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**Submission to the 52nd Session of the Human Rights Council's
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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the prevalence and normalization of disability-selective abortion in Denmark, particularly in cases involving children diagnosed with Down syndrome, and the underlying discriminatory stereotypes that undermine the equal value of persons with disabilities. It also addresses emerging threats to freedom of expression posed by the criminalization of public “improper treatment” of religious objects and other related legal provisions.

(a) Rights of Persons with Disabilities

Background

3. In 2004, Denmark became the first country to recommend that all pregnant women undergo free prenatal screening for Down syndrome and other genetic conditions.¹ Since then, approximately 95% of women who receive a positive diagnosis for their child choose to end their pregnancy.² In 2023, only 23 children with Down syndrome were born in Denmark—down from 60–70 annually before the policy's introduction.³
4. A 2021 study found that within Denmark’s welfare model, children with Down syndrome are often seen as “unworthy investments” because of the high cost of support and the perception that they cannot contribute meaningfully to society, reinforcing harmful stereotypes, attitudes and behaviours that view persons with disabilities as a societal burden.⁴
5. Another study found that Danish parents who keep their children after a positive diagnosis experienced feelings of vulnerability and doubt due to their decision being uncommon. While coercion is not reported, some health-care professionals reportedly assume abortion to be the default decision.⁵
6. During the previous Universal Periodic Review cycle, Denmark has accepted recommendations on upholding the rights of persons with disabilities, including by adopting “concrete measures to address stigma, discrimination and exclusion faced by persons living with Down syndrome.”⁶ However, disability-selective abortion remains

¹ S. Lou et al. ‘National screening guidelines and developments in prenatal diagnoses and live births of Down syndrome in 1973–2016 in Denmark’ (1 December 2017) *Obstetrics and Gynaecology*, <https://obgyn.onlinelibrary.wiley.com/doi/10.1111/aogs.13273>.

² Retten Til Liv ‘Down syndrome in numbers’ (May 2025) <https://rettentilliv.dk/info/fosterdiagnostik/downs-syndrom/downs-syndrom-i-tal/>.

³ Id.

⁴ O. Spalletta ‘Patrons of the State: Reciprocity, Belonging, and Life with Down syndrome in Denmark’ (January 2021) *Brandeis University*, <https://scholarworks.brandeis.edu/esploro/outputs/doctoral/Patrons-of-the-State-Reciprocity-Belonging/9923947190601921>.

⁵ S. Lou et al. “‘This is the child we were given’: A qualitative study of Danish parents’ experiences of a prenatal Down syndrome diagnosis and their decision to continue the pregnancy’ (March 2020) *Sexual and Reproductive Healthcare* 23:100480, <https://www.sciencedirect.com/science/article/abs/pii/S1877575619302988>.

⁶ Human Rights Council ‘Report of the Working Group on the Universal Periodic Review - Denmark’ (14 July 2021) A/HRC/48/10, 60.232.

Human Rights Council ‘Report of the Working Group on the Universal Periodic Review - Denmark, Addendum’ (16 July 2021) A/HRC/48/10/Add.1.

unaddressed in legislation or public policy, despite repeated concerns raised by civil society and treaty bodies, including during Denmark's review under the Convention on the Rights of Persons with Disabilities (CRPD).⁷

Legal Framework

7. In 2018, Denmark adopted the Act on the Prohibition of Discrimination on the Basis of Disability, banning direct and indirect discrimination on the grounds of disability. Notably, "indirect discrimination" is defined as "an apparently neutral provision, condition or practice that would place persons with disabilities at a disadvantage compared to other persons."⁸
8. The 2020 revision of the country's 2004 Guidelines for Prenatal Screening claims to "support the principle that foetal diagnostic examinations are an offer that pregnant women can opt in or out of along the way, just as the choice between terminating or maintaining the pregnancy in the event of a finding of serious illness or disability in the foetus must be equal alternatives."⁹ The government offers a first and second trimester scan as well as a risk assessment for chromosomal abnormalities.¹⁰
9. The stated purpose of the guidelines is "to gain knowledge about the pregnancy and the condition of the foetus."¹¹ Specifically, in the case of "serious illness or disability", this knowledge is aimed at providing either a) a better life for the child through effective monitoring and care during and after birth as well as mental and emotional preparation of the parents, or b) enabling women to apply for pregnancy termination after the twelfth week.¹²
10. The guidelines recognize ethical considerations ranging from "the possibility of terminating the pregnancy in the event of serious illness or disability in the foetus, to questions of societal stigmatisation of parents who choose to give birth to a child with, for example, Down's syndrome."¹³ In particular, they recognize that:

"[C]ombined with the fact that a large proportion of pregnant women today choose abortion on the basis of the total prenatal diagnostic examination services, it can be assumed that it will lead to narrower perceptions of normality in the population and especially among pregnant women, if even more fetuses with chromosomal abnormalities are detected and aborted."¹⁴
11. Despite this recognition, the guidelines ultimately conclude that:

⁷ See e.g.: EU for Trisomy 21 'The Rights of People with Down Syndrome in Denmark: Written submission for the 31st session of the CRPD' (July 2024) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FCS%2FDNK%2F58982&Lang=en.

⁸ Law no. 688: Act on the Prohibition of Discrimination (adopted 8 June 2018) <https://www.retsinformation.dk/eli/lt/2018/688>, sec. 5.

⁹ Ministry of Health 'Guidelines for prenatal diagnostics' (24 November 2020) <https://www.sst.dk/da/udgivelser/2020/Retningslinjer-for-fosterdiagnostik>, p.5.

¹⁰ Id., p.12.

¹¹ Id., p.11.

¹² Id., p.11.

¹³ Id., p.7.

¹⁴ Id., p.8.

“[T]he presence of various diseases, conditions and disabilities is generally not prioritised in the health service for the sake of the perception of normality. In addition, consideration for women's self-determination will, as a general rule, weigh more heavily than consideration for a given normative perception of normality or for a desire for diversity at the societal level.”¹⁵

12. The Guidelines’ reduction of concerns about children with disabilities to issues of “perception of normality” and a “desire for diversity” fails to acknowledge the serious violation of human dignity inherent in the practice and normalization of disability-selective abortion. This framing disregards the rights of children with disabilities and, at minimum, constitutes indirect discrimination under Denmark’s own prohibition on disability-based discrimination.¹⁶
13. In contrast, the “[t]he Danish Health Authority advises against examination of the sex of the foetus at the first trimester scan, unless there is a clear medical indication for this,” revealing a double standard in the country’s approach to prenatal selection.¹⁷
14. Denmark’s June 2025 legislation extending abortion on demand to 18 weeks further entrenches disability-selective practices.¹⁸ After 18 weeks, the Abortion Board, comprised of a group of medical professionals, may approve late-term abortions where there are “significant reasons to terminate the pregnancy”. This includes, *inter alia*, where,
 - a. “pregnancy, childbirth or care for the child entails a risk of deterioration of the pregnant woman's [physical or mental] health”,
 - b. “there is a risk that the child will suffer serious physical or mental suffering due to hereditary predisposition or damage or illness in the foetus.”¹⁹
15. As most diagnoses of genetic abnormalities occur in the first trimester, the vast majority of disability-selective abortions happen without adequate scrutiny or data tracking.²⁰

Incompatibility of Disability-selective Abortion with International Human Rights Law

16. Under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”²¹ The protection of unborn life is also reflected in the preamble of the Convention on the Rights of the Child (CRC): “[T]he

¹⁵ *Id.*, p.8.

¹⁶ Law no. 688: Act on the Prohibition of Discrimination (adopted 8 June 2018)
<https://www.retsinformation.dk/eli/lta/2018/688>, sec. 5.

¹⁷ *Id.*, p.12.

¹⁸ Ministry of the Interior and Health ‘New Abortion Law from 1 June 2025 – Factsheet for Health Professionals’ (25 April 2025)
<https://www.ism.dk/Media/638815913056917396/Faktaark%20til%20sundhedspersoner%20Nye%20abortregler%20fra%201.%20juni%202025-TILG.pdf>.

¹⁹ Ministry of the Interior and Health ‘Health Act’ (2005, last amended 12 March 2025)
<https://www.retsinformation.dk/eli/lta/2025/275>, sec. 94.

²⁰ Ministry of Health ‘Guidelines for prenatal diagnostics’ (24 November 2020)
<https://www.sst.dk/da/udgivelser/2020/Retningslinjer-for-fosterdiagnostik>, p.11.

²¹ International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 6.

child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, *before* as well as after birth.”²²

17. Article 1 of the CRC defines a child as “every human being below the age of eighteen years”, but does not provide a lower limit on when the status of “child” attaches. Moreover, Article 6 holds: “States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.” Viewed in the context of the preamble, both Articles 1 and 6 of the CRC indicate recognition and protection of unborn life.
18. Further, Article 10 of the Convention on the Rights of Persons with Disabilities (CRPD) states: “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”²³
19. Beyond the direct violation of the right to life, the failure to address and prohibit disability-selective abortion normalizes a hierarchy of human worth, where the value of human life becomes conditional on genetic traits.²⁴
20. Article 25 of the CRPD guarantees that “[P]ersons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.”²⁵ Relatedly, Article 26 further requires that they be provided with “comprehensive habilitation and rehabilitation services and programmes, particularly in the [area] of health,” to ensure “full inclusion and participation in all aspects of life.”²⁶ These obligations logically extend to the prenatal context.

(b) Freedom of Expression

Background

21. In 2023, Denmark witnessed a series of Quran burnings and related acts, including outside foreign embassies. These incidents, following similar events in Sweden, triggered a significant international outcry, particularly from Islamic countries.²⁷
22. In response to these developments, the Danish Parliament rapidly amended, by a narrow vote, its Penal Code to criminalize “improper treatment of writings of significant importance for a recognized religious community”.²⁸ According to the Danish Justice Ministry, the goal of the amendment was to combat “systematic mockery” as a strategy to address the terror level in Denmark. The new law faced significant criticism from

²² Convention on the Rights of the Child (adopted 20 November 1989, entry into force 2 September 1990) 1577 UNTS 3 (CRC), art. 1 & 6.

²³ Convention on the Rights of Persons with Disabilities (adopted 12 December 2006, entry into force 3 May 2008) 2515 UNTS 3 (CRPD), art. 10.

²⁴ *Id.*, preamble (a).

²⁵ *Id.*, art. 25.

²⁶ *Id.*, art. 26.

²⁷ T. Latschan ‘Denmark: Trial for Quran burning kicks off in Bornholm’ (5 August 2025) *Deutsche Welle*, <https://www.dw.com/en/denmark-trial-for-quran-burning-kicks-off-in-bornholm/a-72467497>.

²⁸ Danish Penal Code (last amended November 2024) <https://www.lovtidende.dk/api/pdf/244983>, sec. 110(e).

political opposition members as well as civil society organizations for threatening freedom of expression in the country.²⁹

23. In May 2025, the first trial under the new law resulted in fines for two individuals who burned a Quran at a public event.³⁰ The conviction is under appeal.³¹

Legal Framework

24. Article 77 of the Danish Constitution establishes that “Any person shall be at liberty to publish his ideas in print, in writing and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced.”³²
25. In June 2017, Denmark repealed section 140 of the Penal Code, which criminalized any act which “ridicules or insults the dogmas or worship of any lawfully existing religious community.” The commentary attached to the bill stated that “The bill should also be seen as an element to ensure the secularization of society. All religions can be the basis for discussion and criticism, without this in itself being criminalized.”³³

26. However, section 266(b) of the Penal Code still establishes that:

“Any person who, publicly or with intent to disseminate to a wider audience, makes a statement or other communication by which a group of persons is *threatened, insulted or degraded* because of his or her race, colour, national or ethnic origin or belief, or disability, or because of the sexual orientation, gender identity, gender expression or sex characteristics of that group, punishable by a fine or imprisonment of up to 2 years.” (emphasis added)³⁴

27. Furthermore, as stated above, in July 2023 section 110(e) of the Penal Code was amended to read as follows:

“(1) A fine or imprisonment of up to 2 years shall be imposed on anyone who publicly insults a foreign nation, a foreign state, its flag or other recognized national emblem or the flag of the United Nations or the European Council.

(2) In the same way, a person who publicly or with intent to disseminate to a wider circle is guilty of *improper treatment of a work that is of significant religious importance to a recognized religious community*, or an object that appears as such a book, is punished.” (emphasis added)³⁵

²⁹ Deutsche Welle ‘Denmark parliament adopts bill prohibiting Quran burnings’ (12 July 2023) <https://www.dw.com/en/denmark-parliament-adopts-bill-prohibiting-quran-burnings/a-67659274>.

³⁰ T. Latschan ‘Denmark: Trial for Quran burning kicks off in Bornholm’ (5 August 2025) *Deutsche Welle*, <https://www.dw.com/en/denmark-trial-for-quran-burning-kicks-off-in-bornholm/a-72467497>.

³¹ TagesAnzeiger ‘Court imposes first punishment for ‘inappropriate treatment of the Koran’” (16 May 2025) <https://www.tagesanzeiger.ch/urteil-aus-daenemark-gericht-verhaengt-erstmal-stra-fe-fuer-unangemessene-koranbehandlung-923863561850>.

³² Constitutional Act of Denmark (adopted 5 June 1953), art. 77.

³³ Danish Parliament ‘Proposal for the Act amending the Penal Code – Repeal of the blasphemy law in the Penal Code’ (18 March 2017) <https://perma.cc/3DKR-TJC8>.

³⁴ Danish Penal Code (last amended November 2024) <https://www.lovtidende.dk/api/pdf/244983>, sec. 266(b).

³⁵ *Id.*, sec. 110(e).

28. A government factsheet issued in August 2023 defines “improper treatment” as actions whereby protected religious objects are “destroyed in a derogatory or insulting manner or otherwise treated in a derogatory or insulting manner.” This includes burning, soiling, trampling, or destroying the object, as well as other acts which, in context, “must be considered derogatory or insulting.” The threshold for what constitutes “improper treatment” thus rests on a subjective assessment—often reflecting the sensibilities of members of the relevant religious community—rather than an objective standard such as incitement to violence.³⁶
29. The introduction of this provision appears to contradict Article 77 of the Danish Constitution, which expressly asserts that “censorship and other preventive measures shall never again be introduced.”³⁷

Freedom of Expression in International Law

30. The concept of “improper treatment” under Penal Code Section 110(e), paragraph 2, does not meet the narrowly defined grounds for permissible limitations on freedom of expression under Article 19 of the ICCPR, namely the exercise of this right may be subject only to restrictions provided by law and necessary for “respect of the rights and reputations of others” or “the protection of national security or of public order, or of public health or morals”.³⁸
31. Article 20 requires that “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”³⁹ However, as noted by the Human Rights Committee, “a limitation that is justified on the basis of article 20 must also comply with article 19, paragraph 3.”⁴⁰
32. The new provision’s vague and subjective nature fails to satisfy the principle of legality, which requires restrictions to be clear, specific, and predictable. Moreover, such expression cannot be considered, in itself, an act of incitement to hostility, discrimination or violence, as the expression is not targeted at individuals or groups but rather at religious belief and symbols—criticism of which is protected under international human rights law.
33. The Human Rights Committee noted that “prohibitions of displays of lack of respect for a religious or other belief system, including blasphemy laws, are incompatible with the Covenant, except in specific circumstances envisaged in article 20, paragraph 2.” Even then, however, they must comply with the strict requirements of other relevant provisions and must not be used to “prevent or punish criticism of religious leaders or commentary on religious doctrine or tenets of faith”.⁴¹
34. As Dr. Nazila Ghanea, current Special Rapporteur on Freedom of Religion or Belief, has observed, “it may be that hatred hurts and harms the sensibilities of scores of

³⁶ Ministry of Justice ‘Factsheet’ (25 August 2023) <https://perma.cc/96H7-65MX>.

³⁷ Constitutional Act of Denmark, art. 77.

³⁸ ICCPR, art. 19(3).

³⁹ Id., art. 20(2).

⁴⁰ Human Rights Committee ‘General Comment No.34 – Article 19’ (12 September 2011) UN Docs CCPR/C/GC/34, 50.

⁴¹ Id., 48.

people deeply and profoundly yet does not justify criminal sanctions against the source of that hatred in accordance with international human rights law.”⁴²

35. The Danish Justice Ministry has justified the prohibition on “improper treatment” by citing heightened risks of terrorism—a potential appeal to national security.⁴³ However, under international law, the State bears the burden of proving that any restriction is necessary and proportionate to a legitimate aim. Expression that does not meet the strict threshold articulated in the ICCPR cannot lawfully be curtailed merely because it may provoke retaliatory acts by extremist actors. Such reasoning wrongly shifts responsibility from those who commit violence to those exercising protected expression, undermining the very purpose of freedom of expression protections.

(c) Recommendations

36. In light of the aforementioned, ADF International suggests the following recommendations be made to Denmark:

- a. Redouble efforts to guarantee the equal right to life of persons with disabilities, especially children;
- b. Revise the national prenatal diagnostics guidelines in a manner that upholds the human dignity of every child, including children with disabilities;
- c. Ensure comprehensive medical, psychological, and social support for parents of children with Down syndrome and other genetic conditions, both before and after birth;
- d. Amend section 94 of the Health Act to explicitly prohibit abortion on grounds of disability at any stage of pregnancy;
- e. Guarantee the right to freedom of expression in accordance with its domestic and international human rights obligations;
- f. Repeal section 110(e), paragraph 2 of the Penal Code criminalizing “improper treatment” of religious texts and symbols, among others;
- g. Amend section 266(b) of the Penal Code to remove ambiguous and subjective criteria that risk unduly restricting lawful expression;
- h. Ensure that all efforts to combat intolerance, discrimination and violence based on religion or belief comply fully with international human rights law;

⁴² N. Ghanea ‘Hatred on the basis of religion or belief’ (8 January 2024) UN Docs A/HRC/55/47, 8.

⁴³ Deutsche Welle ‘Denmark parliament adopts bill prohibiting Quran burnings’ (12 July 2023) <https://www.dw.com/en/denmark-parliament-adopts-bill-prohibiting-quran-burnings/a-67659274>.



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