



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Denmark
Title:	Handshake as requirement for citizenship
Date:	28 December 2018
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<u>Context</u>	
Issue at stake:	New Danish Act requires individuals to shake hands with a Danish official to obtain citizenship
Ground of discrimination:	Religion
Source:	Bill No. L80 adopted December 20, 2018
Field:	Other

Content

On June 29, 2018, the Danish government entered into a political agreement with the Danish Peoples Party and the Social Democratic Party regarding naturalization. The parties agreed that in addition to passing a naturalization test and fulfilling a number of financial and residential requirements, the obtaining of Danish citizenship should be determined by the participation in a municipal ceremony.

On that background the Danish Parliament adopted Bill No. L80 on December 20, 2018. The new rules require that individuals who have been awarded Danish citizenship by law in addition must take part in ceremonies in their local municipalities. At the ceremonies, the individuals are required to sign a document to demonstrate that they will respect Danish laws and values. They are also required to behave respectfully towards the mayor or other public authority representatives. The Act authorizes the Minister of Integration to establish more detailed rules for the holding of the ceremonies. According to the preparatory works of the Bill, respectful behaviour at the ceremony is considered to include shaking the hand of the mayor or other public authority representatives. In the preparatory works, the handshake is described as follows:

“[...] during the ceremony, representatives from the municipality meet face to face with the participants and exchange handshakes with the participants, without gloves, palm against palm, to celebrate and clearly mark the moment in the participants' lives where they become Danish citizens.” (own translation)¹

If an individual does not live up to these ceremonial requirements, he or she will lose the right to become a Danish citizen.

Key points of analysis: A minority of Jews and Muslims in Denmark believe that it is against their religion to shake hands with a representative of public authorities, in particular if the representative is of the opposite gender.

¹ Bill No. L80 of October 25, 2018, section 2.2.2. page 5.

In all probability, the gender of the individual mayor or the representative of the public authority will determine whether select participants at the naturalization ceremonies will obtain Danish citizenship or not. This is the case for participants who believe that it is against their religion to shake hands with a person of the opposite gender.

On that background, the handshake requirement may constitute indirect discrimination because of religion.

More specifically, the handshake requirement may constitute a violation of The European Convention on Human Rights article 9 on freedom of religion and/or a violation of the prohibition of discrimination in The European Convention on Human Rights article 14, cp. Article 8 and 9.²

Internet link source: <https://www.ft.dk/samling/20181/lovforslag/L80/index.htm>.

² See <https://menneskeret.dk/monitorering/hoeringssvar> for hearing statement from the Danish Institute for Human Rights:

- Høring over udkast til lovforslag til lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl. (5. oktober 2018).