the wording in the Act on the Prohibition of Discrimination in the Labour Market etc. Here, it is stated in Section 2(a) that the obligation to provide accommodation does not apply if it thereby imposes a disproportionate burden on the employer. It is also emphasised in Section 2(a) that if this burden is sufficiently alleviated through public measures, the burden will not be considered disproportionate.

f) Duties to provide reasonable accommodation in respect of other grounds

In Denmark, there is no legal duty to provide reasonable accommodation in respect of other discrimination grounds in the public and private sector.

¹⁴³ Board of Equal Treatment, Decision No. 9032 of 16 December 2022.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

No information and no case law have been found in relation to discrimination caused by the use of artificial intelligence (AI).

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Denmark, there are no residence or citizenship/nationality requirements for protection under the relevant national laws transposing the directives. Undocumented migrants and those with irregular status are therefore protected by the Danish anti-discrimination laws.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Denmark, the personal scope of anti-discrimination law does not cover legal persons for the purpose of protection against discrimination. Only natural persons are protected against direct and indirect discrimination.

In the labour market, this follows from Sections 2 and 3 of the Act on the Prohibition of Discrimination in the Labour Market etc., which specifically mentions employees and job applicants. Outside the labour market, it follows from Section 3 of the Act on Equal Treatment and from Section 5 of the Act on the Prohibition of Discrimination due to Disability that individuals are protected against discrimination on account of their race, ethnic origin and disability.

b) Liability for discrimination

In Denmark, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination.

There is no distinction in Section 2 of the Act on the Prohibition of Discrimination in the Labour Market etc. between different kinds of employers when it comes to liability for discrimination in the labour market. According to the general Danish labour law concept of employers, both natural and legal persons may be liable for discrimination as employers. The liability covers an even broader group of legal persons than the traditional Danish labour market concept of employers. Thus, Section 3 of the Act on the Prohibition of Discrimination in the Labour Market etc. stipulates that the prohibition of discrimination applies to anybody who runs vocational training and assigns employment, who issues decisions on access to self-employment and who issues decisions on membership and benefits provided by trade unions or employers' associations.

A decision by the Board of Equal Treatment illustrates that the obligation to provide reasonable accommodation in access to employment for jobseekers applies to anybody assigning employment.¹⁴⁴

Employers can be penalised for discriminatory job advertisements according to Section 8(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. (provision of penal law). It specifically mentions that legal persons are subject to a fine for such discriminatory job advertisements. A decision by the Board of Equal Treatment illustrates a discriminatory job advertisement.¹⁴⁵ The case dealt with a Danish citizen who filed a complaint to the Board of Equal Treatment about a restaurant that had published a

¹⁴⁴ Board of Equal Treatment, Decision No. 9872 of 25 September 2019.

¹⁴⁵ Board of Equal Treatment, Decision No. 9018 of 20 December 2023.

job advertisement looking for a 'Chinese chef'. The Board concluded that the actual job advertisement was a violation of the ban against discriminatory advertisements in the Act on the Prohibition of Discrimination in the Labour Market etc. The advertisement in itself constituted discrimination based on race or ethnic origin. The Board, however, explained that such violations are punished with a fine, which the Board does not have the authority to issue. Only the police can issue such fines, and the complainant would need to report the case to the police authority to start such proceedings.

According to Section 2 of the Act on Ethnic Equal Treatment and Section 2 of the Act on the Prohibition of Discrimination due to Disability, there is no distinction between natural and legal persons when it comes to liability for discrimination outside the area of employment. A decision by the Board of Equal Treatment describes that the handling of a criminal case by the police is not covered by the Act on Ethnic Equal Treatment and that the Board is therefore not competent to look into complaints about such police work.¹⁴⁶

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Denmark, national law provides protection against discrimination in both the private and the public sectors.

b) Liability for discrimination

In Denmark, the personal scope of anti-discrimination law covers the private and public sectors, including public bodies for the purpose of liability for discrimination. Sections 2, 3 and 8 of the Act on the Prohibition of Discrimination in the Labour Market etc. stipulates the liability of employers and anybody who runs vocational training and assigns employment etc. According to Section 2 of the Act on Ethnic Equal Treatment and Section 2 of the Act on the Prohibition of Discrimination due to Disability, there is no distinction between the private and public sectors when it comes to liability for discrimination outside the area of employment.

3.2 Material scope

No information and no case law have been found in relation to discrimination caused by the use of artificial intelligence (AI).

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Denmark, national legislation prohibits discrimination in relation to conditions for access to employment, self-employment or occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy, for the five grounds and in both the private and public sector, as described in the directives. Gender identity, gender expression and gender characteristics are also covered.

Sections 2 and 3 of the Act on the Prohibition of Discrimination in the Labour Market etc. cover all aspects of discrimination in relation to access to employment, to self-employment and to occupation, including selection criteria, recruitment conditions and promotion.

¹⁴⁶ Board of Equal Treatment, Decision No. 9015 of 20 December 2023.

A 2025 report found that employment for persons with disabilities has increased significantly over the past 10 years.¹⁴⁷ The positive trend can, among other things, be explained by flex-jobs, which are adapted jobs for persons with disabilities with reduced working hours, where the employer receives a public subsidy in accordance with the flex-job legislation. In 2024, 40 % of employed persons with significant disabilities have flex-jobs, whereas this was the case for only 30 % in 2012. However, 20 % of participants said that prejudice or discrimination due to disability remains a challenge when trying to find a job.

A 2024 ruling from the Supreme Court illustrates that in Denmark an individual must actually apply for a position to be protected by legislation prohibiting discrimination, which may not be in accordance with EU law and the *Feryn* judgment (Case C-54/07 of 10 July 2008), in particular.¹⁴⁸ In the case, a company described in a job posting that it was looking for a mystery shopper who would visit a particular store, pretend to be a customer and afterwards evaluate the service with the purpose of providing feedback to staff and improving customer satisfaction. It appeared that it was not possible for an individual to get on the position if he or she had been assigned a flex-job (which is an adapted job for persons with disabilities with reduced working hours, where the employer receives a public subsidy in accordance with the flex-job legislation). The complainant, who had a flex-job, approached the company by email with questions about why she couldn't become a mystery shopper because of her flex-job. She argued that she had been discriminated against because of her disability. The Supreme Court stated that a violation of the Act on the Prohibition of Discrimination in the Labour Market etc. required that the person in question had actually applied for a job with the employer. Thus, the complainant could not be awarded compensation for discrimination.

A decision by the Board of Equal Treatment illustrates a broad interpretation of 'employment'.¹⁴⁹ The case concerned possible discrimination on grounds of religion or belief because a municipality had terminated a cooperation with the complainant as a 'relationship-worker' (a mentor and coach for radicalised citizens). The Board referred to CJEU judgments of 2 June 2022 in case C-587/20 and of 12 January 2023 in case C-356/21, in which the CJEU had made an expanding interpretation of the Employment Directives scope of application. Referring to these CJEU rulings, the Board assessed that the complainant's work as a 'relationship-worker' for the municipality had been of such scope and duration that it was a real and actual employment. The relationship-worker had sent invoices to the municipality for 76 hours of mentor-work in the period between July and October 2019. The Board therefore found that such work was covered by the scope of the Employment Directive and therefore by the Act on the Prohibition of Discrimination in the Labour Market etc. On that basis, the Board concluded that a 'relationship-worker' was protected against discrimination because of religion.

In a decision by the Board of Equal Treatment, the Board found that membership of the board of a pension fund did not constitute 'occupation' within the Act on the Prohibition of Discrimination in the Labour Market etc. and the Employment Directive.¹⁵⁰ A woman who was born in 1956 filed a complaint alleging age discrimination in connection with a decision by the board of a pension fund to exclude her as a candidate for the board. The pension fund board sought younger members, a broader range of employment experience and, to some extent, geographical representation. A majority of members of the Board of Equal Treatment referred to paragraphs 27, 28 and 34 of the CJEU judgment in Case C-587/20 (HK/Danmark case) and did not find that the matter fell within the concept of 'occupation' as defined by the Act on the Prohibition of Discrimination in the Labour Market etc. and the Employment Directive. Thus, the Board could not proceed with the complaint.

¹⁴⁷ Jakobsen, V., Lybech Christensen, M. and Højgaard Mikkelsen, C. (2025), *Handicap og beskæftigelse 2024* (Disability and employment 2024), VIVE – the Danish Center for Social Science Research.

¹⁴⁸ Supreme Court, Judgment No. BS-62875/2023-HJR of 12 June 2024. Published in U.2024.3952H.

¹⁴⁹ Board of Equal Treatment, Decision No. 9270 of 1 March 2023.

¹⁵⁰ Board of Equal Treatment, Decision No. 9236 of 15 March 2024.

In general, the anti-discrimination legislation does not differentiate between the public and the private sectors. However, according to the Administration of Justice Act, Danish citizenship can be a selection criterion in the public sector for the police, judges, etc. In the private sector, on the other hand, such a requirement may be considered indirect discrimination due to national or ethnic origin.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Denmark, national legislation prohibits discrimination in working conditions, including pay and dismissals, for all five grounds and for both private and public employment. Gender identity, gender expression and gender characteristics are also covered. Section 2(1) of the Act on the Prohibition of Discrimination in the Labour Market etc. prohibits public and private employers from exercising differential treatment in connection with recruitment, dismissal, transferral, promotion and work and pay conditions.¹⁵¹

3.2.3 Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Denmark, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities for all five grounds. Gender identity, gender expression and gender characteristics are also covered.

A decision from the Board of Equal Treatment deals with possible discrimination at a Danish university.¹⁵² The Board found that a university provides an education aimed at paid employment, which means that the university is covered by the prohibition of discrimination in the Act on the Prohibition of Discrimination in the Labour Market etc.

Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience, are covered in Section 3(1) and 3(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. This provision covers any training aiming at paid employment. Paid employment must be understood in a very broad sense.

A report published by VIVE – the Danish Center for Social Science Research in 2024 documents that LGBT+ students in upper secondary education, including vocational schools and training schools, are discriminated against to a greater extent than other young people because of their gender identity or sexual orientation.¹⁵³ Such schools are covered by the prohibition of discrimination in the Act on the Prohibition of Discrimination in the Labour Market etc. The study from VIVE shows that almost one in five LGBT+ students in upper secondary education experience being treated poorly at school, and one in six feel unsafe.

In 2020, the DIHR published a report on the equal treatment of students with disabilities in vocational education and training schools.¹⁵⁴ The report noted that the dropout rates for

¹⁵¹ Article 2(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. states: 'Discrimination shall be deemed to have occurred in relation to payment conditions if an equal salary is not offered for the same job or for jobs which are regarded as having the same value'.

¹⁵² Board of Equal Treatment, Decision No. 9105 of 18 January 2023.

¹⁵³ Greve, J., Boisen Andersen, D., Schou Nicolajsen, J. and Kolodziejczyk, C. (2024), *LGBT+-elevers trivsel og mentale sundhed samt oplevelser af mobning, vold, chikane og diskrimination* (LGBT+ students' wellbeing, mental health and experiences of bullying, violence, harassment and discrimination), VIVE – the Danish Center for Social Science Research. See: <https://www.vive.dk/da/udgivelser/lgbtplus-elevers-trivsel-og-mentale-sundhed-samt-oplevelser-af-mobning-vold-chikane-og-diskrimination-yvrgymox/>.

¹⁵⁴ DIHR (2020), *Ligebehandling af elever med handicap på erhvervsskoler* (Equal treatment of students with disabilities in vocational education and training schools).

students with disabilities was far higher than their co-students without disabilities. The report also showed that more students with disabilities ended up with school-based practical training instead of an apprenticeship in a company.

A 2024 study by the DIHR illustrates that 52 % of vocational school careers consultants report that companies choose not to take on students with disabilities, health issues or mental health challenges when seeking apprentices.¹⁵⁵ Numbers otherwise illustrate that vocational education is popular among young people with disabilities. In fact, 25 % of all young people with disabilities are enrolled in a vocational school programme approximately two years after completing the 9th grade. The figure for young people without disabilities is 15 %. However, the dropout rate for students with disabilities is significantly higher than for those without disabilities, which may be linked to the fact that students with disabilities often struggle to secure an apprenticeship and receive adequate support during their education and training.

Section 2(2) of the Act on Ethnic Equal Treatment and Section 2(2) of the Act on the Prohibition against Discrimination due to Disability state that the Acts shall not apply to areas covered by the Act on the Prohibition of Discrimination in the Labour Market etc. Education and training outside the labour market – not covered by the Act on the Prohibition of Discrimination in the Labour Market etc. – is covered by Section 2(1) of the Act on Ethnic Equal Treatment and by Section 2(1) of the Act on the Prohibition against Discrimination due to Disability.

In a case of race discrimination at a technical school,¹⁵⁶ it was decided by a city court and confirmed by the Eastern High Court that this situation was not covered by the Act on the Prohibition of Discrimination in the Labour Market etc. but rather by the Act on Ethnic Equal Treatment prohibiting unequal treatment in goods and services, education etc. By considering a technical school as education covered by the Act on Ethnic Equal Treatment, race discrimination was covered. However, an implementation problem exists in relation to the other protected grounds: by making this decision, the High Court excluded students at technical schools from protection against discrimination due to age, religion and belief (as no provisions against discrimination on these grounds exist in the field of goods and services, education, etc.). The case should have been adjudicated according to the Act on the Prohibition of Discrimination in the Labour Market etc. and thus appears not to comply with national law. No subsequent rulings on this topic have been found.

The DIHR reported in 2023 that ethnic minority students at technical schools in Denmark have a harder time finding apprenticeships than students with a Danish background.¹⁵⁷ According to the DIHR, the technical schools experience discriminatory requirements from employers. On a regular basis, 36 % of school consultants experience that employers have requirements when it comes to the ethnic background of the apprentices. More than half of the consultants who experience such discriminatory demands from employers try to accommodate the demands and thereby risk participating in illegal discrimination because of ethnic origin.

¹⁵⁵ DIHR (2024), *Virksomheder fravælger elever på grund af handicap og helbred*. See: <https://menneskeret.dk/udgivelser/virksomheder-fravaelger-elever-paa-grund-handicap-helbred>.

¹⁵⁶ Eastern High Court judgment of 27 June 2006, Case No. B-4028-05.

¹⁵⁷ DIHR, *Minoritetsetniske elever fravælges til oplæring* (Ethnic minority students are not selected for training), April 2019. See: <https://menneskeret.dk/nyheder/virksomheder-stiller-ulovlige-krav-laerlinges-etnicitet>.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Denmark, national legislation prohibits discrimination in relation to membership of and involvement in workers' or employers' organisations as formulated in the directives for all five grounds and for both private and public employment, cf. Section 3(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. Gender identity, gender expression and gender characteristics are also covered.

In a concrete case, the Board of Equal Treatment found that the function as a sector president in a labour union was covered by the concept of 'occupation' and that the Act on the Prohibition of Discrimination in the Labour Market etc. should apply in a case of possible age discrimination.¹⁵⁸ The labour union did not accept the decision by the Board, and the case was brought before the courts. The Eastern High Court submitted the case to the CJEU for a preliminary ruling and a judgment was delivered on 2 June 2022 (C-587/20). In the preliminary ruling, it was established that the Employment Directive's prohibition against age discrimination also applied in relation to an age limit for a sector president in a labour union. In 2023, the Eastern High Court confirmed that the Act on the Prohibition of Discrimination in the Labour Market etc. applied in the case and the sector president was awarded compensation of EUR 3 350 (DKK 25 000) for discrimination because of age.¹⁵⁹

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Denmark, national legislation prohibits discrimination in social protection, including social security and healthcare, as formulated in the Racial Equality Directive, cf. Section 2(1) of the Act on Ethnic Equal Treatment. This protection only extends to race and ethnic origin.

According to Section 50 of the Danish Health Act, all residents with the right to free treatment in hospitals, by general practitioners or by specialists, have the right to an interpreter, if a doctor finds that an interpreter is necessary to explain their treatment. With the primary aim of further incentivising foreigners to learn Danish, Section 50(2) of the Health Act stipulates that patients who need an interpreter and who have lived in Denmark for more than three years are charged a fee for the interpreting service.¹⁶⁰ A report from the DIHR and the Danish Medical Association examined the results of a survey in which more than 600 doctors reported their experiences with the interpreting services charge and its implications after it had been in force for one year.¹⁶¹ The report shows that the fee has resulted in an increased use of relatives as interpreters and that patients who do not speak Danish well may not receive the right healthcare. The rules may therefore cause indirect discrimination due to ethnic origin or race. The rules do not apply to people who use sign language interpreting. Despite significant negative health consequences for patients and strong criticism from general practitioners and the Danish Medical Association,

¹⁵⁸ Board of Equal Treatment, Decision No. 10073 of 22 June 2016.

¹⁵⁹ Eastern High Court judgment of 9 June 2023. Case No. BS-35538/2018. Published in U2023.4295Ø.

¹⁶⁰ Consolidated Act No. 275 of 12 March 2025 (*Sundhedsloven*). Regulation No. 855 of 23 June 2018 (*Bekendtgørelse om tolkebistand efter sundhedsloven*). The rules are described in the official periodic report from Denmark to the CERD Committee covering the period from July 2013 to December 2018. See UN document CERD/C/DNK/22-24 of 7 February 2019, paragraphs 185-190.

¹⁶¹ DIHR and the Danish Medical Association (*Lægeforeningen*) (2019), *Egenbetaling for tolkebistand – lægers erfaring med ordningen* (Patients charged for interpreting services – doctors' experiences with the scheme). See: <https://menneskeret.dk/udgivelser/egenbetaling-tolkebistand-laegers-erfaring-ordningen>.

a 2024 survey showed that a large political majority wishes to maintain the fee for the use of interpreters in the healthcare system.¹⁶²

Section 166 of the Danish Health Act stipulates that certain patient groups have access to a special subsidy for dental care. The rules were simplified in 2024 and patients no longer need to document a causal link between their dental problems and their illness.¹⁶³ The rules apply exclusively to patient groups with physical impairments, meaning that individuals with mental illness / psychosocial disabilities do not have access to the subsidy scheme, despite statistically having more dental and oral diseases than the rest of the population. In the view of the DIHR, this differential treatment may constitute discrimination on the ground of disability.¹⁶⁴

Section 2(1) of the Act on the Prohibition of Discrimination due to Disability prohibits discrimination on account of disability in all public and private activities in all areas of society, including social protection.

Section 1a of the Act on Equal Treatment of Men and Women in Society prohibits discrimination due to sexual orientation, gender identity, gender expression and gender characteristics in all public and private activities in all areas of society, including social protection.

Complementary to this protection in civil law is Section 1 of the criminal Act on the Prohibition of Discrimination due to Race etc. of 1971. According to this Act, penalties are warranted for differential treatment of persons on the grounds of race, skin colour, national or ethnic background, belief, sexual orientation, gender identity, gender expression or gender characteristics in a number of areas of life, including social protection. Any public or private leisure facilities, etc. open to the public, whether on a commercial or non-profit basis, must be offered on equal terms.

The discrimination ground of age is not covered by the discrimination laws covering areas outside the labour market. However, discrimination in social protection is prohibited by the general principle of equality in administrative law.

a) Article 3(3) exception (Directive 2000/78)

The exception in Article 3(3) of Directive 2000/78 is not directly repeated or implemented in the Act on the Prohibition of Discrimination in the Labour Market etc.

However, in individual cases the Board of Equal Treatment has referred to the exception in Article 3(3) of the Directive. A 2025 decision dealt with a woman who was born in 1963 and who complained about age discrimination because she was unable to take out wage insurance, as she was older than 55 years (see Section 12.2).¹⁶⁵ The Board assessed that the wage insurance had the character of a social security scheme, which falls outside the scope of the Act on the Prohibition of Discrimination in the Labour Market etc., and thus the Board did not have the competence to consider the complaint.

The Board of Equal Treatment has dealt with the exception rule in a case regarding a flex-job.¹⁶⁶ The complainant in the case was employed in a flex-job and believed that her employer – the municipality – had discriminated against her on the grounds of age and

¹⁶² Dagens Medicin, 'Ny Undersøgelse' (New study) (2 February 2024). See: <https://dagensmedicin.dk/ny-undersogelse-flertal-i-folketinget-vil-bevare-omstridt-gebyr/>.

¹⁶³ Bill No. 171 adopted on 4 June 2024, entered into force on 1 July 2024.

¹⁶⁴ DIHR, Response to Bill on dental care of 5 March 2024. See: [https://menneskeret.dk/files/media/document/Horingssvar over udkast til forslag til lov om ændring af sundhedsloven %28udvidelse af ordning om tilskud til tandpleje for udvalgte patientgrupper og bestemmelse om territorial gyldighed for Færøerne%29.pdf](https://menneskeret.dk/files/media/document/Horingssvar%20over%20udkast%20til%20forslag%20til%20lov%20om%20aendring%20af%20sundhedsloven%20udvidelse%20af%20ordning%20om%20tilskud%20til%20tandpleje%20for%20udvalgte%20patientgrupper%20og%20bestemmelse%20om%20territorial%20gyldighed%20for%20Faerøerne%29.pdf).

¹⁶⁵ Board of Equal Treatment, Decision No. 9924 of 10 July 2025.

¹⁶⁶ Board of Equal Treatment, Decision No. 9405 of 22 April 2024.

disability because she was told that she could not continue in the flex-job position once she reached retirement age. The Board considered whether the complaint fell within the scope of the Act on the Prohibition of Discrimination in the Labour Market etc. and assessed that the flex-job scheme had the character of a public scheme with payments from the state, where the purpose is access to or retention of employment. Thus, according to the Board, the complaint fell outside the scope of the Employment Directive and thereby the Act on the Prohibition of Discrimination in the Labour Market etc.

Section 43 of the Act on Unemployment states that a member of an unemployment insurance fund will automatically stop being a member when they become eligible for the state pension – for most people at the age of 65.¹⁶⁷

In a concrete case, the Supreme Court dealt with the question of whether the Danish Act on Unemployment Insurance violated the Employment Equality Directive (2000/78/EC).¹⁶⁸ The Supreme Court concluded that the Danish system of unemployment benefit should be regarded as a public social protection scheme. The payment of unemployment benefit was therefore covered by the exception clause in Article 3(3) of the Employment Equality Directive and the Board concluded that the Danish Act on Unemployment Insurance did not violate the Directive.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Denmark, national legislation prohibits discrimination in social advantages as formulated in the Racial Equality Directive, by Section 2(1) of the Act on Ethnic Equal Treatment. The protection in this Act only extends to race and ethnic origin.

Section 2(1) of the Act on the Prohibition of Discrimination due to Disability prohibits discrimination on account of disability in all public and private activities in all areas of society, including social advantages.

Section 1a of the Act on Equal Treatment of Men and Women in Society prohibits discrimination due to sexual orientation, gender identity, gender expression and gender characteristics in all public and private activities in all areas of society (outside the labour market), including social advantages.

Complementary to this protection in civil law is Section 1 of the criminal Act on the Prohibition of Discrimination due to Race etc. of 1971. According to this Act, penalties are warranted for differential treatment of persons on the grounds of race, skin colour, national or ethnic background, belief, sexual orientation, gender identity, gender expression or gender characteristics in a number of areas of life, including social advantages. Any public or private leisure facilities, etc. open to the public, whether on a commercial or non-profit basis, must be offered on equal terms. According to the Act on the Prohibition of Discrimination due to Race etc. it is also an offence to refuse access on the same terms as others to social advantages or to social centres, or similar facilities open to the public, if the refusal is based on one of the protected grounds.

As described, there is a certain overlap between the protection against discrimination offered by civil and criminal law – but not on all discrimination grounds. In theory, criminal law can make up for the fact that age and religion are not included in the protection offered by civil law. However, criminal law only protects against direct discrimination. In practice, no indictments or case law have been found regarding such discrimination. This means that it can be questioned whether the protection against discrimination due to age and religion is effective in relation to social advantages. It is not clear to the author of this report why the protection is not being invoked.

¹⁶⁷ Consolidated Act No. 1077 of 28 August 2025 (*Lov om Arbejdsløshedsforsikring*).

¹⁶⁸ Supreme Court judgment of 19 January 2015, Case No. 308/2012. Published in U2015.1303H.

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Denmark, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive, cf. Section 2(1) of the Act on Ethnic Equal Treatment. The protection in this Act only extends to race and ethnic origin. The protection against discrimination within education covers protection against bullying constituting harassment due to race and ethnic origin.

Discrimination on account of disability within education is prohibited by Section 2(1) of the Act on the Prohibition of Discrimination due to Disability. The provision prohibits discrimination on account of disability in all public and private activities in all areas of society, including education.

A decision by the Board of Equal Treatment dealt with alleged discrimination based on disability in connection with a private primary school's rejection of the complainant's application for admission to the school.¹⁶⁹ The complainant was diagnosed with Arthrogryposis multiplex congenita and was a permanent wheelchair user. After applying for admission to the school, the mother of the complainant received a series of emails from the school principal, explaining that the school board was unsure whether the private school was the right place for her son. Several months later the family received a rejection letter from the school board. The Board of Equal Treatment found that the private school's rejection was fully or partially based on the complainant's disability and concluded that the complainant had been subjected to direct discrimination on the ground of disability.

Section 9(a) of the Act includes a legal duty to provide reasonable accommodation for young people and children with disabilities in public and private day-care institutions and schools.

Section 1a of the Act on Equal Treatment of Men and Women in Society prohibits discrimination due to sexual orientation, gender identity, gender expression and gender characteristics in all public and private activities in all areas of society (outside the labour market), including education.

Section 1 of the criminal Act on the Prohibition of Discrimination due to Race etc. of 1971 complements the civil law and prohibits discrimination on account of race, skin colour, national or ethnic origin, belief and sexual orientation, gender identity, gender expression or gender characteristics. Thus, both criminal and civil law apply to all aspects of education, including university education, and all types of schools.

All individuals within the Danish jurisdiction are protected from discrimination according to the legislation above, regardless of their status, whether they have a permanent or time-limited residence permit or have status as undocumented immigrants, and irrespective of citizenship and nationality.

There is no access to Danish schools for individuals who are not legal residents in Denmark. This means that undocumented migrants do not have access to education on an equal footing with other migrants and Danish citizens. No data has been found on whether this has led to direct or indirect discrimination based on race or ethnic origin in real life.

For years, young people with an ethnic minority background have lagged behind their ethnic Danish peers in areas such as education and employment. However, figures show that things are improving year by year.¹⁷⁰ This is especially true for women. Statistics on

¹⁶⁹ Board of Equal Treatment, Decision No. 9888 of 9 September 2024.

¹⁷⁰ Johansen, G. and Liversage, A. (2025), *Unge fra etniske minoriteter uddanner sig mere* (Young people from ethnic minority backgrounds are gaining more education), VIVE – the Danish Centre for Social Science Research. See: <https://www.vive.dk/da/nyheder-og-debat/2025/unge-fra-etniske-minoriteter-uddanner-sig-mere/>.

the proportion of 30-year-olds with a qualifying education enhancing employability (high school, vocational education, university) show that the gap between non-Western descendants and their ethnic Danish peers is currently 17 percentage points for men, while for women, the gap is only 4 percentage points.

A 2024 report documents that 51 % of pupils from ethnic minority backgrounds describe that they have experienced bullying related to their skin colour, nationality, religion or culture in their primary school.¹⁷¹ The most common form of bullying involves students being mocked or 'called nasty names' by other students, particularly in relation to their skin colour or nationality.

In late 2023, the DIHR published a report on ethnic discrimination in Denmark describing that one in seven of all minority ethnic persons experienced ethnic discrimination at educational institutions.¹⁷² Another report from the DIHR examines the status of segregation in Danish primary and lower secondary schools, focusing particularly on students from marginalised residential areas.¹⁷³ According to the DIHR, segregation means that students are distributed between schools based on the students' socioeconomic and ethnic background. The report shows neighbouring schools where one school has a high percentage of students from affluent homes, whereas the other school has a majority of students from homes with very limited socioeconomic resources. This uneven distribution of students between schools is also seen when the DIHR compares the ethnic backgrounds of students.

In 2025, DIHR documented that almost every other child with long-term health problems, disabilities or mental illness worries about whether their school can adequately accommodate their needs.¹⁷⁴ The same applies to one in five children without disabilities. In 2025, DIHR also described how people with disabilities continue to face discrimination, lack accessibility and encounter challenges in education.¹⁷⁵

The proportion of pupils with disabilities in special education, either in special classes or special schools, is increasing.¹⁷⁶ A 2022 report from VIVE – the Danish Center for Social Science Research illustrates that, overall, there has been an increase in the proportion of segregated pupils from 2016 to 2019.¹⁷⁷ Additionally, there are students in general classes who do not receive the necessary support according to teachers.

The number of persons with disabilities who have completed a vocational education or higher education course is declining. This, among other problems, gives rise to increasing challenges on the labour market for persons with disabilities.¹⁷⁸

A 2021 report states that only two out of three 18-year-olds with a psychiatric diagnosis or a disability are in school or youth education, compared to 86 % of 18-year-olds

¹⁷¹ Vilkår, B. and the Danish Institute for Human Rights (2024), *Etnicitet og mobbedynamikker* (Ethnicity and the dynamics of bullying) (May 2024). See: <https://menneskeret.dk/udgivelser/etnicitet-mobbedynamikker>.

¹⁷² Danish Institute for Human Rights (2023), *Oplevet etnisk diskrimination i Danmark* (November 2023), p. 48.

¹⁷³ Søndergaard, J., Thomsen, T. and Witt, C. (2021), *Socialt og etnisk opdelte skoler – om skoler for børn i udsatte boligområder* (Socially and ethnically divided schools – on schools for children in vulnerable residential areas), DIHR.

¹⁷⁴ Danish Institute for Human Rights (2025), *Policy brief – Inklusion i grundskolen* (Policy brief – Inclusion in the primary school). See: <https://menneskeret.dk/viden/udgivelser/inklusion-grundskolen-naesten-halvdelen-boern-saerlige-behov-bekymrer-skole-ikke>.

¹⁷⁵ Danish Institute for Human Rights (2025), *Policy brief – Behov for at vende udviklingen* (Policy brief – Need to reverse the trend). See: <https://menneskeret.dk/viden/udgivelser/behov-vende-tilbagegangen-paa-handicapomraadet>.

¹⁷⁶ Andreasen, A. G., Rangvid, B. S. and Lindeberg, N. H. (2022), *Støtte, Støttebehov og elevresultater*, (Support, support needs and learner outcomes), 29 March 2022, VIVE – the Danish Center for Social Science Research. See: <https://www.vive.dk/da/udgivelser/stoette-stoettebehov-og-elevresultater-17302/>.

¹⁷⁷ Andreasen, A. G., Rangvid, B. S. and Lindeberg, N. H. (2022), *Støtte, Støttebehov og elevresultater*.

¹⁷⁸ DIHR (April 2019) *Handicap – Status 2019*, p. 27.

and gender characteristics in all public and private activities in all areas of society (outside the labour market), including goods and services.

In addition, persons with disabilities are protected against discrimination by civil law in Section 2(1) of the Act on the Prohibition of Discrimination due to Disability when it comes to access to public goods and services. The Act does not include a general reasonable accommodation duty.

Civil legislation further prohibits discrimination based on race and ethnic origin in access to and supply of goods and services, cf. Section 2(1) of the Act on Ethnic Equal Treatment.

The legal situation in Denmark has been unclear regarding the question of whether the Act on Ethnic Equal Treatment applies to general police activities. A 2024 ruling by the Board of Equal Treatment clarifies that police conduct and possible ethnic profiling is not covered by the prohibition of discrimination in the Act on Ethnic Equal Treatment and that the Board is not competent to look into complaints about allegedly discriminatory police work.¹⁸⁴ The case in question dealt with a woman who claimed that she had been subjected to discrimination based on ethnic origin when she and her family were selected for control at the border between Denmark and Germany. The Board of Equal Treatment determined that the complaint concerned discrimination based on ethnic origin in connection with the police authority's handling of border controls and that such controls did not fall within the scope of the Act on Ethnic Equal Treatment.

In a policy brief, the DIHR argued in 2023 that there is a need to strengthen the oversight with insurance companies because of several examples of discrimination of customers.¹⁸⁵ DIHR described insurance companies excluding applications with disabilities from getting travel insurances. According to the DIHR, homosexual men who had used preventive HIV-medication had also been excluded from getting health insurance. In the policy brief, the DIHR recommended an amendment to the legislation, but so far the Government has taken no action.

Discrimination due to ethnic origin in access to nightclubs and discotheques is still a large problem as reported by the Danish Institute for Human Rights.¹⁸⁶ According to the Institute, there is a need for more effective legal measures to target discrimination in this area of society. The only High Court judgment on this issue was delivered in 2018.¹⁸⁷ The case dealt with two young men of ethnic minority background. They were refused access to both a nightclub and a café. They received no explanation for the refusals, and they observed that several individuals of Danish origin were admitted to the nightclub and the café. The two men were awarded compensation for discrimination.

a) Distinction between goods and services available publicly or privately

In Denmark, national law distinguishes between goods and services that are available to the public (e.g. in shops, restaurants and banks) and those that are only available privately (e.g. those restricted to members of a private association). It follows from Section 2(1) of the Act on Ethnic Equal Treatment, which states that goods and services available to the public are covered by the provision. The term 'publicly available' in the law must be interpreted broadly. Goods and services made available exclusively for family members or close acquaintances, for example, fall outside the law. In the area of disability, the distinction follows from Section 2(3) of the Act on the Prohibition of Discrimination due to

¹⁸⁴ Board of Equal Treatment, Decision No. 9878 of 23 September 2024.

¹⁸⁵ Danish Institute for Human Rights (2023), *Policy Brief – Tilsynet med diskrimination i forsikringer bør styrkes* (Policy Brief – Oversight with discrimination in insurances should be strengthened).

¹⁸⁶ Danish Institute for Human Rights (2022), [Bekæmpelse af diskrimination i nattelivet](#) (Combating discrimination in the night-time economy), p. 1.

¹⁸⁷ Eastern High Court judgment of 17 September 2018, Case No. B-1860-17.

Disability, which specifically exempts execution of activities of a purely private nature from the scope of the Act.

In a concrete case for the Board of Equal Treatment, the Board assessed that a private sale of a car between two private parties on Facebook was not covered by the Act on Ethnic Equal Treatment.¹⁸⁸ The Board was therefore not competent to adjudicate a complaint about a degrading and discriminatory correspondence between the complainant and a possible buyer of the car.

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Denmark, national legislation prohibits discrimination in the area of housing as formulated in the Racial Equality Directive. It follows from Section 2(1) of the Act on Ethnic Equal Treatment. The protection in this Act only extends to race and ethnic origin. Section 2(1) of the Act on Ethnic Equal Treatment applies to public housing including social housing as well as private housing companies that rent out houses, and real estate companies. The term 'available to the public' should be interpreted in a broad sense, but the Act does not apply to private persons letting out or sub-letting a room in their own home.

Section 2(1) of the Act on the Prohibition of Discrimination due to Disability prohibits discrimination on account of disability in all public and private activities in all areas of society, including housing.

A 2025 decision by the Board of Equal Treatment illustrates the prohibition of discrimination based on disability in housing (see Section 12.2).¹⁸⁹ In the case, a woman filed a complaint against a housing association, on behalf of her child who had been diagnosed with ADHD. The woman believed that the housing association had discriminated against her child on the grounds of disability in connection with the refusal to allow the family to keep a cat in their public rental apartment. The Board treated the case as a matter of principle and ruled that discrimination had not taken place. The Board emphasised that the cat was an ordinary cat, not specially trained to perform one or more useful tasks related to the child's disability and also argued that it had not been established that the child's need for emotional regulation and calming in affective situations could not be met in any other way than by keeping the specific cat.

Section 1a of the Act on Equal Treatment of Men and Women in Society prohibits discrimination due to sexual orientation, gender identity, gender expression and gender characteristics in all public and private activities in all areas of society (outside the labour market), including housing.

Section 1 of the criminal Act on the Prohibition of Discrimination due to Race etc. warrants penalties for differential treatment of persons on the grounds of race, skin colour, national or ethnic background, belief and sexual orientation, gender identity, gender expression or gender characteristics in a number of areas of life, including housing. The discrimination grounds of age and disability are not covered. Any public or private housing open to the public, whether it is commercial or non-profit, must be offered on the same terms as to others.

In relation to public housing, discrimination is, moreover, prohibited by the general principle of equality in administrative law.

The so-called ghetto legislation in Denmark, which entered into force in 2019, divides public housing areas in various categories. The legislation has been amended several times since

¹⁸⁸ Board of Equal Treatment, Decision No. 9842 of 20 September 2023.

¹⁸⁹ Board of Equal Treatment, Decision No. 9021 of 30 October 2025.

then, and in 2021, the term 'ghetto' was replaced by the term 'parallel society'.¹⁹⁰ A consequence of being defined as a 'parallel society' means that apartment buildings will be torn down and residents of demolished buildings will be offered alternative accommodation. The legislation categorises various residential areas according to a number of criteria, including a percentage of residents being 'immigrants and descendants from non-Western countries'.¹⁹¹ The legislation has been legally challenged as discriminatory and in 2023 the Eastern High Court asked the CJEU for a preliminary ruling on whether the concept of 'immigrants and descendants from non-Western countries' in the Danish legislation should be interpreted as being covered by the discrimination ground of 'ethnic origin' in Directive 2000/43.¹⁹² Since then a number of cases before the civil courts and the Board of Equal Treatment have been on hold awaiting the consequences of the preliminary ruling from the CJEU. The fundamental issue in question is whether the Danish 'ghetto legislation' is discriminatory based on ethnic origin and thus in potential breach of EU law.¹⁹³

On 18 December 2025, the CJEU published its preliminary ruling on case C-417/23, in which it concluded that the concept of 'immigrants and descendants from non-Western countries' in the Danish housing legislation could be interpreted as being covered by the discrimination ground of 'ethnic origin' in Directive 2000/43. According to the CJEU, the referring court must make the final determination as to the presence of discrimination. The CJEU nevertheless reasoned as to how the referring court could determine whether the Danish housing legislation constituted direct or indirect discrimination. It is not clear when the Danish Eastern High Court will rule in the case.

a) Trends and patterns regarding housing segregation for Roma

In Denmark, there are no trends or patterns of housing segregation and discrimination against Roma. The Roma population in Denmark consists of around 2 000 individuals, and no information has been found about Roma and housing. There are restrictions on data collection based on ethnicity in Danish law. However, it is unclear whether this or other issues, such as policies or funding, constitute the reason(s) for the lack of information about Roma and housing in Denmark, including lack of knowledge about their experience of discrimination.

A group of Romanian Roma were denied access to a campsite and filed a complaint with the Board of Equal Treatment.¹⁹⁴ They wanted to stay for a period of time at the campsite, but the respondent campsite stated that there was no room for the group. The campsite had, however, sent an email explaining that there was room for a group of 10 people from the Faroe Islands. In 2022, the Board found that the defendant campsite had not satisfied the burden of proof that the principle of equal treatment had not been violated. All complainants were therefore awarded compensation of EUR 672 (DKK 5 000) for discrimination because of their ethnic origin.

¹⁹⁰ Act No. 2157 of 27 November 2021 (amendment to the Act on Public Housing).

¹⁹¹ Consolidated Act No. 1171 of 11 November 2024 on Public Housing, Section 61a (2): *Ved et parallelsamfund forstås et boligområde, hvor andelen af indvandrere og efterkommere fra ikkevestlige lande overstiger 50 pct., og hvor mindst to af kriterierne i stk. 1 er opfyldt.*

¹⁹² Decision by Eastern High Court in Cases No. BS-26702/2020-OLR, BS-26704/2020-OLR, BS-26705/2020-OLR, BS-26706/2020-OLR, BS-27824/2020-OLR of 30 June 2023. See: https://www.justiceinitiative.org/uploads/970c26c9-8c06-4fc1-a9b9-33d13efd82c3/eastern-high-court-referral-dk_06302023.pdf.

¹⁹³ Open Society Justice Initiative has a website with documents on the various legal challenges against the Danish 'ghetto legislation'. See: <https://www.justiceinitiative.org/litigation/lejere-i-mjolnerparken-mod-det-danske-transport-og-boligministerium/dk>.

¹⁹⁴ Board of Equal Treatment, Decision No. 9450 of 31 March 2022 and similar cases on Romanian Roma and the same campsite adjudicated the same day by the Board.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78))

In Denmark, national legislation provides for an exception for genuine and determining occupational requirements, cf. Section 6(2) of the Act on the Prohibition of Discrimination in the Labour Market etc.

According to Section 6(2) of the Act on the Prohibition of Discrimination in the Labour Market etc., if it is of crucial significance that a person has a particular race, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, or national, social or ethnic origin, has a particular skin colour, age or disability or is of a certain religion or belief and if the requirement for such a characteristic is reasonable in relation to the concrete work in question, the employer can apply for a dispensation from the relevant Government minister. After having obtained a statement from the Minister of Labour, the minister may issue a concrete exemption from the prohibition of differential treatment. Subsequently, the employer in question can legally make a requirement that the future employee for the job in question has a particular ethnic origin, etc. As an example, a police commissioner who wants to appoint a person with a particular ethnic origin for a particular job has to apply to the relevant Minister of Justice for a dispensation. As the minister responsible for the 'subject matter concerned', the Minister of Justice will subsequently provide a dispensation after having obtained a statement from the Ministry of Labour. A concrete example of an exemption to the prohibition of discrimination is a poultry slaughterhouse exporting to Arab countries that received a dispensation to hire a Muslim to perform halal slaughter. According to the Ministry of Labour, the ministry has only evaluated four dispensation cases regarding ethnic origin and religion.¹⁹⁵

A landmark case before the Board of Equal Treatment dealt with a 53-year-old woman who applied for a position as a personal assistant for a 13-year-old girl with muscular dystrophy.¹⁹⁶ The woman was rejected because the girl's family preferred personal assistants aged between 20 and 25 and she claimed that she had been discriminated against based on her age. The Board referred to a decision of 13 October 2005 by the Ministry of Social Affairs allowing age to be taken into consideration when appointing personal assistants for persons with disabilities. Thus, the Board concluded that the case in question was covered by the dispensation provided by the Ministry of Social Affairs and that it was legitimate to reject the job applicant because of her age.

There is very limited practice on this exception provision, but it seems to be in compliance with CJEU case law.

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Denmark, national law provides for an exception for employers with a special political opinion or an ethos based on religion or belief, cf. Section 6(1) of the Act on the Prohibition of Discrimination in the Labour Market etc. None of the other discrimination grounds are covered by the exception.

According to this exception in Section 6(1), in particular situations the prohibition of discrimination does not apply to employers whose establishments have the aim of promoting a certain political or religious point of view (for example, a church that wants to hire a priest can exclude all applicants of another faith, because religion is an occupational

¹⁹⁵ Andersen, S. and Justesen, P. (2017), *Hvornår må man lave etnisk særbehandling – Personer med etnisk oprindelse på arbejdsmarkedet* (When is ethnic discrimination allowed? People of ethnic origin in the labour market), Institut for Menneskerettigheder, p. 27.

¹⁹⁶ Board of Equal Treatment, Decision No. 10111 of 7 September 2016.

requirement in this case). The same applies to organisations with a specific ethos (for example, private schools established on the basis of a specific religion).

The provision explicitly states that the political or religious requirement has to be of importance to the particular job in question to be covered by the exception. Whether the requirement is important to the particular job in question and thereby legal is a concrete assessment, which may ultimately have to be made by the Board of Equal Treatment and the courts.

The Board of Equal Treatment has ruled on this question in a case dealing with a man who complained of discrimination on the grounds of political opinion.¹⁹⁷ A political party, in a job advertisement for a graphic designer, had required that the employee was or, upon employment, would become a member of the party. The complainant therefore refrained from applying for the position. The Board assessed that the requirement was covered by the exception in Section 6(1) since the purpose of the political party was to promote a certain political point of view. On that basis, the Board concluded, that the position of graphic designer was located in the party's press department and that the employee's political views were therefore of concrete importance to the respondent political party.

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19, Directive 2000/78)

In Denmark, national legislation provides for an exception for the armed forces in relation to age or disability discrimination (Article 3(4), Directive 2000/78).

In Denmark, national legislation provides for a definition of 'armed forces', meaning personnel who are employed in or called up for service in the military defence, as well as military personnel who have been dismissed or repatriated.¹⁹⁸

According to Section 1(a) of the Act on the Prohibition of Discrimination in the Labour Market etc., the Ministry of Defence can make exceptions for the armed forces in relation to age and disability. In section 1 of Executive Order No. 350 of 30 March 2012, the Ministry of Defence has made use of this exception clause and exempted armed forces – defined as above – from the prohibition of discrimination on account of age and disability.¹⁹⁹ In addition to armed forces, sections 2 and 3 of this Executive Order provide that naval mechanical personnel and personnel who form part of the emergency management services and emergency preparedness are also exempted from the prohibition of age and disability discrimination. Thus, the scope of the exception is not limited to safeguarding the combat effectiveness of the armed forces. Instead, the scope of the exception extends to other non-combat staff, such as civilians employed in administrative positions in the army.

In 2023, the DIHR described how individuals with diabetes, ADHD etc. can be declared unfit for the army because of the exception in the Act on the Prohibition of Discrimination in the Labour Market etc.²⁰⁰ The DIHR argued that the protection against discrimination in the armed forces should be strengthened and that the exception in Section 1(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. should be abolished.

¹⁹⁷ Board of Equal Treatment, Decision No. 9513 of 3 May 2023.

¹⁹⁸ Consolidated Act No. 667 of 20 June 2006 (*Lov om forswarets personel*).

¹⁹⁹ Executive Order No. 350 of 30 March 2012 (*Bekendtgørelse om undtagelse fra forbud mod forskelsbehandling på grund af alder og handicap*).

²⁰⁰ DIHR, Beskyttelsen mod diskrimination i forsvaret bør styrkes (August 2023) (*The protection against discrimination in the armed forces should be strengthened*).

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Denmark, national law includes exceptions relating to difference of treatment based on nationality.

In the public sector, 'Danish citizenship' is a selection criterion for the police, judges, etc.²⁰¹ This criterion is established by law as these are functions related to the essence of Danish sovereignty. However, public employees in most sectors are not required to be Danish citizens.

Apart from these particular job categories, requirements of nationality in the private and public sector may be considered indirect discrimination due to national or ethnic origin.

In Denmark, nationality (as in citizenship) is not explicitly mentioned as a protected ground in national anti-discrimination law.

The Act on the Prohibition of Discrimination in the Labour Market etc. does not cover discrimination based on nationality, as citizenship is not covered by the list of discrimination grounds. Demanding a certain citizenship may constitute indirect discrimination based on ethnic origin.²⁰² Since specific citizenship is not covered by the Act, it must be assumed that the same goes for stateless persons.

The Act on Ethnic Equal Treatment also does not cover discrimination based on nationality, as citizenship is not covered by the list of discrimination grounds.

b) Relationship between nationality and 'racial or ethnic origin'

Demanding a certain citizenship may constitute indirect discrimination based on race, ethnic or national origin.

An overlap between discrimination on grounds of nationality and ethnicity does not seem to be the case in Denmark. Case law regarding discrimination on grounds of nationality is either dealt with as nationality discrimination (not covered by discrimination law) or as indirect discrimination on account of race, ethnic or national origin (covered by discrimination law).

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Denmark, there are specific rules with regard to disability and health and safety in accordance with Article 7(2) of the Employment Equality Directive. Section 18 of the Executive Order on the Arrangement of Permanent Workplaces obliges employers to take into consideration the needs of employees with disabilities when organising the workplace.²⁰³ The aim of these obligations is to provide persons with disabilities with basic working conditions when establishing (new) permanent workplaces.

²⁰¹ Regulation No. 210 of 11 December 2000 (*Cirkulære om anvendelse af tjenestemandsansættelse i staten og folkekirken*).

²⁰² Preparatory work for Act No. 459 of 1996 on the Prohibition of Discrimination in the Labour Market etc.

²⁰³ Executive Order No. 835 of 16 June 2023 (*Bekendtgørelse om faste arbejdssteders indretning*).

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Denmark, national law allows for specific justifications for direct discrimination on the ground of age.

Subsections 3, 4 and 5 of Section 5(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. allow for direct discrimination due to age. It follows from the law that such age limits must have a legitimate aim and be proportional. Potential legitimate aims are not explicitly listed in the Danish law.

Subsection 3 of Section 5(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. allows the upholding of age limits established by collective agreements currently in force. According to subsection 4 of Section 5(a), specific rules regarding the remuneration of persons under 18 years of age are allowed, provided they are established in collective agreements. Finally, subsection 5 of Section 5(a) clarifies that the prohibition of discrimination on the ground of age in relation to employment, pay conditions and dismissal does not apply to young people under the age of 15 whose employment is not regulated by a collective agreement. These exceptions require justifications as described below under b).

A decision by the Board dealt with a doctor who claimed that it constituted age discrimination that she had to stop her self-employed professional activities when she turned 75 years of age.²⁰⁴ The Board dismissed the complaint by referring to its established practice on the Authorisation Act and arguing that it was obvious that the doctor would not succeed in her complaint. The Board had reached a similar result in a previous case, where the Board referred to Article 6(1) of the Employment Equality Directive and found that the age limit of 75 years in the Authorisation Act was based on a legitimate aim to protect the safety of patients.²⁰⁵

b) Permitted differences of treatment based on age

In Denmark, national law permits differences of treatment based on age for any activities within the material scope of Directive 2000/78.

According to Section 1(a) of the Act, the Minister of Defence can decide to exempt armed forces in active duty from the prohibition of differential treatment due to age and disability (see Section 3(4) of the Directive).

Section 5(a)(3) of the Act on the Prohibition of Discrimination in the Labour Market etc. states that the Act is not a hindrance to the maintenance of valid age limits regulated in or agreed upon in collective agreements, provided that these age limits are objectively and reasonably justified by a legitimate aim within the scope of Danish legislation and that the means of achieving that aim are appropriate and necessary (see Article 6 of the Directive). This rule only applies to collective agreements. Collective agreements in both the private and the public labour market are covered.

In a landmark case, the Supreme Court upheld an age limit in a collective agreement.²⁰⁶ Referring to Section 5(a)(3), the Court concluded that the collective agreement did not constitute age discrimination. The provision in the collective agreement stipulated that

²⁰⁴ Board of Equal Treatment, Decision No. 9092 of 31 January 2022.

²⁰⁵ Board of Equal Treatment, Decision No. 10174 of 29 November 2019.

²⁰⁶ Supreme Court judgment of 16 June 2016, Case No. 154/2015. Published in U.2016.3281H.

service station employees under the age of 25, who were students and not working more than 15 hours a week, would receive lower pay supplements than other employees. The Court stated that the purpose of the provision was to promote the occupational integration of young people enrolled in education and that the age limit was an appropriate and necessary means to achieve this purpose.

Furthermore, Section 9(3) of the Act on the Prohibition of Discrimination in the Labour Market etc. provides for positive action with regard to older workers to promote the employment of older people. No concrete examples of positive action have been found.

Section 9(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. also allows for age requirements imposed by other legislation, if such requirements are established in order to protect children and young people.

c) Fixing of ages for admission to occupational pension schemes

In Denmark, national law allows occupational pension schemes to fix ages for admission to the scheme, taking up the possibility provided for by Article 6(2).

According to Section 6(a) of the Act on the Prohibition of Discrimination in the Labour Market etc., age requirements can be set for admission or right to occupational pension schemes and age can also be used in actuarial calculations as long as such requirements do not result in discrimination on account of gender.

4.6.2 Special conditions for younger or older workers

In Denmark, there are special conditions set by law for younger and older workers in order to promote their vocational integration.

With regard to employment, payment and dismissal, Section 5(a)(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. allows for direct discrimination against young people under 18 years of age if their payment and salary is covered by a collective agreement.

A landmark Supreme Court judgment deals with a 16-year-old who was hired to work in a supermarket.²⁰⁷ During his employment, he received a salary that was significantly lower than the salary that his 18-year-old colleagues received. When the young employee turned 18, he was dismissed due to the fact that, according to the collective agreement in the area, he would now have the right to a higher salary. The Supreme Court concluded that Section 5(a)(4) of the Act on the Prohibition of Discrimination in the Labour Market etc. was in accordance with EU law by not going further than allowed by Article 6(1) of Directive 2000/78/EC. The reasoning was that Section 5(a)(5) was justified by the need to ensure the integration of young people under 18 into the labour market.

With regard to employment, conditions of payment and dismissal, Section 5(a)(5) of the Act on the Prohibition of Discrimination in the Labour Market etc. allows for direct discrimination against young people under 15 years of age if their employment is not covered by a collective agreement.

Section 9(3) of the Act on the Prohibition of Discrimination in the Labour Market etc. provides for positive action with regard to older workers, with a view to promoting the employment of older people.

²⁰⁷ Supreme Court judgment of 14 November 2013, Case No. 185/2010. Judgment published in U2014.470H.

4.6.3 Minimum and maximum age requirements

In Denmark, there are exceptions permitting minimum and/or maximum age requirements in relation to access to employment (notably in the public sector) and training.

There is no minimum age for judges and bailiffs but there is a maximum age. According to Section 34(2) of the Civil Servants Act, judges and bailiffs must also retire when they reach the age of 70.²⁰⁸

There is a minimum age for police officers. Applicants to the National Police Academy must be 20 years of age and must be 21 years of age before they can begin their training to become a police officer.²⁰⁹

4.6.4 Retirement

a) State pension age

In Denmark, there is a state pension age at which individuals can begin to collect their state pensions. Individuals are entitled to begin collecting their state pensions according to the Act on Pensions.²¹⁰ The retirement pension is an age-determined pension payable to women and men of 65 years and over if they were born before 1954. If they were born in or after 1954 the pension age increases to 68 years of age.

If an individual wishes to work beyond the state pension age, the pension can be deferred for a maximum of 10 years. In other words, if a person is entitled to a state pension, they can postpone the payment of their pension to a time after they turn 65 if retirement is postponed. An individual can collect a pension and still work. The pension will, however, be reduced on the basis of the recipient's income.

In a landmark ruling, the Supreme Court adjudicated a case involving an office worker who had a flex-job.²¹¹ The office worker was dismissed from his position when he reached the state pension age and argued that the dismissal constituted discrimination based on his age and his disability. In its ruling, the Supreme Court made clear that a flex-job arrangement contains two elements – certain conditions of employment and a subsidy from the municipality. The Court also stated that a flex-job must be considered to be an employment-creating arrangement (a positive action), which is allowed according to Section 9(2) of the Act on Prohibition of Discrimination in the Labour Market etc. allowing for positive action with regard to older employees and persons with disabilities. The Court referred to Articles 6(1) and 7 of Directive 2000/78/EC in regard to the positive action argument. The Court argued that the termination of such positive action when a person reaches the state pension age and the subsidy stops could not be considered discrimination because of either age or disability. Referring to the employment contract between the office worker and the employer, the Supreme Court noted that it was an obvious condition for the employment in question that the employer had received a flex-job subsidy from the municipality. The basis for the employment therefore lapsed when the office worker reached the state pension age and the subsidy was discontinued. On that basis, the Court did not find that the dismissal constituted discrimination because of age or disability in violation of the Act on Prohibition of Discrimination in the Labour Market etc.

b) Occupational pension schemes

In Denmark, there is no standard age when people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements.

²⁰⁸ Consolidated Act No. 511 of 18 May 2017 (*Tjenestemandsløven*).

²⁰⁹ Website of the Police Academy: <https://politi.dk/om-politiet/politiskolen/adgangskrav>.

²¹⁰ Consolidated Act No. 1123 of 21 October 2024 with later amendments (*Pensionsloven*), Section 1a.

²¹¹ Supreme Court judgment of 17 April 2019, Case No. BS-25958/2018-HJR. Published in U2018.3813H.

Occupational pension schemes and other employer-funded pension arrangements are not legally regulated, and they are exempted from the general prohibition of age discrimination pursuant to Section 6(a) of the Act on the Prohibition of Discrimination in the Labour Market etc. They are part of either collective agreements or individual arrangements. There are different age limits in the different collective agreements and different individual arrangements.

If an individual wishes to work longer, payments from such occupational pension schemes can be deferred.

An individual can collect a pension and still work.

c) State imposed mandatory retirement ages

In Denmark, there is no state-imposed mandatory retirement age. However, in some sectors, retirement ages are set by collective agreements for certain professions (see below). Furthermore, there is a state-imposed retirement age for some civil servants, as the Act on Civil Servants sets an age limit for certain civil servants working within the judiciary as well as for priests, according to which they are dismissed at the end of the month that they turn 70.²¹²

A decision by the Board of Equal Treatment illustrates that the mandatory retirement of a child expert judge did not constitute discrimination.²¹³ In the case, the Board made reference to Article 6(1) of the Employment Directive and stated that the mandatory retirement age was objectively and reasonably justified by a legitimate aim of ensuring the independence of the judiciary, the quality of judicial decisions and public confidence in the courts. The Board also found that the mandatory retirement age was an appropriate and necessary means of achieving this aim.

d) Retirement ages imposed by employers

In Denmark, national law previously permitted employers to set retirement ages (or ages at which the termination of an employment contract is possible) by collective bargaining. However, since 1 January 2016, neither individual employment contracts nor collective agreements providing for automatic termination of employment at any age can be agreed.²¹⁴ It also follows from the Act on the Prohibition of Discrimination in the Labour Market etc. that previous individual contracts providing for automatic termination cannot be enforced after 1 January 2016.

Collective agreements on automatic termination are, however, valid until the time when the collective agreement in question can be renegotiated. It follows from Section 5(a)(3) of the Act on the Prohibition of Discrimination in the Labour Market etc., which states that the Act is not a hindrance to the maintenance of valid age limits regulated in or agreed upon in collective agreements, provided that these age limits are objectively and reasonably justified by a legitimate aim within the scope of Danish legislation and that the means of achieving that aim are appropriate and necessary (see Article 6 of the Directive). This rule only applies to collective agreements. Collective agreements in both the private and the public labour market are covered.

A landmark Supreme Court judgment of 27 August 2013 dealt with an employee who was working in a telecommunications company.²¹⁵ His employment was covered by an existing

²¹² See Section 34(2) and Section 43(2) of Consolidated Act No. 511 of 18 May 2017 (*Tjenestemandssloven*).

²¹³ Board of Equal Treatment, Decision No. 9977 of 27 September 2024.

²¹⁴ It follows from Act No. 1489 of 23 December 2014 repealing Section 5(a)(4) of the Act on Prohibition of Discrimination on the Labour Market etc., which allowed for automatic termination of employment by the age of 70 years or older.

²¹⁵ Judgment published in U.2013.3130H.

collective agreement containing a provision for retirement without notice at the age of 67. The Supreme Court referred to Section 5(a)(3) of the Act on the Prohibition of Discrimination in the Labour Market etc. and concluded that a forced retirement age of 67 years constituted appropriate and necessary means to achieve the purposes of an appropriate age distribution and the reduction of the workforce by age-related departures rather than dismissals.

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights do apply to all workers irrespective of age, even if they remain in employment after attaining pensionable age or any other age.

f) Compliance of national law with CJEU case law

In Denmark, national legislation is in line with the CJEU case law on age regarding mandatory retirement.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Denmark, national law does not permit age or seniority to be taken into account in selecting workers for redundancy. It follows from Section 2(1) of the Act on the Prohibition of Discrimination in the Labour Market etc., that it constitutes illegal discrimination to take age into consideration in selecting workers for redundancy.

b) Age taken into account for redundancy compensation

In Denmark, national law provides compensation for redundancy. Such compensation is not affected by the age of the worker.

If a redundancy is judged illegal, workers can be awarded compensation according to national law. The Dismissal Board (*Afskedigelsesnævnet*) adjudicating cases on redundancies covered by collective agreements has developed a 25-year rule in its case law. It follows from this rule that an employer has an obligation, if possible, to refrain from dismissing a person who has been employed for 25 years or longer. If an employee with seniority of 25 years or more is dismissed, the burden of proof shifts to the employer, who has to prove that there were strong reasons for dismissing this particular person. There is no case law indicating that the age of the worker has an influence on the amount of compensation awarded. No information has been found about legal challenges to this 25-year rule.

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Denmark, national law does not include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive. None of the exceptions of public security, public order, criminal offences, protection of health, or the protection of the rights and freedoms of others are included in Danish law.

4.8 Any other exceptions

In Denmark, there are no other exceptions to the prohibition of discrimination (on any ground covered by this report) provided in national law.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Denmark, positive action in respect of racial or ethnic origin, religion or belief, disability, age or sexual orientation, gender identity, gender expression or gender characteristics is permitted to a limited extent in national law. There is, however, no general provision for special or positive measures in Danish law embracing all the discrimination grounds.

Section 9(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. states that the Act does not prevent measures being taken with a view to improving employment opportunities for persons of a specific race, skin colour, religion, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, or national, social or ethnic origin, age or disability by virtue of other legislation, rules other than legislation and other public measures. Such special measures require legal authority and are primarily to be taken by the minister through public projects. According to the preparatory work, Section 9(2) of the Act is directed primarily at the public sector and general projects improving the integration of ethnic minorities.

The right to take special measures in Section 9(2) does not apply to private employers who want to improve employment opportunities for marginalised groups. Thus, legislation makes it difficult for private employers to actively offer equal opportunities in practice. The fact is that even simple outreach initiatives can be claimed to discriminate against the groups that are not the target of the individual outreach initiatives.

An exception follows from Section 9(3) of the Act on the Prohibition of Discrimination in the Labour Market etc., which allows for private employers to take positive measures in relation to older persons and persons with disabilities.

Private employers who are interested in actively offering equal opportunities (which do not conflict with the prohibition of discrimination) are met with another legal barrier. Section 4 of the Act on the Prohibition of Discrimination in the Labour Market etc. prohibits employers from asking for, obtaining, receiving or using information about the race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, or national, social or ethnic origin of a job applicant or an employee. Neither anonymity nor informed consent nor any other exemption will allow an employer to use such information about ethnic origin, etc. and the prohibition applies no matter how the employer gets the information.²¹⁶ This rule makes it difficult in practice for private employers to measure the results of their equal opportunities initiatives.

The legislative barriers in the Act on the Prohibition of Discrimination in the Labour Market etc. are assumed to prevent private employers from being active in creating actual equal opportunities in the labour market.

Outside the labour market, Section 4 of the Act on Ethnic Equal Treatment allows for the maintenance or adoption of specific and temporary measures to prevent or compensate for disadvantages linked to racial or ethnic origin. Both public authorities and private organisations and entities can initiate such measures. Section 8 of the Act on the Prohibition of Discrimination due to Disability permits similar temporary measures in the area of disability.

Race and ethnic origin

In the guidelines to Section 9(2) of the Act on the Prohibition of Discrimination in the Labour Market etc., lawful public positive measures cover projects initiated by the different

²¹⁶ *Vejledning nr. 9223 om Lov om Forbud mod Forskelsbehandling på Arbejdsmarkedet m.v.* (Guidance on the Act on the Prohibition of Discrimination in the Labour Market), 5 April 2024, p. 81.

ministries as part of national integration schemes, including projects with the aim of improving the qualifications of persons with an ethnic minority background. The guidelines emphasise that only public programmes whose aim is to improve access to employment are possible. Employers themselves are not allowed to give preferential treatment to racial and ethnic minorities.

The preparatory work for Section 4 of the Act on Ethnic Equal Treatment states that there has to be an *actual* disadvantage linked to racial or ethnic origin in order for specific measures to be initiated. It also states that it is possible for public authorities and private organisations and entities to initiate specific measures. The Act only covers equal treatment outside the labour market.

Age and disability

Section 9(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. also applies in relation to disability and age, allowing for a number of legislative or public measures that promote employment opportunities for older people and persons with disabilities.

The Supreme Court has held that a flex-job must be considered to be an employment-creating arrangement (a positive action in favour of persons with disabilities), which is allowed according to Section 9(2) of the Act on Prohibition of Discrimination in the Labour Market etc.²¹⁷ A flex-job is employment with reduced working hours and where the employer receives a subsidy from the local municipality according to the flex-job legislation. In its arguments, the Court has referred to Article 6(1) and Article 7 of Directive 2000/78/EC in respect of the positive action argument.

According to Section 9(3) of the Act on the Prohibition of Discrimination in the Labour Market etc., it is possible for public and private employers to take concrete positive measures in relation to 'older' age and disability. The purpose of the positive action has to be the improvement of employment possibilities for persons with disabilities or for older employees. If job applicants have the same qualifications, it is thus possible for the employer to prefer an applicant with disabilities or an applicant who is 'older'.

Section 3 of the Act on Compensation for Persons with Disabilities in the Labour Market promotes the integration of persons with disabilities into the job market.²¹⁸ This Act focuses on how compensation for impairments is best provided in the labour market and sets out general rules on how to promote and enhance employment for persons with (special) difficulties in finding a job. The general aim of the Act is to enhance the integration of persons with disabilities into the labour force by means of affirmative action and various other compensatory measures. Section 3 of the Act provides for preferential treatment of equally qualified job applicants with disabilities to positions in the public administration. It also states that job applicants who have a disability have the right to a job interview for positions in the public administration.

Outside the labour market, Section 8 of the Act on the Prohibition of Discrimination due to Disability allows for the maintenance or adoption of specific and temporary measures to prevent or compensate for disadvantages linked to disability. Both public authorities and private organisations and entities can initiate such measures.

²¹⁷ Supreme Court judgment of 17 April 2019, Case No. BS-25958/2018-HJR. Published in U2018.3813H.

²¹⁸ Consolidated Act No. 108 of 3 February 2020 with later amendments (*Lov om kompensation til handicappede i erhverv m.v.*).

Religion or belief

Section 9(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. also applies in relation to religion and belief, allowing for a number of legislative or public measures that promote the employment opportunities of persons from different religions.

Since religion is understood as formally approved or recognised religions, there is a theoretical link between recognition as a religious community and the possibility of benefitting from these positive actions in Section 9(2). In reality, however, because of the wider discrimination ground of belief, the establishment of such a link is not required in practice.

Besides such possible public measures, there are no provisions in Danish law explicitly allowing for positive measures on the ground of religion.

Sexual orientation

Section 9(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. also applies in relation to sexual orientation, gender identity, gender expression and gender characteristics allowing for legislative or public measures that promote the employment opportunities of persons with different sexual orientations. No concrete examples of such measures have been found.

Other than this, there are no provisions in Danish law explicitly allowing for positive measures on the ground of sexual orientation.

b) Quotas in employment for persons with disabilities

In Denmark, national law does not provide for a quota/quotas for the employment of persons with disabilities.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

- a) Available procedures for enforcing the principle of equal treatment

In Denmark, the following procedures exist for enforcing the principle of equal treatment:

Courts:

The lower city courts, the High Courts, the Maritime and Commercial Court and the Supreme Court hear cases which involve provisions of the civil Act on Ethnic Equal Treatment and the civil Act on the Prohibition of Discrimination in the Labour Market etc., implementing Directive 2000/43 and Directive 2000/78. The courts also hear cases involving the criminal Act on the Prohibition of Discrimination due to Race etc. and the civil Act on the Prohibition of Discrimination due to Disability. Judgments and decisions handed down by the courts are legally binding.

Labour courts:

The Labour Court and labour arbitration bodies only interpret collective agreements and adjudicate cases concerning violations of collective agreements. They do not deal with cases concerning violations of the legislation on discrimination.²¹⁹ Judgments and decisions handed down by labour courts are legally binding.

However, Section 1(6) of the Act on the Prohibition of Discrimination in the Labour Market etc. states that the Act does not apply if equal protection is provided by a collective agreement. Trade unions engage in judicial procedures before the Labour Court on behalf of their members in cases concerning the violation of a prohibition of discrimination in a collective agreement. In the individual case, the trade union decides whether or not it wishes to bring a case. If an individual covered by a collective agreement wishes to initiate a case concerning the violation of collective agreements, the case must be tried in the ordinary courts and the individual must provide proof that their trade union has no intention of pursuing the matter before the Labour Court.

Board of Equal Treatment:

In practice, most complaints of discrimination are dealt with by the administrative Board of Equal Treatment, which was established on 1 January 2009.²²⁰ The Board deals with complaints related to discrimination based on gender, race, colour, religion or belief, political views, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin *within* the labour market. In sectors outside the labour market, the Board has a mandate to hear individual cases of discrimination because of gender, sexual orientation, gender identity, gender expression, gender characteristics, disability, race and ethnic origin. The Board of Equal Treatment issues binding decisions and can order compensation to be paid.

Individuals making complaints to the Board of Equal Treatment must have an individual and current interest in the case in question. The complaint is dealt with in writing and the Board of Equal Treatment cannot force the parties to produce documents, give their opinion or reveal the factual circumstances of a case. The Board secretariat can, however, request that the parties contribute to the elucidation of a case. If a party does not comply with this

²¹⁹ Consolidated Act No. 1003 of 24 August 2017 with later amendments in the Labour Court and Labour Arbitration (*Lov om Arbejdsretten og faglige voldgiftsretter*).

²²⁰ Consolidated Act No. 1779 of 25 November 2024 with later amendments (*Bekendtgørelse af Lov om Ligebehandlingsnævnet*).

request within the stated time period, a new deadline will be set. If the party still does not respond, the Board can choose to decide the case based on the existing evidence, cf. Section 5 of the Act on the Equal Treatment Board. The Board can also procure expert evidence for use in specific cases, cf. Section 7 of the Act.

The Board of Equal Treatment cannot consider complaints that can be brought before another administrative authority until that authority has decided on the case according to Section 4 of the Act on the Equal Treatment Board. This is illustrated in a specific case where the Board underlined the requirement to exhaust other administrative remedies.²²¹

The Board of Equal Treatment also cannot deal with a complaint if the situation is covered by a prohibition of discrimination in a collective agreement. In a Supreme Court ruling, the Court found that a settlement did not prevent the complainant from bringing her discrimination claim to the courts.²²² The issue at stake was whether a teacher's power of attorney agreement with her labour union and a subsequent settlement between the union and the employer precluded the teacher from taking her age discrimination complaint to the Board of Equal Treatment and the courts. The Supreme Court stated that the age discrimination claims under the Act on the Prohibition of Discrimination in the Labour Market etc. were not covered by a collective agreement and that the union therefore could not negotiate that particular claim based on an organisational power of attorney.

Decisions handed down by the Board of Equal Treatment are legally binding. According to Section 12(2) of the Act on the Board of Equal Treatment, the Board is obliged to bring its decisions to the civil courts if they are not followed and the applicants wish to pursue the matter. Both parties to a case can also bring a Board decision to the civil courts.

Between January 2018 and the end of 2024, the Board of Equal Treatment received 3 424 complaints in total.²²³ In the same period, the Board issued 1 722 decisions, and its secretariat dismissed 608 complaints.²²⁴

Danish Institute for Human Rights – Denmark's national human rights institution:

The DIHR is a national human rights institution (NHRI) in accordance with the UN Paris Principles.²²⁵ The Institute has been accredited as an A-status NHRI since 2001.

The DIHR functions as the national equality body in accordance with the Racial Equality Directive and the gender directives. Its mandate as a specialised body for the promotion of equal treatment irrespective of gender, racial or ethnic origin is laid down in the founding law of the Institute by replicating the EU law requirement to establish equality bodies. The DIHR's mandate is to promote equality with regard to gender, race and ethnicity by way of providing assistance to victims of discrimination, conducting independent surveys and publishing reports and recommendations about equality. The DIHR does not play any role in criminal proceedings.

According to Parliament Decision B15 of 17 December 2010, the DIHR is also responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities and thus deals with issues of disability. Finally, since January 2022, the DIHR has also had the competence to deal with gender identity, gender expression and gender characteristics.²²⁶ On its website, the DIHR uses the term 'LGBT+ issues' for the discrimination grounds of sexual orientation, gender identity, gender expression and gender characteristics but DIHR also explains that LGBT+ is an English acronym for lesbian,

²²¹ Board of Equal Treatment, Decision No. 9927 of 18 July 2025.

²²² Supreme Court Case No. BS-32481/2022 of 27 June 2023.

²²³ Board of Equal Treatment (2025) *Annual Report 2024*, p. 34.

²²⁴ Board of Equal Treatment (2025) *Annual Report 2024*, p. 34.

²²⁵ Consolidated Act No. 553 of 18 June 2012 on the Institute for Human Rights – the National Human Rights Institution of Denmark with later amendments.

²²⁶ Act No. 2591 of 28 December 2021.

gay, bisexual and transgender, which is the international umbrella term for lesbians, gay men, bisexuals and transgender people and that the plus sign indicates how additional groups, such as intersex, non-binary and queer people, are also included.

b) Barriers and other deterrents faced by litigants seeking redress

To initiate a civil court case in practice requires the appointment of a lawyer, which is a financial barrier for many victims of discrimination.

In theory, it is not necessary to obtain assistance from a lawyer to file a complaint with the Board of Equal Treatment. In practice, however, many victims cannot manage to file a complaint by themselves. In its 2024 evaluation of the Act on the Prohibition of Discrimination due to Disability, Danish Center for Social Science Research (VIVE) underlines that the entire process of filing a complaint with the Board of Equal Treatment is experienced as highly resource-demanding for a large group of persons with disabilities.²²⁷

The Board only considers cases on a written basis (see Section 5(2) of the Act on the Board of Equal Treatment). This can create barriers and challenges for complainants. For example, in one case a complaint was dismissed because the Board's secretariat could not read the handwritten complaint.²²⁸

Another barrier is the long average case processing time by the Board of Equal Treatment. It takes a little over a year before a decision is made on a discrimination complaint.²²⁹

There is no time limit in the Act on the Board of Equal Treatment within which a procedure must be initiated. However, the Board of Equal Treatment has concluded in concrete cases that claims were statute-barred according to the Act on Limitations and on that basis the Board could not decide in favour of the complainants.²³⁰ According to the Act on Limitations, there is an absolute three-year period of limitation (five-year period of limitation for employment-related cases), which means that a procedure must be initiated three years (or five years), at the latest, after the unlawful violation has occurred.²³¹

There is no appeal deadline in the Act on the Board of Equal Treatment, which can prevent a complainant from having a discrimination complaint dealt with as a result of the time that has elapsed between the alleged discrimination and the filing of the complaint.²³² Thus, complainants do not lose their claims by acting passively. One exception is a case where a complaint was filed in October 2021 regarding discrimination that had occurred in August 2018.²³³ In this case, the Board stated that the complainant had demonstrated such a degree of inaction that this resulted in a loss of legal rights. Thus, the complainant had forfeited their right to claim compensation.

No absolute time limit is indicated in the Act on Labour Courts.²³⁴ With regard to the civil courts, there is a three-year period of limitation (five-year period of limitation for employment-related cases), which means that a procedure must be initiated three years (or five years) at the latest after the unlawful violation.²³⁵

²²⁷ The Danish Center for Social Science Research (VIVE) (2024), *Lov om forbud mod Forskelsbehandling på grund af handicap - Evaluering fra et borger- og samfundsperspektiv* (Act on the Prohibition of Discrimination due to Disability – Evaluation from a citizen and community perspective). See: <https://www.vive.dk/media/pure/qz55dkrz/25783388>.

²²⁸ Board of Equal Treatment, Decision No. 9926 of 11 July 2025.

²²⁹ The Danish Center for Social Science Research (VIVE) (2024).

²³⁰ Board of Equal Treatment, Decision No. 29/2015 of 4 March 2015, Decision No. 9386 of 2 March 2016.

²³¹ Act on Limitations (*Forældelseslov*), Sections 3 and 4, Consolidated Act No. 1238 of 9 November 2015.

²³² Board of Equal Treatment, Decision No. 9258 of 1 March 2023.

²³³ Board of Equal Treatment, Decision No. 9974 of 20 September 2024.

²³⁴ Consolidated Act No. 1003 of 24 August 2017 with later amendments in the Labour Court and Labour Arbitration (*Lov om Arbejdsretten og faglige voldgiftsretter*).

²³⁵ Act on Limitations (*Forældelseslov*), Sections 3 and 4, Consolidated Act No. 1238 of 9 November 2015.

A person can file a complaint even after their employment relationship has ended. There is therefore no deadline for filing a complaint, but practical difficulties can arise in relation to collecting evidence.

The assistance given by the DIHR to victims of discrimination deals primarily with the provision of information and with advice on how and where victims can complain about discrimination.²³⁶ On the DIHR's website, a telephone number and an email address is listed if a person needs assistance and advice on discrimination issues and ways to complain. Typically, the DIHR does not file complaints with the Board of Equal Treatment on behalf of a victim but rather provides information on how the complainant can do it on their own behalf. One exception is a 2024 decision by the Board of Equal Treatment that was brought to the Board by the DIHR. The case dealt with alleged discrimination based on disability in connection with a private primary school rejecting a complainant's application for admission to the school.²³⁷

Chapter 31 of the Administration of Justice Act deals with legal aid and free legal proceedings.²³⁸ The Minister of Justice can financially support legal aid offices where individuals can seek free legal advice and representation.²³⁹ No public data is available on the practice of supporting and representing victims of discrimination.

Only a few NGOs specialise in assisting victims of discrimination in filing complaints and initiating court proceedings. Many Danish labour unions provide counselling and legal advice on discrimination, in particular discrimination because of disability in the labour market.

c) Number of discrimination cases brought to justice

In Denmark, statistics on the number of court cases related to discrimination brought to justice are not available.

Statistics on cases brought to the city courts are not available as they are not registered or published in the *Weekly Law Journal* (*Ugeskrift for Retsvæsen*). Only selected judgments from the Supreme Court, the high courts and the Maritime and Commercial Court are published in the *Weekly Law Journal*. The *Weekly Law Journal* is a paid journal not freely available to the public.

In 2022, a web portal opened with open and free access to judgments in Denmark (domsdatabasen.dk). The content of the database is being developed gradually.²⁴⁰

d) Registration of national court decisions on discrimination cases

In Denmark, court decisions on discrimination are not registered as such by national courts.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Denmark, associations/organisations/trade unions are entitled to act on behalf of victims of discrimination under certain conditions.

²³⁶ See: <https://menneskeret.dk/diskriminationslinjen>.

²³⁷ Board of Equal Treatment, Decision No. 9888 of 9 September 2024.

²³⁸ Consolidated Act No. 1298 of 7 November 2025 with later amendments (*Retsplejelov*).

²³⁹ Regulation No. 637 of 11 June 2014 (*Bekendtgørelse om tilskud til retshjælpskontorer og advokatvagter*).

²⁴⁰ In August 2024, the database announced that it now contains over 5 500 rulings, covering both civil and criminal cases, with representation from all instances and courts across the country. See news from the Danish Courts (12 August 2024): <https://domsdatabasen.dk/nyheder/afgoerelserne-i-domsdatabasen/?page=1>.

There are very few specialist NGOs providing legal aid to victims of discrimination and using litigation as a method to generate public discourse on equality.

The Danish judicial system is regulated in the Administration of Justice Act.²⁴¹ Under Danish procedural rules in Section 260 of the Administration of Justice Act, a person may either go to court themselves or authorise a process agent to appear in court on their behalf. As a general rule, in Danish procedural law, only jurists authorised to practise law, i.e. certified lawyers, may serve as process agents for a party. As an exception, the Minister of Justice may allow for interest groups, labour unions and the like to represent their members in court through an in-house jurist in cases concerning pay and employment conditions. This is the case even when the in-house jurist is not a certified lawyer, cf. Section 260(6) of the Administration of Justice Act.

Trade unions and other membership organisations can therefore represent their members in civil court cases dealing with pay and employment conditions. The trade union employees representing the individual member must have a Danish bachelor's or master's degree in legal studies. According to established case law, a trade union may also be allowed to serve a function similar to that of a process agent for its members in the sense that the union files a suit in its own name on behalf of its member (in Danish: *mandatar*). However, it is still the member and not the union who is a party to the case.

No legislation exists regarding the possibility of NGOs and other associations representing victims of discrimination in civil court proceedings. In comparison with trade unions on questions of pay and employment conditions, NGOs do not have the same general legal standing before domestic courts of law in relation to cases of discrimination. According to Section 260(2), only certified lawyers who have obtained a mandate from the individual victim of discrimination can litigate a case for the civil courts. This means that an NGO can help to examine the case but when it comes to representing and promoting the case before the civil courts, the individual victim of discrimination must get legal representation from a certified lawyer.

Some public bodies have been given express statutory power to represent complainants in court. According to Section 12 of the Act on the Board of Equal Treatment, the Board of Equal Treatment is thus obliged to bring a case to the civil courts if the defendant refuses to follow the decision of the Board and the applicant wishes to pursue the matter. In practice, the Board of Equal Treatment is represented by the private law firm Kammeradvokaten, which is the legal adviser to the Danish Government.²⁴²

There are no formal requirements for giving a mandate to represent one's case. In practice, a mandate will always be in writing.

In Board of Equal Treatment cases, trade unions and NGOs are entitled to represent individuals who have a legitimate interest in the case. A victim of discrimination is represented before the Board in accordance with traditional administrative law, cf. Section 8 of the Public Administration Act.²⁴³

The DIHR is competent to take cases of principle to the Board of Equal Treatment, including cases of discrimination of general public interest.²⁴⁴ Test cases on, for example, job advertisements on Facebook illustrate the importance of the competence of the DIHR to take cases of principle to the Board and to engage in strategic litigation.²⁴⁵ Individual companies' settings on Facebook advertisements that discriminate based on age and

²⁴¹ Consolidated Act No. 1298 of 7 November 2025 (*Retsplejelov*).

²⁴² As described in Jacobsen, B.D. (2010), *Assistance to victims of discrimination by equality bodies of the EU Member States – a Scandinavian perspective*, DJØF Publishing, Copenhagen.

²⁴³ Consolidated Act No. 433 of 22 April 2014 (*Forvaltningsloven*).

²⁴⁴ Section 1(9) of Consolidated Act No. 1779 of 25 November 2024 (*Lov om ligebehandlingsnævnet*).

²⁴⁵ Board of Equal Treatment, Decision Nos. 9134 and 9135 of 25 February 2021.

gender would most likely not have been dealt with by the Board if these cases had not been initiated by the Danish Institute for Human Rights.

- b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Denmark, associations/organisations/trade unions are entitled to act in support of victims of discrimination. According to Section 252 of the Act on Administration of Justice, third party intervention is allowed in existing court proceedings, where the association has a legal interest in the outcome of the case.

As an example, the DIHR may intervene in civil court cases in support of a victim of discrimination if the Institute determines that such support may help to clarify the general interpretation of the discrimination law in Denmark (see Section 7.7).

- c) Submitting observations, e.g. *amicus curiae* briefs/letters

In Denmark, associations, organisations and trade unions may submit observations to courts, such as *amicus curiae* briefs, in discrimination cases. It follows from Section 252 in the Administration of Justice Act that the court will decide on such requests to intervene in specific cases.

The DIHR does not have explicit legal standing to bring discrimination complaints to court. However, it may intervene in existing court cases on discrimination if a legal interest in the matter at issue can be proven. Thus, the DIHR may intervene and act as *amicus curiae* in cases that deal with the principle of discrimination based on race, ethnic origin, gender/LGBT+ or disability.

- d) *Actio popularis*

In Denmark, national law does not directly allow associations/organisations/trade unions to act in the public interest on their own behalf, without a specific victim to support or represent (*actio popularis*).

The competence of the DIHR to take cases on matters of principle to the Board of Equal Treatment could be considered as a form of *actio popularis* as the Institute does not need a specific victim of discrimination to initiate such a case.

No *actio popularis* court cases exist in relation to discrimination. In individual cases in other fields, the Supreme Court has accepted cases filed on the constitutional legality of Denmark's membership of the EU, for example (see U 1996.1300 H and U 1998.800 H). Thus, it can be argued that there is a willingness to accept *actio popularis* cases within the Danish judicial system.

- e) Class action

In Denmark, national law allows associations/organisations/trade unions to act in the interest of more than one individual victim (class action) for claims arising from the same event.

Chapter 23a of the Danish Administration of Justice Act specifies rules on collective action.

A collective action is a special type of procedure prepared with a view to combining several – especially a large number of – uniform claims in the same proceedings. The term 'collective action' implies that the action relates to the claims of a group of persons, a representative of this group (not individual members of the group) being regarded as a party to the action. Collective actions seem to be the same as class actions.

The rules on collective actions are based on a main rule that the members of the group must opt for the action (the opt-in model). At the request of the group representative, the court may also decide that a collective action must comprise the group members who do not opt out of the collective action (the opt-out model). This is, however, subject to two additional conditions being satisfied.

First of all, the case must concern claims that are so small that it is evident that they cannot generally be expected to be brought through individual actions, not because the persons concerned do not think that they have a justified claim, but merely because the inconvenience and financial risk of individual litigation are deemed to be disproportionate to the outcome of the individual action.

A number of conditions for bringing a collective action have been laid down, including the condition that the court must approve the case as being suitable for a collective action. A number of 'control mechanisms' also apply. For example, the court must approve the group representative and may decide that the representative must provide security for the legal costs that they may have to pay to the other party if they lose the case.

As for associations, there are no specific requirements as to age, number of members, financial situation, etc., but in order to be appointed as group representative, the association must have sufficient financial means, including, for example, insurance to be able to cover legal costs.

No information has been found on collective actions in discrimination cases.

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Denmark, national law requires a shift of the burden of proof from the complainant to the respondent.

Section 7 of the Act on Ethnic Equal Treatment, Section 7a of the Act on the Prohibition of Discrimination in the Labour Market etc., and Section 10 of the Act on the Prohibition of Discrimination due to Disability all deal with the principle of a shared burden of proof. This means that if a person who considers themselves to be discriminated against can establish facts of possible discrimination, then the employer, shop owner, landlord etc. has to prove that no discrimination has taken place. This shared burden of proof is in line with the directives.

The shared burden of proof is to be applied in cases of direct and indirect discrimination, harassment and instruction, but not in cases concerning victimisation.

In cases of discrimination based on disability, it is a precondition for the employer's obligation to establish reasonable accommodation that the employer actually knows or ought to know about the disability of the employee.

In a landmark judgment on disability of 22 November 2017, the Supreme Court underlined that the burden of proof rests with the employee with regard to proving that the employee has a disability, including that the impairment is of a long-term nature.²⁴⁶ However, in the ruling, the Supreme Court also clarified that to have a disability covered by the discrimination law, it is not a requirement that the condition in question is caused by a medically diagnosed illness. Instead, the impairment must be evaluated based on all circumstances of the case. It makes no difference whether dizziness, for example, is an illness or a symptom of an illness as long as the condition involves a long-term impairment.

²⁴⁶ Supreme Court judgment of 22 November 2017, Case No. 305/2016. Judgment published in U2018.853H.

A number of judgments and decisions handed down by the Board of Equal Treatment illustrate the shared burden of proof in practice. One example is a 2025 decision from the Board dealing with housing and the discrimination ground of ethnic origin.²⁴⁷ In the case, a man with a foreign-sounding name filed a complaint against a company for an alleged discriminatory refusal to rent a home. The man presented email correspondence to the Board, in which he wrote both under his own name and under the fictitious, Danish-sounding name, 'Jens'. The man was only offered a rental property when he used the fictitious name 'Jens'. The inquiries were made at roughly the same time and concerned the same rental property. Against that background, the Board found that factual circumstances had been demonstrated giving reason to presume that the man had been subjected to direct discrimination on the grounds of race and/or ethnic origin. It was then up to the company to prove that the principle of equal treatment had not been violated. The Board concluded that the company had not met this burden of proof with its more general information about the allocation of rental properties. Therefore, the man succeeded with his complaint and was awarded compensation of EUR 1 340 (DKK 10 000).

In another case, the employer had argued that the dismissal of an employee was reasoned by a lack of orders.²⁴⁸ However, the employer failed to prove a drop in orders and the complainant was awarded compensation for disability discrimination.

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Denmark, there are legal measures of protection against victimisation.

National law prohibits subjecting a person to any adverse treatment or adverse consequence as a reaction to a complaint or to any type of proceedings aimed at enforcing compliance with the principle of equal treatment.

Section 7(2) of the Act on the Prohibition of Discrimination in the Labour Market etc. prohibits victimisation in employment. Section 8 of the Act on Ethnic Equal Treatment and Section 9 of the Act on the Prohibition of Discrimination due to Disability prohibit victimisation beyond employment when it comes to the discrimination grounds of ethnic origin and disability. In all three laws, it is the adverse treatment as a reaction to a complaint concerning discrimination that is prohibited. According to these laws, a person who experiences negative treatment or unfavourable consequences because of the fact that they asked for equal treatment can be granted compensation by the court.

The commentary to the Act on the Prohibition of Discrimination in the Labour Market etc. reads: 'Protection against victimisation applies in cases where a formal letter of complaint has been filed with a court of justice or another public authority, as well as in cases where a certain incident is criticised verbally at the place of work, or where the employee has contacted his or her trade union and related the circumstances to the union.'²⁴⁹

Both in the labour market as well as outside the labour market, protection applies to a person who files a complaint regarding differential treatment of themselves as well as to a person who files a complaint of differential treatment of another person.

It is a prior condition that a causal link can be established between the victimisation and the employee's or the complainant's request for equal treatment. Adverse treatment is not considered as a violation of the prohibition of discrimination in the directives. Therefore, and according to Section 7(a) of the Act on the Prohibition of Discrimination in the Labour Market etc., the burden of proof is not shared in cases of victimisation.

²⁴⁷ Board of Equal Treatment, Decision No. 9087 of 24 November 2025.

²⁴⁸ Board of Equal Treatment, Decision No. 9903 of 9 October 2023.

²⁴⁹ Preparatory work for Act No. 253 of 7 April 2004 amending the Act on the Prohibition of Discrimination in the Labour Market etc.

In a decision from the Board of Equal Treatment, a woman from Turkey had experienced harassment from a colleague based on her race and ethnic origin.²⁵⁰ After the complainant informed her management about the harassment, she was dismissed because the scope of the project she was employed on had been reduced. The Board placed particular emphasis on the close timing between the complainant's report to management and her dismissal. As a result, the complainant was awarded a compensation for victimisation of six months' salary.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Discrimination in the private and public labour market may result in a pecuniary compensation and discriminatory job advertisements may result in a fine, cf. Section 7(1) and Section 8 of the Act on the Prohibition of Discrimination in the Labour Market etc.

In public and private employment, as well as in a field outside the area of employment, a person who has been subject to discrimination can be awarded compensation for non-economic damages, as stipulated in Section 7(1) of the Act on the Prohibition of Discrimination in the Labour market etc., in Section 9 of the Act on Ethnic Equal Treatment, and in Section 11 of the Act on the Prohibition of Discrimination due to Disability.

The Board of Equal Treatment as well as the civil courts have the authority to rule that the discriminating party should pay compensation to the individual who experienced discrimination. It does not seem to be the case that the courts and the Board award different levels of compensation. This applies to all discrimination grounds.

Danish civil courts can award pecuniary damages for an established economic loss according to the general Danish rules concerning damages. The Danish law of torts is developed through Danish case law. Damages can be awarded if negligent behaviour has resulted in an economic loss and there is a causal link between the negligent behaviour and the loss. Furthermore, the loss must be foreseeable to the person acting negligently. As illustrated by case law, the scope of the Danish tort legislation is very narrow. A judgment from the Supreme Court about a young woman with an intellectual disability, for example, shows that it was not possible to get financial compensation for an unjustified loss of service or welfare.²⁵¹ The judgment leaves individuals with disabilities in an insecure place if their local municipalities issue faulty decisions.

Finally, a person who is responsible for an unlawful violation of another person's freedom, honour or integrity is liable to pay compensation, according to Section 26 of the Act on Damage Liability. There is a three-year period of limitation, meaning that compensation claims must be brought to the civil courts three years, at the latest, after the unlawful violation.²⁵²

- i. National legislation does not provide for preventive and socio-preventive sanctions, such as injunctions or structural injunctions.
- ii. There are no sanctions specific for cases of collective redress (*actio popularis* or class actions).
- iii. There are no sanctions in place to deal with cases of mass discrimination, particularly as a result of the use of AI or automated systems.

²⁵⁰ Board of Equal Treatment, Decision No. 10192 of 27 November 2024.

²⁵¹ Supreme Court judgment of 22 April 2021, Case No. BS-19523/2020-HJR.

²⁵² Section 3 of Act on Limitations (*Forældelseslov*), Consolidated Act No. 1238 of 9 November 2015.

b) Pecuniary sanctions – maximum and average amounts

No information has been found on criminal cases and the level of fines for discriminatory job advertisements according to Section 8 of the Act on the Prohibition of Discrimination in the Labour Market etc.

There is no ceiling on the maximum amount of compensation for discrimination that can be awarded. Typically, the following amounts of compensation will be awarded to victims of discrimination:

- in cases of denial of access to public places like bars, restaurants and night clubs: from EUR 670 (DKK 5 000) to EUR 1 340 (DKK 10 000)
- in cases of discriminatory job advertisements: EUR 3 350 (DKK 25 000)
- in cases of discriminatory denial of employment/new job: EUR 3 350 (DKK 25 000)
- in cases of discriminatory dismissals: six to 12 months' salary.

In one case for the Board for Equal Treatment, the complainant experienced discrimination based on her disability when she was denied employment, and the Board awarded higher compensation than usual: EUR 5 375 (DKK 40 000).²⁵³ The reason was that the denial of employment occurred a long way into the employment process, after the complainant had already participated in several interviews.

In a landmark Supreme Court judgment of 1 October 2014,²⁵⁴ the Court dealt with the level of compensation in dismissal cases of age discrimination. The Supreme Court referred to case law on gender discrimination in the labour market, stating that the pilots in question in this case would be eligible to more than six months' salary in compensation. However, according to the Court, there were a number of mitigating circumstances, which meant that the compensation in these cases should be determined at a lower level. The result was that the Court granted four months' salary in compensation to each of the pilots. According to the Court, the mitigating circumstances were the following:

- the dismissals were necessary because of work and workforce reductions
- the criterion for dismissing the pilots (eligibility for retirement benefits) was collectively negotiated with the pilots' union
- this criterion was the most humane and fair in a situation where – no matter what – a number of pilots had to be dismissed.

This approach was corroborated in a Supreme Court judgment from 2015.²⁵⁵ In this case, the Court underlined that, when determining the amount of compensation, it must emphasise the 'coarseness', meaning the seriousness of the violation including the background for the violation and the infringement of the individual in question.

In another landmark Supreme Court judgment of 13 June 2013,²⁵⁶ a young woman was appointed as a secretary at a law firm. She was dismissed almost immediately, only four days after she had started working. The woman had a diagnosis of ADHD²⁵⁷ and the employer's reason for dismissing her was her 'special conditions'. The Supreme Court concluded that the dismissal was a violation of the prohibition of discrimination in the labour market and she was awarded compensation amounting to six months' salary. When setting the compensation, the Supreme Court referred to the case law on discrimination on account of gender and stated that in the case in question, there was no reason to depart from the compensation practice in the gender case law.

²⁵³ Board of Equal Treatment, Decision No. 9879 of 1 July 2022.

²⁵⁴ Supreme Court judgment of 1 October 2014, Case No. 322/2012. Published in U.2015.1H.

²⁵⁵ Supreme Court judgment of 12 March 2015, Case No. 180/2014. Published in U.2015.2027H.

²⁵⁶ Published in U.2013.2575H.

²⁵⁷ Attention deficit hyperactivity disorder.

In a judgment by the city court of Roskilde, the compensation awarded by the Board of Equal Treatment was reduced by half.²⁵⁸ The court argued that a teacher who had been dismissed from her full-time position because of her disability would not have been able to work more than part-time. Generally, if a person is dismissed from a full-time position, the compensation for unlawful discrimination will be based on a full-time salary. This ruling illustrates that specific circumstances may justify a change in this approach. It also shows that, when determining the level of compensation, the court may emphasise the number of hours that the employee is actually capable of working at the time of dismissal – and not the conditions and hours of employment in the contract.

When it comes to determining compensation in cases of discrimination against employees in flex-jobs, the practice has been unclear. A flex-job arrangement means that an individual's employment consists of a part-time position corresponding to the employee's working ability. In addition to the pay from their employer, the employee receives a wage subsidy from the local municipality. The question for the courts has been whether, when determining compensation in cases of discrimination against employees in flex-job positions, the starting point for the calculation should be:

- the collective wage for a full-time employee
- the actual salary plus flexible salary allowance
- the (lower) monthly salary actually paid by the employer.

Previous High Court rulings produced different results.²⁵⁹ However, with a 2024 Supreme Court ruling, it has now been established that compensation for discrimination from the employer should only cover the actual salary paid by the employer.²⁶⁰

c) Assessment of the sanctions

Compensation is almost the only sanction used in cases of unlawful discrimination on the labour market. Fines are used so rarely that it is difficult to evaluate whether these sanctions are effective. A decision by the Board of Equal Treatment illustrates how the Board declines to issue a fine for a discriminatory job advertisement as only the police can issue such fines.²⁶¹

The level of compensation in discrimination cases is higher than in traditional cases of unfair dismissal and seem proportionate. Hypothetically, the higher sanctions, combined with the increased knowledge that employers have about discrimination laws, are likely to have a dissuasive effect when it comes to discrimination in the labour market.

In its 2018 annual report, the Board stated that if there are multiple violations in a case, it might trigger higher compensation.²⁶² This can, for example, be relevant where the employer has violated both the Act on the Prohibition of Discrimination in the Labour Market etc. and the Act on Equal Treatment of Men and Women as regards access to employment etc. Case law illustrates that, when evaluating the level of compensation, the Board has found it to be an aggravating circumstance that the complainant was dismissed in violation of both laws.²⁶³

Outside the area of employment, on the other hand, within the realm of the Act on Ethnic Equal Treatment and the Act on the Prohibition of Discrimination due to Disability, sanctions are typically compensation of EUR 670, which is so mild that it must be

²⁵⁸ City Court of Roskilde judgment of 7 May 2020, Case No. BS-33137/2018-ROS.

²⁵⁹ Eastern High Court, judgment of 14 December 2022, Case No. BS-47157/2020-OLR, published in U2023.1434Ø. Western High Court, judgment of 29 March 2023, Case No. BS-14998/2022-VLR, published in U2023.2831V.

²⁶⁰ Supreme Court, judgment of 12 March 2024, Case No. BS-49177/2023-HJR, published in U.2024.2472H.

²⁶¹ Board of Equal Treatment, Decision No. 9018 of 20 December 2023.

²⁶² Board of Equal Treatment (2019), *Annual Report 2018*, p. 25.

²⁶³ Board of Equal Treatment, Decision No. 9435 of 24 April 2019.

questioned whether it is sufficiently effective, proportionate and dissuasive. This is particularly the situation when it comes to night clubs and the wider night-time economy where discrimination on the ground of ethnic origin is a big problem. The risk of having to pay small amounts of compensation does not seem sufficient to prevent discrimination in the night-time economy.

d) Enforcement and monitoring of the implementation of sanctions

i. Courts and other adjudicating bodies' mechanisms to monitor or enforce their decisions

Enforcement of a judgment from a civil court regarding compensation is regulated by Chapters 45-48 of the Administration of Justice Act, which sets out the rules for enforcing such claims. There are periodic reviews or follow-up hearings by the civil courts and enforcement is executed with the assistance of a special enforcement court.

ii. Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

See below under iii: the Board of Equal Treatment will represent the victim of discrimination before the civil courts, if the respondent does not pay the awarded compensation. If the court agrees with the Board in such a case and thus imposes compensation, the court does not have the possibility to retain jurisdiction (see below on the enforcement of a judgment from a civil court).

iii. Further steps/measures that courts or adjudicating bodies can take in case of non-compliance with the sanction

Enforcement of a judgment from a civil court regarding compensation is regulated by Chapters 45-48 of the Administration of Justice Act, which sets out the rules for enforcing such claims. Enforcement is executed with the assistance of a special enforcement court.

If the Board of Equal Treatment has awarded compensation to a complainant and the respondent does not pay, the complainant can request the Board to bring the case before the civil courts. The lawsuit is conducted by the private law firm Kammeradvokaten, which is the legal adviser to the Danish Government. During the trial, the Board acts as the complainant's representative and the complainant is the party to the lawsuit. The Board covers the legal costs of the case to the extent that free legal aid or coverage by insurance is not available.

iv. The burden of enforcing sanctions

The individual who has been subject to discrimination or the representative acting on behalf of the victim of discrimination must initiate the enforcement procedures described above under iii.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)²⁶⁴

National law is not yet fully in compliance with Directive 2024/1499, as will be illustrated in the following sections. For example, the body for the promotion of equal treatment, the Danish Institute for Human Rights, does not have the right to intervene in court cases.

7.1 National equality body

a) General 'architecture' of equality bodies

The Danish Institute for Human Rights (DIHR) is designated as a body for the promotion of equal treatment and effective protection against discrimination on grounds of racial or ethnic origin as set out in Article 13 of the Racial Equality Directive.²⁶⁵ Section 2(2) of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark stipulates that the DIHR must promote the equal treatment of all persons without discrimination on grounds of gender, sexual orientation, gender identity, gender expression, gender characteristics, race, and ethnic origin. According to Parliament Decision B15 of 17 December 2010, the DIHR is also responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities and thus deals with issues of disability.²⁶⁶

The Board of Equal Treatment is an independent complaints board established by the Act on the Board of Equal Treatment. It is a quasi-judicial institution that is limited to adjudicating individual complaints of discrimination.²⁶⁷ The Board is not officially designated as an Article 13 equality body. In October 2024, a Board of Equal Treatment was established in Greenland to adjudicate individual complaints of discrimination.²⁶⁸

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

In accordance with the requirements of Article 13 of the Racial Equality Directive, the DIHR has been given the authority to assist victims of discrimination, to conduct surveys concerning discrimination and to publish reports and make recommendations on discrimination, cf. Section 2(2) of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark.

The DIHR states on its website that the principle of equal treatment and non-discrimination is a cornerstone of human rights advocacy. In its work, the DIHR therefore frequently applies a horizontal perspective. In practice, this means that all grounds of discrimination have been addressed, taking into account gender, age, disability, sexual orientation, religion and faith, ethnicity and race.²⁶⁹

²⁶⁴ Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026 after the cut off date for this report, reflect the author's opinion.

²⁶⁵ Consolidated Act No. 553 of 18 June 2012 with later amendments on the Institute for Human Rights – the National Human Rights Institution of Denmark.

²⁶⁶ A bill transposing Directive 2024/1499 was introduced after the cut-off date of this report on 20 January 2026. The bill is expected to be adopted in the Danish Parliament and enter into force on 19 June 2026. The bill expands Section 2(2) of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark and establishes that the DIHR must also promote the equal treatment of all persons on the grounds of 'religion or belief, age and disability'. See Bill 2025/1 LSF 97, *Forslag til Lov om ændring af lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution* of 20 January 2026: <https://www.retsinformation.dk/eli/ft/202512L00097>.

²⁶⁷ Consolidated Act No. 1779 of 25 November 2024 on the Act on the Board of Equal Treatment.

²⁶⁸ Ligebehandlingsnævnet i Grønland: <https://aqa.gl/ligebehandling/>.

²⁶⁹ See: <https://www.humanrights.dk/about-us/mandate>.

The act establishing the DIHR exempts Greenland and the Faroe Islands from the competence of the DIHR.²⁷⁰ This exemption still applies to the Faroe Islands but in 2014, it was decided by decree that the DIHR has a mandate to work in Greenland in the same way as it does in Denmark.²⁷¹ The DIHR evaluates, promotes and monitors human rights in Greenland and publishes ongoing status reports on its activities and on the human rights situation in Greenland. It presents these reports to the Inatsisartut, the Parliament of Greenland.²⁷² In May 2024, Inatsisartut enacted the first Greenlandic equality and anti-discrimination legislation.²⁷³

7.2 Political, economic and social context of the designated body

The DIHR has the authority to bring complaints to the Board of Equal Treatment in cases that are a matter of principle and in cases that are a matter of general public interest.²⁷⁴ Most of the DIHR's general budget comes from the Danish state (the national budget and various Government resources). During the past couple of years, the overall budget for the DIHR has largely been unchanged.

7.3 Institutional architecture

In Denmark, the designated body forms part of a body with multiple mandates.

The Act on the Institute for Human Rights – the National Human Rights Institution of Denmark establishes the DIHR as a separate and independent human rights institution.²⁷⁵ The Act clarifies the role of the DIHR with regard to the promotion of equality and non-discrimination and specifies that the Institute also has a mandate under the EU directives as a specialised equality body on race and ethnic origin as well as on gender. Apart from being a specialised equality body, the DIHR is also an 'A' accredited NHRI according to the UN Paris Principles.

Furthermore, the DIHR is responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities, which follows from Parliament Decision B15 of 17 December 2010.

The Equal Treatment Department is a separate department in the DIHR that works to fulfil the functions and tasks assigned to the DIHR by virtue of its role as a specialised equality body in respect of race, ethnic origin and gender. The department also monitors, promotes and oversees the implementation of the UN Convention on the Rights of Persons with Disabilities.²⁷⁶ The Equal Treatment Department works on issues of discrimination based on the grounds of gender/LGBT+, race/ethnic origin and disability within all spheres of society and is no longer divided into teams centered around these discrimination grounds. The aim of the current structure is to improve the intersectional approach and the ability in the department to work across the various discrimination grounds.²⁷⁷ Overall, the Equal Treatment Department works on issues of equality in general and does not limit its work to the material scope of the EU directives.

²⁷⁰ Section 15 of Consolidated Act No. 553 of 18 June 2012 with later amendments on the Institute for Human Rights – the National Human Rights Institution of Denmark.

²⁷¹ Decree No. 393 of 23 April 2014 about the entry into force for Greenland of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark.

²⁷² For information on the DIHR's work in Greenland, see: <https://menneskeret.dk/emner/groenland>. For the latest status report on equal treatment in Greenland, see: <https://menneskeret.dk/udgivelser/beretning-inatsisartut-groenlands-parlament-2023-24>.

²⁷³ Inatsisartut Law on Equality and Anti-Discrimination (*Inatsisartutlov om ligestilling og anti-diskrimination*), Act No. 36 of 4 June 2024. Available at: https://nalunaarutit.gl/groenlandsk-lovgivning/2024/inatsisartutlov-nr-36-af-04_06_2024?sc_lang=da.

²⁷⁴ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment.

²⁷⁵ Consolidated Act No. 553 of 18 June 2012 with later amendments.

²⁷⁶ Table of DIHR departments. See <https://www.humanrights.dk/about-us/departments>.

²⁷⁷ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

7.4 Status of the designated body – general independence and resources

a) Status of the body

Separate or other legal status or personality:

The DIHR is established by law as an independent autonomous institution within the public administration working with human rights in general. The Equal Treatment Department works to fulfil the functions and tasks assigned to the DIHR by virtue of its role as a specialised equality body. With regard to its budget, the DIHR is technically accountable to the Ministry of Finance.

Selection of governing body:

The Danish Council for Human Rights (*Rådet for Menneskerettigheder*) is established to assess the development and execution of the activities of the DIHR and may propose new activities to the DIHR Board. The Council meets four times a year to discuss the work of the DIHR and also appoints six members of the Board. Members of the Council are appointed to reflect the attitudes of civil society organisations working with human rights as well as public and governmental institutions and authorities. Only members from civil society organisations have the right to vote in the Council.

The 14 board members of the DIHR are appointed by Danish universities, by the employees of the DIHR; and by the Greenlandic Council for Human Rights and the Danish Council for Human Rights. The Board of Equal Treatment is not represented on the DIHR's Board. The Executive Director of the DIHR is appointed by the Board.

Sources of funding:

Most of the DIHR's total budget comes from the Danish state (the national budget and various Government resources).

Powers to recruit and manage staff:

The DIHR is an independent autonomous institution within the public administration. The DIHR management has the power to recruit and manage staff.

Accountability:

The DIHR is accountable to the Danish Parliament through the obligation to submit an annual report to the Parliament about the status of human rights in Denmark. The obligation relates to the requirement to submit the report and not to the content of the report and the role of the Parliament is not to approve the report. The annual report is presented to the Legal Affairs Committee in the Parliament by the Executive Director of the Institute. The role of the Committee is not to approve the report and the presentation is typically followed by a more general discussion of the human rights situation in Denmark.

In theory, the report may influence funding as financing for the work on equal treatment is provided by the annual Danish national budget, which can be changed by a majority in the Parliament. Being part of the national budget still makes the funding relatively permanent and secure.

The DIHR is also accountable to the Danish Parliament due to the fact that the DIHR can only be abolished by legislation.

b) Independence of the body

The DIHR is established by law as an independent autonomous institution within the public administration. The DIHR can only be abolished by legislation. However, in the author's view, the dependence on public funding may raise questions about whether the DIHR is fully independent in practice.

c) Resources

- Annual budget of the body:

The budget for 2025 for the whole of the DIHR was approximately EUR 26 million (DKK 194.5 million).²⁷⁸ With regard to its budget, the DIHR is technically accountable to the Ministry of Finance, which means that the Ministry of Finance monitors to ensure that the relevant financial rules are applied.

- Share of the annual budget dedicated to the equality body mandate:

Via the Danish national budget, the DIHR has permanent funding for its work on equal treatment, which provides security for the Equal Treatment Department. The basic budget for equal treatment in 2025 was EUR 1 648 138 (DKK 12 314 558), allocated from the national budget.²⁷⁹ This covers the expenses for all equal treatment work and the Equal Treatment Department.

- Number of staff

At the end of 2025, the total number of staff of the body was 184 including locally appointed staff in other countries.²⁸⁰

The Equal Treatment Department had 15 employees at the end of 2025 (11 full time and 4 students).²⁸¹ Within the teams, employees are competent to work broadly on the individual discrimination ground, i.e. conducting surveys, preparing reports and drawing up recommendations. Most of the employees have academic backgrounds in law and the social sciences.

7.5 Grounds and fields covered by the designated body

The Act on the Institute for Human Rights – the National Human Rights Institution of Denmark establishes the Institute as a separate and independent institution.²⁸² The Act also clarifies the role of the DIHR with regard to the promotion of equality and non-discrimination and specifies the mandate of the Institute under the EU directives as a specialised equality body on race and ethnic origin as well as on gender. Since January 2022, the DIHR has had a specific mandate to work on the discrimination grounds of sexual orientation, gender identity, gender expression and gender characteristics.²⁸³

As mentioned above, according to Parliament Decision B15 of 17 December 2010, the DIHR is also responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities. It follows from the Act on the Institute for Human Rights that the DIHR is mandated to work on the promotion of human rights in general. It therefore also works to promote disability rights, including the protection against disability discrimination more broadly than is described in Decision B15.

²⁷⁸ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

²⁷⁹ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

²⁸⁰ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

²⁸¹ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

²⁸² Consolidated Act No. 553 of 18 June 2012 with later amendments.

²⁸³ Act No. 2591 of 28 December 2021.

The DIHR is mandated to work on the promotion of human rights in general. It addresses discrimination in any domain, including employment, education, housing, social services, etc.

7.6 Competences of the designated body – and their independent exercise

According to Section 2(3) of the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark, the DIHR must issue a yearly report to the Parliament on the human rights situation in Denmark. It must also publish the report. This includes the situation of persons with disabilities. According to Parliament Decision B15 of 17 December 2010, the Institute is also responsible for monitoring the Danish implementation of the UN Convention on the Rights of Persons with Disabilities.

The duties and powers of the Institute with regard to the equality mandates are specified in the Act on the Institute for Human Rights – the National Human Rights Institution of Denmark. According to Section 2(2) of the Act, the Institute must promote equal treatment of all persons without discrimination on grounds of gender, race or ethnic origin by, among other things:

- assisting victims of discrimination in pursuing their complaints of discrimination in the light of the rights of victims, associations, organisations and other legal entities;
- conducting independent surveys concerning discrimination; and
- publishing reports and making recommendations on discrimination issues.

a) Independent assistance to victims

In Denmark, the designated body does have the competence to provide independent assistance to victims.²⁸⁴

DIHR has a Discrimination Helpline, which is responsible for giving free legal advice relating to individual cases of alleged discrimination.²⁸⁵ In other words, the Discrimination Helpline is a counselling hotline for people who have experienced discrimination due to their disability, gender, sexuality, gender expression, gender characteristics, gender identity, age, religion, race or ethnic origin. The helpline is part of the DIHR, which is established by law as an independent autonomous institution within the public administration and which has the status of an NHRI. The Discrimination Helpline acts as independently as the rest of the DIHR.

People can call for free legal advice and counselling every Monday, Tuesday, Wednesday and Thursday from 12.00 to 15.00, or they can send an email to the Discrimination Helpline. In 2025, DIHR was given the task of ensuring that people are able to contact the Discrimination Helpline in Greenlandic.²⁸⁶ In 2024, the Helpline opened up for sign language interpreting.²⁸⁷ Institute employees provide independent legal assistance to victims of alleged discrimination. People can be guided and advised on their situation; they can receive help understanding their options or get in touch with e.g. their employer, municipality or school. The DIHR describes on its website, that people who wish to take their case to the Board of Equal Treatment, can get counsel by one of the DIHR jurists as well as support and help throughout the case – from writing a complaint to conducting the case.

The DIHR can take up cases of discrimination on its own initiative. Since January 2016, the DIHR has been able to bring complaints to the Board of Equal Treatment in cases regarding

²⁸⁴ Section 2(2) Act No. 553 of 18 June 2012 with later amendments.

²⁸⁵ See: <https://menneskeret.dk/the-discrimination-helpline>. It is not clear how the DIHR decides which cases to support.

²⁸⁶ See: <https://menneskeret.dk/status/inuitkalaallitgroenlaendere-danmark>.

²⁸⁷ See Helpline website: <https://menneskeret.dk/nyheder/diskriminationslinjen-tilbyder-tegnsprogstolkning>.

a matter of principle or in cases of general public interest.²⁸⁸ The Institute does not necessarily act on behalf of individual victims of discrimination in these complaints. Thus, it is not a condition that the Institute must identify a victim of discrimination by name to file such complaints.²⁸⁹

In 2023, the Discrimination Helpline dealt with 304 enquiries in total.²⁹⁰ In 2024, it dealt with 315 enquiries.²⁹¹ In 2025, it dealt with 373 enquiries.²⁹²

- 71 about ethnic origin
- 159 about disability
- 90 about gender
- 22 about LGBT+ issues
- 40 others (including age and religion).

Concerning the effectiveness of the assistance, the advice unit of the DIHR receives relatively few discrimination enquiries on an annual basis. Information has not been found that can clearly establish whether the reason for this is a lack of knowledge about the opportunity or whether it is due to a lack of trust. A positive development is that the number of enquiries has been going up over the last couple of years. However, it can still be questioned whether the provision of assistance to victims of discrimination is effective.

b) Independent surveys and reports

In Denmark, the designated body does have the competence to conduct independent surveys and publish independent reports.²⁹³

In relation to independence, the DIHR provides general information to the public on human rights. It conducts courses, seminars and other promotional activities. It also undertakes surveys, reports and analyses on human rights in general as well as on all grounds of discrimination. The DIHR is obliged by law to submit an annual report to the Danish Parliament on human rights in Denmark in general.²⁹⁴ The DIHR also publishes more detailed status reports on the situation of human rights in Denmark with recommendations, including specific reports with recommendations on the current situation of LGBT+,²⁹⁵ ethnic minorities²⁹⁶ and persons with disabilities in Denmark.²⁹⁷

Besides being a specialised body according to Directive 2000/43, the DIHR is also an 'A' accredited national human rights institution according to the UN Paris Principles. Hence, it is independent, which means that published reports and recommendations must be independent.

The DIHR publishes strategy plans and according to the latest 2030 strategy, the DIHR will focus on four developments, including a demand for equality, inclusion and

²⁸⁸ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment.

²⁸⁹ Bill No. 2015/1 LSF 28 of 8 October 2015 regarding the amendment of the Act on the Board of Equal Treatment.

²⁹⁰ Information provided by the DIHR Equal Treatment Department by emails, 27 February 2024 and 4 March 2024.

²⁹¹ Information provided by the DIHR Equal Treatment Department by email, 20 March 2025.

²⁹² Information provided by the DIHR Equal Treatment Department by email, 27 February 2026. The reason why the distributed inquiries/numbers are slightly higher than the 373 total is that a single inquiry may be registered under several grounds of discrimination.

²⁹³ Section 2(2) Act No. 553 of 18 June 2012 with later amendments.

²⁹⁴ For the latest report see DIHR (February 2026), *Beretning til Folketinget 2025*: <https://menneskeret.dk/viden/udgivelser/menneskerettigheder-danmark-2025>.

²⁹⁵ See: <https://menneskeret.dk/status/lgbt>.

²⁹⁶ See: <https://menneskeret.dk/etnicitet>.

²⁹⁷ See <https://menneskeret.dk/status/handicap-psykiatri>.

representation.²⁹⁸ In accordance with this strategy, the Equal Treatment Department develops multi-annual internal strategies within and across its areas of mandate.²⁹⁹

c) Recommendations

In Denmark, the designated body does have the competence to issue independent policy recommendations on discrimination issues.³⁰⁰ The DIHR website has sections on human rights and equality issues in Denmark where it publishes its latest recommendations on an ongoing basis.³⁰¹ There are recommendations on housing, children, ethnic origin, refugees, prisons, disability, gender, LGBT+, police, private life, religion, fair trial, citizenship, undocumented migrants, freedom of speech, and age.

In some areas, the DIHR is quite effective in setting the agenda for public debate in Denmark. Several of the recommendations of the report 'Jewish Life in Denmark' have been implemented in a new Action Plan Against Antisemitism 2026–2029³⁰² and the DIHR report contributed to generating a public debate around hate crimes in Denmark.³⁰³ The DIHR work on Greenlanders living in Denmark has likewise helped to draw attention to the discrimination and stigmatisation that Greenlanders in Denmark experience.

The DIHR is consistently consulted when new legislation concerning discrimination and equal treatment is drafted, but there are no procedures for how the DIHR is consulted in most other contexts. Often, the Institute is consulted so late in the process that its recommendations cannot be considered. To comply with Article 15 of Directive 2024/1499, DIHR has therefore recommended a clarification to ensure that the Institute must be consulted on 'legislation, policy, procedure and programmes related to the rights and obligations' derived from the EU equal treatment directives, and that this consultation must take place in sufficient time for the DIHR's recommendations to be considered.³⁰⁴

d) Prevention, promotion and awareness-raising

The DIHR does some promotional work for equal treatment through cooperation with key stakeholders, such as municipalities and private companies. This includes, for example, engaging in dialogue with schools about complaints of racism and with municipalities about the lack of services for persons with disabilities.³⁰⁵

The DIHR has close cooperation with Danish universities, and this subject knowledge and professional competence provides a key to the Institute's credibility. The DIHR does not conduct specific equality campaigns. The Equal Treatment Department is not involved in primary school education, but the general human rights education provided by the DIHR in primary schools does include elements of non-discrimination and equal treatment.

With regards to cooperation between the DIHR and civil society organisations, the Council for Human Rights is an integral part of the DIHR's governance model, and the Council has

²⁹⁸ DIHR (2025), *Strategy 2030 - A more just world guided by human rights - A more coherent effort with greater impact*, page 9. See: https://www.humanrights.dk/files/media/document/2025_03_27_Strategy-2030_EN.pdf.

²⁹⁹ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³⁰⁰ Section 2(2) Act No. 553 of 18 June 2012 with later amendments.

³⁰¹ See the DIHR webpage on human rights in Denmark: <https://menneskeret.dk/status>.

³⁰² Regeringen (2 December 2025), *Handlingsplan mod antisemitisme - 2026-2029* (The Action Plan Against Antisemitism 2026–2029). See: <https://www.justitsministeriet.dk/wp-content/uploads/2025/12/Handlingsplan-mod-antisemitisme-2026-2029.pdf>. Press release from the Ministry of Justice (2 December 2025): <https://www.justitsministeriet.dk/pressemeddelelse/regeringen-vil-bekaempe-antisemitisme-med-17-initiativer-frem-mod-2030/>.

³⁰³ Danish Institute for Human Rights, *Jewish Life in Denmark - English summary* (September 2025).

³⁰⁴ Institut for Menneskerettigheder, *Høringssvar over udkast til lovforslag om ændring af lov om Institut for Menneskerettigheder (Gennemførelse af EU's direktiver om standarder for nationale ligebehandlingsorganer)*, 1 December 2025. See: <https://menneskeret.dk/hoeringssvar/gennemfoerelse-eus-direktiver-standarder-nationale-ligebehandlingsorganer>.

³⁰⁵ Information provided by the DIHR Equal Treatment Department by email, 6 March 2023.

around 60 civil society organisations as members. In general, DIHR is continuously in dialogue with civil society organisations about focus areas, reports and other initiatives. The DIHR has also established a dialogue forum on hate crimes, where civil society, the police and others meet to discuss challenges and solutions.³⁰⁶

The DIHR does not have a direct mandate to prevent, promote and raise awareness about equal treatment. However, its mandate to publish reports and issue independent recommendations on discrimination issues encompasses a competence to engage in the prevention of discrimination and in the promotion of equal treatment.³⁰⁷ This work takes place in both the Equal Treatment Department and the Department of Communication and Engagement. The website for the DIHR's national work includes several examples.³⁰⁸

e) Other competences

The DIHR has introduced the Disability Barometer, which provides an ongoing state of play regarding the fulfilment of the human rights of persons with disabilities.³⁰⁹ In 2023, the DIHR also launched a LGBT+ Barometer (see Section 10).³¹⁰ Both barometers cover 10 essential areas of life, including employment.

7.7 Legal standing of the designated body

In Denmark, the designated body can act as *amicus curiae* in court cases and bring complaints to the Board of Equal Treatment. The DIHR can also provide legal assistance to individuals who have experienced discrimination.

In 2025, the DIHR acted as *amicus curiae* in a court case dealing with discrimination based on gender.³¹¹ In 2024, the Eastern High Court granted the DIHR permission to intervene in a landmark case regarding a municipality's responsibility to provide reasonable accommodation and ensure equal and inclusive education for children with disabilities.³¹² The DIHR, however, does not have a right to intervene in court cases since it requires permission from the courts according to Section 152(3) of the Administration of Justice Act, which does not seem to be in line with Article 10(3) of Directive 2024/1499.³¹³

The DIHR can assist and provide advice to individuals or lawyers in concrete court cases.

The DIHR can also assist a complainant in bringing their case to the ECtHR or other international human rights bodies.

The DIHR can bring a discrimination complaint on behalf of an individual to the Board of Equal Treatment. One case that was brought to the Board by the DIHR dealt with alleged discrimination based on disability in connection with a private primary school's rejection of a boy with a disability.³¹⁴

In 2016, the Institute was given a mandate to bring complaints to the Board of Equal Treatment in cases that are a matter of principle or in cases that are a matter of general public interest.³¹⁵ According to the preparatory work for this law, it is not a condition that

³⁰⁶ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³⁰⁷ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³⁰⁸ See the DIHR webpage on human rights in Denmark: <https://menneskeret.dk/status>.

³⁰⁹ See: <https://handicapbarometer.dk/>.

³¹⁰ See: <https://www.humanrights.dk/lgbt-barometer>.

³¹¹ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³¹² See press release from the DIHR (24 May 2024): <https://menneskeret.dk/nyheder/soeskende-autisme-faar-stoette-institut-menneskerettigheder-landsretssag>.

³¹³ There are no amendments in Bill 2025/1 LSF 97 on this issue.

³¹⁴ Board of Equal Treatment, Decision No. 9888 of 9 September 2024.

³¹⁵ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment.

the Institute can identify a victim of discrimination by name to file such complaints.³¹⁶ Thus, the Institute does not necessarily act on behalf of individual victims of discrimination in such complaints. In 2024, the DIHR filed one discrimination complaint on matters of principle based on the discrimination ground of gender.³¹⁷ In 2025, the DIHR did not file any such complaints.³¹⁸

7.8 Dispute resolution

a) Quasi-judicial functions

In Denmark, there is a separate quasi-judicial institution competent to decide on discrimination cases (Board of Equal Treatment).

The body (Board of Equal Treatment) cannot issue enforceable decisions. It can issue binding decisions, but they have to be taken to the civil courts to be enforced.

i) Power to impose sanctions

The Board of Equal Treatment is an independent complaints board established by the Act on the Board of Equal Treatment. It is a quasi-judicial institution that is limited to adjudicating individual complaints of discrimination.³¹⁹ The Board deals with individual complaints related to discrimination in the labour market based on gender, race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression or gender characteristics, age, disability or national, social or ethnic origin. Outside the labour market, the Board deals only with complaints relating to discrimination based on race, ethnic origin, disability, gender, sexual orientation, gender identity, gender expression and gender characteristics.

The Board is part of the public administration and is funded by public funds. The Board's expenses include remuneration of Board members and secretarial staff as well as fees to the legal advisor to the Danish Government (the law firm Kammeradvokaten), which represents the Board in civil court cases.

The Board consists of one president and two vice-presidents, who are judges, as well as nine members, who are lawyers with specific expertise in discrimination law. The president of the Board must be a High Court judge, and the vice-presidents must be city court judges. Both genders must be represented in the presidency.³²⁰ The Board members are independent of the ministries that have nominated and appointed them. The Board members do not represent any specific political or organisational views.

In 2015, the Act on the Board of Equal Treatment was amended to clarify that the Board can only adjudicate complaints if the complainant has an individual and current interest in the case in question.³²¹ In one example, a man had filed seven complaints of discrimination with the Board of Equal Treatment.³²² All complaints concerned job postings in which companies were seeking candidates of a specific age, nationality or gender. Based on the overall circumstances, the Board assessed that the man did not apply for the specific positions with the intention of obtaining employment but rather with the sole purpose of bringing the cases before the Board to claim compensation for discrimination. The Board referred to the Kratzer judgment (Case C-423/15 of 28 July 2016) and stated that the

³¹⁶ Bill No. 2015/1 LSF 28 of 8 October 2015 regarding the amendment of the Act on the Board of Equal Treatment.

³¹⁷ Information provided by the DIHR Equal Treatment Department by email, 30 March 2025.

³¹⁸ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³¹⁹ Consolidated Act No. 1779 of 25 November 2024 on the Act on the Board of Equal Treatment.

³²⁰ Consolidated Act No. 1779 of 25 November 2024.

³²¹ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment.

³²² Board of Equal Treatment, Decision No. 9892 of 18 September 2024.

situation constituted an abuse of rights and therefore did not fall within the scope of the discrimination acts.

Since the amendment of the Act on the Board of Equal Treatment in 2015, it has not been possible for an individual to file a complaint because they belong to a group of people (based on ethnic origin, for example) who have been discriminated against. The requirement for locus standi has resulted in a number of cases being dismissed.

The Board does not have the power to take up cases on its own initiative or to allow for oral proceedings in individual cases.

When handling a complaint, the president or a vice-president of the Board participates together with two additional members. In 2015, the Act on the Board of Equal Treatment was amended to clarify that complaints, which can be adjudicated in accordance with well-established case law, can be decided by just one member of the Board's presidency.³²³ In complaints concerning matters of principle, the president can decide that four additional members participate instead of two.

ii) Nature and level of sanctions that can be imposed

According to Section 2 of the Act of the Board of Equal Treatment, the Board has the power to award financial compensation in cases of discrimination. See Section 6.5. on Sanctions and the assessment of the level of compensation.

iii) Possibility to appeal (to the body itself or to courts)

A decision by the Board cannot be appealed to another administrative body but may be taken to the civil courts. The time limit in the statute of limitation is suspended by the Board's decision. See Section 6.1.b above for a description of the Danish rules on limitation.

iv) Enforcement of binding decisions

The decisions of the Board of Equal Treatment are legally binding and generally well respected. The Board does not have the power to follow up on individual cases to track and secure implementation of its decisions. However, if a decision by the Board is not respected, and if a complainant makes a request, the Board must bring the case before the civil courts pursuant to Section 12 of the Act on the Board of Equal Treatment for the decision to be enforced.

v) Implementation of non-binding opinions

N/A

b) Amicable settlements

Neither the Board of Equal Treatment nor the DIHR have the competence to offer amicable settlement procedures to the parties in a discrimination case. Victims of discrimination currently do not have general access to alternative dispute resolution processes, which does not seem to be in line with Article 7 of Directive 2024/1499.³²⁴

7.9 Procedural safeguards

Apart from the requirement to publish an annual report for the Danish Parliament on the human rights situation in Denmark, to the knowledge of the expert, there are no safeguards when it comes to the work of the DIHR.

³²³ Act No. 1570 of 15 December 2015 amending the Act on the Board of Equal Treatment.

³²⁴ There are no amendments in Bill 2025/1 LSF 97 on this issue.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Denmark, the DIHR registers the number of requests received for advice in individual cases of possible discrimination. The DIHR assists victims of discrimination and has a Discrimination Helpline responsible for giving advice relating to individual cases of alleged discrimination. The DIHR data are not generally available to the public. In 2025, the Discrimination Helpline provided advice by phone or in writing on 373 cases of discrimination.³²⁵ The number of enquiries for information on general discrimination issues is not recorded by the DIHR.

In Denmark, the Board of Equal Treatment records the number of discrimination complaints that it receives as well as the number of decisions issued. Statistics on the number of complaints and the Board's decisions could previously be found on the website of the Board of Equal Treatment. This is no longer the case and the Board's 2024 annual report is the source of the statistics below.³²⁶

Number of complaints received:

- 2018: 341
- 2019: 374
- 2020: 657 (222 complaints concern the same housing issue (the 'ghetto legislation') regarding possible discrimination based on ethnic origin and await rulings from the Eastern High Court)
- 2021: 486
- 2022: 512
- 2023: 548
- 2024: 506

Number of decisions made by the Board (including chairperson's decisions):

- 2018: 285
- 2019: 133
- 2020: 194
- 2021: 183
- 2022: 412
- 2023: 197
- 2024: 318

Table: Number of decisions made by the Board of Equal Treatment 2018-2024, by ground:³²⁷

	2018	2019	2020	2021	2022	2023	2024
Race/ethnic origin	37	46	68	32	94	59	63
Age	102 ³²⁸	30	37	18	48	28	33
Disability	75 ³²⁹	60	88	105	292	165	171
Multiple discrimination/other	32	8	14	14	21	6	13

³²⁵ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026.

³²⁶ Board of Equal Treatment (2025), *Annual Report 2024*, pp. 33-38.

³²⁷ The data on decisions disaggregated by grounds are indicated as provided by the Board of Equal Treatment in its 2024 Annual Report. Decisions on gender as well as rejected complaints are not included.

³²⁸ Of these, 68 decisions were part of the same case.

³²⁹ Legislation prohibiting discrimination outside the labour market entered into force on 1 July 2018.

According to the evaluation made by VIVE of the Act on the Prohibition of Discrimination due to Disability, the number of complaints filed under this Act has been on the increase. Since it came into force in 2018, the Board has handled a total of 371 complaints related to the Act on the Prohibition of Discrimination due to Disability. Of these, 37 complaints have been upheld.³³⁰

b) Equality data collection

In Denmark, the DIHR does not collect general equality data. When relevant for individual projects, the DIHR can request data from Statistics Denmark, the police and other public authorities.

The DIHR periodically encounters challenges in obtaining information and data relevant to its work. To live up to the requirements of Article 16(3) of Directive 2024/1499, the DIHR has recommended a clarification in the law to ensure that the institute gets access to the data it requests in connection with its investigations related to the principle of equal treatment.³³¹

7.11 Roma and Travellers

The DIHR has not treated Roma and Travellers as a priority issue. In 2023, the DIHR published an analysis of the Danish Roma Strategy setting out that the Roma population in Denmark is estimated to be around 5 500 people.³³² The majority of Roma people came to Denmark during the 1970s, as migrant workers from the former Yugoslavia, and during the 1990s, as refugees from the Balkan wars. The DIHR concludes that the Danish national strategy for the inclusion of Roma is among the most unambitious Roma strategies in the EU. The DIHR also concludes that the strategy does not live up to the minimum obligations, that Denmark has committed to in the EU Framework for National Roma integration strategies. Efforts in Denmark lack, among other things, concrete targets for Roma equality. It also lacks the involvement of Roma people in the development of the national strategy. Based on the analysis, the DIHR recommended that the Ministry of Immigration and Integration revise the Danish Roma Strategy to ensure that it meets the minimum obligations of the EU Framework and to gather information on the situation of Roma people in Denmark to set concrete targets regarding their equal treatment.

³³⁰ Danish Center for Social Science Research (VIVE) (2024), *Lov om forbud mod Forskelsbehandling på grund af handicap - Evalueret fra et borger- og samfundsperspektiv* (Act on the Prohibition of Discrimination due to Disability – Evaluation from a citizen and community perspective). See: <https://www.vive.dk/media/pure/qz55dkrz/25783388>.

³³¹ Danish Institute for Human Rights (2025), *Høringssvar over udkast til lovforslag om ændring af lov om Institut for Menneskerettigheder (Gennemførelse af EU's direktiver om standarder for nationale ligebehandlingsorganer)*, 1 December 2025. See: <https://menneskeret.dk/hoeringssvar/gennemfoerelse-eus-direktiver-standarder-nationale-ligebehandlingsorganer>. There are no amendments in Bill 2025/1 LSF 97 on this issue.

³³² Danish Institute for Human Rights, 'Danmarks Romastrategi lever ikke op til europæiske forpligtelser' (Denmark's Roma strategy doesn't match European commitments), August 2023. See: <https://menneskeret.dk/nyheder/danmark-scorer-bundkarakter-eu-romaer-beskyttes-ikke-godt-nok>.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

In theory, the Ministry of Foreigners and Integration works to promote the integration and equal treatment of ethnic minorities in Denmark. However, no information on efforts to combat discrimination is found on the ministry's website. The Ministry of Social Affairs and Senior Citizens has overall responsibility for coordinating policies regarding disability.³³³

The DIHR serves as a specialised equality body, disseminating information about discrimination and equal treatment. In its annual reports, the DIHR deals with selected human rights issues and provides recommendations to promote the protection of general human rights in Denmark.³³⁴

It follows from the National Integration Barometer that 44 % of immigrants of non-Western origin and their descendants experienced discrimination based on their ethnic background in 2024.³³⁵ The survey for the National Integration Barometer is carried out every second year and the percentage has stayed almost the same since the indicator was first measured in 2012.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

Apart from the general work of the DIHR, no recent activities have taken place when it comes to measures to encourage dialogue with NGOs.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice and workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

No recent activities have taken place when it comes to measures to promote dialogue between social partners.

- d) Addressing the situation of Roma and Travellers

There is no specific body to address current Roma issues in Denmark. Denmark submitted a new Roma Strategy to the EU in December 2021.³³⁶ The strategy includes no information about the number of Roma people living in Denmark and no information about their specific social situation. The Danish Government argues that no statistics are available because registration of individuals' ethnicity is illegal and therefore not undertaken by Danish authorities.

There is no information about the extent of discrimination against the Roma population in Denmark. Discrimination against the Roma population living permanently in Denmark and against Roma migrants in homelessness is not mentioned in the strategy. Also, the strategy does not include information about Roma migrants in homelessness who live on the streets

³³³ See: <https://english.sm.dk/responsibilities-of-the-ministry/disability-policy/>.

³³⁴ DIHR (2026), *Beretning til Folketinget 2025* (Report to Parliament 2025). See: <https://menneskeret.dk/viden/udgivelser/menneskerettigheder-danmark-2025>.

³³⁵ *Det Nationale Integrationsbarometer 2024* (National Integration Barometer 2024). See: https://integrationsbarometer.dk/barometer/sammenlign/?v=5483228d56ec&include_country%3Abooleant=on&indicators%3Alist=5N1.

³³⁶ The strategy is only available in Danish: 'Danmarks strategi om romaernes ligestilling, inklusion og deltagelse'.

in Denmark for shorter or longer periods, collecting bottles and selling magazines. In its latest report, ECRI criticises the enforcement of the Danish camp legislation prohibiting people sleeping on the streets in so-called camps.³³⁷ According to ECRI, it appears that the legislation is implemented in a rather repressive manner by the police in relation to non-Danes.

Basically, the Roma strategy refers to existing equality and integration policies as well as general anti-discrimination legislation, stating that the small Roma population in Denmark is covered by these general laws and policies.

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

A general non-discrimination assessment of all relevant legislation has never been carried out in Denmark. One exception is the evaluation made by VIVE of the Act on the Prohibition of Discrimination due to Disability.³³⁸

Measures to ensure the abolition of laws, regulations and administrative provisions contrary to the principle of equal treatment have not been put in place. However, to the knowledge of the author, there are no laws in direct conflict with the principle of equality.

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

A general non-discrimination assessment of all relevant contracts, collective agreements, internal rules of businesses and the rules governing independent occupations, professions, workers' associations or employers' associations has never been carried out in Denmark. Furthermore, measures to ensure the abolition of regulations contrary to the principle of equal treatment have not been put in place.

The rules of *lex specialis* and *lex posterior* apply as part of Danish law.

Moreover, it is a general principle of Danish anti-discrimination law as well as most employment law that a person cannot sign away or agree to be placed in a less favourable position than that prescribed by law. A person cannot waive their right not to be subjected to discrimination through a contract or agreement with their employer.

³³⁷ ECRI Report on Denmark (sixth monitoring cycle), adopted on 29 March 2022 and published on 9 June 2022, pp.30-31. See: <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

³³⁸ The Danish Center for Social Science Research (VIVE) (2024), *Lov om forbud mod Forskelsbehandling på grund af handicap - Evaluering fra et borger- og samfundsperspektiv* (The Act on the Prohibition of Discrimination due to Disability – Evaluation from a citizen and community perspective). See: <https://www.vive.dk/da/nyheder-og-debat/2024/lov-om-forbud-mod-forskelsbehandling-paa-grund-af-handicap-kan-ikke-staa-alene/>.

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

The Ministry of Employment is responsible for issues of discrimination in the labour market and the Ministry of Foreigners and Integration is responsible for integration issues.³³⁹ It is not clear from the ministries' websites what kind of efforts they make to protect genuine ethnic equality and non-discrimination.

The Ministry of Social Affairs and Housing has the overall responsibility for coordinating disability policies.³⁴⁰ It is not clear from the ministry's website what kind of efforts they make to protect genuine equality and non-discrimination for persons with disabilities.

9.2 National Strategies and action plans

In 2025, several long-awaited national strategies and action plans on antidiscrimination were adopted in Denmark. None of these action plans had an intersectional approach.

On 27 January 2025, the Danish Government launched an action plan to combat racism and discrimination against Greenlanders in Denmark with 12 new initiatives.³⁴¹ Around 17 000 persons born in Greenland currently live in Denmark. Racism against Greenlanders in Denmark has typically not been recognised by the Danish society at large. The adoption of the action plan therefore highlights a new development illustrated by the Danish Government's statement in the introduction to the action plan: 'It is time to address prejudice and discrimination against Greenlanders in Denmark. We must reject degrading remarks and stereotypical prejudices'. According to the Danish Government, the initiatives aim to strengthen trust between the populations within the kingdom by actively combating racism and discrimination against Greenlanders in Denmark.

On 21 February 2025, the Danish Government launched a general action plan to combat racism in Denmark with 36 new initiatives.³⁴² It is the first national action plan against racism since a 2010 plan on ethnic equality and respect for the individual person.³⁴³ In January 2022, the Danish Government at the time sent out a press release stating that it agreed with a majority of the Parliament to use some of the funds from the 2022 national budget for a National Action Plan Against Racism.³⁴⁴ It is remarkable that it took three years to adopt this general national action plan against racism.

In the preface to the general action plan to combat racism, the Danish Government describes how 'Racism can affect everyone. Both ethnic Danes and minorities'. According to the action plan, 'It is the government's hope that the action plan will constitute a new, significant step in our common fight against racism and at the same time create a new and necessary debate about what is understood as racism. And just as importantly – a debate about what is not understood as racism'. The Government underlines that 'the work of Danish authorities to combat racism continues to be based on the definitions that already exist in Danish and international law'. The only minorities mentioned in the action plan are Greenlanders and Jews experiencing racism in Denmark. There is no mentioning of people with a Muslim background and the racism and islamophobia they experience in Denmark.

³³⁹ See: <https://bm.dk/> and <https://uim.dk/arbejdsomraader/integration/>.

³⁴⁰ See: <https://www.english.sm.dk/>.

³⁴¹ Presentation of action plan in Danish: <https://www.regeringen.dk/nyheder/2024/regeringen-vil-bekaempe-racisme-og-diskrimination-mod-groenlaendere-i-danmark-med-12-nye-initiativer/>.

³⁴² Regeringen (2025), *Handlingsplan mod Racisme* (February 2025). See presentation of action plan in Danish: <https://uim.dk/nyhedsarkiv/2025/februar/regeringen-praesenterer-samlet-handlingsplan-mod-racisme-i-danmark/>.

³⁴³ Regeringen (2010), *Handlingsplan om etnisk ligebehandling og respekt for den enkelte*.

³⁴⁴ Ministry of Justice (2022), press release, 24 January 2022: <https://www.justitsministeriet.dk/pressemeddelelse/regeringen-er-enig-med-sf-radikale-venstre-enhedslisten-alternativet-og-kristendemokraterne-om-at-lave-en-handlingsplan-mod-racisme/>.

The first 12 initiatives of the general action plan to combat racism are aimed at discrimination against Greenlanders in Denmark. As described above, these initiatives were separately and previously launched in January 2025.

On 20 June 2025, the Danish Government in accordance with the action plan to combat racism and discrimination against Greenlanders in Denmark, presented 12 detailed and concrete initiatives to promote equal treatment and the fight against racism against Greenlanders living in Denmark.³⁴⁵

In late November 2025, the Danish Government put forward a national disability policy action plan with the title: 'More people with disabilities in education and employment'.³⁴⁶ The action plan sets out the Government's goal for 15 000 more people with disabilities to be part of the labour market by 2030. The action plan consists of three main areas:

- Education and the transition to employment
- Working life
- Goals, follow-up, and knowledge.

The disability policy action plan includes positive elements that aim to ensure greater flexibility in citizens' educational pathways and a stronger focus on inclusion in the labour market after completing education. However, Denmark does not have a comprehensive national action plan ensuring clear and long-term coordination among relevant authorities, so that citizens' needs are supported in all stages and facets of life. For years, civil society organisations have argued that Denmark needs a comprehensive national action plan on disability, which is something that was also underlined by the UN Committee on the Rights of Persons with Disabilities in 2024.³⁴⁷ It is therefore problematic that the Government's first national action plan focuses solely on education and employment, while neglecting important areas of society such as health and transportation. As emphasised by the director of the Danish Institute for Human Rights, Louise Holck, 'It is of no use to make it easier to get a job if you cannot get there by public transport.'³⁴⁸

Finally, on 2 December 2025, the Danish Government presented a new action plan with 17 initiatives to combat antisemitism in Danish society: the Action Plan against Antisemitism 2026–2029.³⁴⁹ As a background, the Government describes a surge in antisemitism in Denmark after Hamas's terrorist attack in Israel on 7 October 2023.

The new action plan continues and strengthens several existing initiatives. The Action Plan against Antisemitism 2026–2029 replaces the previous Action Plan against Antisemitism from January 2022 as well as the 12 initiatives to strengthen criminal justice efforts and efforts against online antisemitism that was presented in June 2024.³⁵⁰ The action plan is

³⁴⁵ Regeringen (2025), *Presentation of concrete initiatives to fight discrimination and racism against Greenlanders* (June 2025). In Danish, see: <https://uim.dk/nyhedsarkiv/2025/juni/regeringen-praesenterer-nye-initiativer-til-ligebehandling-af-og-bekaempelse-af-racisme-mod-groenlaendene-i-danmark/>.

³⁴⁶ Regeringen (2025), *Handicappolitisk Handlingsplan – Flere med handicap i uddannelse og beskæftigelse* (Disability Policy Action Plan - More people with disabilities in education and employment), (25 November 2025). See: https://www.sm.dk/Media/638996699931489475/Handicappolitisk_handlingsplan_2025_UA.pdf. Press release from the Ministry of Social Affairs and Housing, 25 November 2025: <https://www.sm.dk/nyheder/nyhedsarkiv/2025/nov/nyhedsside>.

³⁴⁷ Committee on the Rights of Persons with Disabilities (2024), *Concluding observations on the combined second and third periodic reports of Denmark*, UN Doc. CRPD/C/DNK/CO/2-3 (8 October 2024).

³⁴⁸ Danish Institute for Human Rights (2025), press release on the disability policy action plan, 25 November 2025: <https://menneskeret.dk/nyheder/handicappolitisk-handlingsplan-uddannelse-beskaeftigelse-skridt-riktige-retning>.

³⁴⁹ Regeringen (2025), *Handlingsplan mod antisemitisme - 2026-2029* (The Action Plan Against Antisemitism 2026–2029) (2 December 2025). See: <https://www.justitsministeriet.dk/wp-content/uploads/2025/12/Handlingsplan-mod-antisemitisme-2026-2029.pdf>. Press release from the Ministry of Justice, 2 December 2025: <https://www.justitsministeriet.dk/pressemeldelse/regeringen-vil-bekaempe-antisemitisme-med-17-initiativer-frem-mod-2030/>.

³⁵⁰ Ministry of Justice (2022), *Regeringen, Handlingsplan mod antisemitisme* (Action Plan on Antisemitism), <https://www.justitsministeriet.dk/wp-content/uploads/2022/01/Antisemitisme-handlingsplan.pdf>. See also

broad and affects many areas of society, in particular the new initiatives aimed at primary and lower secondary schools and youth education programmes are positive means to fostering tolerance.

In 2022, the Danish Government published the LGBT+ action plan 2022-2025.³⁵¹ The action plan underlines a Danish commitment to the involvement in the EU's LGBTIQ Equality Group.

Ministry of Justice (2024), *Aftale om styrket indsats mod antisemitisme* (Agreement on a Strengthened Effort Against Antisemitism): <https://www.justitsministeriet.dk/wp-content/uploads/2024/06/Aftaletekst.pdf>.

³⁵¹ See Ministry of Transport (2023), *Room for diversity in the community - LGBT+ action plan 2022-2025*. See: https://www2.mim.dk/Udgiv/Ligestilling_2023/Room_for_diversity.pdf.

10 CURRENT BEST PRACTISES

Status reports and annual reports prepared for the Danish Parliament by the DIHR document discrimination and provide recommendations to promote the protection of human rights and equality rights in Denmark. The website of the DIHR provides clear and usable information about the status of equality and human rights in Denmark in relation to a number of discrimination grounds. As an illustration, the DIHR webpage on ethnicity provides the following overview and information:³⁵²

- most important recommendations
- Danish and international initiatives
- landmark judgments and decisions
- key figures 2025
- latest news on ethnicity
- publications on ethnicity
- legal briefs on ethnicity
- contact information.

The same information is provided concerning disability, gender, LGBT+, religion, age etc.

In June 2023, Copenhagen City Council adopted an action plan against racism, ethnic discrimination and hate crimes. The City of Copenhagen and the DIHR have been collaborating to combat discrimination in the country's capital, and in December 2025 they initiated a common campaign, 'Room for All', with TV adverts on city buses and posters in the streets.³⁵³ The campaign emphasises that in Copenhagen, there must be room for everyone, regardless of 'age, religion, disability, race, ethnic origin, sexuality, gender, gender expression, gender identity, or gender characteristics'. The campaign also provides information about the Discrimination Helpline, through which the DIHR provides free advice and legal assistance to citizens who have experienced discrimination.

The Danish Chamber of Commerce is the network for companies within the retail, service, IT, transport, tourism and health industries in Denmark. In December 2025, it published a report in collaboration with the DIHR documenting how it can help prevent discrimination and that it is good for the bottom line when companies work practically and strategically with diversity and inclusion.³⁵⁴ The report also illustrates the benefits of a constructive collaboration between a national equality body and a large business organisation.

In June 2024, Denmark formally ratified ILO Convention No. 190 on violence and harassment.³⁵⁵

When the Act on the Prohibition of Discrimination due to Disability was enacted in 2018, it was decided that a thorough evaluation would be carried out a few years after it entered into force. In 2024, the Danish Center for Social Science Research (VIVE) evaluated the Act and found that:³⁵⁶

³⁵² See: <https://menneskeret.dk/status/etnicitet>.

³⁵³ See: <https://menneskeret.dk/nyheder/plads-ny-kampagne-diskrimination-koebenhavn>.

³⁵⁴ Dansk Erhverv og Institut for Menneskerettigheder (2025), *Danske virksomheders arbejde med diversitet og inklusion* (Danish companies' work with diversity and inclusion). See: <http://menneskeret.dk/viden/udgivelser/danske-virksomheders-arbejde-diversitet-inklusion>.

³⁵⁵ See Press release from the Ministry of Employment (June 2024): <https://bm.dk/nyheder/pressemeddelelser/2024/06/danmark-tiltraeder-ilo-konvention-mod-vold-og-chikane-i-arbejdslivet>.

³⁵⁶ Danish Center for Social Science Research (VIVE) (2024), *Lov om forbud mod Forskelsbehandling på grund af handicap - Evalueret fra et borger- og samfundsperspektiv* (The Act on the Prohibition of Discrimination due to Disability – Evaluation from a citizen and community perspective). See: <https://www.vive.dk/da/nyheder-og-debat/2024/lov-om-forbud-mod-forskelsbehandling-paa-grund-af-handicap-kan-ikke-staa-alene/>.

- Awareness of the law is limited.
- From a citizen and societal perspective, there is puzzlement about the fact that the law only covers the right to reasonable accommodation in the school and daycare sectors and not across all areas of life – it is seen as a limitation of the law.
- The law alone is not sufficient in creating equal opportunities for people with disabilities; there must be a broader societal willingness to foster inclusion for all.

The evaluation from VIVE also highlights a positive development that the Act has probably helped to shape – namely, that the law is beginning to have an impact ‘from the ground up’ in small-scale, specific situations. The evaluation provides examples of how local initiatives have engaged in dialogue with, for instance, a shop or restaurant regarding the right to bring a service or guide dog on to the premises. In cases where the shop or restaurant was unaware of this right, they have subsequently adjusted their service to comply with the law’s requirements.

In 2023, the DIHR launched the LGBT+ Barometer.³⁵⁷ The LGBT+ Barometer measures living conditions and equality in 10 key areas of society (discrimination and hatred, marginalisation, family and close relations, labour market, physical health, mental health, sexual health, gender-affirming care, social engagement and education). It contains resources on legislation as well as figures on discrimination and hate crimes etc. In short, the information of the Barometer shows what it is like to be an LGBT+ person living in Denmark. One finding is that 38 % of homosexuals and bisexuals, 64 % of transgender and non-binary persons and 16 %-17 % of heterosexuals and cisgender persons have experienced differential treatment based on their gender, sexual orientation or appearance.³⁵⁸ Another finding is that 2 000 – 3 000 LGBT+ persons are victims of a violent hate crime each year.³⁵⁹ Nevertheless, few hate crimes are – for unknown reasons – investigated by the police. The police are not obliged at the time of reporting to determine whether a crime is motivated by hatred.

No information has been found in relation to tackling discrimination caused by the use of artificial intelligence (AI).

³⁵⁷ Danish Institute for Human Rights, ‘LGBT+ Barometer’. See: <https://menneskeret.dk/viden/lgbt-barometer-0>.

³⁵⁸ See: <https://www.humanrights.dk/lgbt-barometer/discrimination-and-hatred>.

³⁵⁹ See: <https://www.humanrights.dk/lgbt-barometer/discrimination-and-hatred>.

11 SENSITIVE OR CONTROVERSIAL ISSUES³⁶⁰

11.1 Potential breaches of the directives at the national level

Discrimination and access to healthcare

According to Section 50 of the Danish Health Act, all residents with the right to free treatment in hospitals, by general practitioners or by specialists, have the right to an interpreter, if a doctor finds that an interpreter is necessary to explain their treatment. With the primary aim of further incentivising foreigners to learn Danish, patients who need an interpreter and who have lived in Denmark for more than three years are charged a fee for the interpreting service.³⁶¹ Among patients who need interpreting, it may be presumed that persons with an ethnic minority background other than Danish will be over-represented. Although the incentive to learn Danish and the push to strengthen integration are legitimate aims, the means of achieving those aims does not seem appropriate and necessary. Many of the patients who are affected by the legislation have low incomes and, in spite of their need, will not be able to afford an interpreter. Many patients with an ethnic minority background therefore risk not getting equal access to healthcare.

This is documented in a report by the DIHR and the Danish Medical Association, which reports on the results of a survey in which more than 600 doctors reported their experiences with the interpreting services charge and its implications after it had been in force for one year.³⁶² The report shows that the fee has resulted in an increased use of relatives as interpreters and that patients who do not speak Danish well may not receive the right healthcare. Another study from 2023 suggests that the policy aim of incentivising host country language acquisition is partly met, but that the fee has had unintended consequences in terms of hampered access to healthcare and increased use of ad hoc interpreters, raising concerns about unmet health needs and poorer quality of care for a substantial group.³⁶³ More specifically the study shows that among immigrants needing interpretation, 42 % reported having refrained from seeking healthcare due to the fee, 73 % reported using ad hoc interpreters, and 77 % reported trying to learn Danish faster.

The rules may therefore cause indirect discrimination due to ethnic origin or race in violation of Racial Equality Directive 2000/43/EC Article 2(2)(b) and Article 3(1)(e). In 2023, the rules were criticised by the DIHR which found it problematic that the quality of the professional interpreting in the Danish health system is insufficient; that a doctor needs to assess the interpreting as necessary; and that patients need to pay for interpreting.³⁶⁴ The organisation of general practitioners also argued for the abolishment of the fee for interpreting services.³⁶⁵ Despite significant negative health consequences for patients and strong criticism from general practitioners and the Danish Medical Association, a 2024

³⁶⁰ The assessments and views expressed in both Sections 11.1 and 11.2 reflect the author's opinion.

³⁶¹ Section 50(2) of the Consolidated Act No. 275 of 12 March 2025 (*Sundhedsloven*). Regulation No. 855 of 23 June 2018 (*Bekendtgørelse om tolkebistand efter sundhedsloven*). The rules are described in the official periodic report from Denmark to the CERD-Committee covering the period from July 2013 to December 2018. See UN document CERD/C/DNK/22-24 of 7 February 2019, paragraphs 185-190.

³⁶² DIHR and the Danish Medical Association (Lægeforeningen) *Egenbetaling for tolkebistand – lægers erfaring med ordningen*, (Patients charged for interpreting services – doctors' experiences with the scheme), December 2019. See: <https://menneskeret.dk/udgivelser/egenbetaling-tolkebistand-laegers-erfaring-ordningen>.

³⁶³ Rørdam Nielsen, M. and Smith Jervelund, S. (2023), 'Impacts of an interpretation fee on immigrants' access to healthcare: Evidence from a Danish survey study among newly arrived immigrants', *Health Policy* Volume 136, October 2023.

³⁶⁴ DIHR, *Høringssvar over udkast til Danmarks tredje UPR-Midtvejsrapport* (16 Oktober 2023) (Brief on the draft of Denmark's third UPR mid-term report). See: <https://menneskeret.dk/hoeringssvar/danmarks-3-upr-midtvejsrapport>.

³⁶⁵ Dagens Medicin, 'Afskaf tolkegebyret nu' (Abolish the interpretation fee now), 24 February 2024. See: <https://dagensmedicin.dk/lvs-og-plo-tilslutter-sig-kritik-af-christiansborg-afskaf-tolkegebyret-nu/>.

survey showed that a majority of the political parties in the Parliament wishes to maintain the fee for the use of interpreters in the healthcare system.³⁶⁶

No ghettos in Denmark by 2030!

As described above in Section 3.2.9, the parallel society legislation, (still called the 'ghetto legislation' at national level) in Denmark divides public housing areas in various categories. The legislation uses the criterion 'immigrants and descendants from non-Western countries'.³⁶⁷ The legislation has been challenged as discriminatory and a number of cases for the courts and the Board of Equal Treatment are currently on hold awaiting a ruling by the Danish Eastern High Court as a result of the preliminary ruling from the CJEU in case C-417/23.³⁶⁸ The fundamental issue in question is whether the Danish 'ghetto legislation' is discriminatory based on ethnic origin and thus a potential breach of EU law.³⁶⁹ In December 2025, the CJEU found that the legal criterion 'immigrants from non-Western countries and their descendants' may constitute both direct and indirect discrimination based on ethnic origin. According to the CJEU, however, the referring Danish court must make the final determination as to the presence of discrimination because the case concerns the interpretation of Danish law. Nevertheless, the Court reasoned as to how the Danish Eastern High Court can determine whether the Danish housing legislation constitutes direct or indirect discrimination in violation of Directive 2000/43. It is not clear when the Danish Eastern High Court will rule in the case.

Social assistance system and work requirement

In 2025, the Danish social assistance system was changed so that certain citizens receive a lower benefit and are simultaneously subject to a work requirement if they do not meet specific residency and employment criteria in Denmark.³⁷⁰ The work requirement is a new development in Danish law and primarily affects people with an ethnic minority background. More specifically, the work requirement applies to individuals who have not resided in Denmark for 9 out of the past 10 years and who have not held full-time employment for at least 2.5 years in the past 10 years. Citizens who do not meet these two criteria must be 'activated' by the municipalities for up to 37 hours each week. This activation can take the form of community jobs with public employers, company internships or employment with wage subsidies.

The DIHR has argued that the new system with a work requirement may constitute unlawful indirect discrimination on the grounds of ethnic origin.³⁷¹ This is partly because it is a significant intervention that will result in a large group of people (estimated target

³⁶⁶ Dagens Medicin (2024), 'Ny Undersøgelse' (New study) (2 February 2024). See:

<https://dagensmedicin.dk/ny-undersogelse-flertal-i-folketinget-vil-bevare-omstridt-gebyr/>.

³⁶⁷ Consolidated Act No. 1171 of 11 November 2024 on Public Housing, Section 61a (2): 'Ved et parallelsamfund forstås et boligområde, hvor andelen af indvandrere og efterkommere fra ikkevestlige lande overstiger 50 pct., og hvor mindst to af kriterierne i stk. 1 er opfyldt.'

³⁶⁸ CJEU Judgment of 18 December 2025, *Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge*, C-417/23.

Decision by Eastern High Court in Cases No. BS-26702/2020-OLR, BS-26704/2020-OLR, BS-26705/2020-OLR, BS-26706/2020-OLR, BS-27824/2020-OLR of 30 June 2023. See:

https://www.justiceinitiative.org/uploads/970c26c9-8c06-4fc1-a9b9-33d13efd82c3/eastern-high-court-referral-dk_06302023.pdf

³⁶⁹ Open Society Justice Initiative has made a website with documents on the various legal challenges off the Danish 'ghetto-legislation'. See: <https://www.justiceinitiative.org/litigation/lejere-i-mjølnerparken-mod-det-danske-transport-og-boligministerium/dk>.

³⁷⁰ Act No. 1654 of 30 December 2024 *om ændring af lov om en aktiv beskæftigelsesindsats, integrationsloven og forskellige andre love*. See information about the work requirement on the website of the Danish Agency for Labour Market and Recruitment: <https://star.dk/implementering/nyt-kontanthjælpsystem-inklusive-ny-arbejdspligt>.

³⁷¹ Danish Institute for Human Rights (2024), *Høring over udkast til lovforslag om henholdsvis reform af kontanthjælpsystemet og indføring af ny arbejdspligt* (12 August 2024): [https://menneskeret.dk/files/media/document/Høringssvar over reform af kontanthjælpsystemet og indføring af ny arbejdspligt.pdf](https://menneskeret.dk/files/media/document/Høringssvar%20over%20reform%20af%20kontanthjælpsystemet%20og%20indføring%20af%20ny%20arbejdspligt.pdf). See also website of DIHR on the issue in more general terms: <https://menneskeret.dk/status/etnicitet-0>.

group of 22 000) receiving the lowest social assistance benefit, while at the same time being required to work to receive their benefit. According to the DIHR, the Danish Government has not convincingly explained why it is necessary to impose a work requirement on this specific target group, but not on other recipients of social assistance.

11.2 Other issues of concern

There is a profound lack of recognition that discrimination based on race and ethnic origin takes place in Danish society, and there are challenges and barriers for minorities in taking part in society on an equal footing. In 2024, 44 % of immigrants of non-Western origin and their descendants experienced discrimination based on their ethnic background.³⁷² In late 2023, the DIHR published a large study documenting experiences of ethnic discrimination in Denmark.³⁷³ The study is based on adult minority-ethnic persons who grew up in Denmark and overall, the survey shows that more than eight out of 10 minority-ethnic persons have experienced discrimination or prejudice in the past year. For many, discrimination was not a single incident but repeated negative experiences across the labour market, public spaces, and in contact with public authorities.

In 2024, the UN Committee on the Rights of Persons with Disabilities noted in its concluding observations on Denmark that the employment rate for 16-64-year-olds with disabilities in 2022 was 60 %, as compared to 86 % of other 16-64-year-olds.³⁷⁴ According to the Committee, this difference of 26 % in the employment rate gave rise for concern and the Committee was worried that no long-term programmes or measures had been adopted to raise the awareness of employers on inclusion, to train social workers in disability-specific expertise or to adapt employment programmes to make them accessible and responsive to all persons with disabilities.

Monitoring case law in Danish courts is hindered due to a lack of free public access to case law. All judgments handed down by the Supreme Court and a selected cases from the High Courts and city courts are posted on the internet. Cases not posted can be obtained from the courts by paying a fee. Case law in the court systems, however, is sorted without reference to the legislation applied. A complete list of case law concerning specific legislation is not available through public registers. It is possible to subscribe to an expensive private database (the Weekly Law Journal), which contains all Supreme Court cases and select High Court cases. City court cases are only rarely published. This lack of access to case law constitutes a problem, especially for monitoring discrimination cases, in particular city court cases, which are rarely appealed and therefore often remain unknown. In January 2022, a web portal opened with open and free access to judgments in Denmark (domsdatabasen.dk) and over time, it will improve the ability to monitor Danish discrimination cases.

The Danish Institute for Human Rights (DIHR) has the mandate as the specialised equality body. The obligation set out in the EU directive and the Danish legislation to provide assistance to victims of discrimination has not seemed to be a priority in previous years. The relatively low number of discrimination enquiries to the Discrimination Helpline has shown that, for possible victims of discrimination, the DIHR has either been invisible or there has been no confidence that approaching the DIHR would help. Numbers of enquiries have, however, gone up from 315 in 2024³⁷⁵ to 373 in 2025.³⁷⁶ According to the DIHR, it

³⁷² National Integration Barometer 2024 (*Det Nationale Integrationsbarometer*).

³⁷³ Danish Institute for Human Rights (2023), *Oplevet etnisk diskrimination i Danmark* (November 2023). See: <https://menneskeret.dk/udgivelser/oplevet-etnisk-diskrimination-danmark>.

³⁷⁴ UN Doc. CRPD/C/DNK/CO/2-3: Concluding observations on the combined second and third periodic reports of Denmark (8 October 2024), para. 71-72.

³⁷⁵ Information provided by the DIHR Equal Treatment Department by email, 20 March 2025.

³⁷⁶ Information provided by the DIHR Equal Treatment Department by email, 27 February 2026. The reason why the distributed inquiries/numbers are slightly higher than the 373 is that a single inquiry may be registered under several grounds of discrimination.

is difficult to say whether this increase is satisfactory, and it is also difficult to give substantiated suggestions as to why the numbers have not increased even more.³⁷⁷

The DIHR does not have a right to intervene in court cases since it requires permission from the courts according to Section 152(3) of the Administration of Justice Act, which does not seem to be in line with Article 10(3) of Directive 2024/1499.³⁷⁸ Another issue is that the DIHR periodically encounters challenges in obtaining information and data relevant to its work. To live up to the requirements of Article 16(3) of Directive 2024/1499, the DIHR has recommended a clarification in the law to ensure that the institute gets access to the data it requests in connection with its investigations related to the principle of equal treatment.³⁷⁹

With regard to the Board of Equal Treatment, a number of issues should be raised:

- The processing time for settling complaints with the Board has increased substantially from an average of 31.1 weeks in 2019 to 71.9 weeks in 2023.³⁸⁰ This has impeded effective enforcement of the right to equal treatment, which has also been highlighted by the UN Committee on the Rights of Persons with Disabilities, which recommended the Danish Government take appropriate measures to ensure that the Board has sufficient resources to greatly reduce the time required to process discrimination complaints.³⁸¹
- The Board does not have a mandate to take up cases on its own initiative.
- The Board cannot force the parties to disclose material, produce documents, give their opinion or reveal the factual circumstances of a case in order to elucidate a case as recommended by ECRI in its latest report.³⁸²
- It is not possible to present a complaint to the Board in person. Complaints have to be submitted in writing.
- The Board is not empowered to hear oral testimonies.
- The Board processes its cases in writing by sending the parties' comments for consultation with each other. The clarification of the case is largely left to the parties, and the Board therefore does not conduct an independent investigation into whether the principle of equal treatment has been violated. This does not seem to live up to Article 8 of Directive 2024/1499 on inquiries.³⁸³
- Victims of discrimination currently do not have general access to alternative dispute resolution processes, and this does not seem to be in line with Article 7 of Directive 2024/1499.³⁸⁴

There are few NGOs and legal aid/citizen's advice offices assisting victims of discrimination in filing complaints and initiating court proceedings. Only very few NGOs specialise in providing legal aid to victims of discrimination.

³⁷⁷ Information provided by the DIHR Equal Treatment Department by email, 8 April 2025.

³⁷⁸ There are no amendments in Bill 2025/1 LSF 97 on this issue.

³⁷⁹ Danish Institute for Human Rights (2025), *Høringssvar over udkast til lovforslag om ændring af lov om Institut for Menneskerettigheder (Gennemførelse af EU's direktiver om standarder for nationale ligebehandlingsorganer)*, 1 December 2025. See: <https://menneskeret.dk/hoeringssvar/gennemfoerelse-eus-direktiver-standarder-nationale-ligebehandlingsorganer>. There are no amendments in Bill 2025/1 LSF 97 on this issue.

³⁸⁰ DIHR (2024), *Parallel report to the UN Committee on the Rights of Persons with Disabilities – Denmark 2024*, p. 10. See: https://menneskeret.dk/files/media/document/PARALLEL_REPORT_TO_THE_UN_COMMITTEE_ON_THE_RIGHTS_OF_PERSONS_WITH_DISABILITIES_Denmark_2024.pdf

³⁸¹ UN Doc. CRPD/C/DNK/CO/2-3: Concluding observations on the combined second and third periodic reports of Denmark (8 October 2024), para. 22.

³⁸² ECRI Report on Denmark (sixth monitoring cycle), adopted on 29 March 2022 and published on 9 June 2022, page 8. See: <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

³⁸³ There is nothing in Bill 2025/1 LSF 97 resolving this issue.

³⁸⁴ There are no amendments in Bill 2025/1 LSF 97 on this issue.

Outside the area of employment, in cases relating to restaurants, bars and night clubs, for example, sanctions are so mild that it can be questioned whether they are sufficiently effective, proportionate and dissuasive, as required by the directives.

In more concrete terms, several legislative initiatives targeting foreigners were introduced in the last couple of years. The so-called ghetto laws and the laws on the social assistance system and the work requirement are described above. The burqa ban(s), the handshake requirements and the anti-homeless initiatives are described below.

Adoption of a burqa ban

The Danish Parliament amended the Penal Code on 31 May 2018 and made it a crime to wear face coverings in public.³⁸⁵ The prohibition entered into force on 1 August 2018. The preparatory work states that the following garments will be illegal in the public sphere if they cover the face: hats, hoods, scarves including burqas and niqabs, masks, helmets and artificial beards.³⁸⁶ Wearing a hijab in public is not prohibited.

According to the preparatory works, the aim of the prohibition is to demonstrate that it is incompatible with Danish values and social cohesion in Danish society to have the face covered in the public sphere. The fine for the first violation of the prohibition is EUR 134 (DKK 1 000). The fine will increase in the event of further violations. In the period from 1 August 2018 to 1 August 2019, 23 women received fine notices.³⁸⁷ No information has been found on recent practice.

In spite of its neutral language, it follows from the political debate about the bill in the Danish Parliament that the criminalisation of face coverings in public was targeted at Muslim women wearing burqas and niqabs.³⁸⁸ The prohibition may constitute indirect discrimination based on religion or ethnic origin.³⁸⁹ The practical result may be that some Muslim women are prevented from moving around in the public sphere. The EU anti-discrimination directives do not include the prohibition of face coverings in the public sphere. However, the prohibition is significant for the general situation of ethnic minorities, and Muslim women in particular, in Denmark.

In December 2025, the Danish Government proposed a bill expanding the existing ban on face coverings in Section 134(c)(1) of the Penal Code.³⁹⁰ The current ban does not generally apply to educational institutions. The Government wanted to change this so that the rules are the same, regardless of whether a person is in a public space or at an educational institution. The ban on face coverings will apply to all persons present at educational institutions, including teachers and students. The ban is expected to be adopted in 2026.

³⁸⁵ Section 134(c) of the Act No. 1294 of 07 November 2025 (Penal Code).

³⁸⁶ Bill No. L 219 on Act amending the Penal Code (prohibition of face covering).

³⁸⁷ Information from the Police to the newspaper *Kristeligt Dagblad* in an article from 31 July 2019: <https://www.kristeligt-dagblad.dk/danmark/effekten-af-burkaforbud-er-vanskeligt-spaa-om>.

³⁸⁸ Debate between elected politicians in Danish Parliament of Bill L 219 on 19. April 2018. See: <https://www.ft.dk/samling/20171/lovforslag/L219/BEH1-85/forhandling.htm-tE938EC74786F4740AEF33CB26067233Btab1>.

³⁸⁹ In Denmark, case law on religious headscarves has been adjudicated as possible indirect discrimination because of ethnic origin. Most Muslims in Denmark are of ethnic minority background.

³⁹⁰ Ministry of Justice (2025), *Udkast til forslag til lov om ændring af straffeloven og retsplejeloven (Styrket indsats mod parallelsamfund og negativ social kontrol)* (17 December 2025). See website of the Ministry of Immigration and Integration: <https://uim.dk/nyhedsarkiv/2025/december/tildaekningsforbuddet-skal-ogsaa-gaelde-uddannelsessteder-foreslaar-regeringen/>.

Handshake as requirement for Danish citizenship

The Act on Danish Citizenship requires that individuals who have been awarded Danish citizenship by law must also take part in ceremonies in their local municipalities.³⁹¹ At the ceremonies, the individuals are required to sign a document to demonstrate that they will respect Danish laws and values. The Act authorises the Minister of Foreigners and Integration to establish more detailed rules for holding the ceremonies. These regulations were tightened in 2021 to underline that individuals must shake hands with the mayor or alderman.³⁹² The regulations also describe the handshake as a handshake 'without gloves, palm against palm, to celebrate and clearly mark the moment in the participants' lives where they become Danish citizens' (author's translation).³⁹³

If an individual does not fulfil these ceremonial requirements, they will lose the right to become a Danish citizen.

A minority of Jews and Muslims in Denmark believe that it is against their religion to shake hands with a mayor if they are of the opposite gender. On that basis, the handshake requirement may constitute indirect discrimination because of religion, and possibly multiple discrimination based on religion and gender.

More specifically, the handshake requirement may constitute a violation of Article 9 of the European Convention on Human Rights, which deals with freedom of religion and/or a violation of the prohibition of discrimination as outlined in Article 14 of the European Convention on Human Rights, cf. Articles 8 and 9.³⁹⁴

Discrimination against migrants experiencing homelessness

In recent years, there has been intense public debate regarding the presence of homeless migrants in public spaces in Denmark. In response to these public order issues, the Danish Government and the Danish Parliament adopted a range of legislative initiatives in 2017 and 2018. The initiatives are specifically aimed at migrants experiencing homelessness.³⁹⁵

A ban was introduced on establishing or residing in camps that disrupt public order.³⁹⁶ People in homelessness who, according to the police, have established or resided in a camp that disrupts public order, may be sentenced to fines or imprisonment for up to 18 months. They may also receive a zonal ban. Furthermore, tougher sanctions for begging have been introduced.³⁹⁷ The tougher sanctions were supposed to be temporary and to be abolished on 1 July 2020. The Danish Parliament decided to make the sanctions permanent and new rules entered into force on 30 June 2020.³⁹⁸

³⁹¹ Consolidated Act No. 1656 of 23 December 2022 with later amendments, Section 10 (*Lov om dansk indfødsret*).

³⁹² Regulation No. 2546 of 16 December 2021, Section 5.

³⁹³ Regulation No. 2546 of 16 December 2021, Section 8.

³⁹⁴ See: <https://menneskeret.dk/monitorering/hoeringssvar> for the hearing statement from DIHR: *Høring over udkast til lovforslag til lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl.* (5 October 2018).

³⁹⁵ Kjørboe, E. (2018), *Uregistrerede Migranter – Status 2018* (Unregistered migrants – status report 2018), Institut for Menneskerettigheder. See <https://menneskeret.dk/udgivelser/uregistrerede-migranter-status-2018>.

³⁹⁶ Executive order no. 305 of 31 March 2017 amending the executive order on the police's safeguarding of public order and the protection of individuals and public safety etc (*Bekendtgørelse nr. 305 af 31. marts 2017 om ændring af bekendtgørelse om politiets sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed mv., samt politiets adgang til at iværksætte midlertidige foranstaltninger*), Regulation No. 305 of 31 March 2017. *Bekendtgørelse af lov nr. 1270 af 29 November 2019 om politiets virksomhed (bemyndigelse til at fastsætte regler om zoneforbud i § 23(2))*. Consolidated Act No. 1270 of 29 November 2019. *Bekendtgørelse nr. 427 af 7. maj 2018 om ændring af bekendtgørelse om politiets sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed mv., samt politiets adgang til at iværksætte midlertidige foranstaltninger*. Regulation No. 427 of 7 May 2018.

³⁹⁷ Act No. 1294 of 07 November 2025 (Penal Code), Section 197.

³⁹⁸ Act No. 804 of 9 June 2020.

In the public debate leading to the legislative changes, both parliamentarians and cabinet ministers referred to the problematic camps of homeless people as 'Roma camps'. In 2019, the UN Committee on Economic, Social and Cultural Rights expressed its concern at the criminalisation of begging and at the instances of criminalisation of people in homelessness.³⁹⁹ Statistics imply that there may be serious issues of discrimination on the ground of ethnic origin in the application of the rules criminalising homelessness in Denmark. As an example, out of the 557 camp bans issued between April 2017 and the end of 2021, 425 were given to individuals from Romania experiencing homelessness, 24 to individuals from Albania and 22 to individuals from Bulgaria. Only 13 Danes received a camp ban.⁴⁰⁰ In a 2025 report, the DIHR argued that there is a serious risk that police enforcement of the camp and begging bans constitutes indirect discrimination.⁴⁰¹ In 2022, the DIHR documented ethnic profiling within the police in general and recommended the introduction of a specific prohibition of discrimination in the Police Act.⁴⁰²

Artificial intelligence

No information has been found in relation to concerns regarding the use of AI.

³⁹⁹ UN Doc. E/C.12/DNK/CO/6 of 12 November 2019, paras. 47-48.

⁴⁰⁰ Justesen, P. (2023), *A crime to sleep in camps – Denmark and international human rights*, European Journal of Homelessness, Vol. 17, No. 1, p. 94.

⁴⁰¹ Danish Institute of Human Rights (2025), *Kriminalisering af hjemløses adfærd – en menneskeretlig analyse af tiggeri- og lejrforbuddet* (Criminalisation of the Behaviour of Homeless People – A Human Rights Analysis of the Ban on Begging and Camping), page 50.
See: https://menneskeret.dk/files/media/document/Kriminalisering_af_hjemløses_adfærd._Rapport,_Institut_for_Menneskerettigheder,_sept._2025.pdf.

⁴⁰² Danish Institute of Human Rights (2022), *Etnisk profilering* (Ethnic profiling). See <https://menneskeret.dk/udgivelser/etnisk-profilering>.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

There were no legal developments in 2025.

12.2 Case law

Race, ethnic and national origin

Name of the court: Board of Equal Treatment

Date of decision: 24 February 2025

Reference number: Decision No. 9234

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9234>

Brief summary: A man of Russian origin filed a complaint against a company. The complainant argued that the company had discriminated against him on the grounds of national origin in connection with the company's rejection of his application for employment. The company rejected the man's application because a team leader at the company, who was from Ukraine, was not comfortable working with a Russian. The team leader referred to the fact that the man's CV showed that he had studied in Russia.

The Board of Equal Treatment assessed that the complainant had demonstrated factual circumstances giving reason to presume that the company's rejection constituted direct discrimination on the grounds of national origin. It was then up to the company to prove that the principle of equal treatment had not been violated. The Board found that the company had not met this burden of proof. The man was therefore successful in his complaint and awarded compensation of EUR 3 348 (DKK 25 000).

Name of the court: Board of Equal Treatment

Date of decision: 16 June 2025

Reference number: Decision No. 9709

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9709>

Brief summary: A man with a foreign-sounding name filed a complaint against an electrical company. The man believed that the company had discriminated against him on the grounds of ethnic origin in connection with the company's rejection of his application for an apprenticeship. The rejection stated that the company preferred a person of Danish ethnic origin.

The Board of Equal Treatment assessed, based on the reasoning for the rejection, that the man had demonstrated factual circumstances giving reason to presume that he was subjected to direct discrimination on the grounds of his ethnic origin. It was then up to the company to prove that the principle of equal treatment had not been violated. The company did not meet this burden of proof. The circumstances and explanations provided by the company, including customers' preferences regarding employees' ethnicity, could not be given weight in a case of this nature. The man was therefore successful in his complaint and awarded compensation of EUR 2 248 (DKK 25 000).

Name of the court: Board of Equal Treatment

Date of decision: 29 September 2025

Reference number: Decision No. 10160

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/10160>

Brief summary: A man filed a complaint with the Board of Equal Treatment claiming that he had been subjected to discrimination based on ethnic origin in connection with renting a car. In December 2022, he had agreed with the company to pay a deposit equivalent to one month's payment for leasing a car. When the man contacted the company again in

February 2023, he was informed that he would have to pay a deposit of almost double the sum he had been quoted. The man had not disclosed his name to the company before February 2023. After that he corresponded with the company under the Danish name 'Jytte'. The company informed 'Jytte' that the deposit was equivalent to one month's payment.

The Board assessed that the man had demonstrated factual circumstances giving reason to presume that he had been subjected to discrimination based on ethnic origin. The Board found that the company had not met the burden of proof to show that the principle of equal treatment had not been violated. The Board did not state whether the discrimination was direct or indirect but concluded that the man was successful in his complaint. The complainant was awarded compensation of EUR 670 (DKK 5 000).

Disability

Name of the court: Board of Equal Treatment

Date of decision: 11 November 2024

Reference number: Decision No. 10169

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2024/10169>

Brief summary: A woman filed a complaint against her employer. The woman believed that the employer had discriminated against her on the grounds of disability in connection with her dismissal from her position as a social and healthcare assistant. In January 2021, the woman broke her wrist. On 8 March 2021, she returned to work with reduced hours, and on 1 April 2021, she was declared fit for work and resumed working full time. On 21 April 2021, a resident grabbed the woman's left wrist and thumb. The woman was then placed on full-time sick leave. On 23 July 2021, she was dismissed due to prolonged illness and the lack of prospects for returning to work under normal conditions within a reasonable timeframe.

The Board of Equal Treatment assessed that, at the time of dismissal, the woman's limitations had not lasted long enough to be considered of long duration. A doctor had, on 28 May 2021, estimated that the woman's need for modified work functions or absence from work would be required for up to three months from the date of the certificate. On this basis, the Board found that the complainant had not demonstrated that, at the time of dismissal, there was medical information indicating that her impairment was long term. The woman was therefore not successful in her complaint

Name of the court: Board of Equal Treatment

Date of decision: 11 November 2024

Reference number: Decision No. 9084

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2026/9084>

Brief summary: A woman who had ruptured her Achilles tendon on 13 October 2022 filed a complaint against her municipal employer. The woman believed that the employer had discriminated against her on the grounds of disability in connection with the dismissal from her position as a pedagogue. The woman was employed by the municipal employer on 1 December 2022. There was no information indicating that the woman's Achilles tendon injury had caused such functional limitations that they prevented her from participating in working life on equal terms with others during the period from her employment until 31 August 2023, when she went on sick leave.

The woman was dismissed on 19 December 2023. At that time, her limitations had not lasted for a long period. Therefore, the assessment had to be based on a prognosis. On 30 August 2023, the woman was informed that the expected duration was three to six months. The complainant's doctor assessed on 29 September 2023 that the duration would be three months.

On this basis, the Board of Equal Treatment assessed that the woman had not demonstrated that, at the time of dismissal, she had such long-term functional limitations that prevented her from participating in working life on equal terms with others, and that she had a disability. Therefore, the woman was not successful in her complaint.

Name of the court: Board of Equal Treatment

Date of decision: 13 January 2025

Reference number: Decision No. 9209

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9209>

Brief summary: A woman, who had been diagnosed with post-traumatic headache, filed a complaint against her municipal employer. The woman believed that the employer had discriminated against her on the grounds of disability in connection with her dismissal from her position as an administrative employee. In October 2019, the woman was hit on the head by a door frame. She subsequently did not have significant sick leave or need special accommodations. In February 2022, the woman went on full-time sick leave. At the time of her dismissal on 29 July 2022, her limitations had therefore not lasted long enough to be considered long term.

A report from May 2022 from an occupational medical clinic stated that it was difficult to comment on the prognosis for post-traumatic headache, but at that time there were no further obvious treatment options for the woman, and it was unlikely that she would fully recover. Another medical certificate dated 4 July 2022 indicated that the woman's own primary care doctor assessed that modified work functions or absence from work would be required for two months from the date of the certificate.

On that basis, the Board of Equal Treatment assessed that the woman had not demonstrated that, at the time of dismissal, there was a sufficiently established prognosis indicating that her functional impairment would be long term. Therefore, the woman had not demonstrated that she had a disability and she was not successful in her complaint.

Name of the court: Board of Equal Treatment

Date of decision: 16 June 2025

Reference number: Decision No. 9712

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9712>

Brief summary: A woman, who had long-term effects after suffering from COVID-19, filed a complaint against her municipal employer. The woman believed that the municipality had discriminated against her on the grounds of disability in connection with her dismissal from her position as a teacher.

The Board of Equal Treatment assessed, based on the medical documents in the case, that the woman had a disability. The Board also found that the woman had demonstrated factual circumstances, as the dismissal was justified by her sickness absence, which was directly linked to her disability. The Board further assessed that, at the time of dismissal, the municipality knew or ought to have known that the woman had a disability within the meaning of the law.

The municipality had not offered the woman a part-time position corresponding to the number of hours she was available to work at the time of dismissal. The municipality had also not explained whether it had explored the possibility of offering her a part-time position, including whether this would have been an unreasonable burden. It was also not clear why the municipality did not contact a business consultant at the job centre to inquire further about the possibilities for retaining the woman in her position.

The Board therefore found that the municipality had not sufficiently fulfilled its duty of reasonable accommodation prior to the woman's dismissal. The Board also found that the municipality had not demonstrated that the woman – regardless of reasonable accommodation – was not competent, suitable and available to perform the essential functions of her position as a teacher. Thus, the municipality had not met the burden of proof that the principle of equal treatment had not been violated. The woman therefore succeeded in her complaint and was awarded compensation of approximately 12 months' salary.

Name of the court: Board of Equal Treatment

Date of decision: 25 June 2025

Reference number: Decision No. 9727

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9727>

Brief summary: A woman with impaired vision filed a complaint against a hotel. The woman believed that the hotel had discriminated against her on the grounds of disability in connection with the hotel's refusal on 28 March 2023 to allow her to bring her guide dog into the hotel's restaurant.

The complainant had been granted a guide dog by her local municipality. Additionally, the complainant held a membership card from Dansk Blindesamfund – the National Association of the Blind and Partially Sighted in Denmark – and a user card from the Guide Dog Scheme.

On this basis, the Board found that the complainant had demonstrated that, at the time of the alleged discrimination, she had a disability within the meaning of the law. On 23 March 2023, the complainant was refused permission to bring her guide dog into the respondent hotel's restaurant, as animals were not allowed. The Board then assessed that the complainant had demonstrated factual circumstances giving reason to presume that indirect discrimination on the grounds of disability had occurred. The Board stated that discrimination is not contrary to the prohibition when it is objectively justified by a legitimate aim, is necessary to achieve that aim, and there is a reasonable balance between the desired objective and the extent to which the discrimination affects those who are disadvantaged. The hotel explained that no animals were allowed in the main building, as the hotel was allergy certified. The Board then assessed that the hotel had demonstrated that the difference in treatment was objectively justified by a legitimate aim of ensuring hygiene and the health of others. The next question was whether the difference in treatment was necessary to achieve these legitimate aims.

The Board found that the hotel has not demonstrated that it was necessary to refuse the complainant's guide dog to achieve these legitimate aims. In making this assessment, the Board emphasised that the respondent had not provided sufficient documentation that it was not possible to make arrangements so that the complainant could bring her guide dog into the hotel's restaurant without compromising hygiene and the health of others. The woman was therefore successful in her complaint and awarded compensation for indirect discrimination of EUR 670 (DKK 5 000).

Name of the court: Board of Equal Treatment

Date of decision: 18 July 2025

Reference number: Decision No. 9928

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9928>

Brief summary: A man filed a complaint against his housing association. The man believed that the housing association had discriminated against him on the grounds of age and disability because he was unable to attend department meetings and general assembly meetings in the housing association in person.

The complainant alleged discrimination on the grounds of age because he was not physically able to attend the meetings at the respondent. The Board found that it was clear that the complainant could not be successful in this part of the complaint because there is no prohibition against discrimination on the grounds of age outside the labour market.

The complainant also alleged that he was not physically able to participate in the meetings due to accessibility issues and the distance to the meetings. The Board argued that this part of the complaint essentially concerned accessibility. Based on its previously established practice, meaning that the Board distinguishes between an accessibility issue and a possible difference in treatment based on disability, it was therefore clear that the complainant could not be successful in this part of the complaint. The Board therefore also declined to consider this part of the complaint.

Name of the court: Board of Equal Treatment

Date of decision: 11 August 2025

Reference number: Decision No. 10023

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/10023>

Brief summary: A woman, who had been diagnosed with ankylosing spondylitis, filed a complaint against her employer. The woman believed that the employer had discriminated against her on the grounds of disability in connection with her dismissal from her position as a pedagogue on 22 September 2022. In the case, the employer had checked its website for vacant positions for similar jobs and had discussed two specific reassignment possibilities with the complainant's trade union. The employer had also offered to include the employee in an online reassignment/redeployment portal, which is an internal digital platform for public sector employees that lists vacant and relevant positions.

The majority of the Board members assessed that the employer had not demonstrated that the duty of reasonable accommodation had been fulfilled. These members emphasised that the employer had not sufficiently clarified whether there were specific positions for which the woman was competent, suitable, and available and that the complainant was not offered a position. The woman was therefore successful in her complaint and was awarded compensation of EUR 60 933 (DKK 455 000), corresponding to nine months' salary.

Name of the court: Board of Equal Treatment

Date of decision: 29 August 2025

Reference number: Decision No. 10015

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/10015>

Brief summary: A man, whose son had been diagnosed with infantile autism and ADHD in June 2022, filed a complaint against his employer. The complainant believed that his employer had discriminated against him on the grounds of disability in connection with his dismissal on 2 November 2022 from his position as a sales and development manager.

The complainant had been granted compensation for loss of earnings by his local municipality until 30 November 2022, as he needed to care for his son. The municipality would later decide whether to extend the benefit. On 29 October 2022, the complainant had informed his employer that he expected it would take five to six months before he could return to work.

The Board of Equal Treatment stated that the son of the complainant was diagnosed with infantile autism and ADHD in June 2022, and at the time of dismissal of his father in early November, the impairments had therefore not been long term. Thus, the assessment of whether the diagnoses at that time resulted in a long-term limitation had to be based on a prognosis. The Board referred to specialist medical reports and the pedagogical-psychological assessment that the complainant's son had significant difficulties

emotionally, behaviourally, as well as in relation to sleep and eating habits. On that basis the Board found that the complainant's son had a disability within the meaning of the Act on the Prohibition of Discrimination in the Labour Market etc. Since the father had primary responsibility for the son's care, he was covered by the protection provided under the Act.

The Board further found that, at the time of dismissal, the employer ought to have known that the complainant's son had a disability within the meaning of the law.

The employer justified the dismissal on the grounds of the uncertainty regarding when, and to what extent, the complainant would be able to return to work. His absence and the uncertainty about his return were due to his son's disability and need for care. The Board therefore found that the dismissal was based on circumstances directly related to the son's disability. On that basis, the complainant had demonstrated factual circumstances giving rise to a presumption that he had been subjected to direct discrimination because of his son's disability. The employer therefore had to prove that the principle of equal treatment had not been violated.

In this regard, the Board stated that the employer was obliged to make reasonable accommodations if such measures would not impose a disproportionate burden. The Board, however, also argued that there was no requirement to maintain the employment of a person who – despite reasonable accommodation measures that did not constitute a disproportionate burden – was not competent, capable and available to perform the essential functions of the position in question. The Board referred to recital 17 of the Council Directive 2000/78/EC.

The employer argued before the Board that it had been necessary to dismiss the complainant, as his unpaid leave was incompatible with the employer's operational needs. The considerable uncertainty regarding when he would return to work meant that the employer could not plan operations in a responsible manner.

In its conclusion, the Board of Equal Treatment placed emphasis on recital 17 of Directive 2000/78/EC and found that, at the time of dismissal, the complainant was not available to perform the essential functions of his position, and that there was significant uncertainty as to whether and when he would become available again. Thus, the employer had not violated the principle of equal treatment and the sales and development manager was therefore not successful in his complaint.

The Board considered the case to be of principal importance.

Name of the court: Board of Equal Treatment

Date of decision: 20 October 2025

Reference number: Decision No. 9013

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2026/9013>

Brief summary: A man with a hearing impairment filed a complaint against a masonry company. The complainant believed that the company had discriminated against him on the grounds of disability in connection with being rejected for a position as a scraper. The man applied for the position on 27 January 2024. On 29 January 2024, the company wrote to the man to say that they would like to talk with him and therefore requested his phone number. The man replied that he was deaf, but that the company was welcome to send a text message or an email. The company responded that it was challenging that the man was deaf, as oral communication was required, including with private clients. The company then rejected the man's application.

The Board of Equal Treatment assessed that the man had a disability and at the time of the rejection, the company knew that he had a disability. It was therefore up to the company to prove that the principle of equal treatment had not been violated, including

that the company had fulfilled its duty of reasonable accommodation. The company argued that it was a requirement for the position that the employee was able to speak with various stakeholders. This requirement was not stated in the job posting, which instead indicated that the employee would be working as part of a team with a colleague. The company did not, prior to the rejection, investigate whether the man could perform the job with other reasonable accommodations, including whether the burden of such accommodations could be alleviated through public measures. The company also did not enter a dialogue with the man about whether he could perform the specific job with possible assistive devices.

On this basis, the Board found that the company had not met the burden of proof that the principle of equal treatment had not been violated and the man therefore succeeded in his complaint and was awarded compensation of EUR 3 348 (DKK 25 000).

Name of the court: Board of Equal Treatment

Date of decision: 30 October 2025

Reference number: Decision No. 9021

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2026/9021>

Brief summary: A woman filed a complaint on behalf of her child against a housing association. The woman believed that the housing association had discriminated against her child on the grounds of disability in connection with the association's refusal to allow the family to keep a cat in their public rental apartment. The child was diagnosed with ADHD, which resulted in pronounced motor restlessness and fluctuating ability to maintain attention. On that basis, the Board found that the child had a disability within the meaning of the law at the time of the alleged discrimination.

On 11 June 2025, the woman received a letter from the housing association stating that the cat had to be removed no later than 25 June 2025. According to a medical certificate dated 30 August 2023 from the woman's general practitioner, acquiring a cat meets a need for emotional regulation and calming in affective situations, which cannot be met in any other way.

After an overall assessment, the Board found that the woman had not demonstrated factual circumstances indicating that her child had been subjected to discrimination on the grounds of disability. In this context, the Board emphasised that the cat was an ordinary cat, not specially trained to perform one or more useful tasks related to the complainant's disability. Furthermore, it was not established that the child's need for emotional regulation and calming in affective situations could not be met in any other way than by keeping the specific cat. Therefore, the child did not succeed with the complaint.

The case was treated as a matter of principle.

Age

Name of the court: Board of Equal Treatment

Date of decision: 2 December 2024

Reference number: Decision No. 9119

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9119>

Brief summary: A man, born in 1967, filed a complaint against a company. The man believed that the company had discriminated against him on the grounds of age in connection with not being considered for a position as an interviewer at the company. He also believed that the company had acted in violation of the advertising prohibition by requesting his age in the application form.

The Board of Equal Treatment assessed that the company had acted in violation of the advertising provision by having a field in its application form where applicants were

required to state their age. Violation of the advertising prohibition is, however, punishable by a fine and the Board does not have the authority to issue fines.

Subsequently, the Board found that the question about age in the application form, and the company's statement that it placed importance on the answers in the application form, gave reason to presume that the company had considered the man's age when evaluating his application. The man had therefore demonstrated factual circumstances giving reason to presume that direct or indirect discrimination had occurred. The Board assessed that the company had not met the burden of proof establishing that the principle of equal treatment had not been violated. Therefore, the man was awarded a compensation of EUR 1 674 (DKK 12 500) for discrimination on the grounds of age by not being considered for the position.

Name of the court: Eastern High Court

Date of decision: 11 June 2025

Reference number: Case No. BS-60875/2023-OLR

Brief summary: Four out of a total of 20 workmen in a maintenance department of a property company were dismissed due to a restructuring of the work and the resulting reorganisation of job tasks. Two of the dismissed workmen and their trade union argued before the Eastern High Court that they had experienced age discrimination since there was a significant overrepresentation of older employees among the dismissed workmen. Furthermore, the youngest of the four dismissed employees had been offered re-employment.

The Eastern High Court stated that statistical information regarding the age of the dismissed employees and the age distribution within the overall workforce may be considered when assessing whether a presumption of discrimination has been established. In its decision, the Court emphasised that there was an overrepresentation of older employees among those who had been dismissed. The court based this on the fact that 75 percent of the dismissed workmen were over 50 years old, while only 25 percent of the total workforce (of 20 employees) were older than 50. The Court further noted that none of the dismissed employees were younger than 48. Consequently, the court placed the burden of proof on the employer to demonstrate that the principle of equal treatment had not been violated.

Regarding the question of whether the employer had lifted its burden of proof, the Court emphasised that the company at the time of the dismissals, was a workplace with an age-positive employee policy, which was reflected, among other things, in the hiring of employees over the age of 50, including after the specific dismissals in this case. The Court also emphasised that no employees had been criticised or reprimanded for matters related to their age – neither prior to nor in connection with the dismissals. Furthermore, the Court referred to witness testimonies in the case, including a team leader who described that the company 'chose to dismiss those who, based on a subjective assessment of quality, delivered the poorest performance. He did not know the ages of those who were dismissed'. All in all, the Court found that it had been established that the dismissals were concretely justified, without any consideration being given to age. Thus, the dismissals were not related to age, and the employer was not found liable for a violation of the Act on the Prohibition of Discrimination in the Labour Market etc.

Name of the court: Board of Equal Treatment

Date of decision: 10 July 2025

Reference number: Decision No. 9924

Address of the webpage: <https://www.retsinformation.dk/eli/retsinfo/2025/9924>

Brief summary: A woman, who was born in 1963, complained about age discrimination because she was unable to take out wage insurance, as she was older than 55 years.

The Board referred to Article 3(3) and to recital 13 of Directive 2000/78 and stated that wage insurance is an insurance scheme that serves as a private supplement to unemployment insurance. On that basis, the Board assessed that wage insurance has the character of a social security scheme, which falls outside the scope of the Act on the Prohibition of Discrimination in the Labour Market etc. In making this assessment, the Board emphasised that wage insurance is a continuous insurance payment that is not received from the employer as a result of an employment relationship, and that wage insurance therefore cannot be equated with salary. Thus, the Board did not have the competence to consider the complaint.

Religion and belief

Name of the court: Eastern High Court

Date of decision: 27 June 2025

Reference number: Decision No. BS-33470/2022-OLR

Brief summary: Two female Muslim student teachers were required, as part of their internship, to attend a welcome meeting at the school assigned to them. At the welcome meeting, the female student teachers, for religious reasons, did not wish to shake hands with a male internship supervisor. The school required that, as a condition for continuing the internships, the female student teachers should set aside their religious beliefs by shaking hands with all persons regardless of their gender. When the female student teachers refused to do so, their internships were terminated with immediate effect. The student teachers then filed a complaint to the Board of Equal Treatment and claimed that they had experienced indirect discrimination based on their religion or belief. The Board agreed with the student teachers.⁴⁰³

Subsequently, the case was taken to the civil courts. For the Eastern High Court, the parties agreed that the requirement to adhere to the municipality's values of equal treatment, neutrality, and professionalism – including by shaking hands with all persons regardless of their gender – was objectively justified by a legitimate aim and appropriate. The student teachers, however, argued that the requirement was unnecessary, which was disputed by the school. The Court sided with the school and concluded that the two student teachers had not been indirectly discriminated against based on their religion or belief. The fact that the two women were student teachers and that the internship lasted only six weeks could not lead to a different outcome. The Court emphasised that the internship was a mandatory part of their education to become public school teachers. Since the aim could not be achieved by another form of greeting or by less intrusive means, the school was therefore acquitted.

The judgment was appealed to the Danish Supreme Court in August 2025.

⁴⁰³ Board of Equal Treatment, Decisions No. 9030 and 9031 of 15 December 2021.

ANNEX 1: TABLE OF INTERNATIONAL INSTRUMENTS**Country: Denmark****Date: 1 January 2026**

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	04.11.1950	13.04.1953	No	Yes	Yes
Protocol 12, ECHR	Not signed	Not ratified			
Revised European Social Charter	05.1996	Not ratified		Not signed the collective complaints protocol	
International Covenant on Civil and Political Rights	20.03.1968	06.01.1972	No	Yes	Yes
Framework Convention for the Protection of National Minorities	01.02.1995	22.09.1997	Only recognised minority: Germans in southern Jutland	No	Yes
International Covenant on Economic, Social and Cultural Rights	20.03.1968	06.01.1972	No	No	Yes
Convention on the Elimination of All Forms of Racial Discrimination	21.06.1966	09.12.1971	No	Yes	Yes
ILO Convention No. 111 on Discrimination	05.06.1958	22.06.1960	No	No	Yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
Convention on the Rights of the Child	26.01.1990	19.07.1991	No	No (on 10.11.2014 the Danish Government decided that it would accede to the complaints protocol)	Yes
Convention on the Rights of Persons with Disabilities	30.03.2007	24.07.2009	No	Yes (acceded to the complaints protocol on 23.09.2014)	Yes

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