



# Denmark

## Ratified the European Convention on Human Rights in 1953

### National Judge: Jon Fridrik KJØLBRO

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Alf Niels Christian ROSS (1959-1971), Helga PEDERSEN (1971-1980), Max SØRENSEN (1980-1981), Jørgen GERSING (1982-1988), Isi FOIGHEL (1989-1998), Peer LORENZEN (1998-2014)

The Court dealt with 62 applications concerning Denmark in 2017, of which 60 were declared inadmissible or struck out. It delivered 2 judgments (concerning 2 applications), which found no violation of the European Convention on Human Rights.

Applications processed in	2016	2017	2018**
Applications allocated to a judicial formation	47	57	16
Communicated to the Government	2	4	1
Applications decided:	54	62	16
- Declared inadmissible or struck out (Single Judge)	42	58	14
- Declared inadmissible or struck out (Committee)	5	0	1
- Declared inadmissible or struck out (Chamber)	4	2	1
- Decided by judgment	3	2	0

\*\* January to July 2018

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).  
Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2018	
Total pending applications*	26
Applications pending before a judicial formation:	18
Single Judge	2
Committee (3 Judges)	1
Chamber (7 Judges)	12
Grand Chamber (17 Judges)	3

\*including applications for which completed application forms have not yet been received

### Denmark and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [Biao v. Denmark](#)

24.05.2016

The case concerned the complaint by a naturalised Danish citizen of Togolese origin, Ousmane Biao, and his Ghanaian wife that they could not settle in Denmark. Notably, the Danish authorities refused to grant them family reunion as the couple did not comply with the requirement under the relevant domestic law (the Aliens Act) that they must not have stronger ties with another country, Ghana in their case, than with Denmark (known as the "attachment requirement"). The applicants also complained that an amendment to the Aliens Act in December 2003 – lifting the attachment requirement for those who held Danish citizenship for at least 28 years – resulted in a difference in treatment between those born Danish nationals and those, like Mr Biao, who had acquired Danish citizenship later in life.

[Violation of Article 14 \(prohibition of discrimination\) read in conjunction with Article 8 \(right to respect for private and family life\)](#)

The Court further held that there was no need to examine the application separately under Article 8 of the Convention taken alone.

#### [Sorensen & Rasmussen v. Denmark](#)

11.01.2006

Concerned the applicants' complaint about closed-shop agreements in Denmark.

[Violation of Article 11 \(freedom of association\)](#)

#### **Freedom of expression cases (Article 10)**

#### [Pedersen and Baadsgaard v. Denmark](#)

17.12.2004

Conviction for defamation of the applicants, journalists, for programmes concerning the police's handling of a murder case.

[No violation of Article 6 \(right to a fair trial within a reasonable time\)](#)

[No violation of Article 10](#)

#### [Jersild v. Denmark](#)

23.09.1994

Conviction of a journalist for aiding and abetting the dissemination of racist remarks through an interview on national television of the "Green jackets" (an extremist youth group).

[Violation of Article 10](#)

### Chamber

#### **Cases dealing with Article 6**

#### [Right to a fair trial](#)

#### [Hauschildt v. Denmark](#)

24.05.1989

Concerned the impartiality of tribunals which had convicted the applicant, where certain of the judges involved had also made pre-trial decisions ordering his detention on remand (Administration of Justice Act was subsequently amended).

[Violation of Article 6](#)

#### [Right to a fair hearing/trial within a reasonable time](#)

Length of civil proceedings cases:

#### [Valentin v. Denmark](#)

26.03.2009

[Violation of Articles 6 \(right to a fair trial within a reasonable time\) and 13 \(right to an effective remedy\) and Article 1 of Protocol No. 1 \(protection of property\)](#)

#### [Christensen v. Denmark](#)

22.01.2009

[Violation of Articles 6 and 13](#)

#### [Iversen v. Denmark](#)

28.09.2006

[Violation of Article 6 §1](#)

#### [Kurt Nielsen v. Denmark](#)

15.02.2000

[Violation of Article 6 § 1](#)

Length of criminal proceedings in "tax asset stripping" cases ("*selskabstmmersager*"):

### [Hasslund v. Denmark](#)

11.12.2008

### [Moesgaard Petersen v. Denmark](#)

11.12.2008

Violations of Article 6 § 1 (right to fair trial within a reasonable time)

### Cases concerning private and family life (Article 8)

#### [Osman v. Denmark](#)

14.06.2011

The case concerned the refusal to renew the Danish residence permit of a Somali girl, who had grown up with her family in Denmark, after she spent more than two years, allegedly against her will, living in Kenya. The right to family reunification for young people of her age (15-17) in Denmark was abolished while she was away.

Violation of Article 8

#### [Amrollahi v. Denmark](#)

11.07.2002

Impossibility for an Iranian citizen, convicted in Denmark of drugs offences and ordered to be expelled with a life-long ban on his return, to continue his family life with his Danish wife and child outside Denmark.

Violation of Article 8 if the decision to expel the applicant to Iran were to be implemented

### Freedom of expression cases (Article 10)

#### [Frisk and Jensen v. Denmark](#)

05.12.2017

The case concerned two Danish journalists working for a national television station and their conviction of defamation following a programme broadcast in 2008 criticising the treatment of cancer at Copenhagen University Hospital.

No violation of Article 10

### Inadmissible application

#### [Roj TV A/S v. Denmark](#)

24.05.2018

The case concerned the applicant company's conviction for terrorism offences by Danish courts for promoting the Kurdistan Workers' Party (PKK) through

television programmes broadcast between 2006 and 2010. The domestic courts found it established that the PKK could be considered a terrorist organisation within the meaning of the Danish Penal Code and that Roj TV A/S had supported the PKK's terror operation by broadcasting propaganda. It was fined and its licence was withdrawn.

Application declared inadmissible as being incompatible *ratione materiae* with the provisions of the Convention.

### Other noteworthy cases, judgments delivered

#### [T.N. v. Denmark, T.N. and S.N. v. Denmark, S.S. and Others v. Denmark, P.K. v. Denmark and N.S. v. Denmark](#)

20.01.2010

The five cases concerned applications from nine Tamils claiming they risked persecution and ill-treatment by the authorities &/or the "Tamil Tigers" if deported from Denmark to Sri Lanka.

No violation of Article 3 (prohibition of inhuman or degrading treatment) if orders to deport the applicants to Sri Lanka were to be implemented.

#### [Custers, Deveaux and Turk v. Denmark](#)

03.05.2007

Members of Greenpeace complained about their conviction by the Danish courts of trespassing for taking part in a campaign in 2001 near the American "Thule Air Base" in North-West Greenland (an act which they alleged, at the time it had been committed, had not amounted to a criminal offence under Danish law).

No violation of Article 7 (no punishment without law)

#### [Vasileva v. Denmark](#)

25.09.2003

Concerned the detention in police custody overnight of the applicant, a 67 year old woman in poor health, after she had had a dispute with a ticket collector on public transport and refused to disclose her identity.

Violation of Article 5 § 1 (right to liberty and security)

## Noteworthy cases, decisions delivered

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### Alam v. Denmark

29.06.2017

The application concerned an expulsion and life-long ban of a Pakistani national from Denmark. In 2013 Ms Alam was convicted of aggravated attempted robbery, murder and arson and sentenced to 16 years' imprisonment and expulsion from Denmark. Ms Alam, who has spent nearly her entire life in Denmark and has permanent residence, complained that her expulsion would separate her from her children, born in Denmark in 2000 and 2004, and from the husband she recently married in 2015.

[Application declared inadmissible for non-exhaustion of domestic remedies](#)

Danish police prior to a match in order to prevent hooligan violence, complain that their preventive police custody had been unlawful.

The applicants complain that their detention was unlawful as it had exceeded the time-limit prescribed by domestic law, and notably that it had not been justified under Article 5 §§ 1 b) or c) (right to liberty and security) of the European Convention.

[These applications were communicated to the Danish Government, with a question from the Court, on 7 January 2014.](#)

[The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 11 July 2017.](#)

[The Grand Chamber of the Court will hold a hearing on 17 January 2018](#)

## Noteworthy pending cases

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### Grand Chamber

**S., V. and A. v. Denmark (nos. 35553/12, 36678/12, and 36711/12)**

In this case, the applicants, football supporters who were detained by the

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**ECHR Press Unit Contact:  
+ 33 (3) 90 21 42 08**