

NEWS REPORT

Update of flash report nr: 2
Date: 4 June 2009
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Title: Religious symbols in courts
Country: Denmark
Context
Issue at stake: Danish legally trained judges prohibited from wearing religious or political symbols
Ground of discrimination: Religion/belief
Source: legislation, political development
Field: employment
Legislative provisions: Amendment to the Act on the Administration Justice section 56

Content

The Danish Act on Administration of Justice has been amended (29 May 2009 Bill no. L98, 2008-09) clearly stating that Danish judges are not allowed to be dressed or appear in a way which can appear as a manifestation of any religious or political affiliation (cf. section 56). Furthermore judges are in the future obligated to wear gowns at court procedures (cf. section 56a). Lay assessors and jurors are not affected by the amendment since it only concerns legally trained judges.¹

The issue concerning judges' appearance and dressing is usually regulated by the Court Administration, which published staff guidelines (in Danish: Notat om adfærd og personlig fremtræden ved Danmarks Domstole of 22 April 2008), stating that according to the present regulation wearing the Muslim headscarf or other religious head gear was no hindrance to function as a judge as long as the face was visible. However, following a national debate, on whether female Muslim judges should be allowed to wear headscarves, a majority of Parliament found it necessary to intervene to amend the legislation on this field prohibiting manifestation of any religious or any political affiliation.

Internet link source and additional information:

The Danish Parliament: <http://www.ft.dk/> (04-06-09)

The Danish Courts:

<http://www.domstol.dk/om/organisation/domstolsstyrelsen/Pages/default.aspx> (04-06-09)

¹ In some Danish court cases Lay assessors and jurors participate; Lay assessors are ordinary citizens appointed to adjudicate a case together with the judges.