DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Denmark	2024	Denmark / The Board of Equal Treatment / KEN nr 10184 af 27/11/2024	https://www.retsinformation.dk/eli/accn/W20241018425	Racial or ethnic origin	The Board of Equal Treatment (Ligebehandlingsnævnet)	The case concerns discrimination by a night club. The complainant believed that the nightclub had discriminated him on the grounds of race and/or ethnic origin when he was refused entry to the nightclub. The man and his friend, who are of Turkish and Middle Eastern origin respectively, were turned away at the entrance to the nightclub, while other ethnically Danish or Nordic-looking people were let in. One of the key issues regarded the clothing of the complainant and his friend. The bouncer denied them access to the club as they were 'not dressed formally' and looked 'too tough'. The complainant later provided a video of his own clothing as well as pictures of other guests, who were granted access and who dressed similarly. The photos were taken from the night club's own social media accounts.	The Board of Equal Treatment ruled in favour of the complainant. The complainant was awarded compensation of DKK 5,000.	The Board found that, based on the respondent's account of the course of events, it is unclear whether the respondent has identified the incident in question. Furthermore, the respondent has not disputed the complainant's claim that the respondent's description of the course of events does not concern the complainant and the complainant's friend. The respondent has therefore not lifted the burden of proof.	The Board found that it can be assumed that the complainant, who is of Middle Eastern origin, was rejected at the entrance to the defendant nightclub. It appears from the attached video that the bouncer's rejection was based on the men's attire and with reference to the fact that they "look too tough" even though they were dressed more formally than other Danish-looking individuals in the video who were let in. The complainant has further stated that several guests of ethnic Danish origin and Nordic appearance were admitted both before and after the rejection took place. On this basis, the Board considers that facts have been demonstrated that create a presumption that the complainant was subjected to discrimination on the basis of race and/or ethnic origin when rejected at the door of the nightclub. It is then incumbent on the respondent to prove that the principle of equal treatment has not been violated. The Complaints Board finds that, based on the respondent's account of the course of events, including the time of the incident, it is unclear whether the respondent has identified the incident in question. Furthermore, the respondent has not disputed the complainant's claim that the respondent's description of the course of events does not concern the complainant and the complainant's friend. The Respondent has therefore not met its burden of proof.	"Nævnet vurderer, at der på denne baggrund er påvist faktiske omstændigheder, der skaber en formodning for, at klager ved afvisningen i døren til natklubben blev udsat for forskelsbehandling på grund af race og/eller etnisk oprindelse." "On this basis, the Board considers that facts have been demonstrated that create a presumption that the complainant was subjected to discrimination on the grounds of race and/or ethnic origin when he was turned away at the door of the nightclub."

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