



Assemblée générale

Distr. générale
28 décembre 2016
Français
Original : anglais

Conseil des droits de l'homme

Trente-quatrième session

27 février-24 mars 2017

Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Rapport du Rapporteur spécial sur la liberté de religion ou de conviction sur sa mission au Danemark

Note du secrétariat

Le secrétariat a l'honneur de transmettre au Conseil des droits de l'homme le rapport du Rapporteur spécial sur la liberté de religion ou de conviction sur la mission qu'il a effectuée au Danemark du 13 au 22 mars 2016. Dans son rapport, le Rapporteur spécial décrit le rôle particulier de l'Église d'État (« Folkekirke ») et ses incidences sur les droits de l'homme dans une société caractérisée par la sécularisation et par un pluralisme croissant des religions et des convictions. Il présente également la situation des minorités religieuses ou de conviction, notamment des musulmans, des juifs, des catholiques, des baptistes, des Témoins de Jéhovah, des humanistes et des scientologues.

GE.16-23063 (F) 090117 110117



* 1 6 2 3 0 6 3 *

Merci de recycler



Report of the Special Rapporteur on freedom of religion and belief on his mission to Denmark*

Contents

	<i>Page</i>
I. Introductory remarks	3
II. General observations on the legal framework and the societal climate	3
III. Special status and role of the Folkekirke	5
IV. Situation of various religious and belief-related minorities	7
V. Challenges arising in the context of immigration and asylum	12
VI. Conflict prevention through proactive outreach programmes	14
VII. Blasphemy law and anti-hatred provisions	14
VIII. Issues of sexual orientation and gender identity	15
IX. School education, awareness-raising and interreligious dialogue	16
X. Specificities concerning Greenland and the Faroe Islands	17
XI. Conclusions and recommendations	17

* Circulated in the language of submission only.

I. Introductory remarks

1. The present report reflects the findings of the country visit to Denmark undertaken by the Special Rapporteur on freedom of religion or belief from 13 to 22 March 2016. The Special Rapporteur would like to express his profound gratitude to the Government, in particular the Ministry of Foreign Affairs, for having accepted the request to visit Denmark and to the United Nations team in Copenhagen for its support. Special thanks go to the Danish Institute for Human Rights for the outstanding logistical, organizational and intellectual support it gave to the visit from the earliest stages. The Special Rapporteur is also very grateful to the many government interlocutors from the central and municipal levels, parliamentarians, members of the Supreme Court, a broad range of civil society organizations, academics, members of different religious communities, representatives of indigenous peoples and many others. Discussions, mostly in Copenhagen but also in Aarhus, Haderslev, Odense and Vollsmose, all took place in a frank and relaxed atmosphere.

2. In the previous 30 years of the mandate on freedom of religion or belief, none of the experts had visited officially any of the Scandinavian countries. Hence, such a visit was overdue. More importantly, the Special Rapporteur had been curious to learn about a country traditionally strongly influenced by the Lutheran Evangelical Church, which, according to the Constitution, occupies the special rank of “the Established Church of Denmark” (usually called the “Folkekirke”) and to which, until a generation ago, some 95 per cent of the Danish population belonged. He had wanted to better understand the ongoing special role of the Folkekirke in a society marked by increasing religious or belief-related pluralism, owing to immigration and globalization, and by a far-reaching process of societal secularization.

3. The Special Rapporteur had furthermore wanted to understand how freedom of religion or belief was perceived in its interrelatedness with other human rights. After the “cartoon crisis” that had occurred around 10 years ago, the relationship between freedom of religion or belief and freedom of expression had been politically contested in Denmark on numerous occasions. Moreover, there had been interesting developments concerning the relationship between freedom of religion or belief and the rights of lesbian, gay, bisexual, transgender or intersex persons.

II. General observations on the legal framework and the societal climate

4. Freedom of religion or belief is a tangible reality in Denmark. Everyone can openly say what they believe or not believe and freely practise their religions or beliefs as individuals and in community with others, both in private and in public. Everyone with whom the Special Rapporteur met during the mission shared this positive assessment. Even those who expressed certain concerns or worries did not question the generally liberal atmosphere in Denmark.

5. Article 67 of the Danish Constitution provides that “citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done”. That wording was established in 1849 and has not been changed in any of the subsequent amendments to the Constitution. When compared with modern formulations of freedom of religion or belief, the wording of article 67 appears quite narrow. While the focus of the positive provision lies on “the worship of God”, the stipulation that “nothing at

variance with good morals or public order shall be taught or done” sounds very restrictive in that it gives the State a broad margin for imposing limitations. International standards cover a wider range of aspects of freedom of religion or belief, including the rights to have or to adopt a religion or belief and to manifest it in worship, observance, practice and teaching. Furthermore, they include theistic and non-theistic beliefs, in contrast to the reference in the Danish Constitution to “the worship of God”. In order to remain in line with European and international conventions that Denmark has ratified — in particular article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms and article 18 of the International Covenant on Civil and Political Rights — article 67 of the Constitution requires a broad interpretation of the scope of protection (i.e. beyond “the worship of God”) and a cautious interpretation of the limitation clause.

6. Freedom of religion or belief has a strong community dimension, which explicitly comes to the fore in the constitutional right to “form congregations”. In Denmark, religious communities do not need any registration or official permission to run their community affairs. When wishing to obtain a legal personality status that would allow them to develop a more sustainable community infrastructure, they have various options. Those who prefer to keep a certain distance from the State can register as private associations without difficulty. Those who wish to celebrate marriages within their communities with immediate legal effect under the Danish marriage law (which is a secular law) need the status of a “recognized” or “acknowledged” religious community. Until 1970, such an act of “recognition” was given by royal decree; since 1970 it is the Ministry for Ecclesiastical Affairs that grants “acknowledgment”, the effects of which come close to those of the previous recognition procedure. One of the advantages connected to such a status is the possibility to deduct contributions from the annual tax declaration.

7. Currently, around 160 communities from very diverse backgrounds enjoy recognition or acknowledgement status. Cases of denial of acknowledgement have been rare; one example is the Church of Scientology, whose applications were turned down in 1971 and 1984; another application by Scientology was withdrawn by the applicant organization itself in 2000. The criteria for granting acknowledgment are currently in a process of evaluation and reform led by a special commission. There is suspicion among certain groups that it could be used to strip religious communities of their recognition, which, under the existing law, is possible only in exceptional circumstances.

8. The three-tier system of different status positions culminates in the special rank occupied by the Evangelical Lutheran Church. Article 4 of the Constitution provides “the Evangelical Lutheran Church shall be the Established Church of Denmark, and as such shall be supported by the State”. That article is in the first part of the Constitution, which defines the pillars on which the entire State rests: the Danish territory (article 1); the constitutional monarchy (article 2); the legislative, executive and judicial powers (article 3); and the Established Church of Denmark (article 4), usually referred to as the “People’s Church” (or “Folkekirke”).

9. The existing system is obviously non-egalitarian. While virtually no one questions the spirit of freedom that prevails in Denmark, including in the area of religion or belief, the principle of equality certainly does not govern the treatment of diverse religious communities. This is in stark contrast to the everyday culture in Denmark, which indeed is markedly egalitarian. However, while the principles of equality and non-discrimination chiefly apply to individuals, they obviously do not define the way in which the diversity of religious communities is normatively structured in Denmark. In some discussions, the Special Rapporteur heard this turned into a Danish rhyme: “frihed, men ikke lighed” (meaning “freedom, but not equality”). This non-egalitarian treatment has caused frustration felt by religious or belief-related minorities.

10. Moreover, the understanding of religion and belief in Denmark very much focuses on the dimension of the person's inner conviction. This seems to echo a Lutheran understanding of redemption through faith alone ("sola fide"). As a result, aspects of ritual or ceremonial religious practice are relegated into a mere external sphere, which allegedly has less relevance and is less worthy of recognition. From the perspective of non-Christian religions, this can become worrisome. Two issues arose in various talks over the visit, namely, the ban on ritual slaughter without prior stunning of the animal, enacted in February 2014, and public demands to outlaw religiously-motivated circumcision of male infants (see paras. 22-35 below). At the same time, the Special Rapporteur sees the difficulties that Jews and Muslims face in exercising their religious rites in relation to ritual slaughtering and circumcision as possible examples of an overly narrow understanding of what religion can entail and, accordingly, what freedom of religion or belief as a human right should cover. In order to find out what actually matters religiously to various communities, the culture of trustful communication between State authorities and religious communities is crucial and should be further cherished.

11. Public demands for the banning of religiously motivated male circumcision may also be paradigmatic of a societal discourse that can become quite polarized and hostile towards certain minorities, in particular in social media. The experiences shared by members of religious minorities confirmed that many of the challenges with regard to religious freedom that people currently face in Denmark — as in other Western European countries — stem from a lack of trustful communication within the society. This exacerbates negative stereotypes and hostility that members of religious minorities — in particular Muslims, who are often associated to terrorism and discrimination against women — suffer on a daily basis, with the result that they may feel increasingly alienated from the rest of society. In order to prevent cultural clashes around issues and promote mutual understanding, it is imperative not only to encourage more interreligious dialogue in the traditional understanding, which typically focuses on the "classical" monotheistic religions, but also to address and include those growing parts of the society that may describe themselves as non-believers or "religiously unmusical".

III. Special status and role of the Folkekirke

12. In European societies, the existing structures of an official or established Church are often perceived as an anachronistic relict. Scandinavian countries, too, have recently seen processes of disentanglement of State and Church, with the purpose of creating more autonomy for the Lutheran Evangelical Church, which has had an overwhelmingly strong impact on the history and culture of all of the Nordic countries. In 2000, Sweden finally separated State and Church and, in Norway, a similar process that started a few years ago is expected to lead to a formally independent Church in 2017.

13. The situation in Denmark is different. In spite of low rates of regular church attendance and a gradually declining percentage of membership, which currently still lies around 80 per cent of the population, the special status of the Evangelical Lutheran Church as the People's Church (Folkekirke), as entrenched in article 4 of the Constitution, remains mostly unchallenged. The ongoing strong role of the Folkekirke with broad membership in a society that has become one of the most secularized worldwide presents a puzzle. It may become somewhat less paradoxical if we assume that, for many people, their appreciation of the Folkekirke may rest more on its role as a central element of Danish society and its cultural identity and less on its function as an institution of faith in the narrow sense. Be that as it may, calls for a formal separation between State and Church, albeit sometimes voiced, have never received much public attention, and court cases brought against the existing system have been both rare and unsuccessful.

14. Apparently, the Danish population generally appreciates the Folkekirke within a positive narrative of national identity, liberalization and democratization. Within that narrative of State and Church, Nikolai Fredrik Severin Grundtvig (1783-1872), a philosopher, theologian, poet, educationalist and liberal politician, plays an outstanding role. According to Grundtvig, the State should respectfully serve the Church and keep it open for a broad participation of the people, which mainly takes place at the parish level. Without abolishing the clerical hierarchy within the Church, culminating in the 10 Bishops of the Folkekirke, the State is supposed to ensure that Church affairs remain in line with the general democratic development of the country and to facilitate active participation of the people in decision-making procedures, especially at the parish level. The idea seems to be that the democratic State legitimized by the Danish people has the mandate to uphold the inclusive nature of the Danish Folkekirke against possible tendencies of sectarian closure.

15. A main factor that might have enabled the survival of the Folkekirke into the twenty-first century is its culture of broad consultation. While the formal responsibility for church affairs rests with the State — i.e., Parliament and the Ministry for Ecclesiastical Affairs — theological authorities, in particular the Bishops, and the representation of parishes, have generally been consulted before decisions affecting the Church have been taken.

16. In keeping with article 4 of the Constitution, the Folkekirke receives financial support directly from the State budget. While the bulk of the Folkekirke's budget rests on the Church tax, which is paid only by members of the Church, around 10 per cent of the Church's annual resources stem from the general State budget, to which members and non-members contribute. The assumption underlying this regulation is that taxpayers should finance certain public functions that the Church undertakes for society as a whole, including birth registrations and the management of cemeteries, almost all of which are owned by the Church. The Church also celebrates marriages, which have direct legal effect under the Danish (secular) marriage law. As already mentioned, however, the right to conduct legally valid marriage ceremonies is not a privilege of the Folkekirke alone; it is an option for all those religious communities that enjoy the status as a "recognized" or "acknowledged" community.

17. While a move towards the complete separation of Church and State does not seem to be a priority demand by society, discussions have taken place both within the political arena and within the Church itself. Those defending the existing system of an established Church in politics may do so from different motives. Whereas more conservative-leaning people may wish to preserve the cultural identity of the country, not least as a reaction to immigration and pluralization, people with more liberal or socialist views may appreciate the structure of the Folkekirke as an interesting model to keep the State's control over the Church as a way to encourage liberal and democratic developments (such as same-sex marriages) within religious communities. Paradoxically, some even see the State-controlled Lutheran Folkekirke as a guarantor of the "secular" nature of the State — in keeping with Luther's clear conceptual separation between spiritual and temporal authorities as laid down in his doctrine of the "two regiments". However, the Special Rapporteur also met with politicians, including members of Parliament, who criticize the existing involvement of the State in Church affairs as an irregularity that they think should be corrected in the long run. Reportedly, such critical views are more widespread among the younger generation of politicians in various political parties.

18. The fact that Denmark as a whole has become more pluralistic owing to immigration, diversification, secularization and other factors can play into the hands of both sides. Those in favour of upholding the existing structure may further appreciate the Folkekirke as an anchor of stability, identity and a model for preventing sectarian radicalization, while those advocating for a reform may argue that, in an increasingly

pluralistic society, the special status of the Folkekirke gives rise to new issues of fairness, equality and non-discrimination, which will more and more erode the plausibility of a system of one established Church. This latter position was regularly voiced in discussions with members of religious minorities.

19. Similar debates also take place within the Folkekirke itself. In the eyes of reform advocates, a formally enshrined autonomy, especially on theological issues, for instance, in the shape of a Church council, would enhance the credibility of the Church, whose core function, they say, should rest on teaching, preaching and practising Christianity instead of acting as a broad public service institution. According to one reading of Lutheran theology, amalgamating Christian teaching with national and cultural identity might even ruin authentic faith. Others in turn appreciate the broad outreach of the Folkekirke beyond the shrinking circle of regularly practising Christians as an opportunity that the Church should not abandon. While such different positions on establishment or disestablishment do exist within the Church, they do not seem to create much polarization or divisiveness. Those working in the Church, including members of the clergy, generally weigh the advantages and disadvantages of the conflicting positions in a rather relaxed manner.

20. In a context of increasing hostility and mistrust towards certain minority religions, some interlocutors from the Church have highlighted the potential of the Folkekirke to serve as a bridge between religious minorities and those parts of the society who generally have little understanding for religious concerns and needs, but nonetheless remain in touch with the Church. This bridge-building function may become even more important in a situation in which the presence of Islam in Denmark has caused feelings of unease and even fear among large parts of society. The Special Rapporteur saw impressive examples in which the Folkekirke promotes interreligious dialogue, supports the integration of Muslim immigrants and advocates for the respect of religious freedoms of non-Christians, fulfilling a bridge-building function that helps prevent or ease tensions between religious minorities, in particular Islam, and mainstream society, especially in community-based efforts.

21. The Folkekirke's privileged position within the Danish constitutional system leads to practical situations that can be discriminatory. Burial sites generally belong to the Folkekirke: The Folkekirke charges additional fees for having non-members buried in their cemeteries. However, the Minister of Ecclesiastical Affairs can authorize religious communities outside the Folkekirke to establish their own cemeteries. Birth registry is still managed by the Folkekirke. As a consequence, non-believers or believers of other faiths need to deal at least indirectly with a religious institution that is not their own when they register births and provide their personal and family data to the Folkekirke, not to a neutral State-managed institution.

IV. Situation of various religious and belief-related minorities

1. Jewish community of Denmark

22. Although only around 7,000 Jews live in Denmark, the Jewish community of Denmark enjoys broad appreciation as an old-established component of Danish society, which furthermore fits into a positive narrative. Jews themselves also feel much at home in Denmark. They received formal recognition as early as 1682 and have enjoyed civil rights since 1814. During the Nazi occupation, the majority of Jews living in Denmark were rescued as a result of coordinated efforts taken by many Danes. More recently, after the killing of a Jewish security guard outside the Great Synagogue in Copenhagen in February 2015, Jewish people experienced much solidarity and felt that the narrative of the Danish people protecting the Jews was reinstated in a reassuring way. The Government, too, gave the Jewish community its highest assurances that it would take their protection as a priority.

23. Nevertheless, members of the Jewish community of Denmark also expressed concerns and a general feeling that the space for their religious practice has been shrinking in recent years. One example is the ban on ritual slaughter without prior stunning of the animal, enacted in February 2014. In practice, this does not prevent Jews from having access to kosher meat, since anyone can still import it from other countries; the same is true for Muslims who import halal meat. However, the ban may put at risk their right to practise their religion when it comes to dietary requirements, as other countries might follow in the prohibition of ritual slaughter without prior stunning of the animal.

24. By far, the biggest worry articulated by representatives of the Jewish Community of Denmark however stems from public demands for outlawing religiously-motivated circumcision of male infants. Those who brought up this concern are afraid that the increasing social hostility towards the practice is putting growing pressure on members of Parliament to impose a legal ban. Worldwide, no State currently forbids this practice in general, and the likelihood that Denmark would actually take such a step seems somewhat remote. However, public demands to outlaw the circumcision of boys have already greatly changed the societal atmosphere. According to opinion polls, a broad majority of the Danish population would favour a ban on circumcision of underage boys, and organizations of medical doctors in Denmark, child rights organizations and the non-governmental organization “Intact” have been very vocal in demanding legislative action in this direction. For most of the religiously practising Jews and Muslims, this would have far-reaching consequences. While Muslims, too, widely practise male circumcision and see it as an essential part of their religious identity, the significance for Jews may be even higher. Although there has always been discussion also within the Jewish community itself, and although some Jewish parents — usually non-religious, “secularized” Jews — decide against circumcising their boys, the overwhelming majority of religiously practising Jews worldwide understand the circumcision of newborn boys as a cornerstone of Jewish identity. Through the practice of circumcision, they see themselves in continuity with their forefathers throughout three millenniums. This is by far the predominant view shared by religious Jews across the various orthodox, conservative and liberal currents within Judaism. For many Jews, a formal ban of circumcision would signal no less that they cannot stay in that country.

25. The effect of the current discussion is very much felt, especially in social media, which can assume an extremely aggressive tone. One member of the Jewish community of Denmark told the Special Rapporteur that he and his wife were currently expecting another child. When it became clear that it would be a girl, they felt very relieved since this would spare them “questioning looks”. This example illustrates that public calls for prohibiting circumcision, apart from the question of whether a ban will ever become reality, have already had an impact on the Jewish community of Denmark. This is similarly true for Muslims in Denmark, who also struggle with many other challenges.

26. The issue of circumcision is complex and has many medical, psychological, cultural and religious facets. Controversies exist concerning all these different aspects of the phenomenon. Within the human rights community, too, the circumcision of underage boys has led to an ongoing polarization. It is natural that the issue also becomes a topic of public debate in any democratic country where circumcision is practised, not only in Denmark. However, it is all the more important that those engaging in public debate be aware of the sensitive character of the theme and how deeply it affects many Jews and Muslims in their religious identities.

27. Another topic raised by the Jewish Community of Denmark is the increasing hostility that Jews experience whenever the situation in the Middle East escalates, such as during the Gaza crisis in the summer of 2014. This is an issue that certainly warrants attention, in order for the Jewish community to further feel safe and at home in Denmark. It

also signals the need to promote a sensitive interreligious dialogue that avoids mixing up questions of religious diversity in Denmark with political views on the situation in the Middle East.

2. Muslim groups

28. Although Muslims in Denmark share some of the problems articulated by the Jewish community, their situation is generally very different. As in some other Western European countries, Islam in Denmark is typically perceived as a new religious reality, mainly connected with various waves of immigration in the late twentieth and early twenty-first century.

29. In the absence of official statistical data, estimates of the numbers of Muslims living in Denmark are difficult but usually run up to 5 per cent of the population. Without any doubt, Islam constitutes the second largest religion in Denmark after Christianity. A number of Muslim organizations have obtained the status of acknowledged religious community, which, inter alia, allows them to celebrate marriages with legal effect under Danish law. Among the more than 100 mosques, there are only a handful of “visible” mosques with a dome and a minaret, while most Muslims pray in rented halls and converted warehouses. However, projects to construct new mosques are under way. The construction of new houses of worship generally signals that a religious community feels at home in the country and wishes to establish its existence in a permanent and visible manner. In that sense, it could count as a symbol of integration. However, it is factually not always appreciated as such, and Muslims have often encountered problems to obtain permits to build mosques in Denmark. In Aarhus, Muslims have campaigned since 2000 for the authorization to construct a new mosque. In March 2016, the mayor of Aarhus decided to overturn the recent authorization issued by the municipality, admittedly on the basis of revelations unearthed by an undercover television programme that exposed the extremist views of some imams. Conditioning the free and peaceful exercise of freedom of religion by Muslims, which includes the right to construct and maintain places of worship, on the behaviour of an extremist minority within Islam (whose words might as well merit criminal prosecution as incitement to hatred or violence, but do not represent the views of the majority of Muslims) is unacceptable.

30. Another important symbolic step towards consolidating religious presence, throughout the generations, is the establishment of cemeteries. In various municipalities the cemeteries (owned by the Folkekirke) have accommodated special sites for Muslim graves. Moreover, one Muslim cemetery was recently established.

31. All of the Muslims with whom the Special Rapporteur met in Denmark emphasized that they could generally practise their religion freely and without facing major obstacles. Meanwhile, more and more people had apparently grown accustomed to seeing women wearing a headscarf, although the hijab could still cause controversies when worn in certain professional settings or in rural areas. Nevertheless, there seemed to be a widespread perception that Islam and “Danishness” do not easily — if at all — fit together. Public calls for Muslims to “integrate” into Danish society could thus assume an ambivalent meaning. On the one hand, integration was a necessary requirement in any society. In that sense it was an obvious expectation, finally addressed to everyone. On the other hand, integration could also be a proxy for expectations of a seamless assimilation. The latter understanding seemed to be widespread. Even Muslims who were born in Denmark, spoke Danish as their first language, successfully graduated within the Danish education system and never came into any conflict with the law had been subjected to demands for “more integration”, to the extent of making Muslims feel that they need to strip themselves of all visible signs of their Muslim identity in order to be seen as “true Danes”. Successful university students told the Special Rapporteur that they needed to go through an “everyday war for acceptance” in

Danish society owing to their Muslim identity and their choice to wear a hijab. It was striking that young persons who were successfully contributing to Danish society could be regularly and harshly questioned by others just for their religious observance. Perhaps one reason was the continued predominance of a Lutheran understanding of faith as mainly a matter of the heart, which generally should not become “too visible”, unless it manifests itself as “culture”, roughly analogously to the largely cultural role of the Folkekirke.

32. The permanent insistence on more integration mainly addressed to Muslims, in conjunction with a nationalist political rhetoric highlighting “Danishness” and “Christian values”, sends a very ambiguous message to Muslims and may cause feelings of alienation and frustration. One small example concerns regulations in one municipality that cafeterias in public institutions, including kindergartens and schools, must offer pork on an equal basis as other foods. While those who do not wish to eat pork would have access to alternative menus, the officials who promoted the regulation elevate pork-eating into an essential part of Danish identity.

33. The main concern expressed by members of Muslim communities was the negative perception of Islam, which many apparently associated with backwardness, extremism, discrimination against women, violence or even terrorism. In that context, none of the Muslim interlocutors denied that extremist tendencies did exist in the country and that they must be openly and frankly addressed. However, the prevailing feeling among Muslims seemed to be that extremist manifestations of Islam not only received disproportionate attention in public and political discussions, but also were interpreted as representing “real Islam”. In other words, radical voices always seemed to enjoy an “authenticity benefit” in the sense that they confirmed people’s negative expectations, thereby reinforcing an existing fear of Islam in large parts of the society. By contrast, moderate or liberal views expressed by Muslims were often seen as merely “exceptional” and thus much less, if at all, “authentically” Islamic.

34. Muslims interlocutors expressed their dismay at the swift public reactions by some politicians after a television documentary entitled “Under the veil of the mosque”, which had been broadcast a few days before the start of the visit. The documentary unmasked extremist views existing among some imams in Denmark. Without denying that such religious extremism warrants a clear political response, the Muslim interlocutors had been taken aback by the promptness of harsh rhetorical reactions that somehow targeted the Muslim communities as a whole, for instance, by freezing plans to build a mosque. Moreover, some leading politicians reportedly made cryptic statements about putting an end to policies of tolerance without specifying what that meant. The Special Rapporteur sensed anxieties among Muslims that the establishment of new rules concerning the acknowledgment of religious communities could be used in the future to strip Muslim communities from their achieved status positions in Denmark or to develop new tools for controlling religions, particularly Islam. This illustrates a need for more dialogue and trust-building between State institutions and Muslim organizations to prevent an atmosphere of increasing suspicion.

35. Some of the remarks made by leading politicians in reaction to the television documentary could hypothetically indicate a political move back to a literal understanding of article 67 of the Constitution, including its far-reaching limitation clause that “nothing at variance with good morals or public order shall be taught or done”. As mentioned at the outset, this would not be in line with the modern understanding of freedom of religion or belief, which does not give free reigns to legislators to impose limitations whenever “public order” interests may be at stake. For limitations to be justifiable, a much more refined set of criteria must be met to ensure that limitations always remain exceptions to the rule that human beings should exercise their rights to freedom, including in the area of religion or belief.

3. Christian minorities

36. Outside of the Folkekirke, other Christian communities also exist in Denmark. They come from the whole spectrum of Christian Churches, ranging from Old-Oriental and Orthodox Churches to various branches of Protestantism and Pentecostal communities. Most of them have just a few thousand followers. After the Folkekirke, the Catholic Church forms the second biggest Christian community, although its constituency comprises not much more than 1 per cent of the membership of the Lutheran Evangelical Church.

37. There have been Baptists in Denmark for centuries. Until the early nineteenth century, they had suffered from serious persecution, since all parents were legally obliged to baptize their newborn children, which the Baptists refused for theological reasons. Even after the 1849 Constitution, which introduced freedom of worship for everyone, it took more than a century before the Baptists received their formal recognition as a religious community, in 1953. While appreciating the prevailing liberal atmosphere in Denmark in which they can fully enjoy their freedom of religion, the Baptists criticize the non-egalitarian treatment of religious communities, which consistently excludes them from certain rights and privileges enjoyed by the Folkekirke. In that regard, what matters more than financial and other disadvantages is the element of a symbolic humiliation, which they often feel. That symbolic dimension, they emphasize, has sometimes been “trivialized” by State representatives when dismissing their claims for equal treatment as allegedly being motivated by financial and fundraising interests only.

38. Similar criticism came from the Catholic Church. Unlike the Baptists, Catholics have a history in Denmark of being a community of “foreigners”, traditionally composed of traders, diplomats and other people temporarily residing in the country. Even today, the growth of the Catholic Church is largely due to recent waves of immigration. The Catholics would like to level a church tax paid regularly by their members, in order to ensure more stability concerning the resources they need for running charity organizations and private schools, and for the maintenance of church buildings, some of which are historical. A Catholic priest expressed frustration that, before being entitled to baptize a child, he would always have to wait for certain documents to come from the Folkekirke, which he — as a born Dane — found slightly annoying, since it constantly reminded him that Catholics, like other minorities, only rank second after the Evangelical Lutheran Church.

39. Jehovah’s Witnesses have lived in Denmark since the late nineteenth century and can teach, preach and practise their religion without facing any obstacle. Conscientious objection to the military service, which in Denmark continues to be mandatory, is granted to Jehovah’s Witnesses without undue procedural stipulations. Occasional complications concerning the right to adopt children have been settled satisfactorily. With regard to medical treatment without blood-transfusion, a core issue within the ethics of the Jehovah’s Witnesses, they even see the current accommodating arrangements in Denmark as a model for Europe.

4. Other religious groups

40. Denmark has become a home for communities outside the circle of traditional monotheistic religions, such as Hindus and Buddhists. The country also hosts around one thousand Baha’is, which represent a comparatively new monotheistic religion of the book. Unfortunately, it was not possible during the visit to meet representatives of members of those religious communities.

41. The Church of Scientology, which has existed in Denmark since the 1960s, has its European headquarters in Copenhagen. In the absence of the formal status of an acknowledged religious community, Scientology operates as a private association. Scientologists also run a few free schools, in which teachers from the Church of

Scientology work alongside teachers from outside of the Church. These schools use teaching methods developed by the founder of Scientology, L. Ron Hubbard. Although Scientologists complained about what they consider to be unfair media coverage, including by public broadcasting corporations, they pointed out that they generally operate freely in Denmark.

5. Humanist Association

42. Whereas neighbouring Norway reportedly hosts the highest percentage of organized humanists worldwide, the Humanist Association in Denmark, established in 2008, has only a few hundred members. Obviously, the humanists do not consider themselves a religious community. Although certainly not all of them are atheists, and some have their own separate organizations, the humanists generally promote worldviews, ethics and norms without reference to God. At the same time, they practise rituals and ceremonies in analogy to religious communities, including initiation rites, “humanist confirmation” (a term apparently borrowed from Protestantism), marriages and funerals. Furthermore, they also promote freedom of religion or belief for non-religious persons, especially in the field of school education.

43. Since 2010, the Danish Humanist Society has established a dialogue with the Government in order to make it possible for a group as themselves, which shares a life stance but lacks a belief in a transcendent power (“gudsdyrkelse”), to apply for the status necessary to conduct marriage ceremonies.

44. By rendering the acknowledgment of a religious community dependent on faith in a transcendent power, the Danish law deviates from European and international human rights law. Both the European Court of Human Rights and the Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights, have developed jurisprudence that understands freedom of religion or belief more broadly. According to the Human Rights Committee, article 18 of the Covenant protects “theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief”.¹ In other words, freedom of religion or belief covers the whole range of identity-shaping convictions and conviction-based practices, including beyond traditional forms of monotheistic faith and worship. For article 67 of the Constitution to remain in line with the development of freedom of religion or belief in European and international human rights law, it should be interpreted in a broad and inclusive way. The future treatment of the humanists may in this context assume the quality of a test case.

V. Challenges arising in the context of immigration and asylum

45. The Special Rapporteur often heard that the Danish people did not much care about religious issues generally. However, public attention could rise swiftly whenever religion comes up in the context of immigration, which has changed the Danish religious landscape profoundly by confronting a traditionally very homogeneous society with new religious communities, in particular Islam. Thus, religion has become visible and tangible in ways that differ greatly from the prevailing Lutheran focus on faith as chiefly concerning the person’s inner disposition. These far-reaching changes have occurred within just a few decades and are continuing, which understandably may cause feelings of anxiety and unease.

¹ See Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.

46. In discussions held not only in the Copenhagen but also in Aarhus and Vollslose, the Special Rapporteur sensed a tendency among public officials to handle religious issues, especially in their community aspects, very cautiously and to focus their discourse on the importance of protecting “the integrity of the individual” from religious pressure by the community. There are certainly reasons for such an approach. Among other things, freedom of religion or belief recognizes ambiguous attitudes towards religion, including the freedom not to care about religious issues or to keep them entirely private. Not every individual from a Muslim family background or with a “Muslim name” wishes to fast during Ramadhan. In a somewhat nervous societal climate in which Islam attracts much public attention, it is all the more important to maintain a sensitive approach that avoids putting religious labels on people too quickly, in particular immigrants, who live in complicated and at times even vulnerable circumstances.

47. However, a cautious approach should not lead to putting a taboo around religion. Although religion is not the key to understanding all the challenges connected with immigration and integration, it is certainly an important aspect that warrants attention and should be addressed, always on the basis of respect for human beings and their self-articulated needs, wishes and identities. This includes accommodating the community dimension of religion, which for many — but certainly not all — migrants may be very important.

48. In immigration and integration policies, religious communities often seem to be seen as part of the problem, i.e. a possible threat to individual freedom, rather than as part of possible solutions. As mentioned above, when asked how they deal with religion, State representatives working on integration repeatedly stressed that the Government would mainly protect “the integrity of the individual”. Of course, this is an important and indeed indispensable part of any human rights-based policy. Depending on the circumstances, it should also include measures to protect some individuals — not least women, or lesbian, gay, bisexual, transgender or intersex persons — from pressure that they may experience within their own religious communities. At the same time, it would be problematic to ignore the fact that many immigrants (although perhaps not all of them) may also wish to have sufficient space for the community dimension of religious practice, which is not a mere “secondary” or marginal aspect of freedom of religion or belief. However, the Special Rapporteur repeatedly sensed reluctance, including when talking to government officials, towards accommodating new religious community life in Denmark. Integration policies generally seem to favour an integration of individual migrants into existing (mostly secular) institutions, such as sports clubs, cultural associations and many other organizations, which is good but possibly not enough.

49. According to reports, extremely complicated conflicts have arisen in asylum centres. Having to live in an asylum centre means undergoing enormous stress and frustration, with the risk that tensions arising from whatever reasons — lack of space, language barriers, unclear prospects, etc. — can easily escalate and possibly intermingle with issues of religious or cultural pride. The Special Rapporteur did not visit any asylum centres during his visit to Denmark, but spoke with people who work with asylum seekers staying in such centres. He was told that those in charge of the centres sometimes follow an excessively cautious approach towards religion as previously described, to the extent that they ban any religious practice in the public areas of the asylum centre. While a certain level of regulation is required to ensure cohabitation in such centres, the complete ban of prayer in collective areas seems an unduly restrictive measure that might amount to a violation of freedom of religion if no alternative space is offered for collective prayer.

VI. Conflict prevention through proactive outreach programmes

50. A particular problem that is of concern to many people is the rise of religious extremism, not least after the killings of February 2015 at the Krudttønden cultural centre and in front of the Great Synagogue in Copenhagen. Furthermore, the Danish population had been shocked on numerous occasions by reports that adolescents and young adults who had grown up in Denmark had travelled to the Syrian Arab Republic to fight for the so-called Islamic State or other terrorist groups. Some of them had presumably died in such fights.

51. Aarhus has gained international reputation for its de-radicalization model, supported by the European Commission and defined by a proactive outreach to all parts of the municipality in order to build sustainable trust. Social workers, police and other actors closely cooperate in a “cross-sectoral approach” that facilitates finding tailor-made pragmatic solutions before a personal crisis with possibly disastrous effects unfolds. The “info house”, to which anyone should have easy access, embodies the open-door policy adopted by the municipality in general. The message conveyed to the population is that anyone confronted with personal problems of whatever sort can count on professional support, including through counselling, mentoring and other offers. Even those who have come in conflict with the law and thus have to face punishments will also receive support, if they wish.

52. The cautious approach to religion, as presented in the previous section, also prevails within the Aarhus model for de-radicalization. The headline “political and religious extremism” already signals that religion is not addressed in isolation. In practice, the programme aims at broadening the options that individuals at risk have in their daily lives, for instance, concerning accommodation, jobs and social contacts. According to information received from the municipality, the programme has yielded tangible results, as testified inter alia by a sharp decline of young people travelling to the Syrian Arab Republic to join the so-called Islamic State.

53. Close cross-sectoral cooperation also characterizes the community work carried out in Vollsmose, part of the Odense municipality, where 60 per cent of the inhabitants are of “other ethnic backgrounds” and where there is a very high rate of unemployment. Vollsmose made national headlines by employing a Muslim woman who wears the hijab to conduct outreach work for the police as an attempt to build more trust with immigrant communities from Somali, Palestinian and other origins. However, as part of a policy of reaching out to immigrant communities, Muslim women (who wear the hijab or not) should ideally be part of a police force that is diverse in terms of gender and religion, and not simply recruited on an ad hoc basis to gain the trust of communities where mistrust towards the police can be a difficult obstacle to overcome. Indeed, “trust” is common to a number of new initiatives, such as a language café, mothers support group, mentoring programme for immigrant children, etc. The local parish of the Folkekirke has hosted interreligious dialogue projects, thereby bringing together Sunnis, Shias and Christians from various denominations. Many of these initiatives have a particular gender aspect and aim at empowering women. The projects carried out in Vollsmose may serve as a good example of an approach that more explicitly and proactively addresses religion and religious community concerns and does not focus exclusively on the individual.

VII. Blasphemy law and anti-hatred provisions

54. Danish society has a reputation of valuing freedom of expression highly. It thus came as a surprise when in 2015 the Government announced that it would keep the existing blasphemy provision — article 140 of the Penal Code — despite the fact that it had not

been used for decades and contrary to the recommendations by United Nations human rights bodies.

55. Some interlocutors opined that abolishing the blasphemy provision could send the wrong signal and be perceived as an attempt to legitimize offensive depictions of Islam, thus possibly alienating the Muslim population, who generally feel targeted by many ugly manifestations of hatred. However, one may wonder whether the hate-speech provision (article 266 b of the Penal Code), which *inter alia* covers threatening, humiliating and degrading speech that targets people on the basis of their religion, would not suffice. Indeed, it seems that the Government cannot imagine any actual use of the blasphemy provision except in very narrow circumstances, for example, when a holy book or other highly symbolic item would be publicly burned, destroyed or otherwise desecrated.

56. The reason for keeping the blasphemy provision seems understandable, as it intends to protect minorities who are currently under heavy pressure. However, it is not in line with international standards on freedom of expression and sits uneasily with the general policy adopted by European Union member States for all anti-blasphemy laws to be repealed. In this context, the Special Rapporteur would like to refer to an action plan elaborated in October 2012 under the auspices of the Office of the United Nations High Commissioner for Human Rights. Without denying the need for restrictive measures in extreme cases, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence calls upon States to repeal blasphemy laws. At the same time, the Rabat Plan of Action emphasizes the primacy of non-restrictive measures to counter incitement to acts of hatred, for instance, through cross-boundary communication, educational efforts, community outreach, fair representation of minorities in public media and solidarity actions in support of targeted individuals or communities.

VIII. Issues of sexual orientation and gender identity

57. Denmark is in many ways at the forefront of promoting gender equality, not only with regard to men and women, but also concerning diverse expressions of sexuality broadly speaking. In 1989 legislation was introduced on registering same-sex partnerships, and Denmark legalized same-sex marriage in 2012. Beyond the legal sphere, respect for equality and tolerance towards lesbian, gay, bisexual, transgender or intersex persons is reflected in the school curriculum.

58. In many countries, such developments meet with resistance by parts of society, often in the name of traditional religious family values. This has given rise to a widespread perception — or rather misperception — that freedom of religion or belief and policies of gender or sexuality emancipation do not fit together, even though they both belong within the human rights framework. Against such antagonistic views, the experience of Denmark provides an interesting and encouraging example that respect for freedom of religion or belief and promoting non-discrimination on the basis of sex, gender identity or sexual orientation can go well together.

59. In 1989, one of the first people to register in a same-sex partnership was a gay pastor of the Folkekirke, which illustrates openness on the side of the Church and the parishioners. A new step was taken in 2012, when legislation was introduced to celebrate same-sex marriages in the Established Church. Although it caused some disturbance in parts of the Church, the new law found broad acceptance not only in the population at large, but also among church attendants and the Lutheran clergy. Those comparatively few pastors who do not wish to be personally involved with the celebration of same-sex marriages in the Church have never been compelled to do so.

60. The Special Rapporteur did not hear about other religious communities in Denmark that celebrated same-sex marriages during their religious services. However, this may change in the future. While interlocutors from various communities with whom he discussed the theme usually showed quite tolerant attitudes, a study published in 2015 reported ongoing homophobia in certain conservative religious circles, across various religions. This is certainly an issue that warrants further attention, communicative outreach and discussions.

61. Until some years ago, the Islamic headscarf used to be interpreted by some as women being given an inferior status to men. However, such perceptions are changing. The Women's Council, an umbrella organization that has existed in Denmark since 1899 and brings together 44 women's organizations from various sectors of society, generally accepts the hijab and the few hijab-wearing women who operate within the Council. The Council supported a woman who had lost her job at a supermarket because she had insisted on wearing the headscarf at work. The complaint she filed had been turned down by the Supreme Court in 2005. Members of the judiciary conjectured that today a similar case might be treated differently within the court system, owing to changing perceptions and attitudes in society. It should be noted that a law enacted in 2010 forbids judges and juries to wear religious or political symbols while in court. While the importance of maintaining a strict appearance of impartiality in a court of law is undisputed, such legislation could have a disparate effect on different religious groups, as only a few (the hijab for Muslim women and turbans for Sikh men being the best-known examples) require their members to wear certain garments as part of their religious observance. The Special Rapporteur encourages further discussions on this issue.

IX. School education, awareness-raising and interreligious dialogue

62. Throughout their entire formal education, Danish students learn about religion. The subject aims to provide information so as to empower students to reflect on and discuss themes connected to religion and to make responsible personal choices in that area. In spite of such knowledge-orientation, however, the discipline itself highlights "Christendom" in its title. While during the first seven years of schooling the focus of religious education is on Christianity, children in grades eight and nine are taught about world religions in general. Although the teaching does not include any religious practices in school, those parents or students who object on conscientious grounds can have their children exempted without difficulty. When visiting a school in the neighbourhood of Norrebro in Copenhagen, the Special Rapporteur talked with teachers and students at grade 9 about their experiences and learned that religious themes also regularly come up in disciplines outside of the subject "Christendom". Critics of the Danish curriculum have voiced concerns that the amalgamation of "Christian values" with "Danishness" may lead to marginalizing children from minority families.

63. Beside public schools, which constitute the backbone of the Danish school system, some 500 private schools ("free schools") exist, many of which are run by religious organizations, such as the Catholic Church, various Muslim organizations and the Jewish Community, which has one school in Copenhagen. According to information provided by the Church of Scientology, a few free schools in Denmark have adopted teaching methods of L. Ron Hubbard, the founder of the Church of Scientology.

64. While private educational institutions exist at all levels of the school systems, from kindergartens to gymnasiums, this is not the case at the university level. Concerning university training, Denmark holds a strict monopoly, with the effect that private institutions of learning with academic aspirations do not receive any official recognition.

This inter alia affects the private schools of Lutheran Theology in Copenhagen and Aarhus. Students enrolled in those institutions do not receive any financial benefits from the State, and exams can only be conducted in cooperation with recognized universities in Denmark or universities abroad, which have to provide certificates formally.

65. In religiously pluralistic societies, interreligious dialogue is important to prevent stereotypes, dispel misunderstandings and develop trust across religious and denominational divides. The Special Rapporteur attended a discussion facilitated by the “Din tro min tro” (“your faith, my faith”) project, an initiative originating from the Folkekirke but also supported by the State. Three women belonging to Judaism, Christianity and Islam explained their faiths and practices to grade nine students in Norrebro. The close and amicable environment in which the representatives of the three religions spoke was as impactful as the words themselves. The students participated eagerly in a spirit of open curiosity and interest. Remarkably, most of the students, when declaring their own conviction, said they were atheists. This may serve as yet another example indicating the need to open up interreligious dialogue projects so as to acknowledge agnostics or atheists, who apparently represent very broad currents in society. In other words, interreligious dialogue should — not necessarily always, but certainly more often — broaden into interconviction dialogue.

X. Specificities concerning Greenland and the Faroe Islands

66. Owing to time constraints, the visit could not directly cover Greenland and the Faroe Islands, which belong to Denmark, while enjoying self-government concerning their internal affairs. The Special Rapporteur met with representatives of Greenland and of the Faroe Islands who resided in Copenhagen and he had a discussion with women from Greenland.

67. The Lutheran Evangelical Church also has the status of Established Church in Greenland and the Faroe Islands. Membership in those two territories is even higher than in the rest of Denmark, at above 90 per cent of the population, while the numbers of religious minorities living in those territories is very low. More importantly, actual church attendance in Greenland and the Faroe Islands is significantly higher than in the rest of Denmark. The introduction of same-sex marriage ceremonies found broad approval in Greenland and was also supported by the one bishop, a woman, who serves in the Greenlandic Folkekirke.

68. The teaching of religion in Greenland, while mainly focusing on Christianity, also includes information about the traditional Inuit religion. After the advent of Lutheran missionaries in the early eighteenth century, most of the traces of Inuit spirituality were eradicated. Two women from Greenland who currently live in Copenhagen described Greenlandic customs and practices, such as music, dances, the use of amulets, everyday habits, etc., in which elements of the old spirituality at least remain tangible to a certain degree. The younger generation seems to show great interest in capturing and, if possible, reviving those practices as part of their collective identity. A big problem, however, is the lack of funding. Thus, the women expressed hope that the international community and international donors would give more support. According to reports, only two pastors work in the rest of Denmark to offer services to Greenlanders in their native tongue, which is greatly insufficient.

XI. Conclusions and recommendations

69. **Denmark is a liberal country that values and respects freedom of religion or belief alongside other rights to freedom. People can express and practise their**

religious or non-religious convictions freely. Religious communities do not need any special legal status to exercise the collective aspects of their freedom of expression or to perform their community functions. Those communities that wish to obtain a status as a collective legal entity have various options. One possibility is to register as a private association. In order to celebrate marriages within their communities with immediate legal effect under the Danish marriage law, they need to be granted the status of an “acknowledged” religious community by the Ministry for Ecclesiastical Affairs. The Evangelical Lutheran Church enjoys a special rank as “the Established Church of Denmark” (usually called “Folkekirke”) and is supported by the State.

70. While freedom of religion or belief is an obvious reality in Denmark, society also faces a number of challenges, described below.

Towards a more inclusive understanding of Danish identity

71. Until the late twentieth century, Denmark had been one of the most religiously homogenous societies in Europe. The Lutheran Evangelical Church had shaped an understanding of religion as being a highly intimate matter (“faith”), which at the same time functions as a source of ethical community values. This paradigm is still very much present in today’s society. Due to recent waves of immigration, however, society has now been confronted with new and “more visible” forms of faith expressions that are sometimes perceived as not fitting into the traditionally established patterns and even, by some, as clashing with Danish identity. This has caused tangible nervousness in parts of the society, in particular when it comes to Islam, which meanwhile has grown to become the second biggest religion in Denmark. While Danish society has de facto become multi-religious, this reality still seems not to be fully reflected in the common idea of “Danishness”. Even Muslims who have grown up in Denmark sometimes face strange demands that they should integrate more into society. Public discussions about Danish identity, if they do not acknowledge the increasing religious diversity, can easily lead to feelings of alienation among those whose “Danishness” is constantly questioned — often implicitly, but sometimes also quite explicitly.

Fostering understanding between different societal groups

72. While social media can certainly contribute to new forms of communicative outreach, it can also strengthen tendencies of remaining within the circles of like-minded people, which can cause misunderstandings and polarization. The Special Rapporteur repeatedly heard assessments that the general tone of the societal debate in Denmark had become rougher and more intolerant. One example was the discussion on the religiously-motivated circumcision of male infants, as widely practised by Jews and Muslims. While circumcision is a complicated issue, those discussing it publicly should always be aware of how deeply it affects many Jews and Muslims living in Denmark. This was just one example illustrating the need to create greater mutual understanding. Moreover, Muslims often experience an atmosphere of unease and even suspicion in society. On the one hand, they supposedly do not fit into the traditional patterns of “Danishness” and “Christian values” and are often associated to terrorism and discrimination against women. On the other hand, they also confront partially aggressive manifestations of secularism that do not give much space to any visible religious expressions in general. At the same time, traditionalists in all religious communities often assume that people without religion would lack the necessary foundation for any moral values, which can breed suspicion against agnostics or atheists.

The future of the Folkekirke

73. The Folkekirke in Denmark largely functions as a source of inclusiveness. It has embraced far-reaching State-induced reforms in the area of gender and sexuality, and the celebration of same-sex marriages in the Church has found broad approval in society. Many pastors support refugees irrespective of their religious background and stand up in public against xenophobia and Islamophobia. Moreover, the Folkekirke can bridge the widening gap between religious minorities, especially Muslims, and those large parts of the society who generally do not care much about religion and yet remain somewhat in touch with the Church. It is that very spirit of inclusiveness, however, that at the same time can — and should — encourage new initiatives of sharing the privileges that the Church has traditionally enjoyed. Those privileges can have discriminatory effects on other religious or non-religious groups and often make the members of those groups feel that they are second class, which can cause emotions of frustration and at times even humiliation. During his visit, the Special Rapporteur heard about fears that embarking on a course of disestablishment would eventually lead to a sectarian closure by which the Church would abandon its legacy of catering for the people in the broad sense. He does not think that these fears are justified. They betray mistrust in the attractiveness of an autonomous Church and at the same time play down dangers of utilizing a State-controlled Church for purposes of narrow versions of identity politics.

Interpreting freedom of religion or belief in line with international standards

74. The Government must play a leading role in developing further a fair and inclusive Danish society in which members of different religious communities, as well as secular-oriented people, can equally feel at home. When doing so, the Government is naturally bound by the Danish Constitution enacted in 1849, including its article 67 on religious freedom. As mentioned in paragraph 5, article 67 should be seen in the light of European and international standards of freedom of religion or belief, which have much broader wordings. Some harsh statements made by leading politicians on the need to exercise more control over religious communities, in particular Muslim organizations, could indicate a shift backwards. It certainly has been perceived as such by members of religious minorities. According to European and international standards that Denmark has accepted, limitations on freedom of religion or belief, if deemed necessary, must meet a number of criteria, which are much more specific and strict than the general “good morals or public order” formula in article 67 of the Constitution.

75. Against this background, the Special Rapporteur would like to provide the following recommendations:

(a) It is the responsibility of the Government to take the lead in developing a more inclusive understanding of Danish identity. This requires activities in various spheres of social life, including education, media politics, outreach activities, etc;

(b) The Government should send clear and unambiguous messages that all people living in Denmark, including members of religious minorities, should feel safe and at home in the country. These messages should promptly and strongly counter the increasing idea that “Islam is a threat to Danish identity”;

(c) In integration programmes, the Government should explore the dimensions of religious community life as a positive resource for strengthening intragroup and intergroup solidarity, while at the same time continuing to provide protection to every individual against undue external pressure;

(d) In order to prevent and overcome a climate of suspicion within society, more dialogue seems imperative. Notwithstanding the contributions made by various stakeholders, the Government should take an active facilitating role in that regard. Wherever appropriate, interreligious dialogue should also be broadened towards more “interconviction” dialogue that would include agnostics, atheists and other people outside of the traditional canon of monotheistic religions;

(e) The Government and Parliament should reconsider the decision to keep the existing blasphemy provision in the Criminal Code;

(f) The Government should reconsider the ban on ritual slaughter without prior stunning;

(g) The Government should start a discussion on the future of the Folkekirke with a view to it becoming an autonomous Church based on active followers. Against a possible misunderstanding, this would not mean simply abandoning the tradition of the Folkekirke, in particular its spirit of inclusiveness, which has had beneficial effects on society;

(h) The Government should ensure that members of all religions and non-believers can enjoy services of birth registration and burial on an equal basis;

(i) The criteria for granting and removing acknowledgement status, which are currently under review, should be fully in line with all principles of due process, and the principle of non-discrimination on the basis of religion or belief;

(j) The new criteria currently being elaborated should also allow the acknowledgment of life-stance organizations that are not based on a belief in God or a transcendent power.
