

**Universal Periodic Review (38th session)
Contribution of UNESCO**

Denmark

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	25/7/1979 Ratification	Denmark declared not to be bound by the provisions of Article 16, paragraph 1		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	30/10/2009 Approval			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	18/12/2006 Ratification	Declaration of the European Community in application of Article 27(3) (c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.		Right to take part in cultural life

Convention against Discrimination in Education 1960	Ratified on 04/10/1963	Reservation to this Convention shall not be permitted		Right to education
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II. Promotion and protection of human rights on the ground

A. Education

1. The Constitutional Act of the Kingdom of Denmark of 5 June 1953¹ does not enshrine the right to education. However, Section 76 (on compulsory schooling) states that “all children of school age shall be entitled to free instruction in primary schools. Parents or guardians making their own arrangements for their children or wards to receive instruction equivalent to the general primary school standard shall not be obliged to have their children or wards taught in a publicly provided school.” There is no provision relating to equality of rights or non-discrimination which is applicable to sex or gender.
2. The Act on the Folkeskole² defines the framework of the comprehensive primary and lower secondary school system and provides that education is compulsory for ten years starting the year the child turns six, including one year of pre-primary education and nine years of primary and lower secondary education. There is no fee at public schools.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of speech is guaranteed in section 77 of the Danish Constitution.³ It also prohibits censorship.
4. Defamation is regarded as a criminal offence under section 267 of the Danish Criminal Code and can be punished by fines or prison terms up to two years.⁴
5. There is no encompassing media law, but several laws concerning individual aspects. Access to information is provided by the Public Administration Act (1985), the Access to Public Administration Files Act (1985) and the Act on the Re-use of Public Sector Information (2005).⁵ Furthermore, the Radio and Television Act (2010, amended in 2016)⁶ regulates the freedom to

¹ Constitutional Act of the Kingdom of Denmark of 5 June 1953, accessible at <http://www.unesco.org/education/edurights/media/docs/5ab4f4577ee04eb3905f7bbc7427dea50a077c63.pdf>

² Bekendtgørelse af lov om folkeskolen (folkeskoleloven) [Consolidation Act on the Folkeskole], LBK nr. 823 af 15/08/2019, accessible at <https://www.retsinformation.dk/Forms/R0710.aspx?id=209946>

³ See the Constitution of Denmark: <http://www.eu-ophlysnigen.dk/upload/application/pdf/0172b719/Constitution%20of%20Denmark.pdf%3Fdownload%3D1>.

⁴ See the Danish Criminal Code: https://www.legislationline.org/download/id/6372/file/Denmark_Criminal_Code_am2005_en.pdf ;

⁵ See the website <http://www.legislationline.org/topics/country/34/topic/3>

⁶ See the Radio and Television Broadcasting Act (2010): https://siks.dk/fileadmin/user_upload/dokumenter/medier/radio_og_tv/Engelsk_side/Promulgation_of_the_Radio_and_Television_Broadcasting_Act_2010.pdf;

See the Act amending the Radio and Television Act (2016): <https://www.retsinformation.dk/eli/lta/2016/643>

choose TV distributor, radio, etc.

Media Self-Regulation:

6. Self-regulatory mechanisms of the media exist through an independent public entity: the Danish Press Council (*Pressenævnet*).⁷ Its members are appointed jointly by the President of the Supreme Court and journalistic non-governmental organizations. It has adopted ethical rules,⁸ that have also been incorporated in section 34 of the Media Liability Act.⁹
7. The profession is represented by the Danish Union of Journalists (*Dansk Journalistforbund*)¹⁰, operating as a trade union for journalists, media and communications workers. The Association for Investigative Journalism (*Foreningen for Undersøgende Journalistik*)¹¹ promotes investigative journalism, protecting journalists, researchers, photographers, page editors, and editors.

Safety of journalists:

8. UNESCO has recorded the killing of one journalist in Denmark in 2017 (Kim Wall).¹² Denmark responded to UNESCO's request for information regarding judicial follow-up of this case stating that the case was investigated and resolved. According to the investigations, the crime was not linked to the victim's profession as a journalist but rather to her gender.¹³

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- Since the previous review in 2015, Denmark has adopted, amended or consolidated a number of laws and legal acts regarding primary and lower secondary education, which include: Act on Private Schools etc., Act on private independent schools, private primary schools etc., Act on Grants to Private Schools, Act on Continuation Schools and Other Vocational Schools, Act on Private Gymnasiums, Regulation on Youth Schools, Ministerial Order on the use of Tests in the Folkeskole, Ministerial Order on Final Examinations of the Folkeskole and Act on The Folkeskole's teaching in Danish as a Second Language.¹⁴
- Likewise, a series of laws and legal acts have been adopted, amended or consolidated regarding upper secondary education since, they are Act on the General Upper Secondary Education Programmes, Law for the vocational education programme qualifying for access to higher education, Act on Vocational Education, Act on Institutions Providing Upper Secondary Education etc., Act on Education for Young People with Special Needs, Order on the General

⁷ The Danish Press Council: <https://www.pressenaevnet.dk/>

⁸ See the Press Ethical Rules: <https://www.pressenaevnet.dk/press-ethical-rules/>

⁹ See the Media Liability Act: <http://www.pressenaevnet.dk/Information-in-English/The-Media-Liability-Act.aspx>.

¹⁰ See official website of the Danish Journalists' Union: <https://journalistforbundet.dk/dj-english>

¹¹ See official website of the Association for Investigative Journalism : <http://fuj.dk/>

¹² See UNESCO Observatory of killed journalists – Denmark:

<https://en.unesco.org/themes/safety-journalists/observatory/country/223694>

¹³ See the official response by the government of Denmark to the UNESCO Director-General's request into the status of judicial follow-up on the killing of Kim Wall: https://en.unesco.org/sites/default/files/denmark_impunity_monitoring_mechanism_guidelines_2tbp.pdf

¹⁴ For more details, see https://eacea.ec.europa.eu/national-policies/eurydice/content/legislation-18_en

Upper Secondary Education Programmes and Ministerial Order on Basic Subjects etc.¹⁵

Women and girls in STEM

- Women in the science, technology, engineering and mathematics (STEM) sectors in the higher education system are 34 percent less than men.¹⁶ The government has launched several initiatives to promote women's access to STEM educations, some of them in cooperation with the private sector. For example, "following a three-year trial with a one-year optional subject in understanding technology comprehension, gender segregation will be part of the collection of experiences in 2020".¹⁷

Children with disabilities

- The proportions of children with disabilities in primary school who take final exams and attend upper secondary education are significantly below those for children without disabilities.¹⁸ Moreover, public facilities, including schools, are not always fully accessible for them.¹⁹

COVID-19 response

- In response to the COVID-19 crisis, the Ministry of Health had issued a "Notice of closure and gradual, controlled reopening of day care, schools, institutions and others and on emergency care in connection with the management of Coronavirus disease 2019 (COVID-19)" in April 2020.²⁰ Private and public day care facilities, schools and other educational institutions were closed country-wide and their reopening was set to be organised in a gradual and controlled manner from 15 April 2020. In the meanwhile, emergency care arrangements for children and adolescents are established locally.

Specific Recommendations:

9. Denmark should be encouraged to:

- Participate in the ongoing 10th Consultation on the Convention against Discrimination in Education by submitting a national implementation periodic report²¹.
- Increase its efforts to diversify academic and vocational choices for women and girls and take further measures to encourage women to choose non-traditional fields of education and

¹⁵ For more details, see https://eacea.ec.europa.eu/national-policies/eurydice/content/legislation-18_en

¹⁶ Ninth periodic report submitted by Denmark under article 18 of the Convention on the Elimination of Discrimination against Women, due in 2019, 30 September 2019, p. 6. accessible at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgIW7xsH63TzPVZQc03dkiGjt80p7oFNYXZDO bGjVuqJrmnZf5PB5383gX35NKyGxWrPKOGytWPg%2feQ%2f%2fS%2fCOuprGytSUjVDr1bRdtolKXm>

¹⁷ Ibid. p. 8.

¹⁸ Committee on the Rights of the Child, 26 October 2017, Concluding observations on the fifth periodic report of Denmark, p.7. accessible at

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsgIK9tmnWXdxuU%2fedXEEMqJrk8yrwetrUH AHICuvk7Ilb6C66JpZees7wvtcoJhIEgwEf7VfhCW5afo%2b60Ay5pibuuvv88WJhHK%2fB%2fGGX82Qe>

¹⁹ Ibid.

²⁰ Notice of closure and gradual, controlled reopening of day care, schools, institutions and others and on emergency care in connection with the management of Coronavirus disease 2019 (COVID-19), Danish version, available at <https://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/b20200040505.pdf>

²¹ <https://en.unesco.org/themes/right-to-education/convention-against-discrimination/consultation>

career paths, such as science and technology.

- Strengthen its efforts to further develop inclusive education, train and assign specialized teachers accordingly in integrated classes to support children with disabilities and increase the accessibility of school facilities.
- Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²²

B. Freedom of opinion and expression

10. Denmark is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.²³
11. Denmark is recommended to update its Access to Information law in order to align it with international standards, particularly regarding the appeals body, the exceptions clauses and the requesting procedures.

C. Cultural Rights

12. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁴, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁵ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁶, Denmark is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Denmark is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

13. **Denmark** submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). **Denmark** reported that the guiding principles of the 1974 Recommendation, including the principles of respect for freedom of intellectual creation, scientific research and activities, as well as respect for intellectual property, equal access to employment in scientific research, promotion of scientific integrity, responsibility and

²² <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

²⁴ Periodic Report available at: <http://whc.unesco.org/document/137745>

²⁵ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=43375>

²⁶ Periodic Report available at: <http://en.unesco.org/creativity/governance/periodic-reports/2016/denmark>

freedom are fully respected and guaranteed. The Danish University Act ensures academic freedom and autonomy as a fundamental value, open access and open data practices, which are further outlined in the 2014 National Strategy on Open Access, as well as ethics of science which is also reinforced by the national code of conduct for research integrity. In future, **Denmark** is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging the active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.