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Response to Call for input to a thematic report: freedom of religion or belief (FoRB) and sexual orientation and gender identity (SOGI) – Denmark

The following letter is a response to the call for input to a thematic report: freedom of religion or belief (FoRB) and sexual orientation and gender identity (SOGI).

In what follows, the Institute provides information on relevant intersections of the freedom of religion or belief and sexual orientation and gender identity in the case of Denmark, with comments on which question, the answer could be relevant for.

First, a short introduction to the religious situation in Denmark, followed by the themes; marriage equality, conversion therapy, particular experiences for ethnic minority LGBT+ individuals, religious based violence at asylum centres and lastly the general political agenda on the topic.

## Introduction

Historically, Denmark has been a very religiously homogenous society, and remains rather so even today, although there now exists a great variety of Christian churches of various denominations as well as all major world religions in Denmark. 73,2% of the Danish population belongs to the Evangelic Lutheran Church ‘Folkekirken’[[1]](#endnote-1), closely resembling a state church and as such, according to the constitution, supported by the State, financially and otherwise. Even though church and the state are closely intertwined, trends indicate a more secular movement in the population. Membership of the “Folkekirke” is following a downward trend.[[2]](#endnote-2) A large survey show that 41 % of the population believes in God, with a larger share amongst the elderly, and a smaller share amongst the youth.[[3]](#endnote-3)

Other religious communities in Denmark are Muslim, Jewish, Hindu, Catholic, Buddhist, and others. The largest minority religion is Islam.

## Conversion therapy

In 2021, a report commissioned by the Ministry of Employment about the current situation on conversion therapy was released. Based on a number of surveys, with a substantially number of respondents, they conclude that the share of Danish LGBT+ individuals, that has been subject to conversion is limited, but especially some minor LGBT-people has experienced an attempt to change one’s sexual orientation or gender identity.[[4]](#endnote-4) There is no-out-in-the-open providers of conversion therapy, but it cannot be ruled out that some LGBT+ individuals experience some form of conversion.

It is evident from the report, that some religious communities state, that they believe that there is a smaller number of LGBT+ individuals that do not want to live out their sexual orientation or gender identity, and that these individuals look positively to, and may be a part of programmes that intend to help those who do not actively live out their sexual orientation or gender identity.

The report demonstrates that depending on the definition, there can be some indication of attempts of conversion therapy, or religious grounded counselling, that advise against living out their sexual orientation or gender identity, and who recommend celibacy for LGBT+ individuals.[[5]](#endnote-5) The Danish government is currently investigating the possibility and need to introduce a ban on conversion therapy for minor LGBT+ people.[[6]](#endnote-6) *This could be relevant for question number 1.*

## Ethnic minority lgbt+ individuals

In Denmark, several different ethnic minority groups reside. The conditions for non-western immigrants have been examined in two reports, respectively from 2015[[7]](#endnote-7) and 2022[[8]](#endnote-8). The latter concludes that LGBT+ individuals with ethnic minority backgrounds experience a particular vulnerability compared to the majority of LGBT+ individuals, in terms of minority stress, hiding their identity from the family, negative reactions on coming out, reporting worse mental health, self-harm and suicide attempts, and is more often subject to discrimination and physical and sexual violence.

The part of the LGBT+ respondents that belongs to an ethnic minority, report to in a greater extend that religion plays a bigger role, in shaping the family’s view on sexual orientation and gender identity, than the other LGBT+ respondent. The report points out that religion is a barrier for coming out for ethnic minority LGBT+ individuals, and that this experience is most relevant for ethnic minority LGBT+ individuals in Denmark. *This could be relevant for question number 1.*

## Religion and lgbt identity at asylum centres

The Danish Institute for Human Rights carried out a study in 2019 on the freedom of belief and religion in the Danish asylum centres.[[9]](#endnote-9) It was not possible to find LGBT+ interlocutors to provide information about the necessary experiences, but the civil society organisation LGBT Asylum, indicated to our researchers that LGBT+ individuals may be subject to religious based discrimination in these facilities by other residents. *This could be relevant for question number 1.*

## Political agenda

In its Action Plan to Promote Better Living conditions for LGBT+ Individuals, covering the period 2018-2021, the Danish government states that equal opportunities, despite gender, sexual orientation or gender identity, is to be accepted no matter culture, tradition or religion.[[10]](#endnote-10) The new action plan from 2022, does not mention religion explicitly, but does state an intention to investigate the spread of conversion therapy amongst minor LGBT+-people in Denmark, as the basis for a potential ban.[[11]](#endnote-11)

## SAME SEX MARRIAGE LEGAL VALIDITY (Good Practice Question 11)

In 2012, legislation was introduced which allowed for the celebration of same-sex marriages with legal effect under Danish law, and not only marriages taking place in the civil registry but also in the Folkekirke. A law was introduced, according to which same sex couples have a right to be married in the Church.[[12]](#endnote-12) By the same token, another bill was introduced which provides for the possibility of a priest to refrain from celebrating same sex marriage for religious reasons.[[13]](#endnote-13) In the relatively few cases, where a parish priest for religious reasons do not wish to celebrate the marriage, the dean will provide the couple with another priest, who will celebrate the marriage in the couple’s parish. The new legislation was met with some resistance among parts of the Folkekirke but is today accepted by a vast majority of the priests of the Folkekirke.

In 2021 90 couples celebrated their marriage in the Folkekirke whilst 337 were married in the civil registry.[[14]](#endnote-14) In connection with his mission to Denmark, the Special Rapporteur on freedom of religion and belief, Heiner Bielefeldt , commended the new legislation, stating that “the experience of Denmark provides an interesting and encouraging example that respect for freedom of religion or belief and promoting non-discrimination on the basis of sex, gender identity or sexual orientation can go well together”. [[15]](#endnote-15)

Best regards,

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3. Ibid. [↑](#endnote-ref-3)
4. [Bjarke Følner, Ida Kvist Sommer, Rikke Trige Jensen, & Amalie Vejlgaard Schørring. (2021).](https://alsresearch.dk/wp-content/uploads/2021/08/Omvendelsesterapi_rapport.pdf) *[”OMVENDELSESTERAPI” VIDEN OM UDBREDELSE OG KARAKTER I DANMARK](https://alsresearch.dk/wp-content/uploads/2021/08/Omvendelsesterapi_rapport.pdf)*[. ALS Reasearch.](https://alsresearch.dk/wp-content/uploads/2021/08/Omvendelsesterapi_rapport.pdf) [↑](#endnote-ref-4)
5. Ibid. [↑](#endnote-ref-5)
6. Regeringen (2022), Plads til forskellighed i fællesskabet. LGBT+-handlingsplan 2022-2025. Retrieved from <https://www.trm.dk/media/c0xf3lbv/plads-til-forskellighed-i-faellesskabet-lgbtplus-handlingsplan-2022-2025.pdf> [↑](#endnote-ref-6)
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9. Lassen, E. M., Petersen, M. J., & Akhtar, M. (2019). *Tros- og Religions Frihed på Danske Asylcentre*. Retrieved from <https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/forskning_2019/rapport_religion_asylcentre_19.pdf> [↑](#endnote-ref-9)
10. Regeringen. (2018). Handlingsplan til fremme af tryghed, trivsel og lige muligheder for LGBTI-personer. Retrieved from <https://www.regeringen.dk/media/5348/lgbti-handlingsplan.pdf> [↑](#endnote-ref-10)
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12. L 106 Forslag til lov om ændring af lov om ægteskabs indgåelse og opløsning, lov om ægteskabets retsvirkninger og retsplejeloven og om ophævelse af lov om registreret partnerskab. (Ægteskab mellem to personer af samme køn). Fremsat 14. marts 2012. [↑](#endnote-ref-12)
13. L 105 Forslag til lov om ændring af lov om medlemskab af folkekirken, kirkelig betjening og sognebåndsløsning. Fremsat 14. marts 2012 (Præsters ret til at undlade at vie to personer af samme køn m.v.). [↑](#endnote-ref-13)
14. [Tidslinje: Fra partnere til ægtefolk | Folkekirken.dk](https://www.folkekirken.dk/livets-begivenheder/bryllup/hvad-er-kirkebryllup/par-af-samme-koen/tidslinje-fra-partnere-til-aegtefolk) [↑](#endnote-ref-14)
15. Human Rights Council, Report of the Special Rapporteur on freedom of religion and belief on his mission to Denmark, Heiner Bielefeldt (A/HRC/34/50/Add.1). [↑](#endnote-ref-15)