Religious minorities in Denmark
by Mogens S. Mogensen

When in 1849 the new constitution introduced freedom of religion, almost all Danes were members of the Evangelical Lutheran Church with the exception of small minorities of Jews, Catholics and Baptists. During the last 50 years, however, the number and size of religious minorities has increased significantly. Today 77% of the population are members of the Evangelical Lutheran Church. The second largest religious groups are the Muslims, who make up about 5% of the population. About 1% are Catholics, about 1% belong to the so-called free churches, and then there are probably a couple of percent who are Christian immigrants belonging to other confessions or to migrant churches. There are furthermore 25,000 Buddhists, 13,000 Hindus and 7,000 Jews.

In par. 4 of the Constitution from 1849 (and this paragraph has remained unchanged since 1849) it is stated that “The Evangelical Lutheran Church shall be the Established Church of Denmark, and as such shall be supported by the State”. In par. 66 it was foreseen that “The constitution of the Established Church shall be laid down by Statute.” Similarly it was foreseen that “Rules for religious bodies dissenting from the Established Church shall be laid down by Statute.” None of these promises, however, have been fulfilled. The Evangelical Lutheran Church is “is regulated as a public, administrative body in public law, whereas all other religious communities are regulated under private law as associations, charities or private institutions. … The other religious communities are regulated just like any other private association with no regard for the idea that the organisation or community is religious.”

The basic laws regulating the life of religious minorities in Denmark is art. 67 in constitution (which has remained unchanged since 1849) together with article 9 of the European Convention on Human Rights and art. 18 of the International Covenant on Civil and Political Rights. Art. 67 in the constitution states that “The 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.”

Religious communities do not need any registration or any official permission for running their affairs in Denmark, but if they want to obtain a legal personality status e.g. allowing them to purchase real estate for religious purposes, they may register as private associations or apply for an official recognition by the state. Those who obtain official recognition are entitled to celebrate marriages which have legal effect according to Danish marriage law, and they also gain other advantages such as the possibility to deduct contributions from the annual tax declaration. Today about 160 religious communities have obtained an official recognition, and it is very seldom that applications are denied (it did, however, happen for the so-called Scientology Church).

Based on his visit to Denmark in 2016 the UN special rapporteur on freedom of religion or belief Heiner Bielfeld concluded that “The existing system is obviously non-egalitarian. While

---

1 Niels Valdemar Vinding & Lisbet Christoffersen, Danish Regulation of Religion, State of Affairs and Qualitative Reflections (Centre for European Islamic Thought, Faculty of Theology, University of Copenhagen, Copenhagen, 2012), p. 12.
virtually no one questions the spirit of freedom that prevails in Denmark, including in the area of religion or belief, the principle of equality certainly does not govern the treatment of diverse religious communities. This contrasts starkly with the everyday culture in Denmark which indeed is markedly egalitarian. In the way people interact with each other, the Danish society may be one of the most egalitarian worldwide. ... However, while the principles of equality and non-discrimination chiefly apply to individuals, they obviously do not define the way in which the diversity of religious communities is normatively structured in Denmark.”

Bielefeldt furthermore noted that “… the understanding of religion in Denmark very much focuses on the dimension of the person's inner conviction. ... As a result, aspects of ritual or ceremonial religious practice are relegated into a mere external sphere, which allegedly has less relevance and is less worthy of recognition. From the perspective of non-Christian religions, this can become worrisome.” And he points to two recent examples, viz. a ban on ritual slaughter without prior stunning of the animal enacted in 2014 and public demands to outlaw religiously motivated circumcision of male infants.

For neither Muslims and Jews the ban on ritual slaughter prevents them from following their religious food laws as they may import food slaughtered according to religious rules, but it is perceived as an sign that the space for their religious practice has been shrinking. Far more serious, however, is the public demand to outlaw circumcision of male infants.

Jews do experience an increasing level of hostility when conflicts develop in the Middle East, in particular from Muslim immigrants with family roots in the Middle East. In February 2015 two fatal shootings took place in Copenhagen, one of them at the central Jewish synagogue. Since then security has been strengthened at Jewish institutions.

In recent years Muslims have been given permission to build large mosques with dome and minarets in Copenhagen and Aarhus, and one Muslim cemetery has been established. Generally Muslims feel that they may practice their religion freely and without facing major obstacles. In his report Bielefeldt, however, noted that "there seems to be a widespread perception that Islam and “Danishness” do not easily – if at all – fit together. Public calls for Muslims to “integrate” into the Danish society can thus assume an ambivalent meaning. On the one hand, integration is a necessary requirement in any society. In that sense it is an obvious expectation, finally addressed to everyone. On the other hand, integration can also be a proxy for expectations of a seamless assimilation of minorities into the given structures of a society. This latter understanding seems to be widespread.”

In January and February 2016 the Danish TV 2 broadcast a documentary “Moskéerne bag sløret” ("Mosques behind the Veil") that presented extremist views among imams at some mosques and indications of parallel societies and serious lack of integration of certain Muslim groups. The documentary showed hidden camera footage of imams advocating the corporal punishment of children, requiring women to have sex with violent spouses, and teaching on shari’a rules concerning stoning and whipping unfaithful spouses.

---

2 Heiner Bielefeldt, "Preliminary findings of Country Visit to Denmark by Heiner Bielefeldt Special Rapporteur on freedom of religion or belief“ (2016)
3 Bielefeldt op. cit.
4 Bielefeldt op. cit.
This led to a prompt reaction from the politicians and a number of legal initiatives were taken. The intention was clearly to target groups within the Muslim minority, and in practice limit their religious freedom. To avoid discriminating against one religious group the legal initiatives were, however, directed in principle against all religious groups, but in practice some of them will mainly affect "religious bodies dissenting from the Established Church". This leads to a situation where there may not be any discrimination in principle between majority and minority religious groups, but an unequal treatment of the same acts depending on whether they are carried out in a religious or a non-religious context. Two of many examples of this are:

- A public list of religious preachers "with views and values contrary to fundamental Danish values" who will be banned from entering the country. If they are EU citizens, who enjoy freedom of movement within EU, they will be put on a separate "observation list" which will not be open to the public. Non-religious hate preachers (e.g., politicians) however are not included.

- New rules will make it a criminal offence for religious preachers and other persons acting in a religious context to give their "explicit approval" to criminal acts -- such as killings, rape and bigamy - as part of religious education, and it will be punishable with a fine or up to three years in prison. If the same "explicit approval" is expressed in a non-religious context (e.g. by politicians) it will not be illegal.

The problem is that while the first part of art. 67 of our constitution - "The citizens shall be entitled to form congregations for the worship of God in a manner consistent with their convictions" – opens for a great scope of freedom, the wording of the second part – "provided that nothing at variance with good morals or public order shall be taught or done" - seems to be quite restrictive. And it is this restrictive part of the paragraph that politicians have used to justify their restrictions of freedom of religion. However, more modern formulations of freedom of religion – such as article 9 of the European Convention on Human Rights and Article 18 of the International Covenant on Civil and Political Rights, which Denmark has ratified, ought to lead to a more cautious interpretation of the limitation clause.

The debate in Denmark, at this time, is not so much about the rights of religious minorities and the protections of these rights, it is, however, a more fundamental discussion about the understanding and scope of freedom of religion, and underneath this discussion there emerges a general suspicion against religion per se.