PROJEKT PAULUS

When Authorities Put the Purpose Above the Law

Noble Cause Corruption and Related Failures of Public Authorities
Denmark 2006 to 2026



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Ex officio et ex conscientia.

Main Conclusion

The events described document how Danish authorities and public sector leaders have invoked children, patients, public health, finances, institutional reputation and loyalty to colleagues to explain or defend specific violations of rights and criticised conduct. The purpose occupies a place in the justification while the binding duty recedes into the background. This is the recurring mechanism uncovered by this report.

The evidence includes operational instructions, contemporaneous emails, the authorities' own replies, public statements and specific legal proceedings. It shows, among other things, the police's distribution of an action card warning that the authorities would clear healthy mink herds, unlawful interference with demonstrators, budget driven disregard of social rights, failures to inform patients of their rights, and sanctions against employees for lawful criticism. Each chapter traces every criticism to the specific action and source.

A particularly serious pattern recurs in child welfare and social services. Procedural safeguards are presented as disruptive formal requirements, although their purpose is to ensure that the authority investigates the need and reaches a lawful decision. Financial pressure is used to justify waiting lists and restrict assistance already required by law or an award of support. The individual thus pays for the authority's priorities through their legal position and the time they must wait.

Oversight can perpetuate the failure. When a supervisory body accepts the explanation of the authority under scrutiny without sufficient independent investigation, or a supervisory authority participates in a vote on criticism of its own supervision, the design of the oversight arrangements becomes part of the problem. The cases concerning public employees' freedom of expression show the same self protection in management's reliance on loyalty, the institution's best interests and concern for a particular public portrayal.

Projekt Paulus' overall conclusion is that the documented failures extend beyond isolated errors. The events show repeated ways of placing purposes, operations and institutional interests above the specific duty to respect individuals' rights. The claimed good intention cannot make this lawful. An authority's task is to pursue its purpose within the law.

We locate criticism where the evidence locates the action and decision. An established violation of rights must be called a violation of rights. A budget based failure to provide mandatory assistance must be called a breach of the duty to ensure provision. An unlawful restriction on criticism must be called interference with freedom of expression. This precision provides the basis for accountability that can be maintained.

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1 Subject and Concepts of the Report

The report concerns Danish authorities, public institutions, ministers, municipal politicians and public employees in the period from 17 November 2006 to 17 November 2026. It examines the justifications for the conduct described and connects them to its documented legal and practical significance.

By *noble cause corruption*, we mean the use of improper means legitimised by a purportedly good or necessary purpose. The central justificatory pattern is that an intervention, omission or disregard of a rule is accepted to protect something the actor presents as more important. We examine this connection specifically in each account.

The report also addresses financially motivated violations of rights, institutional self protection, distortion of procedure, breaches of impartiality requirements, favouritism and retaliation against lawful criticism. These mechanisms are connected where the evidence shows a common function: the public task, or oversight of it, is subordinated to another consideration.

The role of finances must be described precisely. When an authority withholds mandatory assistance to stay within a budget, this is a financially motivated violation of rights. When it is defended by reference to other individuals' welfare or the institution's overall task, it invokes the same greater good as the noble cause justification. When a person or someone close to them benefits through misuse of a public function, the decisive issue is the specific connection between the benefit and the power to decide.

Documented public statements are analysed as the actors' own justifications. Contemporaneous documents are used to establish actions and stages of decision making. Legal decisions and investigations are identified by their specific findings and reasoning. This makes it possible to reach a firm conclusion on the matter the source actually documents. Danish quotations are faithfully translated into English in this edition; the original wording remains in the linked Danish sources. Original bibliographic source titles are retained where used as titles, with citation locators translated into English.

2 State Interventions and Failures of Oversight

Case 1 Støjberg's Separation Instruction

A protective purpose was used to maintain a practice that disregarded the requirement for individual assessment. Minister for Immigration and Integration Inger Støjberg's decision was implemented as a general separation practice from 10 February 2016. On 13 December 2021, the Court of Impeachment found that she had intentionally violated section 5(1) of the Ministerial Responsibility Act through the administration of the scheme from 10 February to 18 March 2016. The press release and contemporaneous implementation emails connect the ministerial decision to its execution. [1].

In her post of 21 May 2017, the minister wrote:

> *I am profoundly opposed to child brides [...]*
>
> *That decision was found unlawful by the Ombudsman, and I was forced to change the practice.*

The post is reproduced in the judgment's documentary section, p. 96. It connects the political objective of protection with an explicit reference to the decision's unlawfulness. [2].

Interim conclusion. The minister's moral purpose did not alter the legally binding duty to assess each case individually. This is an intentional breach of ministerial responsibility established by conviction, followed by public insistence on the purpose behind the intervention. The case shows how protection can be used to legitimise an unlawful approach.

Case 2 The Mink Case and the National Police's Conversation Script

Public health was linked to pressure by the authorities that exceeded the existing legal basis. The National Police's action card for healthy mink farms outside the infection zone described the government's decision with the words:

> *[...] in the interests of public health [...]*

If the owner refused, the card directed the conversation to continue:

> *[...] you can expect the authorities then to come and clear the herd anyway.*

At the same time, the card described access for counting as voluntary. The refusal section put that voluntariness under pressure by warning of the loss of a bonus and clearance by the authorities. These formulations already appeared in the early drafts of 6 November and were retained in the material distributed on 7 November 2020. [3]; [4].

Sections 14-15 of the executive order then in force covered infected herds and herds within 7.8 km. They did not authorise nationwide culling. [5]. The Commission's specific examination of the regulatory basis and orders appears in volume 1, pp. 485-489. The approval stages involving Uffe Stormly and Birgitte Buch, and the Commission's assessment of the principle of legality and the duty of truthfulness, appear in volume 2, pp. 646-648 and 714-717. [6]; [7].

The public explanation invoking necessity was also produced and approved politically. On 8 November 2020, Minister for Environment and Food Mogens Jensen approved a reply stating:

> *It was therefore assessed that new legislation could not be awaited before announcing this.*

The email sequence shows a draft at 21.22, Tejs Binderup's addition at 21.30 and the minister's approval at 21.46.56. The Commission assessed that the reply provided incorrect information about the government's assessment. [8]; [9].

National Police Commissioner Thorkild Fogde explained in the National Police's statement of 19 November 2020:

> *We perform a great many tasks in the police, and unfortunately mistakes can therefore occur.*

This is management's own explanation, identifying workload as the cause of the error. [10]. Guldager's investigation linked the failure to inadequate quality assurance and legality checks despite the internal rules introduced after the Tibet events. [11].

Following the Commission's criticism, Prime Minister Mette Frederiksen maintained on 1 July 2022:

> *In our view, a responsible government could not have done otherwise.*

The decision thus continued to be legitimised through necessity and responsibility. [12].

Interim conclusion. The mink case connects several stages of the same sequence: public health as the objective, an operational card exerting pressure on owners, a ministerially approved incorrect explanation invoking necessity, and a subsequent reference to workload. We criticise the documented disregard of the requirements for legal authority and truthfulness. Neither a health objective, political haste nor a large workload supplied the missing legal authority.

Case 3 The Christiania Case and the Excusable Falsehood

Incorrect information given to Parliament was subsequently relabelled an excusable emergency lie. In the disciplinary investigation into the Ministry of Justice's handling of the Legal Affairs Committee's visit to Christiania, the inquiry leadership assessed on 2 May 2014:

> *The falsehood contained in the Johan Reimann explanation can thus best be characterised as an understandable and excusable emergency lie [...]*

The justification invoked security, confidentiality and the inquiry leadership's view of the options available to Permanent Secretary Anne Kristine Axelsson and Head of Department Jens-Christian Bülow. Yet the same report reproduces, on p. 162, the Legal Adviser to the Danish Government's specific alternative: to refrain from giving another explanation. The assessment rejects that alternative on the basis of an expectation about Anne Baastrup's reaction. [13].

Report 1557 of 2015 rejected the proposition that the concept of an emergency lie has any independent legal significance. [14].

Interim conclusion. The justification turned an anticipated political reaction into an argument for giving false information. We reject this normalisation. A protective concern must be managed within the rules on truthfulness and confidentiality; the label emergency lie creates no independent right to mislead Parliament.

Case 4 COP15 and the Insistence That Intervention Was Right

Copenhagen Police management maintained that the intervention was right after detentions had been ruled unlawful. Police Commissioner Johan Reimann stated on 25 January 2012:

> *we acted correctly in the situation by intervening firmly, but we should have done it differently and better.*

The statement was reported by Mikkel Schou in Information and later in the journalist's public republication. It commented on the Eastern High Court's judgment in B-114-11. [15].

The case included 178 parties detained on Amagerbrogade during COP15 in December 2009. The Ministry of Justice's official review describes inadequate screening and individual identification, and violations of section 8(4) of the Police Act and Article 5 ECHR. [16].

Interim conclusion. Management separated the supposedly right objective from its unlawful execution and maintained the action's fundamental legitimacy. For the individuals affected, the interference consisted precisely in the execution that was ruled unlawful. We maintain that the requirements governing individual detention form part of the police task itself, including when management wants a firm intervention.

Case 5 The Tibet Interventions and the Nation's Economy

An economic justification appeared in operational police communications while demonstrators' rights were being violated. Deputy Chief Superintendent Claus Hjelm Olsen wrote to incident command on 14 June 2012 at 10.45:

> *If we are to secure somewhat better economic conditions for the nation, and perhaps a trickle from that for the police, it rests on your shoulders.*

The operational material evolved to include instructions that demonstrators were not to be visible from the escorts. The radio communications the following evening included the order:

> *Take the flag from them.*

The email, development of the operational order and radio messages are reproduced in the Tibet Commission's report. [17].

The Commission's legal assessment identified screening and flag confiscation as clearly unlawful interference under sections 7-8 of the Police Act and Articles 10-11 ECHR. [18].

On 29 October 2025, the Eastern High Court found that both defendants had intentionally given false testimony about specified parts of the events. The Court found that the police vans were intended to conceal a peaceful demonstration from the Chinese President. Both received suspended sentences of 30 days' imprisonment. This report addresses the testimony resulting in conviction, including testimony about the vans' purpose. [19].

Interim conclusion. The sequence documents an expressly stated economic concern, unlawful restrictions on demonstrations and subsequent intentionally false testimony. We criticise the treatment of peaceful individuals' civil liberties as an obstacle to conducting a state visit. Those rights should have governed the police operation; instead, they were violated during it.

Case 6 The Ministry of Foreign Affairs' Retrieval of Tibet Material

Oversight was made dependent on the supervised authority's trust in its own recordkeeping. In his answer of 1 August 2018, Foreign Minister Anders Samuelsen explained that the ministry assumed its employees complied with administrative law, including their recordkeeping duties.

According to the answer, the ministry's statement of 25 January 2017 concerning all identifiable material referred to the search method agreed with the Tibet Commission on 2 May 2016. General searches of backups, Enterprise Vault and the minister's shared mailbox had not been considered. The answer also describes one targeted Outlook and Enterprise Vault search following an employee's report of a potentially unrecorded email; the ministry stated that this produced no relevant material. It subsequently announced a coordinating unit, relevant system searches and IT expertise. [20].

The later Commission identified an email from the Permanent Secretary and PET minutes as central documents that had not been before the first Commission. The same passage examines section 9 of the Commissions of Inquiry Act concerning provision of requested material. [21].

Interim conclusion. The assumption of proper recordkeeping could not ensure complete material. Central documents emerged only later. We criticise the use of trust in internal compliance to limit the general search. Completeness required documented system mapping and searching. One targeted search could not itself verify the completeness of the entire body of material.

Case 7 MRSA and Protection Against Stigmatisation

The Danish Veterinary and Food Administration placed an insufficiently documented protective concern above public access to information. On 31 January 2014, the Administration maintained:

> *the risk of stigmatisation of the herd owner and their family and employees upon disclosure outweighs the public interest*

The refusals issued in 2012 had been upheld by the appeals centre. The Ombudsman tested the justification against section 2(1), (3) and (6) of the Environmental Information Act and section 13(1)(6) of the former Access to Public Administration Files Act. Specific evidence of the harm disclosure would cause was required. In the Ombudsman's assessment, that evidence was absent. [22].

Following reopening, a fresh undertaking and litigation, the information was released. The updated opinion describes the Supreme Court's refusal to grant suspensive effect on 22 January 2016 and the Danish Agriculture & Food Council's withdrawal of the proceedings on 9 March 2016. [23].

Interim conclusion. A protective purpose was used to restrict a statutory right of access without the required specific basis of harm. We criticise the fact that public scrutiny had to await a process lasting several years. The claimed protection of particular interests did not replace the statutory conditions.

Case 8 Aviation Medical Examiners and the Authority's Own Liability

Express concern about the authority's own liability formed part of the preparation of an account for the supervisory body. Head of Division Christian Thorhauge wrote to Deputy Director Kåre Clemmesen on 13 April 2018 at 12.32:

> *I think it should be kept in general terms so that it cannot immediately be held against us later.*

The email concerned the memorandum on complaints. Reporting followed on 16 April, and the ministry closed its supervision on 17 May 2018. The subsequent independent legal investigation describes later complaints that were not disclosed and assumptions about the medical structure that did not hold. The investigation examines the Administration's duty to provide information loyally and assesses Thorhauge's omissions as negligent. [24].

In 2025, the Danish Civil Aviation and Railway Authority described revised arrangements: no simultaneous private AME work for authority doctors, legal and management review of adverse decisions, and increased staffing. [25].

Interim conclusion. Protection from liability is written directly into the internal communication here. Read together with the information failure, it shows an institution protecting itself: the account's implications for the authority became a consideration, while ministerial supervision depended on loyal and comprehensive information. We demand that the authority's duty to provide information govern its reporting.

Case 9 Child Psychiatry and the Limited Usefulness of Information About Rights

Failure to inform patients was explained by saying that few could have exercised the right anyway. The Capital Region of Denmark wrote on 17 April 2024:

> *So even if the patients had been better informed, very few would actually have been able to obtain assessment and treatment elsewhere.*

At the same time, the region acknowledged incorrect recording practices and missing assessment plans. It described limited private capacity as the background to patients in some pathways not being informed about extended free choice. [26].

The Danish National Audit Office's report documented that Region Zealand, the Capital Region of Denmark and the Region of Southern Denmark systematically recorded assessments as completed prematurely. The rights had to be administered under sections 82 b and 87 of the Health Act and the information requirements of the Executive Order on the Right to Hospital Treatment. The information duty also applied when the waiting time at a contracted hospital was longer. In the specific examination of the Region of Southern Denmark, 74 of 76 pathways had been recorded as completed after the first consultation; assessment continued in 39. [27]; [28].

The Minister for the Interior and Health's account acknowledged insufficient follow up on earlier recommendations. The criticism had been raised in 2018; the guidance was not updated until December 2023. The National Audit Office's follow up in 2025 found that recording had been brought into line with the guidance. [29]; [30].

Interim conclusion. The region used expected usefulness to justify inadequate information about rights. At the same time, recording presented an unduly favourable picture of assessment. We criticise both: patients were entitled to correct information, and the records should have reflected the actual assessment pathway. The later correction documents a change; it does not alter the earlier failure.

Case 10 The Danish Financial Supervisory Authority's Participation in Assessing Its Own Supervision

The authority under scrutiny took part in the vote on the scrutiny of itself. On 25 April 2019, the Danish Financial Supervisory Authority published Director General Jesper Berg's criticism of the EBA's form of investigation:

> *a Breach of Union Law case was not the right instrument*

The statement concerned the investigation of supervision during 2007-2014 and invoked the EBA outcome in support of the lawfulness of the Authority's supervision. [31].

Following document inspection, the European Ombudsman established that the Danish and Estonian supervisory authorities had participated in the 2019 vote on the recommendation concerning themselves. The Ombudsman found their participation incompatible with the independence requirement in Article 42 of the EBA Regulation. [32].

Interim conclusion. The decision making procedure involved a specific institutional conflict of interest. We reject the proposition that the outcome of such a procedure can, in itself, serve as independent proof that the scrutinised authority acted correctly. Oversight loses its independence when the body under scrutiny participates in deciding its own assessment.

Case 11 EFI and the Requirements for Lawful Debt Collection

SKAT's debt collection system contained specific legal defects that required suspension or correction. The Legal Adviser to the Danish Government's legality analysis of 8 September 2015 identified problems with payment calculations, limitation periods, attachment of earnings, reopening fees, guidance on appeal rights and the basis for certain processing of personal data. [33].

The ministry's account described warnings before the system went live in 2013: a PA review concerning instability and ineffective code quality assurance, information in June about legislation not yet adopted, and red status on 24 August. The launch date was maintained; status was yellow on 31 August, and manual case processing and set off began on 1 September. [34].

The separate memorandum on use of the system, dated 8 September 2015, set out requirements for immediate correction, manual remediation or suspension where unlawfulness was known, and for reopening cases. The system's overall importance for debt collection was not made a general exception to these requirements. [35].

Interim conclusion. The public task of collecting debts had to be performed lawfully. A substantial need for debt collection did not confer a right to maintain unlawful functions. We insist on the connection between technical systems and individuals' legal position: payment, limitation periods, access to appeal and personal data are legal requirements that the system must meet.

Case 12 Data Retention and Police Investigative Needs

The Minister of Justice stressed the police's needs while criminal enforcement of the retention in question had ceased. On 29 January 2021, Nick Hækkerup wrote to the Danish Telecommunications Industry Association that he:

> *[...] hopes that the telecommunications companies understand that the police need access to retained data to investigate serious crime and terrorism [...]*

The letter described retention rules still in force while also stating that companies could not be punished for omitting the retention in question. The Association's preceding letter shows that the industry had understood the minister's earlier communication as a continuing duty to retain and disclose data. [36]; [37].

On 30 March 2022, the Supreme Court held that specific applications contrary to EU law had to be refrained from. [38].

Interim conclusion. Investigative needs were used to sustain the expectation of continued data retention in a legal conflict. We maintain that the need for information must be subordinated to the requirements governing its lawful collection and use. Reference to serious crime and terrorism does not, in itself, determine which records the authorities may access.

3 Arguments of Necessity in Healthcare

Case 13 Kristian Rørbæk Madsen and the Patients' Sake

Patients' interests were expressly invoked to justify circumstances that the speaker himself described as breaches of the law. Consultant Kristian Rørbæk Madsen of the Intensive Care Unit at Odense University Hospital said on 12 January 2018:

> *I break the law many times every day and jeopardise my own legal protection. But I do it for the patients' sake.*

The interview linked the statement to emergency treatment and documentation. The same view of priorities appears in Madsen's own open letter of 21 January 2018. [39]; [40].

Interim conclusion. Here the necessity argument appears in its direct form: a publicly employed doctor presents what he himself calls breaches of the law as acts performed for the patients' sake. We include the statement as evidence of the professional justification expressly given.

Case 14 Ulrik Lassen and the Conduct of Research

Clinical research was presented as incompatible with compliance with the law. Head of Clinic Ulrik Lassen of the Department of Oncology at Rigshospitalet said on 3 August 2018:

> *We cannot act without breaking the law.*
>
> *If you comply with it, you cannot conduct clinical research*

This is the named head of clinic's own general description of the relationship between the task and the rules of the Health Act. [41].

Interim conclusion. The purpose of research was invoked to portray compliance as an obstacle to performing the task. We see the same justificatory pattern as in several of the authority cases: the task's value is turned into an argument against the legal limits governing its performance.

Case 15 The Ministry of Health and Compliance With the Law as a Failure

A ministry itself portrayed compliance with the law as potentially failing the individual. In its official press release of 30 March 2017 on compulsory somatic treatment of persons permanently lacking capacity, the Ministry of Health posed the question:

> *[...] break the law to help a sick individual, or rather comply with the statutory provisions and thereby fail an individual [...]*

The question is the ministry's editorial text presenting a bill. The acting Minister of Health was Karen Ellemann. The bill led to Act 655 of 2017, which from 1 January 2018 permitted compulsory somatic treatment subject to conditions. [42]; [43].

Interim conclusion. The opposition between helping and complying with the law was formulated by the authority itself. We criticise this presentation because it turns respect for the individual's legal protection into a moral problem. The lawful route was to amend the rules through legislation and maintain the statutory conditions governing subsequent interventions.

4 When Savings Are Imposed on Individuals' Rights

Case 16 Odense 2015 Planned Breaches of the Law in Closing Child Welfare Cases

Odense Municipality's closure of preventive child welfare cases involved planned and systematic breaches of legal safeguards. The financial task was translated into a process in which mandatory steps were set aside in advance.

A management email of 29 June 2015 justified the operation as follows:

> *Family and Welfare has found itself compelled to identify ways of limiting budget overruns*

The aim was to close approximately 20 per cent of preventive cases. BDO and Kromann Reumert's investigation documented systematic procedural breaches in 45 cases examined. The process plan presupposed dispensing with consultation of parties and interviews with children and allowed for remittal if families appealed. This contravened the requirements then in force under sections 19, 22 and 24 of the Public Administration Act, sections 48 and 68 of the Social Services Act and section 13 of the Access to Public Administration Files Act.

Acting Director Poul Anthoniussen acknowledged the systematically unlawful procedure in the municipality's reply in September 2015. The municipality initially counted 89 written cases and then added 18 oral cases. On 1 October, it announced that two managers had left or been dismissed and that a third had received a warning.

Interim conclusion. Odense organised a savings operation using an unlawful procedure. Hearing families, giving reasons and involving children were treated as steps the municipality could skip and potentially handle later if an appeal was lodged. This was a management failure in the design of the process itself.

Sources: [44]; [45] and [46]; [47].

Case 17 Guldborgsund 2020 An Unlawful Savings Instruction Wrapped in Continuity and Concern for the Individual

Guldborgsund issued a general instruction permitting no more than one measure, thereby replacing an individual assessment of the child's needs with a predetermined restriction. The Danish Social Appeals Board found the instruction unlawful.

Head of Centre Mads Larsen's email of 17 November 2020 required savings of DKK 100,000 per caseload and an end to concurrent measures. He wrote:

> *right now we have to do something urgently.*

The following day's email linked finances to impact measurement and fewer professionals. The municipality's reply of 21 January 2021 justified the rule by reference to continuity, coordination and relationships with the individual. The general restriction remained even after the municipality clarified the instruction's scope.

The Social Appeals Board's opinion of 8 December 2021 established violations of sections 46 and 52 of the Social Services Act and of the prohibition on fettering discretion through a fixed rule. The municipality's subsequent review covered a period before the instruction; the supervisory body therefore required the reopening of relevant decisions made after 17 November 2020. The municipality also acknowledged instances in which changes and discontinuations had been implemented without formal decisions or guidance on appeal rights.

Interim conclusion. A specific savings requirement was translated into an unlawful general rule. The municipality subsequently invoked relationships and continuity for the individual in defence of a restriction that could not replace an assessment of individual needs. Here there is a financial justification, protective reasoning and a specifically established legal departure.

Sources: [48]; [49]; [50]; [51]; [52].

Case 18 Holstebro 2020 Savings Requirements Became Instructions to Halt New Support Measures

In Holstebro, savings in child welfare were translated into a management instruction to stop new support measures. It stated:

> *There will therefore be a halt to new placements, new respite care and new external measures in April*

The sequence involved a savings target of DKK 250,000 per adviser. Management emails from January and April 2020 made financial reductions a shared management task. On 5 April, the arrangement was clarified as a trial excluding reductions that would be professionally indefensible; emergency exceptions also formed part of the sequence.

Section 52 of the Social Services Act then in force required decisions based on the individual child's needs. A general instruction to halt particular measures imposed a financial framework in advance on work addressing those very needs. The Social Appeals Board concluded its examination on the basis of the municipality's account of the child's best interests, professional defensibility and subsequent review.

Interim conclusion. The Holstebro events document how savings targets can be inserted directly into an authority's instructions concerning children and families. The specific management instruction covered categories of assistance that the law required to be assessed individually. The municipality's subsequent clarification also shows that the scope of the halt instruction had to be corrected.

Source: [53].

Case 19 Silkeborg 2009 and 2010 Awarded Assistance Was Withheld for Financial Reasons

Silkeborg failed to provide two hours of weekly home support awarded to an individual under section 85 of the Social Services Act. The State Administration found the omission unlawful.

The State Administration's reproduction of the municipality's explanation included the wording:

> *Due to substantial budget overruns [...] been compelled to establish a waiting list [...]*

The municipality had introduced a waiting list from August 2008. The specific award was made on 7 January 2009 but was not implemented. The municipality referred to savings and the absence of an express statutory deadline for starting provision.

In its opinion of 4 November 2010, the State Administration upheld the legal entitlement and the duty to ensure provision. An award already made could not be suspended through a financially motivated waiting list. Reducing assistance required a new decision with a legal basis.

Interim conclusion. Silkeborg used budget overruns to justify failing to provide a benefit already awarded. The municipality transferred the financial burden to the individual through non-delivery. The documented breach of duty is specific: an award existed, assistance was not initiated, and the budget was given as the reason.

Source: [54].

Case 20 Copenhagen 2026 Budget Balance Justified Slower Clearance of an Unlawful Waiting List

Copenhagen Municipality chose to slow the purchase of external residential placements after its waiting list arrangement had been ruled unlawful. The municipality itself described how the choice would prolong waiting times and abandon the aim of reducing the list to a minimum in 2026.

Managing Director Katrine Ring's letter of 26 June 2026 justified the decision as follows:

> *The decision must be seen in the light of the Social Services Committee's obligation to deliver a balanced budget and ensure that municipal service expenditure remains within the framework of the Budget Act.*

The Social Services Committee adopted the slower purchasing rate on 3 June. The municipality's status report of 16 April itself defined the placement list as individuals towards whom the duty to ensure provision had not yet been fulfilled. At the end of March, the municipality counted 225 people waiting, an average wait of 208 days and 38 people who had waited more than a year.

On 10 December 2024, the Social Appeals Board had found the practice unlawful and stressed the duty to ensure provision under sections 3-4 and 107-108 of the Social Services Act. That duty also covered suitable external placements when the municipality's own provision could not meet the need.

The speaking notes submitted to Parliament in November 2026 also locate central knowledge: the Social Appeals Board had handled the case since 2022, and the Ministry had known about it since autumn 2024. The notes reproduce the municipality's financial explanation for the slower purchasing rate and longer waits. The Ministry reports forwarding press coverage and states that the Board had initiated further inquiries. The notes also maintain the supply obligation and the requirement for lawful budgeting. The document thus traces the municipal budget explanation into the central supervisory chain. [55].

Interim conclusion. The municipality knew of its delivery problem and chose a financial slowdown with longer waiting times as an expressly described consequence. Budget balance was thus invoked to justify slower remediation of an arrangement already found unlawful. Individuals' rights were made dependent on the municipality's preferred rate of expenditure.

Sources: [56]; [57]; [58]; [59].

Case 21 Odense 2022 to 2025 Capacity Was Used to Explain Non-Delivery

Odense defended a waiting list by invoking the avoidance of excess capacity. The Social Appeals Board found the practice largely contrary to the duty to ensure provision.

The municipality's explanation was:

> *The assessment is that we would periodically operate with excess capacity if we did not have this short waiting list*

The municipality also described the arrangement as matching. The Social Appeals Board's opinion of 10 December 2024 assessed the arrangement's actual substance under section 4 of the Social Services Act. The label did not alter the duty to deliver.

The City Council's approved reply of 5 February 2025 stated that 63 people had received less support under section 86 than awarded. After February, 21 were still expected to receive less than their award because of physical capacity. The Social Appeals Board's letter of 2 April described a continuing waiting list and one residential placement case, refrained from imposing coercive fines at that time and required a new status report.

Interim conclusion. Odense allowed operational capacity to determine the timing and extent of awarded assistance. Calling the wait matching or referring to excess capacity did not alter the established duty to ensure provision. The municipality's own 2025 reply also documented a planned period of under-delivery relative to individuals' awards.

Sources: [60]; [61]; [62].

Case 22 Aarhus 2023 to 2025 The Supervisory Body's Knowledge Was Turned Into an Argument for Lawfulness

Aarhus justified its waiting list practice by referring to prioritisation of those with the greatest needs. In January 2024, 129 autistic individuals were listed with an average waiting time of 9.2 months. In December 2024, the Social Appeals Board found the continuing section 85 waiting list contrary to section 4 of the Social Services Act.

In their reply of 10 February 2025, Alderman Anette Poulsen and Director Erik Kaastrup-Hansen explained:

> *The administration's view was that the practice complied with the legislation because the Social Appeals Board had known about that practice.*

In May 2023, the supervisory body had awaited the municipality's action plan. The later finding on lawfulness shows the precise flaw in the municipality's justification: knowledge of a practice is not permission for it. In 2025, the municipality stated that the SORAS waiting list had been cleared and described increased staffing.

Interim conclusion. Aarhus combined two arguments: prioritising the greatest needs and relying on the supervisory body's knowledge. Neither displaced the duty to ensure provision. The subsequent explanation exposes an oversight mechanism in which the supervisory body's failure to intervene early was read as the municipality's basis for lawfulness.

Sources: [63]; [64].

Case 23 Aarhus University Hospital 2022 Budget Considerations Became Decisive in the Failure to Offer Treatment Abroad

The Legal Adviser to the Danish Government's investigation of the cancer treatment events at Aarhus University Hospital documented that the risk of budget overruns became decisive in the failure to make specific offers of treatment abroad. The investigation assessed this as contrary to the duty to act.

The Chief Physician of the Department of Gastrointestinal Surgery wrote on 23 August 2022:

> *With MTK's budget as it currently stands, with further savings for the rest of the year, the department will not be able to meet this expense itself.*

The email put the matter before hospital management. The subsequent minutes of 1 and 13 September form part of the documented decision chain. The problem was thus placed at management level and concerned financing actual access to treatment.

The Danish Patient Compensation Association has recognised injuries following delayed operations. The figures as at 5 November 2026 were 104 cases, of which 8 had been recognised. One published decision described a delay of 29 days beyond the maximum and a worsened prognosis.

Interim conclusion. The budget was made a condition of access in a treatment pathway in which the authority had a duty to act. The hospital's internal funding problem was passed on to patients through their waiting times. The external investigation specifically connects the budget consideration to the

missing offers of treatment abroad; the criticism rests on the documented management and decision chain.

Sources: [65]; [66]; [67].

5 When a Good Purpose Is Used to Explain Failures of Legal Safeguards

Case 24 Copenhagen 2017 One Child's Urgent Needs Were Set Against Other Children's Procedural Rights

In a joint article, three Copenhagen social workers justified missed deadlines by reference to urgent assistance for a child. They thereby set assistance in one case against documentation and follow up in another.

Gry Maria Kjær Sørensen, Katrine Madsen and Marie Vithen wrote in their jointly authored article:

> *The paperwork has to wait, and I thereby exceed every deadline - but a child really did urgently need my help.*

The Citizens' Adviser's investigation of 77 child welfare cases documented substantial case processing failures. The Social Services Administration's own memorandum of 26 May 2017 acknowledged insufficient clarity about the authority role and administrative law during the shift towards prevention. Earlier initiatives following five investigations had produced no appreciable effect. The municipality's own memorandum thus documented an organisational problem.

The requirements then in force concerning recording, follow up and supervision followed, among other provisions, from section 13 of the Access to Public Administration Files Act and sections 70 and 148 of the Social Services Act. Urgent assistance for one child did not remove the municipality's obligations to the other children.

Interim conclusion. The protection argument shifted attention from the municipality's organisation to the employee's choice between children and paperwork. Yet documentation, follow up and supervision are part of the child's legal safeguards. The municipality could not turn them into the opposite of care.

Sources: [68]; [69]; [70]; [71].

Case 25 Child Placements 2021 and 2026 Rates of Upheld Decisions Were Used to Answer Procedural Criticism

High rates of upheld decisions were highlighted in response to documented case processing errors. Yet the figures concerned different questions: the grounds for placement and respect for individuals' procedural rights.

On 20 January 2021, Minister for Social Affairs Astrid Krag declared that the study decisively refuted claims of wrongful placements. The ministry highlighted a 99 per cent rate of upheld decisions. The Social Appeals Board's report showed that this figure concerned 722 decisions under section 58 of the Social Services Act. In the same report, 31 of 70 emergency decisions under section 75 were set aside, equivalent to 44 per cent. In over 60 per cent of the emergency decisions set aside, there was no immediate need. In 26 per cent of the upheld section 58 cases, the Social Appeals Board issued directions, including directions concerning child welfare assessments in 17 per cent.

In 2026, Minister for Social Affairs Monika Rubin highlighted 98 per cent agreement on the grounds for placement and wrote:

> *This despite the fact that the cases may contain case processing errors, for example because statutory deadlines were not observed.*

She also described errors in 69 per cent as unacceptable. The National Audit Office's investigation covered particularly costly cases concerning 3,148 children, eligible for state reimbursement, in 83 municipalities. In her media response, Egedal manager Tine Vesterby Sørensen stressed that the error rate did not show whether the decisions were right for the children. This did not alter the procedural requirements examined by the audit.

Interim conclusion. Grounds for placement subsequently upheld do not erase an earlier violation of the child's or parents' procedural rights. Outcome figures cannot answer a different legal question. The two ministerial sequences show how easily high agreement on the outcome overshadows errors in the process intended to protect the individual.

Sources: [72]; [73]; [74]; [75]; [76].

Case 26 Esbjerg 2022 and 2023 Necessity Was Used to Justify Interventions Without Authority Under the Social Services Act

Esbjerg Municipality's Director for Citizens and Employment, Lise Plougmann Willer, connected necessity with unlawfulness in her explanation of interventions against individuals with disabilities:

> *[...] sometimes one has to intervene [...] and it thereby ends up becoming unlawful.*

The municipality's own account for 2022 described, among other things, two instances of restraint or redirection to protect a child against a possible violation. The municipality stated that legal authority under the Social Services Act was absent. The specific protective purpose is thus linked both to the documented management explanation and to the reported actions.

Powers over individuals must follow the Social Services Act's rules on the use of force and the specific conditions in sections 13-14 of the Criminal Code concerning self defence and necessity. A management argument invoking necessity does not itself constitute legal authority.

Interim conclusion. The Esbjerg events document direct legitimisation of unlawfulness as something the duty of care can make necessary. We insist on the legal sequence: the particular intervention must first have a lawful basis; an intention to protect does not, in itself, make the intervention lawful.

Sources: [77]; [78].

Case 27 Egedal 2023 Presumptions Replaced Consent in Relocating Residents

Egedal Municipality implemented a consent practice in which the absence of signs of uninformed acceptance replaced the necessary individual investigation. The Social Appeals Board found the practice contrary to the duty to establish the facts and the rules on relocation.

Quality and operations were highlighted as reasons for merging dementia units. The municipality described 30 relocations in 2023, 19 involving residents without guardianship. In its account, the municipality stated:

> *For that reason alone, the municipality saw no need to obtain further information.*

Even before the relocations, a published email of 23 January 2023 from Head of Dementia Services Shannet Jakobsen showed that the municipality knew about residents' possible difficulties in understanding. The municipality's legal reply promised a specific individual assessment when consent was signed. At the same time, the Senior Citizens' Council warned in writing about legal safeguards.

The Social Appeals Board assessed the practice under section 10 of the Act on Legal Protection and Administration in Social Matters and sections 129 and 136 f of the Social Services Act. The municipality had to investigate each individual's ability to give valid consent; general presumptions and relatives' knowledge could not replace that investigation.

Interim conclusion. Egedal knew of the consent problem and had promised individual assessment in writing. The practice later documented relied instead on presumptions. Operational and quality considerations could not turn such an approach into valid consent.

Sources: [79]; [80].

6 When an Authority Is Scrutinised Through Its Own Explanation

Case 28 The Social Appeals Board 2025 Trust Replaced Documented Evaluation of Evidence

The National Audit Office's investigation documented municipal supervision that largely relied on municipalities' accounts and did not document its specific assessments of the need for further evidence.

The Social Appeals Board justified its starting point by reference to authorities' duty of truthfulness and the need to avoid unfounded mistrust. The Board wrote:

> *[...] the supervisory body should, as a starting point, be able to rely on the municipality's information.*

The National Audit Office examined case material directly. In a case involving a child's contact person, the individual had submitted contradictory written evidence. The municipality maintained its account, and the supervisory body closed the case on the basis of the accounts provided. The report found limited retrieval of documents and undocumented assessments. The official investigation principle requires sufficient establishment of the facts and a specific evaluation of evidence; the status of the authority under scrutiny cannot perform that work.

The Board's own 2025 submission also described moving resources from supervision to appeals, with an expected increase in average supervisory processing time. Oversight capacity was thus given lower priority in favour of another task, justified by concern for individuals.

Interim conclusion. A supervisory body loses its independent oversight function when the municipality's own explanation sustains closure without a documented evaluation of conflicting material. This is precisely the oversight problem documented by the audit. The duty of truthfulness is an obligation on the municipality; it is not proof that the municipality's account is correct.

Sources: [81]; [82]; [83].

Case 29 Naturama 2012 The Scrutinised Municipality's Explanation Took Precedence Where Facts Remained Unresolved

The State Administration of Southern Denmark's Naturama case documents a specific evidential advantage afforded to the authority it supervised. Director Ninna Würtzen and Special Adviser Stella Bøttger signed the refusal in the case on 10 February 2012.

The individual held board minutes and stated that they came from the municipality's intranet. The municipality denied that the minutes had been available there. The supervisory body treated their origin as insufficiently documented and stated, as a starting point, that:

> *municipal supervision may rely on the municipality's information.*

The municipality's account thus sustained the continued refusal of access to documents. The letter described the supervisory body's written working method and limited opportunities to hear witnesses. It also acknowledged the duty to investigate.

Interim conclusion. The Naturama case shows the same oversight mechanism as the later audit criticism: the scrutinised authority's explanation is assigned particular evidential weight where disagreement remains unresolved. We criticise this shift. The duty to establish the facts concerns the facts of the case; institutional trust is not an independent investigation of the disputed matter.

Sources: [84]; [85].

Case 30 Langeland 2024 to 2026 A Refusal to Initiate Supervision Had to Be Reconsidered Because of an Insufficient Basis

Langeland's Family Department informed the Task Force that prioritisation and operations prevented compliance with all parts of the legislation. In 2026, the ministry reproduced the Task Force memorandum as follows:

> *The Family Department states that, because of prioritisation, the volume of tasks and daily operations, it cannot comply with all parts of the legislation.*

The Social Appeals Board declined to initiate a supervisory case on 27 August 2025. On 29 May 2026, the Ministry of the Interior and Health remitted the case because the refusal was not sufficiently supported by the information in the file. The ministry required fresh consideration, an opinion on lawfulness and an assessment of the need for sanctions. The letter was signed by Linnea Withøft Nielsen.

The ministry's reasoning addressed a specific oversight error: organisational and staffing initiatives could not, in themselves, document that the unlawful practice had ceased. The supervisory body had to determine actual lawfulness.

Interim conclusion. The Langeland events show both an operational justification for departures from the law and failed scrutiny of whether matters had been rectified. The ministry's remittal documents that the refusal to initiate supervision lacked a sufficient factual basis. Promises and organisational measures were assigned evidential weight they could not sustain alone.

Sources: [86]; [87].

Case 31 Langeland 2026 Records Gave a Misleading Picture of Activities Performed

In a separate Langeland case, DUBU records could show activities as completed with dates that did not accurately reflect events. The municipality's explanation connected its use of the system to maintaining an overview and good administrative practice.

The Ombudsman's letter reproduced the justification:

> *According to the municipality, this is digital support for good administrative practice.*

The Ombudsman found the records inappropriate and closed the case following the municipality's information about compensating measures. The implications for legal safeguards are clear: a record of a completed activity must be capable of being read as evidence of what actually happened and when it happened.

Interim conclusion. A management system must not produce a misleading picture of case processing. Explaining a recording practice by reference to maintaining an overview and good administrative practice does not alter the record's evidential function. This case shows a documentation problem; the ministry's remittal above concerns a different supervisory sequence in the same municipality.

Source: [88].

7 Operations and Political Considerations Versus Binding Requirements

Case 32 Dragør 2024 to 2026 Minimum Staffing Became a Question of an Additional Budget

Dragør did not meet the published minimum staffing ratios in 2024. The ministry's figures showed 3.1 children per adult in provision for young children and 6.1 in kindergarten provision. Section 19a of the Day Care Act set limits of 3 and 6 as annual municipal averages.

Director Lasse Falck Steenland explained in January 2026:

> *In theory, we could hire five additional employees to be completely sure of complying with the rules […]*

The municipality's February reply concerning new assumptions for staffing calculations linked five full time equivalents to removing managers from the calculation and described DKK 4.2 million for pedagogical staff in 2026 as a phase-in year for the 2027 requirements. The published 2025 result was 3.0 and 6.0, thus meeting the applicable minimum requirements.

Interim conclusion. Dragør's 2024 figures document non-compliance with the minimum requirement. The director's budget argument shows how staffing sufficient to ensure legal compliance was described as requiring additional financial room. The documented compliance in 2025 underlines the need to connect the assessment to the correct year and the statutory calculation method.

Sources: [89]; [90]; [91]; [92].

Case 33 Viborg 2023 and 2026 Political Considerations Were Invoked Against a Stated Legal Duty to Act

On 13 December 2023, Viborg City Council postponed consideration of water abstraction by Tangeværket despite the administration's express description of a legal duty to act and the absence of legal authority to await action by the state. Two members voted against, raising an objection concerning lawfulness.

The Danish Sports Fishing Association reproduced Mayor Ulrik Wilbek's justification:

> *[…] I know perfectly well that it is not. But in this situation, it is also about common sense […]*

The Environment and Food Board of Appeal's corrected 2019 decision required a habitat assessment and set aside the 2015 permit under the applicable transitional arrangements. The habitat assessment requirement was maintained in 2025. In August 2026, a committee majority recommended granting a permit on the grounds of unchanged water flow and the state's work on a passage solution. On 2 September, the City Council voted 27 to 2 to obtain a supplementary legal assessment.

Interim conclusion. The 2023 decision documents a political postponement despite a contemporaneous legal warning. The mayor's reference to common sense set a political judgment of necessity against the administration's assessment of legal authority. The sequence shows how reference to a desired state solution can be used to defer the municipality's own duty to act.

Sources: [93]; [94]; [95]; [96]; [97].

8 Protection of the Ministry and Institution as a Governing Consideration

Case 34 The Ministry of Social Affairs Incorporated Management of Criticism Into the Grant Process

The Ministry of Social Affairs' handling of the grant to Stemmer på Kanten shows how protection against criticism was written into the justification for a public grant process. The ministerial material approved on 5 September 2013 highlighted:

> *the ministry's ability to control the process and handle any criticism of the ministry from Stemmer på Kanten and other actors.*

Lawyer Pernille Backhausen's investigation of 8 May 2014 reproduces the document and approval sequence. The investigation assessed that one million kroner had been reserved in advance, that the ministry was disqualified by a conflict of interest and that subordinate officials' discretion had been fettered. The risk of media criticism was a significant cause of the sequence. This directly concerns impartiality, proper administrative purposes, equal treatment and the requirement for genuine consideration of applications.

According to the contemporaneous Ritzau/Newspaq account, Minister for Social Affairs, Children and Integration Annette Vilhelmsen maintained on 11 December 2013 that she:

> *despite mistakes and an unseemly sequence of events - stands by the purpose.*

Interim conclusion. The documented purpose was participation by socially vulnerable people. The documented management interest also included the ministry's control over criticism. We regard it as serious that the ministry's own protection was given a place in a grant process that should have been governed by proper criteria and unfettered, lawful discretion. A social purpose displaces none of these duties.

Sources: [98], pp. 13-17, 35-37 and 50-54; [99], section on the minister's press release; [100], p. 1.

Case 35 The Ministry Protected Employees Through a Refusal to Disclose Names Without Legal Basis

The Ministry for Children, Gender Equality, Integration and Social Affairs withheld employees' names on a general protective rationale. In its statement of 20 May 2014, the ministry wrote that subordinate employees:

> *should, as a starting point, not have to bear being held accountable in public*

The refusal was issued on 28 February and maintained on 15 April. The ministry maintained it again after the Ombudsman's questions about specific harassment. The justification rested on security, working conditions and the risk of burdensome media coverage following the Zornig case.

On 3 July 2014, the Ombudsman found that the general protective rationale could not sustain the refusal under section 33(5) or section 9(2)(2) of the Access to Public Administration Files Act. The ministry subsequently disclosed the names.

Interim conclusion. The ministry's protection argument was used to restrict public access without the necessary basis. Here we see a specific shift from protecting people against documented harassment to protecting a public organisation against critical attention. The information was released only after the Ombudsman's intervention.

Source: [101], pp. 6-11 and follow-up summary.

9 Close Relationships and Private Benefits in Public Management

Case 36 Hans Christian Mathiesen Was Convicted of Misusing His Position

On 24 August 2020, the Western High Court sentenced former Chief of the Army, Major General Hans-Christian Mathiesen, to three months' imprisonment. The Military Prosecution Service's annual report describes the conviction for attempting to secure his girlfriend's admission to a sought-after leadership course through altered criteria and attempting to influence a colonel to employ her as a major. The account of the judgment also covers access to an official inbox containing confidential information. It cites sections 152 and 155 of the Criminal Code and section 27 of the Military Criminal Code.

Chief of Defence Bjørn Bisserup said in the Defence Command's announcement the same day:

> *It is about culture.*

The position of public power provided access to influence education and careers. Such opportunities are valuable benefits. Misuse of public office can therefore consist of more than a direct transfer of money.

Interim conclusion. The case documents attempts to favour the career of a close relation through public authority and management access. We treat it as a distinct example of misuse for the benefit of a particular person. It shows why an investigation of corruption and abuse of authority must also encompass access to education, posts and confidential information.

Sources: [102], pp. 32-33; [103], section on propriety, trust and integrity.

Case 37 Anna Mee Allerslev Received a Private Benefit and Later Participated in a Decision Despite a Conflict of Interest

Anna Mee Allerslev, then Copenhagen's Mayor for Employment and Integration, was provided with business premises for her private birthday celebration on 16 August 2014. She later participated in a business award decision in 2017. The municipality's account of 19 January 2018 highlighted:

> *that the amount is of modest value (DKK 500-1,000).*

The Ombudsman assessed that the gift should not have been accepted and that the mayor was disqualified by a conflict of interest under section 3(1)(5) of the Public Administration Act in the award decision. The modest estimated value therefore did not remove the conflict of interest.

Interim conclusion. The documented error is clear: a private benefit was followed by participation in a public decision from which the mayor was disqualified. We reject the municipality's use of the amount's size to minimise this problem. Impartiality rules protect confidence in the decision making process itself and require the person concerned to withdraw from consideration of the matter.

Sources: [104], pp. 14-18, section 3.3.2 and the municipality's account from p. 24; [105], 11 April 2019.

Case 38 Thomas Ahrenkiel's Conflict of Interest Failures Were Met With Ministerial Minimisation

Permanent Secretary of the Ministry of Defence Thomas Ahrenkiel acknowledged on 13 November 2018:

> *I must acknowledge that neither I - nor we as a system - have had a sufficient grasp of the rules on conflicts of interest.*

The ministry's announcement reproduces the Legal Adviser to the Danish Government's assessment that Ahrenkiel was disqualified by a conflict of interest when making decisions in autumn 2016 on one-off payments and allowances, including to the person with whom he was then in a relationship and whom he later married. He should have notified the Minister of Defence so that disqualification and substitution could be addressed.

In the publicly submitted version of the speaking notes for the consultation on 28 November 2018, Minister of Defence Claus Hjort Frederiksen characterised errors as:

> *minor matters - indeed, simply trivial.*

The speaking notes minimised the errors by referring to the absence of actual influence. That justification does not alter the function of the notification duty: conflicts of interest must be addressed before the manager concerned participates. In March 2019, the Ministry of Defence's Personnel Agency issued guidance on notification, substitution and written documentation.

Interim conclusion. A permanent secretary's conflict of interest failures and a minister's minimisation appear in the same sequence. We maintain the institutional seriousness of the failure. The rules are intended to protect decisions against conflicts of interest in advance; they are not a retrospective test of whether management itself believes the outcome was affected.

Sources: [106], sections on Ahrenkiel; [107], p. 3, submitted 18 December 2018; [108], pp. 3-5 and appendix 1.

Case 39 The Region of Southern Denmark's Election Campaign Assistance Was Ruled Unlawful by the Supervisory Body

On 20 November 2015, the State Administration assessed that Christian Ingemann Nielsen's assistance to Carl Holst's election campaign had, to a considerable extent, formed part of his regional duties, and that the assistance was unlawful. At the meeting on 25 September, Ingemann Nielsen had explained his position with the words:

> *Alongside my work - which I have performed to the letter -*

The supervisory body examined the substance of the work rather than relying solely on the employee's description of the assistance as private. Section 10(2) of the Regions Act, read with section 8(6) of the Local Government Act, permitted technical regional assistance in carrying out the office; this did not encompass private or party political activities.

On 31 March 2017, following interviews and examination of emails, the Director of Public Prosecutions decided not to bring criminal proceedings. The criminal investigation found insufficient grounds for considering the campaign work to have been performed as part of the employment.

Interim conclusion. The supervisory decision documents the administrative law boundary between regional duties and a candidate's campaign. We highlight this as an example of why a public employee's own description of an activity as private cannot replace an assessment of the actual work performed. A candidate's election campaign is not a regional task.

Sources: [109], pp. 4 and 14-17; [110]; [111].

10 Loyalty Was Used Against Employees' Lawful Criticism

Case 40 Campus Bornholm Dismissed a Teacher for Criticising the School's Management

Campus Bornholm dismissed upper secondary school teacher Søren Wilhjelm after he contacted Parliament's Finance Committee about the construction project's financing and management. The dismissal letter of 10 February 2016 questioned confidence:

> *that you will loyally work for the school's best interests in future*

The school's leadership included Director Mads Kofod, Board Chair Jeppe Kofod and Deputy Chair Lars Goldschmidt. Management also circulated an information letter to employees about freedom of expression and loyalty.

On 31 August 2016, the Ombudsman criticised both the dismissal and the staff letter. The school's interests and management's demands for loyalty could not displace the employee's right to public criticism under the principles then governing public employees' freedom of expression. On 28 September, the school stated that Wilhjelm had been reinstated and compensated.

Interim conclusion. The school's best interests were used to justify action against protected criticism. We regard the sequence as particularly serious because the criticism was addressed to the political body responsible for deciding on public funding. Management responded with dismissal to a communication that democratic oversight must be able to receive.

Sources: [112], pp. 1-4 and 20-23; [113], follow up p. 16.

Case 41 Peter Bartram Threatened Dismissals by Reference to Disloyalty

Chief of Defence Peter Bartram said at Karup Air Base on 16 February 2016:

> *And I intend to fire those people I can get away with firing who I think are directly disloyal.*

The Ombudsman's opinion of 28 June 2016 reproduces the speech and the Ministry of Defence's confirmation of its location and date. The statement connected esprit de corps and loyalty with the possibility of dismissal. The Ombudsman found it misleading and highly criticisable because loyalty was presented as an additional limit on lawful public statements. The ministry and Defence Command were required to clarify the rights involved.

Interim conclusion. Here the pressure came from the armed forces' highest military leader. We see a direct management message making employees' right to criticise dependent on the chief's assessment of loyalty. Such a statement affects the entire organisation's willingness to speak and undermines the oversight that public criticism is intended to secure.

Sources: [114], pp. 2-3 and 9-12; [115], 13 May 2016.

Case 42 Gribskov Municipality Turned Debate About Resources Into a Loyalty Problem

Gribskov Municipality's HR email of 14 October 2015 linked criticism to serious employment consequences:

> *then the employment law consequences are at least a warning*
>
> *in particular cases up to proposed dismissal*

The background was a public Facebook debate concerning, among other matters, resources in day care institutions. The municipality explained the email as preventive information intended to avoid further disciplinary cases. On 21 January 2016, the Ombudsman found that the email unjustifiably conveyed the impression that lawful criticism expressed in a private capacity could constitute disloyalty with serious consequences. Debate about resources in the employee's field of work enjoyed particular protection. The municipality had issued a clarification on 24 November 2015.

Interim conclusion. Prevention of personnel cases was invoked to circulate a message capable of deterring employees from lawful debate. We criticise the use of a loyalty requirement against employees' participation in discussion of conditions for children. Criticism of resources forms part of public oversight of the municipality's priorities.

Source: [116], pp. 2-6 and 7-12.

Case 43 Tøjhusmuseet Summoned a Critical Employee to an Improper Meeting About Loyalty

Management at Tøjhusmuseet responded to museum educator Louise Kofoed's opinion piece in Politiken on 14 May 2012 by summoning her to a meeting the following day. The director was Ole L. Frantzen. The museum later acknowledged that the meeting:

> *concerned, among other things, her loyalty to the museum*

The opinion piece concerned the museum's strategy and the balance between public engagement, research and preservation. On 14 September 2012, the Ombudsman found that no proper grounds had been shown for management's approach concerning loyalty. The response was liable to create uncertainty about the right to public criticism and contravened the rules on public employees' freedom of expression. The museum expressed regret over the events.

Interim conclusion. Management shifted attention from the professional criticism to the employee's loyalty. This is a specific example of defending the institution being turned into a demand on the critical employee. The improperly motivated summons was itself interference with the conditions for free professional debate.

Sources: [117], pp. 1-4 and 6-7; [118], pp. 7 and 14-15, name and roles.

Case 44 DSB Included Lawful Public Criticism in a Warning

DSB issued a warning to a train driver that incorporated his public criticism of management during an industrial dispute. In the new warning of 6 April 2020, DSB wrote:

> *that on three occasions you had not shown the necessary loyalty and respect towards DSB*

The case involved a YouTube interview from June 2019 and internal emails. DSB invoked operational considerations, payment under its transport contract and safety. On 21 December 2020, the Ombudsman found that the public criticism was lawful and must not form part of the sanction. DSB

also lacked sufficient grounds for attributing to the employee an intention to fail to report matters in future. The warning was withdrawn on 29 January 2021.

Interim conclusion. DSB conflated lawful public criticism with internal workplace matters in an employment sanction. We consider it significant that operations and safety were invoked in the same chain of justification as loyalty. A weighty operational consideration does not authorise sanctions against a protected public statement.

Source: [119], pp. 3-6, 20-23 and 43-46.

Case 45 Copenhagen Municipality Pressured a Teacher and Sent Accounts of Pupils' Statements to the Press

Copenhagen Municipality handled teacher Rikke Johansen's public criticism of violent pupil behaviour in breach of her freedom of expression. The record following the corrective meeting of 24 February 2025 stated that she had been urged to:

> *keep a low profile regarding contact with the press*

The municipality justified the meeting by reference to photographs which, in its view, could create doubt about whether the teacher was speaking in a private capacity. The Ombudsman rejected this justification on 3 February 2026 and also criticised the municipality's subsequent handling.

A separate sequence at her former school, Grøndalsvængets Skole, is documented in the municipality's own account of 22 April 2025. Following Berlingske's article, Headteacher Kristoffer Gregersen spoke with the class on 7 February. On 13 February, the press department requested a written account. On 14-17 February, the account, including quotations from pupils, was forwarded as background to Berlingske and Go' Morgen Danmark. The municipality explained:

> *The intention is to add nuance and contribute to a more comprehensive picture of the incident.*

The Ombudsman criticised the contact with the press. The municipality reopened the case and apologised.

Interim conclusion. The municipality responded both through its position as employer and through an organised press communication chain. We regard this combination as serious: the public employer asked the employee to reduce her contact with the press while its own press organisation sought to influence coverage. The criticism concerns the documented actions and the established interference with freedom of expression.

Sources: [120], pp. 3-6 and 13-19; [121], pp. 1-3; [122], byline, date and headteacher's reply.

11 Research's Social Utility as a Justification for Compromises on Publication

Case 46 Aarhus University Defended Compromises on Publication of Research

On 7 April 2016, Vice-Dean Kurt Nielsen and DCE Director Hanne Bach of Aarhus University justified accepted compromises on publication dates on the grounds that:

> *society is better served by our carrying out the task using the latest knowledge*

They stated that the baseline contract specified 1 February as the publication date, while the report was, by agreement, published on 8 January 2016. A memorandum by Poul Nordemann Jensen and Jørgen E. Olesen of 4 February documents SEGES comments and the researchers' replies. The report's appendices reproduce the ministry's commissions and requirements to involve SEGES. The material documents a specific connection between a commission by an authority, external industry involvement and calculation work.

Section 2(2)-(3) of the University Act then in force protects academic freedom and publication, while section 27(5) of the Public Administration Act limits the extension of confidentiality obligations. Following the Ombudsman's examination, ministerial terms were amended and the researchers' freedom of expression in a private capacity was clarified.

Interim conclusion. University management expressly invoked social utility to defend compromises on publication. We highlight the mechanism because management's assessment of usefulness cannot replace the legal framework for independence and free public debate. Publicly funded knowledge must be open to public assessment, including when it forms part of a political commission.

Sources: [123], section Greatest Possible Openness (Danish: Størst mulig åbenhed); [124], pp. 1-4 and 11-14; [125], pp. 48-52; [126], both pages; [127], both pages; [128], section 2; [129], section 27(5).

12 The Recurring Mechanisms

The Good Purpose Takes Precedence Over the Specific Right

Støjberg's instruction, the mink events and Esbjerg's uses of force connect a protective purpose with a particular approach. In social services, children's interests are also invoked in justifications that minimise case processing errors. The common problem arises when the value of the purpose is treated as an answer to the question of whether the approach is lawful.

An individual assessment, a proper investigation, consultation of a party or lawful authority to use force forms part of the protection. These requirements ensure that the authority has a basis for acting and that the right individual, the right need and the right intervention are being addressed. When these requirements are disregarded or minimised, the very person the authority says it wishes to protect is placed in a weaker position.

The documented healthcare statements show the same justificatory pattern in direct speech: the task is presented as so important that the rules become an obstacle to its performance. The report's specific accounts of breaches of duty show what happens when this hierarchy is translated into instructions, decisions and omissions.

The Budget Is Placed Ahead of an Already Binding Duty

Guldborgsund, Odense, Holstebro, Silkeborg and the residential placement cases show the role of finances in specific priorities. The AUH events connect the budget issue with the duty to explore treatment outside the department unable to provide it in time. The recurring feature is that a public organisation's financial framework is invoked against assistance or action required by a specific duty.

A budgetary challenge is a management and funding problem. It cannot be recast as a right for the authority to make the entitled individual bear the problem. The decisive question is therefore whether the municipality or region is planning its capacity or using insufficient capacity to withhold a mandatory service. In the violations of rights described, that boundary has been crossed.

Economic justifications take another form in the Tibet case. Here, the nation's economy and a possible benefit to the police feature in operational communication. The economic consideration was thus expressed while the police's task towards the peaceful demonstrators was to respect their civil liberties. The two forms illuminate different shifts: savings are invoked against the individual's entitlement, while the anticipated benefit to society appears alongside interference with individuals' political freedom.

Violations of Rights Are Recast as Formal Defects

When an authority sets a purportedly correct result against errors in case processing, the result becomes a justification for minimising the rules intended to secure it. This appears in statements about child welfare cases and in the minister's trivialisation of conflict of interest failures.

This reasoning turns scrutiny on its head. A decision's factual basis, a party's opportunity to be heard and a decision maker's impartiality must be examined before the result can be given the required weight. The same applies when rates of upheld decisions are used to answer documented case processing problems. A figure concerning an outcome does not, by itself, answer the question of the quality of the basis on which the decision rests.

The Authority's Own Explanation Becomes the Basis of Oversight

The Social Appeals Board's trust in municipal information, the State Administration's handling of unresolved facts and the Ministry of Foreign Affairs' retrieval of material show how oversight can become tied to the scrutinised body's own account. The aviation medical examiner case shows the associated risk in reporting: concern about what might later be held against the authority was expressed in the internal email.

When information supplied by an authority passes through a supervisory body or a later summary, it gains institutional weight. Repetition, however, creates no new evidence. Oversight intended to be independent must test the specific information against its factual basis. It must not infer the information's correctness from the sender's status or general duty of truthfulness.

The Danish Financial Supervisory Authority's participation in the EBA vote adds a distinct procedural defect to this pattern. Here, the scrutinised supervisory authorities participated in the actual decision concerning their assessment. This is documented interference with the independence of oversight.

Loyalty Is Used to Restrict the Criticism That Oversight Needs

Campus Bornholm, the armed forces, Gribskov, Tøjhusmuseet, DSB and Copenhagen Municipality show management responses to public employees' criticism. The justifications vary, but the effects of the criticised responses are comparable: the employee is treated as a loyalty problem when raising a problem about the institution's management, priorities or working conditions.

This affects a crucial source of information. Employees may hold the direct knowledge that individuals, politicians, the press and supervisory bodies need to understand what is happening. Improper employment pressure or a misleading threat of dismissal therefore protects more than an individual manager's position. It protects the organisation's control over its public portrayal.

The Zornig sequence and the refusal to disclose names show a related shift in ministerial case processing. Management of criticism and protection against media coverage are given a place where proper grant criteria and public access should govern. The Gyllegate statement also shows that social utility can be used to defend compromises on the conditions of publication.

Private Benefits Show Why the Concept of Corruption Must Encompass More Than Money

The Mathiesen case shows misuse of public office to advance a close relation's education and career. The Allerslev case shows a private benefit followed by a public decision from which the recipient was disqualified. The Ahrenkiel sequence shows conflicts of interest in management decisions and subsequent political minimisation.

The cases concern different actions and legal outcomes. Their common significance is specific: posts, access to education, private advantages and influence over remuneration are also benefits. An investigation looking only for a cash payment overlooks these forms of misuse and conflict of interest.

Overview of the Documented Connections

Mechanism	Shared documented feature	Central cases
Protection as legitimisation	An important purpose is set against the legal requirements governing the approach	Støjberg, mink, Esbjerg, child welfare statements
Financially driven breaches of duty	Budget or capacity is invoked against mandatory assistance	Guldborgsund, Odense, Holstebro, Silkeborg, residential placements, AUH
Minimisation of oversight rules	The purported correctness of the result is used to answer case processing and conflict of interest errors	Child welfare statements and Ahrenkiel
Trust without independent examination	The scrutinised body's own explanation becomes decisive for oversight	Social Appeals Board, State Administration, Ministry of Foreign Affairs
Institutional self protection	Criticism, information or reporting is handled according to the authority's own risk	Zornig, refusal to disclose names, aviation medical examiners
Weakened independence	The scrutinised body participates in assessing itself	Danish Financial Supervisory Authority and EBA
Pressure to be loyal	Criticism is met with employment action or threats of it	Campus Bornholm, armed forces, Gribskov, Tøjhusmuseet, DSB, Copenhagen
Benefits through public office	A private relationship or benefit is connected to public decision making power	Mathiesen, Allerslev, Ahrenkiel

13 Overall Conclusion and Demands From Projekt Paulus

The report documents a series of serious failures in the exercise of public authority in Denmark. Unlawful instructions and interventions, disregard of social rights, inadequate information about rights, insufficient factual foundations, conflict of interest failures and interference with lawful criticism appear alongside explanations invoking necessity, protection, operations, finances and loyalty. The specific documents and actions sustain this conclusion.

The accusatory point is that, in these cases, the authorities' own concerns have taken precedence over the safeguards intended to protect individuals against the authorities' power. The public organisation presents itself as protecting children, patients, society or the institution. At the same time, the rule binding its choice of means is disregarded or minimised. The individual's right is thereby treated as an obstacle to the authority's task.

This hierarchy is unacceptable. A legitimate purpose provides no independent authority to issue an unlawful order, withhold mandatory assistance, mislead, conceal an insufficient basis or restrict an employee's lawful criticism. An authority exercises public power on the conditions laid down by law. Its own assessment of what is necessary or best cannot replace those conditions.

The events also show why the practices of supervisory bodies and appeal authorities are decisive. Oversight based on a general assumption that the scrutinised body is correct does not test the matter it is meant to scrutinise. Oversight in which the scrutinised body participates in its own assessment is affected by an institutional conflict of interest. And oversight that accepts planned improvements as completed remediation loses its connection to the individual's actual legal position.

Demands From Projekt Paulus

We demand that the following principles form the basis of political, administrative and legal accountability:

1. **Documented breaches of duty must be named and treated as breaches of duty.** Intention, workload and a desired outcome must not be used to dissolve the specific duty.
2. **Mandatory assistance must be delivered.** Budget management and capacity planning are the authority's responsibility. The individual's legal entitlement must not depend on whether the authority finds delivery financially convenient.
3. **Oversight must examine the original basis independently.** A general duty of truthfulness, an earlier decision upholding an outcome or repetition by several authorities cannot replace specific examination of the facts and rules.
4. **Responsibility for decisions must follow the actual decision chain.** Instructions, approval, knowledge and implementation must be kept connected so that a documented action does not disappear into an anonymous explanation about the system.
5. **Criticism and public access must be protected as safeguards for oversight.** Lawful criticism must not be turned into a personnel case by reference to loyalty or the institution's best interests. An authority's reputation provides no legal basis for restricting access.
6. **Remediation must be assessed by its implementation.** A promise of improvement must be measured against the service actually delivered, the decision actually corrected and the practice actually changed.

Projekt Paulus concludes that the documented mechanism of justification must be met with a clear demand for accountability. It is insufficient for a public actor to stand by the purpose when the specific approach violates the individual's right. A society governed by the rule of law requires the authority to answer for its means and actions.

Ole Bakkestrøm
Project Manager, Projekt Paulus
18 November 2026
Ex officio et ex conscientia.

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