Contribution: cultural dimension of the right to education

# Please provide information on how, in your country, the issue of respect for cultural diversity and the cultural rights of each person is reflected in the school curricula (legislative, institutional and policy framework, and implementation);

Education in Denmark is rooted in a legal framework that ensures the cultural rights of each person and that education promotes intellectual freedom, equality and democracy. The following is a brief review of the legislative framework regarding cultural diversity and rights in Early Childhood Education and Care (ECEC), primary and lower secondary education (The Folkeskole), upper secondary school, vocational education and training and in the general adult education programme in Denmark.

**ECEC**

Virtually all children between the ages 0-6 attend Early Childhood Education and Care (ECEC) every day in the form of family daycare (0-2-year-olds), day nursery (0-2-year-olds) or kindergarten (2-5-year-olds). In Denmark, access to ECEC is not dependent on the parents’ affiliation to the labour market. It is a right of the child and ECEC access is guaranteed from when the child is 26 weeks old. ECEC does require a tuition fee unlike other public schooling, which is free in Denmark.

The Act on Early Childhood Education and Care (ECEC) (2020) includes an objects provision for ECECs in which cultural diversity and rights is reflected in the section on the child’s formation. The objects provision stipulates that ECECs should promote children's formation. Formation refers to a deeper form of learning, where children as active participants cement values and knowledge in their own personality as guidance to navigate and act in a global world as considerate, critical and democratic human beings. Formation refers to pedagogical objectives as well as pedagogical content and form. Formation, equality and democracy should be integrated into the daily pedagogical practice, so that children feel involved and have a say in everyday life and activities, regardless of background, gender, age and culture. The formational content should be meaningful, challenge the child and be the outset for how children understand and act in a digital and global world.

**Primary and lower secondary school**

Education in Denmark is compulsory for all children between the ages of 5-16. This can take place in private schools, public schools and in rare cases home school. All of these must meet the requirements of the Folkeskole (Primary and lower secondary school) Act (2019). The Folkeskole Act object provision provides the overall framework for the schools’ activities.

The Folkeskole Act object provision stipulates the following concerning cultural diversity and rights:

1 (1)The Folkeskole shall - in cooperation with the parents - further the pupils' acquisition of knowledge and skills that: prepare them for further education and give them the desire to learn, familiarize them with Danish culture and history, provide them with understanding of other countries and cultures, contribute to their understanding of the human interplay with nature and promote the pupil’s all-round development.

(3) The Folkeskole shall prepare the pupils for participation, joint responsibility, rights and duties in a society based on freedom and democracy. The teaching of the school and its daily life must therefore build on intellectual freedom, equality and democracy.

These sections from the Folkeskole act exemplify how respect for cultural diversity and the cultural rights of each person is included in the overall legal framework of the Folkeskole.

The respect for diversity is also reflected in the pedagogical approaches in the Folkeskole. The pedagogical approaches build on the principle of differentiated teaching. The teaching should be organized in such a way that it takes each individual pupil’s interests, qualifications and needs into account in the learning activities.

Private schools:

A large percentage of primary and lower secondary private schools’ budgets are financed by the state. The state provides a subsidiary of 75 pct. of the average cost per pupil in the Folkeskole. The remaining expenses are financed privately. In this way the state supports the foundation of schools with different cultures and beliefs than the Folkeskole.

The Private School Act (2019) stipulates the following concerning cultural diversity and rights:

1 Private schools can, within this and other legal framework, provide education that agrees with the school’s own beliefs, and organize the teaching and learning so that it coincides with these beliefs. Within this framework, schools decide which students they want to enroll.

(2) Private schools provide education in preschool and 1st to 9th grade that corresponds to the requirements of the Folkeskole. In their entire work and purpose, the schools must prepare students to live in a society like the Danish society with freedom and democracy and furthermore develop and strengthen the student’s democratic formation and their knowledge and respect for basic freedom and human rights including gender equality.

**Upper secondary school**

72,0 percent of the pupils graduating from primary and lower secondary school applied for the general upper secondary school in 2018, while 20,1 percent applied for vocational upper secondary schools and 7,9 percent applied for other options.

General Upper Secondary School:

The General Upper Secondary School Act (2019) object provision stipulates the following concerning cultural diversity and rights:

1 (3) The educational institutions have to incorporate a formational perspective that emphasizes the development of personal authority. Therefore, the students have to learn to become reflective and responsible concerning the surrounding world: fellow humans, nature, society and their own development. In addition, the educational institutions have to further the student’s creative and innovative skills and their critical thinking.

(4) The educational institutions and their culture have to prepare the students for participation, co-responsibility and duties in a free and democratic society. The learning activities and all daily activities of the institution must build on intellectual freedom, equality and democracy and strengthen the student’s knowledge and respect for the fundamental freedom and human rights including gender equality. Through this, the students must acquire the prerequisites for active participation in a democratic society and understanding of the possibilities for individual and collective contribution for development and change and understanding of the local, European and global perspectives.

The passages exemplify how respect for cultural diversity and the cultural rights of each person is included in the overall legal framework of upper secondary schools.

Vocational Upper Secondary Education:

The Vocational Education and Training act (2020) object provision stipulates as following concerning cultural diversity and rights:

1 (2) : This education system must be organized in a manner that it to the fullest possible extent is suited to: ((3)) contribute to developing the student’s interest for and ability to actively participate in a democratic society and contribute to their personal development, formation of character and professional pride.

The teaching styles in upper secondary education as well as in the other levels of education, revolves around student-centered learning and open debate and reflection during class, close collaboration between students and teachers and active participation and problem solving rather than passive listening. All of which supports the inclusion of diverse inputs.

**General adult education programme**

The General Adult Education Programme Act (2019) object provision stipulates as following concerning cultural diversity and rights:

1 (3) the learning activities build on intellectual freedom, equality and democracy. The learning activities are organized in a manner that strengthen the student prerequisites for active participation in a democratic society. The education must contribute to the students ability to act knowledgeably and opinionated in local and global contexts.

To engage adults in life-long learning, pedagogical approaches targeted at adults are applied in the schools’ learning activities.

# Please provide information on how, in your country, the issue of respect for cultural diversity and the rights of each person is taken into account in the organization of the school system and schools (legislative, institutional and policy framework, and implementation);

**Curriculum freedom**
The curriculum in the Folkeskole does not determine specific learning content but instead states compulsory common aims, objectives themes and topics, which mark the standard requirements concerning each individual subject taught at the specific form levels. This for example allows the individual school to take into account the cultural diversity of its students while determining the learning content and pedagogical approaches suited for their own specific context.

**Strong stakeholder organisations**
Stakeholders have a right to be heard in proceedings regarding changes in the legislation. The stakeholder organisations related to education in Denmark are strongly represented. For example, no legislative changes are made to the Folkeskole without pupil and parent involvement and without the Danish Free School Association and the Danish Private Schools having an option to partake in a hearing.

In youth representation, DUF – The Danish Youth Council - is an umbrella organization for children and youth organizations with 600.000 members. The member organizations of DUF range from scouts to political youth organizations, voluntary social organizations, cultural organizations, environmental organizations, organizations for youth with disabilities and many more.

**Freedom of religion**The Folkeskole builds on Christian core values but it cannot preach any religion. As mentioned in the section 1 the Folkeskole Act stipulates that: “The teaching of the school and its daily life must therefore build on intellectual freedom, equality and democracy.” Schools are at liberty to include different cultures and knowledge about religions in their daily activities.

Pupils who do not wish to take part in the religious education in the Folkeskole have the right to be exempt from the subject Christianity under the condition that their parents have been informed about the contents, relevance and aims of the subject including its non-proclamatory purpose. The purpose of the subject Christianity revolves around multiple religions and the pupils’ ability to understand and relate to individuals’ religious views and what these mean for their perceptions of life and relationships with others.

# Please clarify to what extent the measures described above relate not only to the issue of languages in education (in this regard, please briefly explain the context and provide details on the State language policy), but also arts, heritage, science, history, values and religions, or world views and ways of life, in all their diversity;

**State language policy**Education in Denmark is conducted in Danish, although there are some international schools, at primary and lower secondary level and general upper secondary level including International Baccalaureate schools who conduct their education in English, German and/or French.

Children and young people who have a different first language than Danish receive Danish language training so that they can participate in education on equal terms. To support this, *Danish as a second language* has been made a compulsory subject in the Danish teachers’ education and special efforts have been made to improve the Danish language skills of the people with other first languages in socially disadvantaged areas. In addition, the municipalities can offer children and young people first language education that not only improves their first language but also develops their language acquisition skills, which may affect their Danish language acquisition. The effort to improve foreign language speakers’ Danish language skills also extend to adult immigrants who are offered extensive Danish language education.  **Subjects in the Folkeskole**The Act on common aims, common objectives, compulsory themes and topics for the subjects in the Folkeskole (2018) is the legal framework for the ‘curriculum’ in the Folkeskole.

Cultural diversity and the cultural rights of each person are widely represented in the common aims, objectives, themes and topics not only in relation to the issue of language but in almost all subjects in the Folkeskole.

See examples fromSocial Studies below:

*Purpose of the subject Social Studies:*

**1 (2) The students must acquire the prerequisites for development of critical thinking and core values that enable them to participate in society in a qualified and engaged manor. The students must acquire understanding of how people are affected by, and can affect, society and they must be able to see everyday life in a societal perspective.**

**(3) The students must relate to the democratic core values and rules for the purpose of supporting their own participation in society.**

# Please specify the specific and particular difficulties encountered in ensuring an inclusive and quality education that allows cultural diversity and the cultural rights of each person to flourish at the same time;

**Gender gap in educational attainment**

The educational attainment gender gap has been on the political agenda recently. Even though the educational attainment of immigrants with a non-western background and their descendants between the ages 25-39 have increased strongly over the past 10 years, male immigrants halt behind. 48,6 pct. of immigrant men attain an education diploma leading to a vocational/professional qualification whilst 67,1 pct. of immigrant women achieve the same. The gender gap is also present for native Danes in the same age group. The educational attainment leading to a vocational/professional qualification is 73,1 pct. for men and 80,2 pct. for women and of the 25 to 45 year olds who have completed higher education 55 percent are women and 45 percent men.

**The child’s right to be heard**

A survey from the school year 2017/2018 showed that only 63 pct. of children expelled from their private primary and lower secondary schools were involved in the process leading up to their expulsion. To combat the issue the Ministry of Children and Education has published guidelines for private schools on how to involve children in proceedings related to expulsion in accordance to the UN Convention on the Rights of the Child article 12. Most recently, a government agreement to resolve this issue has been made and the next step is to pass legislation ensuring the child’s right to be heard in the process leading up to expulsion.

**Demographic composition in specific areas**

The demographic composition of pupils is skewed in certain areas in Denmark. The Danish government has as an ambition that the pupils in Primary and Lower and Upper Secondary Schools should better reflect the current composition of the Danish Society. A better distribution of pupils with different backgrounds will increase the trust in each other and improve the integration to the Danish society.

# Have specific mechanisms been established to consult and ensure the participation of stakeholders, in particular populations concerned and parents, for a better understanding and effectiveness of the right to education, including its cultural dimension? What place is given in this context to the voice of children?

In Denmark, education is developed and carried out with close cooperation between all relevant stakeholders from ministries, parliament, civil society and private sector.

At the national level, there are stakeholder organizations for pupils, parents, teachers, pedagogical staff, school leaders, employers, workers, schools and municipalities (primary and lower secondary school is under the jurisdiction of the municipalities). These organizations are recognized and heard in proceedings regarding the passing of legislation relevant to them.

At the different institutional levels, the involvement of stakeholders is ensured through legal rights to form student councils and schoolboards with student council and parent representation. This protects stakeholder involvement and gives students and parents influence on how education is carried out at the institutional level.

In addition, it is a tradition in the Danish Ministries for the Ministers to appoint independent ad hoc councils who advice the Ministers in their areas of expertise. The Council for Children’s Learning whom advises the Minister of Children and Education includes representatives from institutional, pupils and parents organizations.

# What recommendations should be provided to the States and other stakeholders on these issues?

* Involvement of all stakeholders should be secured by national, local and institutional formal and informal structures. Substantial democratic stakeholder involvement secures the individual rights of each person and ensures the future relevance of the educational content for individuals and for society as a whole.
* States should support children’s and youth stakeholder organizations financially and structurally.
* The rights of children to be heard should be protected by legislation, including children’s rights to form pupil councils and children’s rights to be heard in expulsion proceedings.
* The Danish education system firmly believes that democratic formation should be at the center of all education activities. This creates the basis for an inclusive democratic education system that enables the flourishing of cultural diversity and the cultural rights of each person.