Same, same, but different? Governing Anti-Discrimination Laws in Norway and Denmark

This paper presents findings from a systematic review of decisions made by the Norwegian and Danish monitoring bodies for equality in cases concerning religious discrimination from 2005 to 2018. The review highlights three issues in particular: (a) the relationship between the erstwhile regulation of religion in domestic and international law and the decisions of the monitoring bodies, (b) the mode of interpretation and standards of proof relied upon to determine the scope of religion as a basis for discrimination in the two countries, and (c) the tensions between religious and other discrimination grounds. Across these cases, the paper will address the extent to which the monitoring bodies seek to engage or influence the relationship between religious majorities and minorities. Important questions will be the relations between religion as the ground for discrimination and the consistency and efficiency of the monitoring body and whether it is possible to detect differences between the assessments of the body in Norway and Denmark.