



# Denmark



Two of the main developments of the year were the introduction of gender neutral marriage and recognition of asylum seekers who claim asylum due to fears of persecutions on the grounds of their sexual orientation and gender identity. This year's Eurobarometer poll also revealed that the Danes are the nation in the European Union that is most comfortable with openly LGBT people elected to high political positions. On a lesser positive note, important challenges remain with regards to increased recognition of the rights of trans people. The Danish government continues to be slow in taking steps to depathologise trans identities and adopt adequate gender recognition procedures. Moreover, the government refrained from including gender identity explicitly in the mandate of the Board of Equal Treatment, stating that gender identity is already covered under the ground of gender.

## Access to goods and services

- In April, a priest from the city of Aalborg refused to conduct a funeral ceremony for a 74-year-old woman because she had had a relationship with another woman for 30 years. Two weeks later, the priest apologised for his behaviour.

## Asylum

- In January, the Danish asylum authorities denied the application for asylum of a trans woman from Guatemala. This was despite evidence of transphobic violence in her home country and that her safety could not be guaranteed. The case stirred a lot of media attention, and several international and national LGBTI organisations reacted to the case and new information on the case was obtained. In September, as a result of this pressure, the Danish asylum authorities agreed to reconsider her case and she was granted asylum in November.
- In August, the Danish Red Cross, which oversees most camps for asylum seekers in Denmark was criticised for the way in which they handle trans asylum seekers. For example, in the above-mentioned case they did not take the asylum seeker's gender identity into account, and placed her in the men's section of the camp where she experienced assaults and rape.
- In September, the government, with support from the Red-Green Alliance and the Liberal Alliance, adopted an agreement on better treatment of asylum seekers that specifically refers to the needs of LGBT people.
- In October, the Danish asylum authorities decided to consider LGBT people as members of a particular social group in the sense of the *UN Refugee Convention*. LGBT refugees in Denmark now get convention status rather than protection status (secondary status).

## Bias motivated speech

- In February, the Christian Democrats submitted a complaint to the Danish Broadcasting Corporation after a music video with a man dressed in women's clothes was shown during a programme aimed at younger children. In his explanation for their complaint provided to the Danish newspaper *Jyllandsposten*, Stig Grenov, the party's current

Chair, compared transvestites and transgender people to paedophiles.

- In May, during the debate concerning the equal *Marriage Law*, various bias motivated comments were made. These included the former Minister of Ecclesiastical Affairs, Birthe Rønn Hornbech (Venstre), who was quoted as saying: "Aside from slugs and a few other species, the living world is made up of 'him' and 'her' and that is why the world is able to keep on going."

## Employment

- In May, in connection with the *International Day against Homophobia and Transphobia* (IDAHO), the organisation Q-factor organised a panel discussion on discrimination in employment. The event took place at the facilities of Coop Denmark, which is one of the leading consumer goods retailers and which has launched a progressive employment policy, particularly towards trans people. The panel included leading employers in Denmark and representatives of LGBT Denmark.
- In October, the Board of Equal Treatment decided the case of a lesbian woman whose job application was rejected because of her sexual orientation. The employer stated that they had had bad experiences with her kind. The employer was found against and ordered to pay the woman compensation of DKK 25,000 (circa €3,300).

## Equality and non-discrimination

- In February, the Danish Government did not include gender identity in a proposal for a law relating to which grounds the Board of Equal Treatment should cover. The absence of this ground went against recommendations from civil society. The omission was justified on the basis that gender identity was already covered under the ground of gender.
- In March, a bar in Copenhagen started a competition where women could upload an image online and the one that received the most 'Likes' would win a breast enlargement operation. A group of trans women participated. However, they were soon either deleted from the website, or unfairly lost all the 'Likes' that they had received, effectively disqualifying them. The unfair

competition stirred a lot of media attention in favour of the trans community, and the bar was reported to the police.

- In June, LGBT Ungdom and Amnesty International (Denmark) staged an action during Roskilde Festival, the biggest music festival in Northern Europe, to support Russian LGBT activists. The action was coordinated to take place at the same time as a pride event took place in St. Petersburg in Russia.
- During the summer, Danish media gave a lot of coverage to the gendered upbringing of children after an article was printed in a Danish newspaper *Berlingske* about 3-year-old Herbert who liked to dress up in dresses with full parental approval. The discussion revolved around whether it is damaging for young children to have fluid gender roles. Herbert's parents were interviewed several times in various media, and remained supportive of their child's decision.

## Family

- In June, the Danish Parliament voted in favour of gender-neutral marriage legislation with 85 votes in favour and 24 against. With this decision, Denmark became the 8th country in Europe to introduce equal marriage legislation for all. The law came into effect on 15 June. The previous law on registered partnership was repealed upon introduction of marriage equality and couples in a Danish registered partnership may convert their partnership into a marriage if they want to. All couples, under the new law, are able to get married in state churches. However, priests are allowed to opt-out from marrying same-sex couples in their churches, and then the parish council is obliged to find an alternative priest who is willing to perform the ceremony. It was the government that demanded that the bishops specify a ritual for the gender-neutral marriage, as the Minister of Ecclesiastical Affairs is the administrative leader of the Danish state church. The law concerning legal consequences of same-sex marriage has not yet been issued, and for the time being the legal consequences of a gender-neutral marriage are the same as if it were a registered partnership under the obsolete law.

## Foreign policy

- In February, LGBT Denmark gave input to a hearing on a proposed law from the Danish Government on Denmark's development work in Africa and Asia with regards to the respect of human rights. It was noted that there was a need to explicitly mention LGBTI people as a marginalised and stigmatised group. The recommendations were adopted in the final proposal in April.
- In May, LGBT Ungdom sent an open letter to the Minister of Foreign Affairs, Villy Søvndal, urging him to intervene in the situation of LGBT people in Ukraine. The minister did not react to the open letter. In June, prior to the *Euro Cup* in Poland/Ukraine, LGBT Denmark and PAN Idræt, Denmark's biggest LGBT sports organisation, urged the Danish government to put pressure on the Ukrainian hosts. The two organisations argued that Denmark could make diplomatic use of its Presidency of the European Union. The Danish government rejected the call from the two organisations, and the Minister of Culture, Uffe Elbæk, attended Denmark's first match in order to support the Danish football team. However, Minister Elbæk chose not to take part in the official UEFA delegation and he also set up meetings with Ukrainian human rights defenders during his stay.
- In August, a new website, [LGBTnet.dk](http://LGBTnet.dk), was launched. The website provides an introduction and various resources on how to work with aspects of sexual orientation and gender identity in international development. LGBTnet.dk is a joint collaboration between LGBT Denmark, The Danish Family Planning Association, Danish Refugee Council and Sabaah. In October, this consortium of organisations organised a conference in the Danish Parliament on LGBT rights and development in the 'global south'. The conference was attended and hosted by the Minister of Development Cooperation, Christian Friis Bach.
- In December, the same consortium received a grant of DKK 200,000 (circa €27,000) from The Danish NGO Forum, which is a Danish membership body for NGOs working in international development. The grant was provided to strengthen knowledge sharing on LGBT

issues in Danish development work. Furthermore, in December, the consortium received another grant of DKK 180,000 (circa. €24,000) from Civil Society in Development (CISU) to carry out a development project in Tanzania. This is the first time that Danish LGBT organisations will be able to carry out a development project.

## Freedom of assembly

- In July, the Faroe Islands held its biggest Pride event to date. More than 5,000 people attended. The huge turnout at Faroe Pride seems to demonstrate a significant improvement in attitudes towards LGBT people on the Islands. The local political setting also signals a more positive approach, in contrast to what had been seen in recent years.

## Freedom of expression

- Following the adoption of the equal *Marriage Law* in June, a newspaper editor in Northern Jutland refused to include stories about the law because he disagreed with it in principle. The editor, Preben Eskildsen, was quoted as saying: "it [the equal marriage law] is wrong and I will not waste space on it". A local priest, Roar Pedersen raised the issue saying that the refusal to acknowledge a fact because one disagrees with it is problematic for democracy.

## Health

- In March, 37 NGOs and 11,000 individuals sent an open letter to the National Board of Health concerning the pathologisation of trans people in Denmark. At the end of 2012 no concrete initiative had been tabled despite several calls from civil society. Following the open letter, a meeting took place between the National Board of Health and LGBT Denmark, the authorities informally declared resistance to depathologisation of trans identities as well as an intention to bar hair removal and other modifications without psychiatric evaluation.
- In September, the Health Committee of the Danish Parliament hosted a hearing focusing on LGBT issues and health. Speakers from an extensive number of NGOs and medical experts were invited to speak at the 3 hour-long hearing.

- In November, the Danish health authorities obliged a gynaecologist to stop providing the necessary hormones to trans people. In order to receive hormones the trans people affected had to register with *Sexologisk Klinik*, which is a part of the psychiatric centre of Copenhagen.
- In November, a complaint from the health authorities against a surgeon, who did not require psychiatric evaluation of gender patients, was upheld. Surgery of trans people outside *Rigshospitalet* (the national general hospital based in Copenhagen) was consequently shut down. In media coverage the chief executive of the responsible authority said the desire for gender correction is impossible to understand without a psychiatric evaluation of the person seeking it.

## Legal gender recognition

- In spring, the discussion concerning the abusive requirements that trans people have to undergo to obtain their legal gender recognition was raised again. The parties in Government and the Conservative party agreed that the procedure should be reviewed. Only the right-winged party *Dansk Folkeparti* disagreed. However, at the end of 2012 no concrete initiative had yet been tabled or discussed.

## Public opinion

- According to Eurobarometer 2012, 37% of Danes believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 38% believe gender identity discrimination is widespread. This is slightly below the EU27 average (45%). Danes scored 8.9 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected political position in their country. This is significantly above the EU27 average (6.6) and the highest in the EU. Danes scored 7.6 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is significantly above the EU27 average (5.7) and the highest in the EU.

## Sexual and reproductive rights

- In June, the law on assisted fertilisation was revised, making non-anonymous sperm donation accessible in Denmark. Identity release sperm can be used by all couples. However, the rules concerning a couple using a person they know as a sperm donor only apply to heterosexual couples. The reason is that revisions of family law were being formulated as a consequence of the new gender neutral marriage legislation, and revisions were expected to include the corresponding provisions for same-sex couples.

## Member organisations of ILGA-Europe

BLUS Denmark  
[www.blus.dk](http://www.blus.dk)

Lambda – Bøsser og Lesbiske på Fyn  
[www.lambda.dk](http://www.lambda.dk)

LGBT Denmark  
[www.lgbt.dk](http://www.lgbt.dk)

LGBT Ungdom  
[www.lgbtungdom.dk](http://www.lgbtungdom.dk)

Pangea International LGBTIQ+  
[www.pangeainternational.dk](http://www.pangeainternational.dk)

Sabaah  
[www.sabaah.dk](http://www.sabaah.dk)