

MEDIA CO-REGULATION IN DENMARK - A UNIQUE EXPERIENCE?

In Denmark the Government passed an Act of Parliament in 1992 to establish the press council (PC, or Pressenaevnet). It is an independent, public tribunal which deals with complaints about the mass media. The Media Liability act is in place to ensure that press council decisions are followed, it covers print, radio, TV and the Internet. The Government does not intervene any further in media regulation.

The PC consists of a chairman, a vice-chairman and six other members who are appointed by the Minister of Justice. The appointment of the chairman and the vice-chairman, who must be lawyers, is made upon recommendation by the president of the Danish Supreme Court, two members are appointed upon recommendation by the Danish Journalists' Union, two members are appointed to represent the editorial managements of the printed press and radio and television upon recommendation by these and two members are appointed as public representatives upon recommendation by the Danish Council for Adult Education.

They all have a substitute and all are appointed to serve for a four year period. One person from each of the four representative groups must be present for an adjudication to take place. The expenses of the activities of the PC are covered by the media according to a scale fixed in the PC's rules of procedure.

Lodging a complaint can be done by virtually anybody - common people, companies, associations etc. - who think they have been denounced by the media and if they have got a cause of action. The PC may try a case of its own accord where the case is essential or leading. The information system must be registered with the PC and be located in Denmark.

If a complaint is upheld PC can ask for a specific placement in the publication of a correction including its size and layout. Under the Danish system web pages are able to register with the PC, under the Media Liability Act, they are then protected and become subject to the Press Ethical rules. The Media Liability act does not give a complete description of sound press ethics. However, "sound press ethics" is interpreted in the light of the Press Ethical Rules of guidance. Thus the PC assesses the circumstances in every case. Reply means that the complainant gets the opportunity to correct the information published by the media.

One can only request a reply if the following conditions are fulfilled:

- The information published must be of a factual nature;
- The information must be incorrect; the information must be able to cause significant financial or other kind of damage;
- The content of the reply must be limited to the necessary factual information and must not be unlawful.

One can either complain to the media in question or directly to the PC. However, complaints concerning DR, TV2 or TV2's

regional enterprises must always be lodged with these establishments in the first place. The notice of complaint is four weeks after publication. The decision of the undertakings must be brought before the PC within four weeks after the plaintiff has been apprised thereof.

The PC cannot impose a sentence on the media or assure the complainant financial compensation. In cases concerning sound press ethics the PC can express its criticism. In cases about reply the PC may direct the editor of the media in question to publish a reply. In both cases the PC may direct the editor to publish the decision of the PC.

The PC receives about 150 complaints annually, of which about two thirds are adjudicated by the council, and of which about another third is upheld.

Denmark has had its media challenges in recent years and its own hacking cases. The courts have had to deal with journalists and editors who have crossed the line into criminal behaviour and prison sentences have been imposed. One recent court case involved a magazine purchasing information from an individual who had hacked into celebrities' credit card data. In 2012, a serial criminal violently robbed a petrol station. As the prosecution said, and a local Danish paper reported, he assaulted the staff, took a stranglehold on a woman customer and then attempted to drive off in her car, with her two terrified children in it. From his prison cell, thief, through his lawyer, complained that he had been convicted only of grabbing the woman's body, not her neck. He claimed that his reputation and honour had been damaged by this slur. On the orders of the PC, the local newspaper was forced to print a full correction to the robber and a statement criticising itself for "failing to check the facts" with a convicted criminal.



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Andrew Gilligan (21 Apr 2013). So this is what press regulation looks like, <https://www.telegraph.co.uk/comment/10007567/So-this-is-what-press-regulation-looks-like.html>

Europe: Denmark. Current Status: unknown. Press Council: Denmark Pressenaevnet, Press Council Sanne Godthaab Olesen (Secretary) Adelgade 11-13, 4. 1304 Copenhagen, 16/08/2017, <https://accountablejournalism.org/press-councils/Denmark>

Danish Media Regulation – Effective but Not a Scandi Drama, 05.05.2017 <https://www.impress.press/news/danish-media-regulation.html>

www.pressenaevnet.dk