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A forthcoming bill proposes the addition of a paragraph 2 to Article 110 e of the Danish Criminal Code, by which any person who publicly or with the purpose of wider distribution is guilty of improper treatment of an object of significant religious importance to a religious community or an object that appears as such shall be punished by fine or imprisonment of up to two years.

On the term “object of significant religious importance to a religious community”

“Objects of significant religious importance” is understood as physical objects which, within the given faith tradition, are considered holy or particularly representative of the faith’s beliefs and/or teachings, e.g. central religious scriptures and the like which are considered particularly holy by the religious community. The use of an object for religious reasons or as part of the practice of religion is not in itself sufficient for the object to be covered by this term, nor are objects which are associated with a religion for cultural or political reasons but which are not in themselves of significant religious importance, including clothing.

Examples of objects, which will be covered, include religious scriptures, such as the Bible, the Quran, the Torah, and the Vedas.

However, objects not covered include articles of clothing, even if it may be attributed religious importance.

The bill will not criminalise depictions, reproductions or imitations of objects of significant religious importance in the form of, for example, drawings, paintings, pictures, models or similar, unless it is not immediately possible to distinguish the imitation or similar from the object of significant religious importance.

The term “religious community” is understood as *folkekirken* (the Evangelical-Lutheran Church in Denmark) and other religious communities that are covered by the definition of a religious community in Article 1 of the Religious Communities Act, i.e. a community, whose members gather around a belief in powers beyond those of humankind and natural laws, and according to formulated doctrines and rituals. However, it will not be a requirement that the religious community is recognised under the Religious Communities Act.

On the term “improper treatment”

“Improper treatment” is understood as actions whereby the objects covered by the provision are destroyed in a derogatory or disparaging manner or otherwise are treated in a derogatory or disparaging manner.

This will include any improper treatment, including burning, soiling, stomping on or kicking the object, or destroying the object by tearing it, cutting it or similar. Furthermore, this will include stabbing the object with a knife.

The criminalisation will not include actions, which cannot be considered improper. Thus, it will not be in violation of the law to dispose of a Bible in a public waste bin, unless it is done in a way that in itself can only be seen as degrading or derogatory. Furthermore, the criminalisation will not include verbal or written statements or drawings regarding religious objects and religious subjects. The same applies to other forms of expression that do not entail physically treating the object in an improper manner.

If the police become aware that a violation is in the process of being committed or will be committed, the police will be able to intervene and bring the criminal activity to an end, pursuant to the ordinary rules set forth in the Police Act and the Administration of Justice Act.

*On the term “publicly or with the purpose of wider distribution”*

It will be a condition that the improper treatment takes place “publicly or with the purpose of wider distribution”. The definition of when improper treatment takes place publicly or with the purpose of wider distribution will be determined in accordance with the corresponding definitions in Article 119 (1) and Article 266 (b) of the Danish Criminal Code and in case law on the provisions.

Improper treatment will be covered by the provision if, for example, it takes place in a public square or road, is transmitted via internet, e.g. on social media, or is intended to be disseminated by the media or in public meetings. However, improper treatment, which takes place among a closed circle of people, will generally not be covered by the provision.

Improper treatment which is live streamed or otherwise shown on private profiles or pages on private social media, blogs, forums or similar with a limited number of followers, friends, connections, etc. must typically be regarded as performed in such a limited private circle that it is not considered to be performed with the purpose of wider distribution. However, a private profile or page may have so many followers, friends, connections, etc. that a live streaming or other showing of the improper treatment must be considered to have been performed with the purpose of wider distribution.

*The legislative process*

The bill will now undergo a four-week external consultation process, whereby the bill is expected to be ready for introduction during the opening week of the forthcoming parliamentary session. As there is a risk that the situation may quickly change, the Government wishes to simultaneously introduce the bill on 1 September 2023 so that, if necessary, it can be considered and adopted before the end of the current parliamentary session.