



UNITED NATIONS
ECONOMIC
AND SOCIAL COUNCIL



Distr.
GENERAL

E/3925/Add.5
29 March 1965

ORIGINAL: ENGLISH

REPORT OF THE COMMISSION ON HUMAN RIGHTS

Draft Declaration on the Elimination of All Forms of
Religious Intolerance

Note by the Secretary-General

Addendum

The comments received from the Government of Denmark are as follows:

DENMARK

[Original: English]

The Danish Government is in agreement with the proposal that a declaration on the elimination of religious intolerance is desirable and necessary, and that such a declaration should state, on the one hand, that everyone has the right to freedom of religion and belief, and on the other hand, that no one should be subject to any discrimination on account of his adherence to a religion or belief. Therefore, the Danish Government has no comments to make on the general principles enunciated in the two draft declarations, since they are in conformity with the provisions on freedom of religion laid down in the Danish Constitution (notably articles 67, 68 and 70).

As far as specific provisions are concerned, the Danish Government prefers already at this stage to put on record certain comments to the articles enumerated in the two draft declarations.

Re: Article I in the draft of the working group and article IV in the
draft of the Sub-Commission

This article may be considered compatible with Danish law except for the very special case of the reigning monarch who under article 6 of the Danish Constitution shall be a member of the Evangelical-Lutheran Church.

Re: Article V in both drafts

Under the Danish Act on Minority and Guardianship of 30 June 1922 parents have the right to decide in which religion their children are to be brought up. According to the Parish Council Act of 8 June 1957 a child under fifteen years of age may become member of or be withdrawn from the Established Church of Denmark at the desire of the person or persons having custody of the child. If a child between fifteen and eighteen years of age wishes to become a member of or to be withdrawn from the Established Church, the approval of the person or persons having custody of the child is required in addition to the child's own request.

Re: Article IV, paragraph 3, in the draft of the Sub-Commission

Although there is no clause corresponding to the provision that all education shall be directed to promote understanding, tolerance and friendship among all religions and beliefs in Danish school legislation, the Danish Ministry of Education has in a decree of 1960 concerning the aim of public elementary education stipulated that education should promote children's respect for the opinion of others. Moreover, in a directive of 1960 regarding religious instruction - which is to be in agreement with Evangelical-Lutheran teaching - it is stressed that the students are to be induced to have an open attitude to other religions and beliefs.

According to the Danish act of 31 August 1963 on elementary education and an act of 7 June 1958 on academic high-school education, children who so wish may be exempted from religious instruction in school.

Re: Article VI, paragraph 4, in the draft of the Sub-Commission

The Danish authorities grant residence and work permits on the merits of each individual application and see no reason to deviate from this practice for aliens who wish to stay and work in Denmark in order to teach religious bodies and the like. The Danish Government would therefore prefer a provision which merely obligates the receiving country to give favourable consideration to applications for residence and work permits with the above-mentioned ends in view.

Re: Article VIII in the draft of the Sub-Commission

Danish legislation provides for only two methods of disposal of a deceased person, namely the age-old custom of burying the dead or, since the latter part

of the 19th century, cremation. Other methods of disposal are not likely to be introduced in Denmark and they would in any case require new legislation.

With regard to cremation, Danish legislation (an act of 18 April 1950) requires the ashes of a cremated body to be buried in a churchyard or other place approved by the Minister of Justice or to be placed in a room especially equipped and approved by the Minister of Justice for that purpose. However, the Minister of Justice, or, upon his authority, the police, may permit the ashes to be disposed of in any other proper manner if the deceased person had expressed a definite wish to that effect.

Re: Article IX in the draft of the Sub-Commission

According to the Act of 19 April 1907, concerning various questions in connexion with funerals, the funeral or memorial rites must contain nothing lacking consideration for the Established Church.

Re: Article XI in the draft of the Sub-Commission

The institution of the administration of oaths or solemn declarations in law courts has practically fallen into disuse and is about to be abolished.

Re: Article XII in the draft of the Sub-Commission

Under article 4 of the Constitution the Evangelical-Lutheran Church is the Established Church of Denmark and, as such, is supported by the State. However, any person may be exempted for the greater part of those taxes which are assigned to religious purposes by withdrawing from the Established Church. In this connexion it should be noted that article 66 of the Constitution provides that the "constitution of the Established Church shall be laid down by statute". Since the Reformation in 1536 the King or the State has been the supreme administrative authority of the Church.

This support of the Evangelical-Lutheran Church by the State is a natural consequence of its status as the Established Church of Denmark (to which approximately 97 per cent of the population belongs). Another reason for this preference may be found in the fact that the State, through legislative action, has been largely responsible for considerable reductions in the capital assets belonging to the Established Church (i.e., those of the Church as well as those of

the offices of the ministers of the Church). Moreover, most of the churches are our most valuable historical monuments and would, for this reason alone, be entitled to receive financial support even if they had belonged to another religious body.

The Danish Government would therefore prefer a different formulation of article XII.
