



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

FLASH REPORT

Country:	Denmark
Title:	Denial of access to café because of child's disability
Date:	26 November 2020
Expert:	Pia Justesen
<u>Context</u>	
Issue at stake:	Denial of service
Grounds of discrimination:	Disability
Field of application:	Goods and services
Source:	National equality body
Applicable law:	Sections 2, 5, 6, 7, 10 and 11 of the Act on the Prohibition of Discrimination due to Disability

Content

Case: The case dealt with a mother and her 6-year-old daughter who were rejected at the entrance to a café. Before the visit, the mother had made a reservation over the phone. In the telephone conversation, the mother had explained that they would bring a special stroller for her daughter, which the café confirmed would be no problem. The stroller had shoulder and headrests and a special belt. Because of her disability, the daughter could not sit by herself.

Arriving at the café, an employee told the mother that the café did not allow strollers inside due to fire safety and the family was rejected access. Mother and daughter filed a complaint to the Board of Equal Treatment claiming that they had both been discriminated against because of the daughter's disability.

The café had a policy stating that although strollers were not allowed in the café, wheelchairs and strollers for people with disabilities were exempted. The Board argued that based on the telephone conversation as well as the policy of the café allowing wheelchairs and strollers for people with disabilities, facts had been established which gave rise to presume that the mother and daughter had experienced indirect discrimination based on disability. The Board stated that the rejection was not objectively justified. In conclusion, the Board found that the café had not proven the rejection to be non-discriminatory. Thus, the mother and daughter were each awarded a compensation of DKK 5.000 (EUR 672) according to the Act on the Prohibition of Discrimination due to Disability.¹

Key points of analysis: The decision illustrates the specific prohibition of discrimination by association when it comes to disability and access to public places and services. It follows directly from Section 6 of the Act on the Prohibition of Discrimination due to Disability that no person may subject another person to discrimination on grounds of the

¹ Board of Equal Treatment, Decision No. 9761 of 3 September 2020. See: <https://www.retsinformation.dk/eli/accn/W20200976125>.

latter's relationship to a person with a disability, provided that the discrimination is based on this person's disability.