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## FREEDOM OF THE PRESS

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# Denmark

[Denmark](#)[Freedom of the Press 2013](#)

Freedom of speech is protected in Section 77 of the constitution, and the government generally respects this right in practice. However, legal restrictions exist for libel, blasphemy, and hate speech. In April 2012, the Supreme Court acquitted free speech advocate and former newspaper editor Lars Hedegaard of making “insulting or degrading” statements about the treatment of women in Muslim societies. The statements were made on a private video that had been published on a blog without his knowledge. The judgment stressed that Hedegaard was only acquitted because he was unaware that the offensive statements would be made public. According to the public prosecutor’s office, more than 50 people have been found guilty of violating the hate speech clause of the criminal code since 2000.

The 1985 Access to Public Administration Files Act permits any person to request public documents located in an administrative file and requires authorities to respond to requests in a timely manner. If the request is expected to take longer than 10 days to process, they must explain the reason for the delay and provide an

estimated response time. In 2012, a proposed revision to the act came under fire from journalists and freedom of speech advocates. It would introduce disclosure exemptions for documents prepared to advise ministers as well as documents exchanged between ministers and members of parliament in connection with laws or political processes. Critics said this could cloak much of the country's top-level decision making in secrecy.

Print, online, and broadcast media are regulated by the Danish Press Council, whose eight members are jointly appointed by the president of the Supreme Court and journalists' associations. Participation is mandatory for broadcast media and print outlets that publish at least twice a year; online media that choose to register receive the legal protections afforded to traditional journalists. If an outlet is found to have committed an ethical violation, the council can order it to publish the ruling; failure to do so can result in a fine or up to four months in jail, though these sanctions are rarely used. The current system has been undergoing a revision process in the past few years, with politicians and victims of violations calling for stricter controls.

In January 2012, the companies operating Roj TV, a Copenhagen-based international Kurdish satellite television station, were found guilty of "promoting terrorism" and received a large fine. The court established that Roj TV is financed and controlled by the Kurdistan Workers' Party (PKK), a separatist militant group operating in southeastern Turkey that is designated as a terrorist organization by the European Union and other entities. However, because the court had no legal authority to revoke its license, the station continued broadcasting. A subsequent investigation resulted in the September arrest of eight individuals suspected of financing the PKK, and a two-month suspension of Roj TV's broadcast license, as it had failed to comply with a request from the Radio and Television Board (RTB). In addition, the government began work on a revision of the law regulating the RTB, weighing proposals that would empower the board to close outlets for promoting terrorism.

The government does not in general restrict use of the internet. However, a growing number of sites are being blocked by court order, including file-sharing sites like Pirate Bay, for violating copyright rules, and sites believed to contain child pornography. A controversial new law that came into effect in January 2012 requires both Danish and non-Danish online gambling sites to register and pay taxes in Denmark. While the law in general liberalized previous gambling laws, it

also led to the blocking of a number of foreign gambling sites. Separately, in June 2011, the Ministry of Justice had put forward a proposal that would require public internet locations—such as internet cafés—to verify potential users' identities before giving them access. The draft was still before the parliament at the end of 2012.

The aftermath of the 2005 controversy over cartoons of the prophet Muhammad still affects the Danish media, both in terms of direct threats against journalists and media houses and through a considerable chilling effect on coverage of related issues. The Danish Security and Intelligence Service (PET) found that the number of attempted or planned attacks was higher in the years 2010–12 than at the height of the cartoon crisis. In June 2012, four Muslim men based in Sweden were sentenced to 12 years in prison in Denmark for planning an attack on *Jyllands-Posten*, the Danish newspaper that originally published the cartoons. In October, a court in Norway found two Muslim residents guilty of planning a bomb attack on *Jyllands-Posten*. The decision was appealed at year's end. The cartoonist at the center of the controversy, Kurt Westergaard, continues to receive round-the-clock protection from the authorities after an assassination attempt in 2010.

The private print media are vibrant, although many papers have clear political sympathies. Two of the three largest daily newspapers, *Politiken* and *Jyllands-Posten*, are owned by the same company, but they have separate editorial boards and journalistic staff. The third, *Berlingske*, also runs the state-funded, public-service radio channel 24syv, which first went on the air in 2011. Government subsidies and a value-added tax (VAT) exemption are vital for the press; state support is available for struggling newspapers. The public broadcaster Danmarks Radio (DR), which operates two general-interest television channels, a 24-hour news channel, and four national radio channels, is dominant in both radio and television and is financed by a license fee. TV2 is a privately run but government-owned television network, while the private station TV3 broadcasts from Britain because of advertising regulations. Satellite and cable television are also available, as is a variety of internet-based news outlets. In 2012, 93 percent of the population had access to the internet.

## 2013 SCORES

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# Free

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