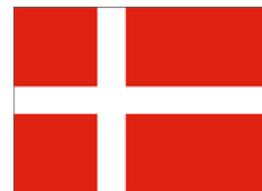


# IFLA/FAIFE World Report: Libraries and Intellectual Freedom



## Denmark

03-07-2000

There is a very long and strong democratic tradition in Denmark, some of the fundamental elements being freedom of expression and free access to published information.

Freedom of expression is considered to be part of the civic and personal rights that are expressed in the Danish Constitutional Act. The principles are specified and made operational in a number of Parliamentary Acts, such as The Danish Library Act, The Danish Public Administration Act, The Danish Access to Public Administration Files Act and Responsibility of Media Act.

<b>Population:</b>	5,313,577 (1999)
<b>GNP per capita:</b>	\$ 27,000 (1999)
<b>Government / Constitution:</b>	Kingdom
<b>Main languages:</b>	Danish
<b>Main religions:</b>	Lutheranism
<b>Literacy:</b>	99%
<b>% of population online:</b>	43,1% (Sept. 2000)

### **The Constitutional Act (last revision 1953)**

The central article relating to freedom of expression is §77:

"Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced."

The access to the expressed information is guaranteed in relation to published works or documents and to public information.

A work or a document is considered to be a limited number of information, which the originator treats as a unity - no matter what purpose it is made for. The information can be expressed in words, pictures, symbols, sound or other forms of expression in various combinations. The work is published when copies of the work is circulated with the consent of the originator.

### **Danish Library Act (Act no. 340 of 17 May 2000)**

The main principles stated in the act are:

"The objective of the public libraries is to promote the dissemination of knowledge, education, and culture by making available books, periodicals, audio books and other suitable materials such as music and electronic information, including Internet and multimedia."

"The public libraries shall disseminate municipal and government information as well as information concerning public affairs from other sources" (§1)

"The objective of the public libraries shall be achieved by observing quality, comprehensiveness and topicality in the choice of materials to be made available. These criterias alone shall be the decisive factors, and not any religious, moral, or political views which might be expressed in the materials" (§2)

"Each local authority shall be required to maintain a public library (...) with departments for adults and children" (§3)

"All public libraries shall be at the disposal of anyone, both for use of material at the library and for borrowing of all the materials mentioned in §1" (§5)

Also the act states that lending is free of charge.(§19)

### **The Danish Access to Public Administration Files Act**

The Danish principles for access to information go further than giving access to published information. The Danish Public Administration Act (Act 571 of 19 December 1995 and the Danish Access to Public Administration Files Act (Act no. 572 of 19 December 1995) give access to public administration files for any party in a case by which a decision will be made by a public administration authority.

A central passage is §4 "Subject to the Exceptions listed (...) any person may demand that he be apprised of documents received or issued by an administration authority in the course of its activity. An administration authority may allow wider access to documents where this is not allowed under the rules of secrecy etc."

The purpose of these acts is prevent mismanagement, corruption, and arbitrary decisions. The philosophy behind these acts is, that public insight (i.e. access to information) is prerequisite for qualified public interests in public administration.

Public administration may seem irrelevant to library policy. The point is however, that according to Danish principles the access to information is of vital interest to any citizen and thus it is the basis of our democracy.

### **Responsibility of Media Act (Act no. 348 of 6. June 1991)**

Securing freedom of speech is in Denmark closely connected to the free and unhindered access to mass-media. Free commentary is part of the exercise of free speech. While carrying out their tasks mass-media should recognize the need to take the individual citizens rights to personal integrity into account and recognize the need of non-infringement without due course.

The basic principle in this law is freedom of expression without censorship. But the author, the publisher or the editor is responsible before the laws.

In this context it should be mentioned that Denmark has a strong ethical codex deriving from the law, but expressed in Press Ethical Rules, enforced by The Press Ethical Board. The codex mainly deals with "correct information" and "good press conduct".

### **Current situation in the Danish Libraries**

As illustrated the basic principles are well founded in the lawbase underlying the librarysystem in Denmark, but that does not mean, that we have no problems in safeguarding the principles of free access to all published information.

Two problem areas will be mentioned:

#### **Selection of Materials**

Despite the wording in The Libray Act, that moral, religious or political issues are not determining factors in the selection of material to the public libraries we have a few examples of municipal governments successfully interfering with selection policy and in reality banning controversial literature.

A recent case was on nazi-literature in a small town library, and it created a huge debate, resulting in the nazi-periodical not being bought by the library.

#### **Internet censorship**

Another issue creating lots of debate is the topic of Internet censorship, especially in childrens libraries. Many practises exist, and some of them involve censorship

#### **Actions by the Danish Library Association**

Within the last few years The Danish Library Assocation has taking two actions to focus on these issues.

As to Internet censorship The Danish Library Assocation has raised the issue by publishing a statement, springing from a broad debate in the governing bodies of the association, recommending the local municipalities and their libraries abolish Internetcensorship, and in stead start a local debate on how to handle these problems with the aim of issuing service manuals in all libraries with guidelines for parents, users and library staff.

And as to the broader issue of access to information and fredom of expression, The Danish Library Association has disseminated the IFLA/FAIFE Statement on Libraries and Intellectual Freedom to all Danish local authorities, recommending them to support their local library in implementing these principles.

Seen in a global perspective the Danish libraries have few and small problems in respect to the principles of free access to information and freedom of expression, but the examples mentioned above illustrates, that the effort for the implementation of these principles in the every day praxis of the libraries is a never-ending story.

An important lesson is that democracy is not installed once and for all. Constant awareness and discussion is necessary to maintain and develop democracy!