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**REPORT SUBMITTED BY DENMARK  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## **Part I. Introduction on Denmark's implementation of the Framework Convention**

Denmark ratified the Council of Europe's Framework Convention for the Protection of National Minorities on 22 September 1997. The Framework Convention entered into force for Denmark on 1 February 1998. Prior to ratification, on 27 November 1996, the Danish Minister for Foreign Affairs presented a proposal for a parliamentary resolution on Denmark's ratification of the Framework Convention (Appendix 1). On 22 April 1997 Parliament (the Folketing) gave its approval for ratification.

In connection with the ratification, Denmark declared that the Framework Convention will apply to the German minority in South Jutland. This declaration reflects the fact that the border between the Kingdom of Denmark and the Federal Republic of Germany actually does not delimit the areas inhabited by the two peoples. In the regions north and south of the border (which has been fixed since the referendums in 1920) - i.e. South Jutland in Denmark and Schleswig in Germany - Danes and Germans live together in traditional residential areas. The members of the German minority in Denmark are nationals of Denmark, and the members of the Danish minority in Germany are nationals of Germany.

Following the Second World War the view - shared by the Danish and German governments that the border was fixed - afforded a basis for the solution of the minority problem. This position has since been supported by the majorities and minorities north and south of the border. This consensus of opinion brought about practical solutions based on the Copenhagen-Bonn Declarations of 1955. In retrospect, it appears that the Copenhagen-Bonn Declarations have proved their worth during the 44 years these agreements on the protection and promotion of national minorities in the German-Danish border region have been realised. Denmark finds that the Copenhagen-Bonn Declarations still provide a solid platform for the protection of the minorities' rights and that these declarations may serve as a model to be copied elsewhere. Besides the Copenhagen-Bonn Declarations, emphasis is also placed on tolerance and the will to European co-operation.

The problems that used to exist between the two ethnic groups of the borderland have clearly yielded to mutual respect and closer co-operation, and the border between Denmark and Germany as far as harmony and reconciliation is concerned has remained one of the most stable national frontiers in Europe. A contributory factor to this positive development has also been the creation in post-war Europe of multilateral structures such as NATO and the EEC as these organisations have attended to security policy issues, as well as political and economic matters in general which used to be dealt with at a strictly bilateral level.

In that connection attention should also be directed to the Liaison Committee concerning the German Minority, which was set up in 1965. Since its establishment this advisory committee, where representatives of the German minority together with the Danish Government and members of the political parties represented in Parliament negotiate home affairs of interest to the minority, has demonstrated its vital significance as a practical instrument in the solution of the minority's problems. Moreover, in the summer of 1983 a special secretariat to the German minority was set up in Copenhagen.

In this context, even long before Denmark's ratification of the Council of Europe's Framework Convention, Denmark had thus provided solutions that satisfy the principles of the Framework Convention for the Protection of National Minorities. In this connection reference can be made to the fact that Denmark, in fields where this is specially needed, had already implemented special measures in relation to the German minority to ensure full and effective equality between the minority and persons belonging to the majority. A prime example of this is the special state subsidy of about DKK 2.3 million that the minority receives every year for its library system. Furthermore, every year the German minority schools receive a special supplementary subsidy (DKK 3.8 million in 1999) to

cover the special cost requirement that is necessary to maintain and secure the German minority's school system.

Under these circumstances, Denmark has not amended its statutes nor taken other special measures to give effect to the principles of the Framework Convention.

The report contains a description of the present state of the law in Denmark to make it possible to verify that the existing law meets Denmark's obligations under the Framework Convention.

The German Minority's Secretariat in Copenhagen has helpfully supplied factual information for the preparation of this report. Moreover, both the contributions to the report from the appropriate ministries and the full draft report have been presented to the German Minority's Secretariat in Copenhagen, offering the minority an opportunity to voice its comments. It appears from the report to what extent information stems from the German minority in South Jutland.

The structure of this report follows, to the largest possible extent, the outline adopted by the Council of Europe's Committee of Ministers on 30 September 1998 for the first reports to be submitted by Parties. Moreover, maximum endeavours have been made to ensure that the report contains all the information that is requested in the outline. The report therefore also contains information that is not directly related to Denmark's implementation of the Framework Convention.

The Framework Convention for the Protection of National Minorities was published in the Danish Law Gazette, Lovtidende C, on 23 April 1998 in the English version with a translation into Danish. A reprint of the Order is enclosed (Appendix 2). All treaties between Denmark and foreign countries are published in Lovtidende C.

Furthermore, in June 1996 the Ministry of Foreign Affairs published a booklet on the Council of Europe with special emphasis on the work of the Council of Europe with regard to the protection and promotion of human rights. On pages 36-38 the booklet contains a section on the Framework Convention for the Protection of National Minorities (Appendix 3).

Besides the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages also embodies rules for the protection of national minorities. The Charter was signed on 5 November 1992 and has to date been ratified by eight states. In the forthcoming parliamentary session the Danish Government hopes to be able to present a proposal for a resolution on Denmark's ratification of the Charter.

#### **General background information:**

The Constitutional Act of the Kingdom of Denmark (the Constitution) applies to all parts of the Danish Realm, cf. section 1 (Appendix 4).

#### **The status of international law in the domestic legal order**

In the exercise of their functions, all Danish authorities, including Parliament (the Folketing), the courts and the administrative authorities, have an obligation to ensure compliance with the human rights principles and norms set forth in the Constitution and the international instruments ratified by Denmark. Individual conventions may be transformed into domestic law. The possession of rights and freedoms is an inherent part of being a member of the Danish society.

Parliament is subject to the control of the judiciary. Danish courts hold the authority to declare an act passed by Parliament unconstitutional. If the courts find that a law passed by Parliament is incompatible with the human rights principles and norms set forth in international instruments ratified by Denmark, the courts will only uphold the law in so far as it can be proven that Parliament was aware of the conflict at the time of the making of the law and intended to set aside the international legal obligations of Denmark.

The administrative authorities are subject to the control of the courts and the Parliamentary Ombudsman. The courts are responsible for the administration of justice. The independence and impartiality of the courts are safeguarded by the Constitution, the Administration of Justice Act, and the human rights instruments ratified by Denmark, in particular Article 6 of the European Convention on Human Rights and Article 14 of the International Covenant on Civil and Political Rights.

The courts hold the competence to review decisions and regulations made by the administrative authorities. The scope of the review varies with the circumstances of the case and the contents of the laws and regulations relevant to the case. However, as a general rule the scope of the review can be considered to be wide. Questions regarding human rights obligations of the administrative authorities are always subject to the review of the Danish courts.

In criminal cases the courts are involved in the investigation in so far as the investigation requires coercive measures such as wire-tapping, search of private premises, detention on remand, etc. which need approval of the judiciary according to the Administration of Justice Act. The courts must ensure that the coercive measures are required in the circumstances of the case and that any given action does not violate human rights guarantees of the individual provided for in the Constitution or in international human rights instruments ratified by Denmark. In the adjudication of a criminal case the courts must ensure that the rights of the accused are respected and that the person involved is not convicted unless guilt is proven beyond any reasonable doubt.

The Ombudsman is an independent authority elected by Parliament and empowered to investigate any administrative action within the civil central Government, the military forces and, as a general rule, within the local government administration. The Ombudsman can conduct an investigation either on the basis of a complaint from an individual affected by a certain administrative action or on his own initiative. Administrative secrecy may not be invoked against the Ombudsman. The Ombudsman is not empowered to hand down binding decisions regarding the subject matter of a case. The types of remedies at his disposal are referral back to the original agency, recommendations, and passing information regarding illegalities on to the appropriate authorities. In practice the Ombudsman has great influence on the administration conducted by the public authorities.

Denmark has a "dualist" system under which international agreements to which Denmark becomes a party are not automatically incorporated into domestic law. When Denmark wishes to adhere to an international agreement it must, therefore, ensure that its domestic law is in conformity with the agreement in question. It is, however, not disputed that international law, including conventions, is a relevant source of law in Denmark.

During the late 1970s and the 1980s a debate took place in Denmark about the status of certain human rights conventions in Danish law, including the International Covenant on Civil and Political Rights and the European Convention on Human Rights (ECHR) due to the special character of these treaties as human rights treaties as opposed to other international agreements. The impact of the ECHR in the legislative process and before domestic courts was rather limited for a long period and it was cast into doubt whether the dualist approach hindered effective use and appliance of the ECHR before domestic courts. A committee of experts, including human rights experts, was appointed in 1990 to review the situation and in April 1992 Parliament passed a bill on the incorporation of the ECHR with Protocols 1 to 8. The ECHR is incorporated as an ordinary statute. The purpose of the incorporation was to clarify the state of law via a statute and to provide an explicit basis for the application in Denmark, securing that the status enjoyed by the ECHR in the legal system will be evident and providing the background for a more thorough knowledge of the ECHR, thereby generating a high degree of awareness of the human rights principles. The incorporation can be seen as having mainly psychological consequences by opening the eyes of the legal practitioners of the



ECHR and the convention organs and improving the possibility of the national judges of having a human rights-updated level of protection in domestic court decisions.

**Demographics etc.**

Denmark has a population of 5.29 million. 95.3 per cent of the population are Danes, and by far the majority speak Danish as their native language. The largest groups of immigrants appear from the enclosed list (Appendix 5). No official data of the size of the German minority in South Jutland is available, but the German minority has stated itself that it comprises about 15-20,000 people.

In 1997 Danish GDP came to DKK 1,123.0 billion. Denmark's net foreign debt in 1997 was DKK 268.0 billion, equivalent to 23.9 per cent of GDP. The 1997 inflation rate was 2.2 per cent. Average per capita income was DKK 209,829 in 1997.

## **Part II. Information on Denmark's implementation of the individual provisions of the Framework Convention**

### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

Denmark works actively for the protection of national minorities, inter alia through its membership of the United Nations. By ratifying the International Covenant on Civil and Political Rights with effect from 23 March 1976 Denmark has committed itself to the protection of ethnic, religious or linguistic minorities in compliance with Article 27 of the Covenant.

In 1992 the 47<sup>th</sup> General Assembly of the United Nations adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Res. 47/135). Denmark cosponsored the resolution which established a number of important rights for persons belonging to such minorities. The Declaration also implies an obligation for States to ensure the exercise of these rights. Resolutions on this issue have each year since the adoption of the Declaration been on the agenda of the General Assembly of the UN and the Commission on Human Rights.

Promotion and protection of rights of persons belonging to minorities is also within the mandate of the United Nations High Commissioner for Human Rights, cf. resolution 48/141 of 20 December 1993. In 1994 the General Assembly of the UN called upon the High Commissioner within his mandate to promote the implementation of the principles of the Declaration and to engage in a dialogue with governments concerned for that purpose. In this connection the High Commissioner has initiated a programme of coordination and co-operation with other UN bodies regarding minorities.

Resolution 1998/19 adopted at the 54<sup>th</sup> Session of the UN Commission on Human Rights, which Denmark co-sponsored, inter alia called upon special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities.

Denmark has continuously followed an active line in the OSCE framework concerning the promotion of the protection of national minorities. This is specifically illustrated by the fact that a representative of the German minority participates as a member of the Danish delegation to the Implementation Meetings for the Human Dimension of the OSCE.

At the general level Denmark contributed actively in connection with the Second Meeting of the Conference on the Human Dimension held in Copenhagen in June 1990 in bringing the CSCE/OSCE an important step forward in handling the protection of national minorities.

The Conference adopted the so-called Copenhagen Document, which embodied a broad range of new commitments within the Human Dimension. Denmark has accepted these commitments. A special chapter (Chapter IV, Art. 30-40) deals with the rights of persons belonging to national minorities. This chapter creates standards which go further than those which had so far been established by other international organisations. This text came to serve as an important inspiration for the Council of Europe Framework Convention for the Protection of National Minorities.

The results of the Copenhagen meeting were endorsed in a solemn form by the heads of state and government of the CSCE member states in the 1990 Paris Charter for a New Europe.

The OSCE commitments are politically, not legally, binding. This implies that no legal responsibility can be claimed if the commitments are not complied with. But lack of compliance with the

commitments can be raised in the different OSCE fora, by OSCE missions, and by the High Commissioner for National Minorities (HCNM), established in 1992.

HCNM shall undertake “early warning”, e.g. react upon ethnic tensions or other minority problems, which might develop into conflicts. HCNM can approach the parties, if developments seem threatening or if he finds reasons for addressing certain issues. Through this “quiet diplomacy” efforts are made to find solutions to avoid future conflicts. If the parties concerned are not in favour of mediation, the HCNM may introduce the case for consideration by the OSCE.

Denmark has consistently supported the efforts of the High Commissioner to improve the protection of the rights of national minorities in the new OSCE member states.

Denmark has in addition to this ratified the following international conventions and covenants, which also apply to the German minority in Denmark:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms
- the International Covenant on Economic, Social and Cultural Rights
- the International Convention on the Elimination of All Forms of Racial Discrimination

The European Convention for the Protection of Human Rights and Fundamental Freedoms as well as its protocols have been incorporated into Danish law by Act No. 285 of 29 April 1992 as amended. The issue of incorporation of the other international conventions and covenants mentioned is under consideration by the Ministry of Justice.

## **Article 2**

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

## **Article 3**

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

For historical reasons the German minority in Denmark is characterised as a national minority and Denmark has therefore in connection with the deposit of its instrument of ratification of the Framework Convention declared that the Framework Convention shall apply to the German minority in South Jutland of the Kingdom of Denmark.

The declaration by the Danish Government of 29 March 1955 (the Copenhagen Declaration mentioned below under Article 18, paragraph 1) establishes that it shall be possible freely to profess one's loyalty to the German people and German culture and that such a profession of loyalty shall not be contested or verified by an official authority.

The right of persons belonging to the German minority in South Jutland freely to choose to be treated or not to be treated as such is not subject to any limitations, nor is any disadvantage connected to this choice under Danish law. Furthermore, persons belonging to the German minority in South Jutland may, under Danish law, both exercise the rights and enjoy the freedoms that make Danish legislation

meets Denmark's obligations under the Framework Convention, individually as well as in community with others.

The notion of national minority is not defined in the Danish Constitution nor in any other statute. However, certain individual laws deal specifically with the German minority. Examples of this are the provisions referred to under sections 12(2), 13 and 15 below of the General Elections Act, the Local Elections Act, the Public Libraries Act, the Act on Private Independent Schools and Private Independent Basic Schools etc. and the Order on State Education Grants and Loans.

Statistics Denmark is the central statistical authority in Denmark. The Act on Danmarks Statistik outlines the framework for the institution. The institution is governed by an independent Board which lays down the plan of work within the budgetary framework set in the Finance Act.

Statistics on demography is one of the central fields in the work of Statistics Denmark. The statistics on demography is almost totally based on information in the administrative register, The Central Population Register. The statistics includes status information on age, sex, marital status, citizenship, place of birth, present address and family information. Moreover, the register provides up-to-date information on birth, death, internal migration, immigration and emigration. There is no information in the register about ethnic group, religion or language, which could be used for statistics on minorities other than foreign citizens and persons born outside Denmark.

Consequently, there is no official record of the size of the German minority in South Jutland, but the German minority itself has stated that it comprises about 15-20,000 people. The German minority resides mainly in the southern and eastern parts of South Jutland. In the large communities in its settlement area the minority constitutes between 5 and 20 per cent of the population. Moreover, members of the German minority live scattered throughout other parts of the region.

The sociological structure of the German minority is much like that of the Danes in this part of the country characterised by agriculture and small businesses with a few big industrial enterprises.

The members of the German minority are fluent in German and also speak Danish. A large proportion particularly of the rural population traditionally also use the South Jutland regional dialect "Sønderjysk", a derivative of Danish, in its day-to-day discourse. The rest traditionally speak High German.

### **Information on the populations of the Faroe Islands and Greenland.**

The Faroe Islands and Greenland, situated in the North Atlantic, are self-governing communities within the Danish State.

Within the state structure an extensive type of self-government, Home Rule, was introduced in 1948 and 1979 respectively by Danish Acts for these communities as territorially/geographically defined. These home rule-arrangements are not based on ethnic or linguistic criteria. Accordingly, the populations of these territories are not under international conventions defined as minorities of Denmark.

The Danish Constitution provides that it shall apply to all parts of the Danish Realm. The Faroe Islands and Greenland are parts of the Danish Realm and the Constitution secures to each community, the Faroe Islands and Greenland, two out of the 179 seats in the Danish Parliament. By virtue of its general scope of application the Constitution puts the Faroese and the Greenland population on an equal footing with Danes as Danish citizens.

Danish citizenship and the rights and freedoms resulting therefrom is obtained by birth within the Realm (Denmark, Greenland and the Faroe Islands) of Danish parents/mother.

By the Home Rule Acts of 1948 and 1978 respectively, the Danish Parliament has delegated legislative and executive powers to the Home Rule Authorities, consisting of the popularly elected

legislative assembly, *Lagting/Landsting*, and the executive branch, the *Landsstyre*. Reference is made to the Home Rule Act of the Faroe Islands and the Greenland Home Rule Act (Appendices 6 and 7). The Home Rule Acts enabled the Faroe Islands and Greenland to take over responsibility for almost all fields of society appertaining exclusively to these communities as geographically defined. The language of these territories is distinct from the Danish language. The Home Rule Acts proclaim Faroese/Greenlandic to be the principal language of the territories, while Danish must be thoroughly taught, and either language, i.e. the local language and Danish, may be used for official purposes. The population born on the Faroe Islands and in Greenland respectively and sharing the culture and language of these parts of the Realm, constitute a majority of the population of these territories.

#### **Article 4**

**1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific condition of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

#### **Paragraph 1**

The German minority in Denmark is protected by the provision of section 70 of the Danish Constitution, according to which no person shall for reasons of his creed or descent be deprived of access to complete enjoyment of his civic and political rights (Appendix 4). Reference can also be made to Part I, paragraphs 2 and 12, and Part II, paragraph 6, of the Copenhagen Declaration mentioned below under Article 18, paragraph 1.

Article 4 has therefore not called for any amendments to Danish legislation as the German minority in Denmark already enjoyed the rights set out in Article 4. There are no current plans to change the state of the law in the field concerned.

#### **Paragraphs 2 and 3**

##### **Economic life**

##### Labour market field

The Danish Active Labour Market Policy Act (Appendix 8) lays down that the same rights and obligations apply to unemployed persons qualifying for unemployment benefits, regardless of the national group the persons belong to. Persons belonging to the German minority in South Jutland receive the same offers under the Act as other unemployed insured persons. As a result, no special measures have been adopted for the German minority in the labour market field.

This is because the German minority is already fully integrated into the South Jutland labour market. The persons involved are typically bilingual persons who have full and effective equality compared with the Danish workforce in the labour market and who therefore need no special measures for further integration.

##### Business development field

The German minority in Denmark mainly lives in South Jutland. At present there are no measurable differences in business developments between areas with a high concentration of people from the German minority and areas with a low concentration.

The criteria according to which the Danish aid for business development in South Jutland is granted are non-discriminatory.

South Jutland takes part in three regional subsidy schemes. These subsidy schemes, financed by the European Regional Development Fund (ERDF) within the European Union, aim to further the development of business and tourism etc. in South Jutland and other regions. None of these schemes contain elements that can discriminate against the German minority in Denmark.

Given the existing full and effective equality between the German minority and the majority in the field of business development, Denmark has found no grounds for adopting special measures to protect the minority in this field.

#### Agricultural field

Legislation and subsidy schemes relating to agricultural and food-producing companies are administered on the basis of the individual citizen's specific background in terms of business conditions and structure, without concern or regard for the person's national sentiment.

Persons and companies affiliated to the German minority can today be regarded as being fully integrated into the Danish agricultural industry and are in no way inferior to or different from the part of the agricultural industry that is controlled by persons with a sentiment of Danish nationality.

Under these circumstances Denmark has found no grounds for adopting special measures to protect the minority in the agricultural field.

#### **Social life**

The social field is covered by the Copenhagen Declaration. The Copenhagen Declaration mentioned below under Article 18, paragraph 1, thus lays down in Part II, paragraph 3, that kindergartens may be established in accordance with the relevant legislation as a result of Denmark's current principle of freedom of education.

It appears from section 9 of the Social Services Act that day-care facilities may be run by one or more municipalities or as self-governing institutions by agreement with the municipality (Appendix 9).

Another form of organisation for day-care offers is pool schemes according to section 11 of the Social Services Act. The municipality allocates a grant per child and concludes an agreement with the pool scheme on the operation of the scheme. There are no rules governing the size of the municipality grant to a pool scheme. As far as self-governing institutions are concerned, the municipality pays the institution's operating expenses and determines the upper limit of its budget. If a self-governing institution receives funds from other sources, for instance from German foundations, for the operation of the day-care facility, such funds must be taken into account when fixing the amount to be contributed by parents, which means that the funds will reduce contributions from parents. If the funds are earmarked for special purposes, they will be spent accordingly and will not affect parents' contributions.

As a general rule, a place in a day-care facility is allocated according to a principle of seniority, cf. section 12(2). Self-governing institutions and pool schemes established for a specific purpose are allowed, however, to give preferential treatment to particular groups of children if this appears from the agreement concluded between the day-care facility and the municipality. In its Code of Guidance on Day Offers etc. for Children, page 42 the Ministry of Social Affairs has specified that children of parents belonging to the German minority should enjoy a preferential right to places in the minority's day-care facilities provided that these are established as self-governing institutions or pool schemes.

In that connection reference is made to the letter of 11 December 1998 from the Minister for Social Affairs to Deutscher Schul- und Sprachverein (Appendix 10).

The local school and kindergarten associations under Deutscher Schul- und Sprachverein run 24 kindergartens and one after-school centre in 14 municipalities in the County of South Jutland. Of the 25 facilities, 21 are self-governing institutions with a municipality operating agreement, two are run as pool schemes, whereas the last two are run more or less without municipality funding. The number of children enrolled in the 25 facilities has been in the order of 700 over the past few years. Reference is also made to the school-based leisure-time activities mentioned under Article 13 below and to the information about Socialdienst Nordschleswig provided under Article 15 below.

On the basis of the above-mentioned ordinary rules and the recommendation concerning preferential rights to places in the minority's day-care facilities, Denmark finds that full and effective equality exists between persons belonging to the German minority and those belonging to the majority. Denmark has therefore found no grounds for adopting other special measures to protect the minority in this field.

### **Political life**

In this field special measures have been adopted to promote full and effective equality for the German minority, cf. the rules set out in section 12(1), third sentence, of the General Elections Act and in section 33(1), second sentence, of the Local Elections Act. These rules combined with the schemes described under Article 15, including the Liaison Committee concerning the German Minority and the German Minority's Secretariat in Copenhagen, therefore guarantee full and effective equality between persons belonging to the German minority and those belonging to the majority. In these circumstances Denmark has therefore found no grounds for adopting other special measures.

### **Cultural life**

In the field of culture special measures have been adopted to promote full and effective equality for the German minority. Reference is made to the special grants for the German minority's library system and cultural activities. Because of these grants and the other schemes mentioned under Articles 5 and 6, full and effective equality exists between persons belonging to the German minority and those belonging to the majority, and Denmark has therefore found no grounds for adopting other special measures.

Also the field of education has seen the adoption of special measures to promote full and effective equality for the German minority. As far as private independent schools and private independent basic schools are concerned, reference is made to the information provided under Article 13 below about language in the German minority schools, dispensation from the required number of pupils at these schools and the special supplementary subsidy to these schools. As far as continuation schools are concerned, reference is made to the information in the same article about language and the special conditions of subsidy. Finally, reference is made to the special rule mentioned under Article 12, paragraph 2, below concerning the minority's entitlement to receive educational grants for educational programmes in Germany. Because of these special schemes and the other schemes referred to under Article 12, full and effective equality exists between persons belonging to the German minority and those belonging to the majority, and Denmark has therefore found no grounds for adopting other special measures in the educational field.

In the ecclesiastical field, too, special measures have been adopted to promote full and effective equality for the German minority, cf. the scheme mentioned under Article 5, paragraph 1, below concerning the employment of equal rights incumbents within the Danish National Church in the towns of South Jutland. On the basis of this scheme and the scheme described under Article 5,

paragraph 1, full and effective equality exists between persons belonging to the German minority and those belonging to the majority, and Denmark has therefore found no grounds for adopting other special measures in this field.

## **Article 5**

**1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

It has not been necessary to amend Danish legislation as a result of Denmark's ratification of Article 5 as the conditions provided for in paragraph 1 already exist for the German minority in South Jutland and as the minority already enjoys such protection as is provided for in paragraph 2.

### **Paragraph 1**

#### **Religion**

In terms of denomination, the vast majority of persons belonging to the German minority in South Jutland (Sønderjylland/North Schleswig) are Evangelical Lutherans. They are members of the Danish National Evangelical Lutheran Church or belong to one of the German independent congregations in South Jutland. Considerations of the ecclesiastical servicing of this part of the minority have been made by virtue of the ecclesiastical legislation since the reunion of North Schleswig with Denmark in 1920. In this connection it is noted that the German independent congregations in South Jutland constitute part of the North Schleswig Evangelical Lutheran congregations under the North Elbe Church in Northern Germany and is therefore able to work in coherence with the congregations south of the border. The German minority's special interest in cultivating, for instance, its religious connections with Germany is recognised in Part II, paragraph 8, of the Copenhagen Declaration mentioned below under Article 18, paragraph 1.

Apart from the Evangelical Lutheran independent congregations, the ecclesiastical legislation does not include religious organisations that are not under the Danish National Evangelical Lutheran Church. Persons among the German minority belonging to one of the Evangelical Lutheran independent congregations enjoy the same rights as other citizens of the country to practise their religion, cf. section 67 of the Danish Constitution (Appendix 4).

By Royal Decree of 15 December, 1920, cf. Order No. 400 of 23 August, 1921 by the Ministry of Ecclesiastical Affairs (Appendix 11), it was provided that in the cities of Haderslev, Aabenraa, Sønderborg, and Tønder two equal rights incumbents were to be employed for the Danish and the German congregations, respectively, in the Danish National Church. This rule still applies. In their official duties, the two incumbents are working independently and receive remuneration equal to that of other incumbents in the Danish National Church. Members of the Danish and the German congregations are at liberty to choose either of the incumbents for their services. Reference is made to section 3 of the Order.

A member of a congregation under the Danish National Church is, cf. section 9(1) of the Act on Management and Use of Churches under the Danish National Evangelical Lutheran Church etc., entitled to dispose of the local parish church for

1. religious ceremonies performed by a clergyman of the Danish National Church who is not employed at the church and



2. performance of weddings or funerals by a minister of an Evangelical Lutheran independent congregation.

A congregation member of the German minority will therefore be entitled to have a wedding or a funeral performed in his own parish church by a minister of the German independent congregation in South Jutland.

Under section 8 of the same act, a minimum of ten members of the congregation may have the availability of the church for a service to be held by

1. a clergyman of the Danish National Church other than the clergyman or clergymen in the employment of the church,
2. a minister of an Evangelical Lutheran independent congregation, or
3. a clergyman of an Evangelical Lutheran congregation outside Denmark.

Therefore, under the law on certain conditions, the German minority may have services held in the churches of the Danish National Church by Evangelical Lutheran clergymen from Germany. A request to use a parish church for services and religious ceremonies shall be submitted to the parish council.

Members of the congregation belonging to the German minority like other members of the congregation have franchise to and eligibility for parish councils in accordance with the regulations under the act on election to parish councils (Appendix 12).

German independent congregations in South Jutland are at equality with the Danish Evangelical Lutheran independent congregations in relation to use of churches of the Danish National Church, cf. sections 14 and 15 of the Act on Management and Use of Churches under the Danish National Evangelical Lutheran Church etc. (Appendix 13). According to the act the bishop may authorise that a church of the Danish National Church be placed at the disposal of, for instance, a German independent congregation where a request for use of the church has been submitted by a minimum of ten members of the independent congregation who are residents of the parish, and where the use of the church by the independent congregation shall not obstruct the use of the church by the congregations of the Danish National Church. Following negotiation with the parish council the bishop prepares regulations concerning the use of the church by the independent congregation. With special reference to the use by the German independent congregations of the churches under the Danish National Church it is noted that the bishops of Ribe and Haderslev dioceses approve of services being held in German at the services and religious ceremonies held by the independent congregations and that the independent congregations apply the North Elbe Church teachings and rites. The regulations described concerning the use by Evangelical Lutheran independent congregations of churches under the Danish National Church contain rules to the effect that the independent congregation holds services at previously fixed times on certain Sundays of each month, in connection with religious festivals, and services in connection with confirmations. According to the regulations, the individual independent congregations may use the church for weddings and funerals.

According to section 4 of the Danish Constitution, the Evangelical Lutheran church is the Danish national church and as such it is subsidised by the state. Other religious communities do not receive any financial support from the state. On the other hand, in contrast to members of the Danish National Evangelical Lutheran Church, members of other religious communities are allowed to deduct contributions to their respective religious communities in their income tax returns.

The legislation is based on, but does not list, specially recognised religious communities (religions). A list is attached of the religious communities which have been recognised by the Danish state upon application (Appendix 14). According to section 16(1) of the Danish Formation and Dissolution of Marriage Act (Appendix 15), a church wedding may take place in 1. the Danish National Evangelical

Lutheran Church, 2. the recognised religious communities, and 3. other religious communities with clergymen who have been authorised by the Minister for Ecclesiastical Affairs to perform weddings. By virtue of these regulations the Ministry of Ecclesiastical Affairs has, since the entry into force of the act in 1970, currently provided clergymen of the German independent congregations in South Jutland with authority to perform weddings with civil validity.

According to section 17 of the Act on Management and Use of Churches under the Danish National Evangelical Lutheran Church etc., the language of the church is Danish, but the bishop may allow the use of foreign languages at services and religious ceremonies. In Order No. 400 of 23 August 1921 of the Ministry of Ecclesiastical Affairs it is provided, i.a., that none of the clergymen in the Danish and in the German national church congregations in Haderslev, Aabenraa, Sønderborg, and Tønder have the obligation to perform official acts in a different language from that of the clergyman himself, and that the Danish clergyman is to give lessons to candidates for confirmation in the Danish language and the German clergyman in the German language.

As stated, the competent authorities in relation to use of churches of the Danish National Evangelical Lutheran Church are partly the bishops of Ribe and Haderslev dioceses as the regional authorities governed by the state, partly the parish councils that are bodies elected by the people.

The provisions mentioned above give due consideration to ensuring that the German minority may preserve their religious identity. Denmark finds no grounds for adopting further specific or general measures.

### **Language**

The schemes referred to below under Articles 9 to 13 give due consideration to ensuring that the German minority may preserve their language. Denmark finds no grounds for adopting further specific or general measures.

With regard to the languages spoken on the Faroe Islands and in Greenland, reference is made to Article 3 above.

### **Traditions**

The schemes mentioned in relation to Article 5, paragraph 1, concerning religion, the field of culture and language give due consideration to ensuring that that the German minority may preserve their traditions. Denmark finds no grounds for adopting additional specific or general measures.

### **Field of culture**

Part II of the Copenhagen Declaration mentioned below under Article 18, paragraph 1, lays down the following general principles of specific relevance to the field of culture:

It shall be possible freely to profess one's loyalty to German culture and such a profession of loyalty shall not be contested or verified by the authorities. The Danish Government recommends that the German minority be duly taken into consideration within the framework of the rules in force on the use of radio. The special interest of the German minority in fostering contacts with Germany in the cultural field shall be acknowledged.

These principles are observed in practice. Moreover, the German minority is given parity with other citizens with respect to Danish legislation pertinent to the areas of competence of the Ministry of Culture. The Framework Convention has therefore not necessitated the adoption of special legislative amendments or other measures in the field of culture in order to ensue that the German minority may maintain and develop their culture and preserve their cultural heritage.

The equality of the German minority with other citizens in relation to Danish legislation in the field of culture means that the members of the minority have access to artistic training programmes and are

eligible for financial support for activities under the general provisions of, for instance, the Music Act, the Theatre Act and the Museum Act.

In compliance with the terms of the 'arm's length principle', the practical administration of this legislation is, to the greatest extent possible, delegated to institutions, councils, tribunals, organisations, etc. Furthermore, support for cultural activities in local areas is largely subject to local and municipal discretion, for instance according to the general principles of municipal law in respect of the handling of local government tasks (municipal authority rules). It follows from the municipal authority rules that municipalities and counties, beyond the powers conferred by written statutes, may lawfully handle tasks aimed at establishing and maintaining citizens' possibilities of activities in the field of culture, for instance through financial assistance from the municipality or county for events and activities of a general enlightening and cultural nature.

The decentralised administration competence of local government authorities in the field of culture has in recent years been further strengthened, on an experimental basis, by the Act on Regional Cultural Enterprise (Appendix 16). The objective of the law is to afford greater disposition freedom at regional/local level with respect to the nature of activities and resources, and to create a basis to ensure that concrete efforts in the field of culture, to a greater extent, accommodate diverse local conditions and needs. The Act empowers the Ministry of Culture to enter into three-year agreements with a culturally active region (a county, a large municipality or a group of municipalities). In these agreements, certain provisions laid down in legislation pertinent to music, theatre and museums can be departed from and, during the active period, the region receives a yearly framework appropriation for the cultural activities embraced by the cultural enterprise agreement.

By way of example, the Ministry of Culture and the South Jutland County (Sønderjyllands Amtskommune) have entered into such a cultural enterprise agreement applicable from 1 January 1997 to 31 December 1999 (Appendices 17 and 18). The agreement with South Jutland is unique in the sense that its chapters 2 and 4.4 embody provisions on intensified co-operation between Danish and German institutions etc. on both sides of the border. It will therefore be possible to consider proposals on cross-border projects from both minorities.

According to the German minority, in 1998 the minority received a grant of DKK 50,000 under the cultural enterprise agreement for two series of concerts.

Furthermore, the Ministry of Culture's share of proceeds from the Football Pools and the National Lottery generates an annual general appropriation of DKK 50,000 for the German minority's cultural activities.

To promote effective equality in the library field, as well, section 16(1) of the Public Libraries Act provides for a special annual state subsidy in the order of DKK 2.3 million for the German minority's library system (Appendix 19). Funding is also provided by county and municipalities - in 1998 this funding totalled, according to the German minority, DKK 378,000 from the South Jutland County and DKK 321,021 from the municipalities of the County of South Jutland. The German minority's library system has a central library, three municipal libraries and three mobile libraries. The collection comprises some 200,000 books from German literature.

## **Paragraph 2**

Denmark has refrained from policies or practices aimed at assimilation of persons belonging to national minorities against their will.

With regard to the general Danish integration policy, which is of no relevance to the German minority in South Jutland, reference is made to the following excerpt from the Ministry of the Interior's contribution to Denmark's 4th periodic report under the UN International Covenant on Civil and

Political Rights, which is enclosed in its entirety (Appendix 20). The excerpt relates to Articles 2 and 12 of the UN Convention on Civil and Political Rights.

On 26 June 1998 the Folketing (the Danish Parliament) passed the Act on Integration of Aliens in Denmark (lov om integration af udlændinge i Danmark) (the Integration Act), which enters into force on 1 January 1999 (Appendix 21).

The Act is the first actual integration act in Denmark, as there has not previously been a special comprehensive set of rules in this field.

The overall objective of the Act is that refugees and immigrants are to become contributing members of the Danish society on an equal footing with Danish nationals. This is to be done by expanding the integration efforts considerably, both quantitatively and qualitatively. In addition, the Act implies that both refugees and immigrants are to receive integration offers. Under the rules applicable so far, the integration efforts only cover refugees.

The expected main effect of the Act is that newly arrived aliens will gain employment as soon as possible, and both for the individual alien and for the authorities the Act contains a number of possibilities and incentives to promote this effect.

It has furthermore been an object of the Integration Act to create a more even geographical distribution of aliens in Denmark.

The Integration Act shifts responsibility for the integration efforts from the state/Danish Refugee Council to the municipalities. Thus, the municipalities will have overall responsibility for handling the individual elements of the integration efforts, including housing, planning of introduction programmes and payment of benefits.

Housing is effected on the basis of a scheme according to which, in principle, quotas must be agreed or fixed stating the number of refugees and refugee-like persons (referred to in this part as refugees) that are to be housed in the individual municipalities. The scheme implies that all municipalities of the country have to assist in procuring housing for refugees.

Under the Integration Act, refugees participating in an introduction programme may move to another municipality and continue the introduction programme in this municipality if the local council of the receiving municipality accepts taking over responsibility for the programme. The local council has a duty to take over responsibility for the programme if the removal is of essential importance to the refugee's course of integration or if special personal circumstances otherwise so indicate.

A removal is, for example, of essential importance if an alien obtains employment or a specially adapted job-training scheme or is enrolled at an educational institution of another municipality to which there are no immediate means of transport. Illness among close relatives or the integration, work and educational opportunities of a spouse, if any, must be considered personal circumstances that can also lead to the local council of another municipality having to take over responsibility for the introduction programme. Thus the receiving municipality can only refuse to take over responsibility for the introduction programme of a refugee moving to the municipality under certain conditions.

If a refugee moves without the local council of the receiving municipality having accepted taking over responsibility for the introduction programme, the introduction allowance may be reduced or terminated. In this connection it is decisive that the introduction allowance is part of the comprehensive offer of assistance for integration. It is thus a condition for receiving the allowance that the requirements stipulated in the Act are satisfied. In addition, in its specific decision to reduce the allowance, the municipality must take into the account the reason why the alien has moved and to the need for still receiving the allowance.

The provisions on housing of the Act are necessary to realise the object of the Act of an even geographical distribution of aliens and to ensure coherent and efficient integration efforts. It is

furthermore of essential importance to the continuity and the coherence in the individual refugee's course of integration that the refugee remains a resident of the same municipality for the entire duration of the introduction programme.

To ensure that the specific application of the rules does not contravene the rights of the International Convention on Civil and Political Rights, both the text of the Act and the Memorandum to the Bill state the criteria on which decisions to continue the introduction programme and to reduce the introduction allowance must be based. In this connection it is decisive that the municipalities have a duty to choose the least intervenient measure in relation to the individual refugee. Thus, the wording of the Act ensures proportionality between the objects of the Act and the individual decision.

Under the Integration Act, an introduction programme planned by the responsible municipality must be offered to newly arrived aliens who are 18 years of age or more and are comprised by the Integration Act. The length of the introduction programme is up to three years.

During the introduction period a special introduction allowance is offered to refugees and immigrants who are not self-supporting or maintained by others.

To start off with, the introduction allowance is lower than the usual cash assistance that will be granted to aliens who may not be able to support themselves after expiry of the introduction programme. On the other hand, the introduction allowance is organised so that it is not reduced as heavily as the usual cash assistance as the recipient gradually gets a foothold on the labour market. This means that the introduction allowance may be higher than the ordinary cash assistance in situations with part-time employment.

According to the Integration Act, integration councils must be set up in the municipalities if more than 50 persons so request. The integration councils may give advisory opinions on the general integration efforts in the municipality and on the introduction programmes offered by the municipality. The opinions are made public.

Members of integration councils are appointed by the local council among members of local refugee and immigrant associations or other corresponding persons and among persons with ties to the labour market parties and boards of school governors, etc.

## **Article 6**

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, cultural and the media.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

## **Paragraph 1**

### **Field of education**

Under section 1(3) of the Folkeskole (Primary and Lower Secondary School) Act (Appendix 22), the objectives of the Folkeskole are to make the pupils aware of Danish culture and contribute to their understanding of other civilisations and of human interaction with nature. The school prepares the pupils for co-determination, co-responsibility, rights and duties in a society of freedom and democracy. Education and day-to-day life at school therefore need to build on intellectual liberty, equality and democracy. The Danish Folkeskole is thus an essential factor that encourages a spirit of tolerance and intercultural dialogue and promotes mutual respect and understanding and co-operation among all persons living in Denmark.

### **Field of media**

In the field of media, reference is made to the information provided below under Article 9 on the public service stations Radio Denmark and TV2 and their broadcasting activities.

### **The Board for Ethnic Equality**

The Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) was set up in 1993 for the purpose of ensuring that the issue of ethnic equality is incorporated in the maximum number of aspects of community life and for the purpose of rendering visible and counter-acting differential treatment of persons of Danish and other ethnic origins, respectively. In the summer of 1997, the Folketing passed a new Board for Ethnic Equality Act (lov om Nævnet for Etnisk Ligestilling) strengthening the position of the Board in several ways (Appendix 23).

The effect of the amendment is that the Board now has a statutory right to make statements on ethnic differential treatment. The Board may thus, of its own volition or upon request, issue opinions on general issues concerning ethnic differential treatment, including issues concerning differential treatment of the German minority. Thus - as an entirely new possibility - it has been emphasised that the Board can discuss problems within the framework of the Act and issue opinions on the basis of requests from individuals or organisations. In this connection the Board may recommend changes in practice or solutions to specific problems. The Board may issue opinions on differential treatment in both public and private contexts.

The composition of the Board has been altered. When the Act was prepared, it was emphasised that the Board was to be composed so that the ethnic minorities, apart from the chairman, would constitute half the members of the Board. At present the German minority is not represented in the Board.

The Board has its own secretariat. Employees of the secretariat are engaged and dismissed by the Minister for the Interior upon recommendation by the chairmanship of the Board. The secretariat of the Board has its own premises. These changes were made to comply with a recommendation from a committee of experts set up by the Board in 1996 and to emphasise the independence of the Board.

### **paragraph 2**

It has not been necessary to amend Danish legislation on account of the ratification of Article 6, paragraph 2, as the German minority in Denmark already enjoys the protection provided for by Article 6, paragraph 2.

Under sections 136 and 266 a of the Danish Criminal Code (straffeloven), it is an offence publicly to incite others to an offence or to make public statements aiming to provoke acts of violence or destruction (Appendix 24).

Furthermore, a threat of committing a punishable act is an offence under section 266 of the Criminal Code, if the threat is made in a manner likely to induce in a person a serious fear concerning the life, health or welfare of himself or of others.

Pursuant to section 266 b of the Criminal Code any person who, publicly or with the intention of wider dissemination, makes statements or any other communication by which a group of people is threatened, insulted or degraded on account of their race or national or ethnic origin, etc., is liable to punishment.

The provisions in the Criminal Code are supplemented by the Danish Act on Prohibition Against Discrimination Based on Race etc. (lov om forbud mod forskelsbehandling på grund af race m.v.) (Appendix 25). Pursuant to section 1 of this Act, it is an offence to refuse, in connection with commercial or non-profit business, to serve a person on the same terms as others because of that

person's race or national or ethnic origin, etc. It is also an offence to refuse admittance to a person on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public on account of the person's race or national or ethnic origin.

Section 266 b of the Criminal Code and the Act on Prohibition Against Discrimination Based on Race etc. protect against discrimination etc. on account of a person's race, colour, national or ethnic origin, religion or sexual inclination. This delimitation of the sphere of protection, apart from the protection of the sexual inclination, is based on the International Convention on the Elimination of All Forms of Racial Discrimination.

Concerning this delimitation, page 12 in report No. 553/1969 on prohibition against racial discrimination reads as follows, inter alia:

"Whereas the word 'race' refers to the anthropological division of mankind made on the basis of hereditary traits, the word 'ethnic' refers to a division made on the basis of cultural characteristics. 'National origin' must presumably mean a person's affiliation with a nation or his origin in the population of this nation; in this connection, nationality should hardly be the sole criterion."

The term 'ethnic' in section 266 b of the Criminal Code and in the Discrimination Act is therefore considered to be sufficiently wide also to include discrimination etc. on account of a person's cultural and linguistic identity, cf. Article 6(2) of the framework Convention.

The Danish authorities are not aware of any specific criminal cases concerning violation of the provisions mentioned that have concerned the German minority in Denmark. Moreover, the Federation of German North Schleswigers (Bund deutscher Nordschleswiger) has stated that the federation knows of no cases where persons in Denmark have been exposed to acts of violation on account of their affiliation to the German minority in South Jutland.

The provision has not given rise to special implementation measures, and no proposals for legislative amendments in this field are currently under consideration.

#### **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

Sections 78 and 79 of the Danish Constitution include provisions on the freedoms of association and assembly (Appendix 4). These two constitutional provisions also apply to the German minority in Denmark.

Furthermore, both the freedom of association and the freedom of assembly are protected by Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Article 7 has therefore not called for any amendments to Danish legislation. There are no current plans to change the state of the law in the field concerned.

As an illustration of the fact, that the German minority in South Jutland is free to form associations, it can be mentioned, that the main organisation of the German minority is the Federation of German North Schleswigers (Bund deutscher Nordschleswiger), based in Aabenraa, and that there are numerous other associations with specific functions. The central administrative office is the German Secretariat-General (Deutsches Generalsekretariat).

The aim and purpose of the Federation of German North Schleswigers is to look after the cultural and political interests of the German minority in Denmark and at the same time to help ensure the harmonious development of the German-Danish border region. The Federation of German North Schleswigers voices the concerns of the German minority in the parliaments, governments and authorities of the two countries and in public and maintains contact with associations and cultural

institutions in Germany. The Federation of German North Schleswigers is also the organising backbone of the Schleswig Party (Schleswigsche Partei) mentioned under Article 15 below. The activities of the Federation of German North Schleswigers and the other German associations are funded partly by their own efforts, partly by contributions from private individuals, associations and foundations and, substantially, by grants from the Danish national budget and the budgets of Danish municipalities. Considerable sums are also provided by the Federal Republic of Germany and the Federal German state of Schleswig-Holstein.

The German minority has thus disclosed that its associations combined, in accordance with the preliminary budgets for the year 2000, are expected to receive DEM 6,263,800 or 11.6 per cent of their earnings in contributions from Danish municipalities, DEM 17,632,800 or 32.7 per cent of their earnings in subsidies from the Danish state, whereas the Federal Republic of Germany is expected to contribute DEM 16,400,000 or 30.4 per cent of earnings and the state of Schleswig-Holstein an amount of DEM 2,797,800 or 5.2 per cent of earnings. Funds from own operations are forecast to represent a combined amount of DEM 10,056,700 or 18.7 per cent of earnings, while donations from private individuals, associations and foundations etc. are expected to account for DEM 766,400 or 1.4 per cent of the associations' earnings in 2000.

With regard to the protection of freedom of expression and freedom of religion etc., reference is made to Articles 8 and 9 below.

#### **Article 8**

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

The detailed rules on freedom of religion in Denmark are found in sections 67 and 70 of the Danish Constitution (Appendix 4) and in Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The provisions also apply to the German minority in Denmark. It is generally assumed that the provision in section 67 of the Danish Constitution protects not only the collective worship of God, but also the individual access thereto.

Thus, the provision has not necessitated any changes in the state of the law in Denmark. There are no current plans to change the state of the law in the field concerned.

Reference is also made to the information provided under Article 5 above.

#### **Article 9**

**1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that**



**persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

**Paragraph 1 and paragraph 3, first sentence**

Pursuant to paragraph 1 of the provision, the right to freedom of expression includes 'freedom to receive and impart information and ideas in the minority language without interference by public authorities and regardless of frontiers'. As stated in the Explanatory Report, this part of the provision is based on Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In Denmark the freedom of expression is also governed by section 77 of the Constitution (Appendix 4). The protection against censorship and other preventive measures pursuant to section 77 of the Constitution applies regardless of the language in which the expression is made or received.

It should be noted that section 77 of the Constitution is no bar to subsequent intervention against expressions that are contrary to substantive rules, including the Criminal Code. Obviously, the facts that it is a national minority that is communicating or that communications are made in a minority language cannot in themselves form the basis of intervention under Danish law.

In relation to the rights guaranteed by Article 9 paragraph 1 and paragraph 3, first sentence, of the Convention, ratification of the Convention has not necessitated amendments to Danish law, since the German minority in Denmark already enjoys the protection provided for by the framework Convention in this respect. No change in the legislation in the field in question is under consideration.

**Paragraph 2 and paragraph 3, second sentence**

On the media front, the Radio and Television Broadcasting Act opens up opportunities for companies, associations and similar bodies to obtain licences to run radio and TV stations (Appendix 26). Furthermore, everyone, without such local authorisation, can obtain permission to run a radio and TV station linked to a satellite or cable system according to chapter 6 of the Act. Thus, national minorities, in parity with all other citizens, are given scope to establish their own radio and TV stations.

To start with, there is at least one transmission point at the disposal of each municipality. A local tribunal, which must be widely representative of local associations in the area, allocates licenses. To facilitate as varied a media picture as possible, it is practical for several license holders to share a transmission facility.

Radio Denmark (DR) and TV2 — including its regional radio and TV stations — are public service bodies. This implies that they are obliged to serve the entire population and place requisite emphasis on freedom of speech and information. According to sections 7 and 18 of the Act, programmes must embrace the dissemination of news, information, entertainment and culture, and strive towards quality, plurality and diversity.

In South Jutland DR runs "Radio Syd" and TV2 runs "TV Syd". The German minority is represented on both Radio Syd's County Programming Council and on TV Syd's Council.

Both Radio Syd and TV Syd deal regularly with conditions pertinent to the German minority in its programming. In addition, Radio Syd transmits a weekly programme entitled "Grænseland" (border district), which deals with topics relevant to and profiles of the border region, including on the German minority in South Jutland and the Danish minority in Schleswig Holstein. "Grænseland Europa" (border district Europe) is transmitted nationwide once a month on DR1. This programme is based on

the meeting of Danish and German, and debates national and European issues. A representative of the German minority has been a permanent member of the debating panel on this programme for several years. TV Syd transmits regular programmes on themes relevant to the border region, and on the situation of the German minority. In conjunction with NDR in Kiel, TV Syd produces and transmits a joint hour-long Danish/German magazine programme, entitled "Hierher".

#### **Paragraph 4**

The German minority publishes the German-language daily newspaper "Der Nordschleswiger" which is sponsored by the German Press Association (Deutscher Presseverein). Calendars and other publications are also produced by minority organisations. The minority sees no need for additional newspapers or journals as those living in the minority area are served by several German TV and radio channels and may subscribe to German papers and magazines.

By the Act on Financial Support to the Financial Institution of the Daily Press of 1984, amended in 1997, possibilities of giving financial support to daily papers have been opened up (Appendix 27). The subsidies are administrated by the Financial Institution of the Daily Press, which is a private foundation whose members are the Danish daily papers. The primary object of the Financial Institution of the Daily Press is to assure a larger and more varied supply of newspapers than market conditions would normally generate, because it is recognised that the newspapers are of special importance to society, democracy and freedom of speech. Financial aid granted without regard to membership can, as provided in section 3 of the Act, be used for construction, rebuilding, extension, etc. of facilities for production of newspapers and distribution, product development and market research, planning of new magazines, financing and foundation of new daily papers, for reorganisation of finances and development aid.

It is a fact that the daily paper "Der Nordschleswiger" has received financial support four times since the foundation of the Financial Institution of the Daily Press, bringing its total funding to an amount of DKK 820,000.

In the report entitled "Information til tiden", page 51 (Appendix 28), a committee set up under the Danish Ministry of Research recommends that the public sector chooses the media from a balanced point of view and with care. It is stated that the public sector's choice of media and communication channels should exclusively be based on professional criteria for how to reach the target group in the optimum way within the given financial framework. This means, inter alia, that due consideration must be given to citizens who do not use the significant, nationwide media.

Furthermore, Part II, paragraph 7, of the Copenhagen Declaration mentioned below under Article 18, paragraph 1, lays down that public notifications should give reasonable consideration to the German minority's daily papers.

#### **Article 10**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons**

**for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

### **Paragraph 1**

Part II, paragraph 2, of the Copenhagen Declaration of 1955 mentioned below under Article 18, paragraph 1, establishes that persons belonging to the German minority in Denmark and their organisations must not be prevented, orally and in writing, from using the language of their choice. The provision has not called for any amendments to Danish legislation as the German minority in Denmark already enjoys the protection provided for in Article 10 of the Framework Convention. There are no current plans of legislative amendments in this field.

### **Paragraph 2**

Part II, paragraph 2, of the Copenhagen Declaration of 1955 mentioned below under Article 18, paragraph 1, establishes that the use of the German language before the courts of law and administrative authorities must comply with the relevant regulations set out in legislation. Section 7 of the Danish Public Administration Act (forvaltningsloven) imposes a general duty on Danish administrative authorities to provide guidance to citizens in cases where the authorities have to make a decision concerning the citizens in question. The provision also applies to national minorities and foreign nationals. The provision implies that a Danish administrative authority generally has to make sure that the authority is able to understand and be understood by a person speaking a foreign language who contacts the authority concerning a matter to be considered by the authority. If necessary, the authority has to make the requisite interpreter assistance available to the person in question (Appendix 29).

In connection with the performance by the administrative authorities of other forms of administrative activities, Danish law provides for a general principle on the authorities' duty of examination. This principle is presumed to impose an obligation on an administrative authority to guide a person in a foreign language, including a minority language, when the person in question does not master the Danish language sufficiently well.

It should be noted that, in addition to German, the members of the German minority in Denmark also speak Danish.

### **Paragraph 3**

Pursuant to Article 10, paragraph 3, of the Framework Convention, Denmark has undertaken to guarantee the right of members of a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest and of the right to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

It appears from the Explanatory Report that the provision is based on certain provisions in Articles 5 and 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and that Article 10, paragraph 3, does not afford wider protection than these provisions.

Article 10, paragraph 3, has not necessitated any amendments to the Danish legislation. The German minority in Denmark already enjoys the protection provided for by the provision. No change in the legislation in this field is under consideration.

It should be noted that the guidelines delivered to arrested persons and informing them of their possibilities of contacting family, employer, attorney, doctor and embassy are also available in German (Anleitung für Festgenommene) (Appendix 30).

## **Article 11**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

### **Paragraph 1**

Pursuant to Article 11, paragraph 1, Denmark has undertaken to recognise that members of the German minority in Denmark have the right to use their surname (patronym) and first name(s) in German, and that they have the right to official recognition of these names in accordance with Danish legislation.

Danish authorities recognise the names, including the letters ü and ö, of the German minority in all relations.

More specific rules on names are set out in the Danish Personal Names Act (Appendix 31).

A surname is assumed on birth, adoption or marriage. In addition, a surname may be assumed or changed through notification to the church register (in South Jutland the names register) or through the issue of a certificate of name.

Section 2 of the Names Act lists the cases where a surname may be changed through notification. It is thus possible to change a surname to a surname the person in question has previously borne unless the name was assumed on marriage. Notifications are free of charge.

Under section 6 of the Names Act, a certificate of name may be issued to a new surname unless the surname falls within one of the categories of names listed in the provision. A foreign name that is commonly known in Denmark is thus not allowed as a new surname. Under section 8 of the Names Act, regardless of section 6, a certificate of name may be issued in a number of cases where the applicant has a special connection to a surname. For instance, a certificate of name may be issued to a name that is or used to be borne by one of the applicant's parents, grandparents or great-grandparents unless the name was assumed on marriage. A certificate of name costs DKK 3,000.

It is not allowed to choose a first name that is not a proper first name or which may inconvenience the child, cf. section 10(1) of the Names Act. The Ministry of Ecclesiastical Affairs has distributed a list of recognised names. In practice, German names are recognised even if these are not included in the list.

No special initiatives have therefore been taken in connection with the ratification of the above-mentioned provision, and there are no current plans of legislative amendments in this field.

## **Paragraph 2**

The choice of language to be used on private signs etc. is not limited under Danish law. It should be added, though, that the right to display signs (in any language) is restricted to some extent for reasons of road traffic safety and care for the environment. Denmark does not find that these rules cause special problems for the German minority in South Jutland. Denmark has therefore found no grounds for adopting special measures as mentioned in Article 4, paragraph 2, of the convention.

With regard to Danish legislation on the right to display signs, the following information can be provided:

Section 21 of the Nature Protection Act lays down a prohibition against the display of billboards and small information signs in the open country (Appendix 32). Certain forms of corporate advertising displayed at the company itself are exempted from this prohibition. Moreover, small information signs may be displayed at the company entrance. Special requirements apply to the design and positioning of signs. The rules governing the display of small information signs are set out in the Ministry of Environment and Energy's Order No. 573 of 25 June 1992, which lays down requirements for the size and colour of signs. The rules also apply to advertising at sports facilities and the temporary display of advertising for special sporting events.

The provisions are under severe pressure these years on account of the wider use of advertising for the financing of events and activities. The rules do not prevent the text of advertisements or small information signs from being written in a language other than Danish. Strict information signs of a non-commercial nature are not covered by the rules. These include, for instance, information boards, information signs on nature and landscape conditions and the like.

The rules are administered by the individual county councils. Counties supervise the rules to ensure that they are observed. Dispensation from the prohibition cannot be granted. However, appeals against decisions on the temporary display of advertising for special sporting events and at sports facilities may be lodged with the Nature Protection Board of Appeal. The Ministry of Environment and Energy may lay down rules on county administration, but does not decide cases itself.

The rules are administered very restrictively. Advertising displayed in contravention of the rules must be removed and is reported to the police if the authorities' order is not complied with. There is no statistical data on the effect of the rules.

It also follows from road legislation that the display of signs in a road area is subject to approval from the relevant authority (Appendices 33 and 34). It follows from section 99(3) of the Road Traffic Act that the police may order the removal of signs etc. that are visible from the road and which may be misleading or inconvenience traffic (Appendix 35).

## **Paragraph 3**

The German minority in South Jutland is relatively small in number and somewhat scattered over the region. There is no agreement with Germany about the use of bilingual signs with street names etc. in the Danish-German border region and there is no tradition of using such signs.

Furthermore, there is no specific need to introduce bilingual signs, as the members of the minority are themselves bilingual, and no request for any such measure is known to have been made. It should also be added that signs are less clear and less readable if bilingual. When aimed at road-users, such signs must therefore be considered to have a negative impact on road traffic safety.

## **Article 12**

**1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teacher of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

It has not been necessary to adopt further specific or general measures on account of the ratification of Article 12 as Denmark has already adopted such measures to foster knowledge of the culture, history, language and religion of both the German minority and the majority of the Danish population as provided by the article.

### **Paragraph 1**

#### **Field of education**

In the Folkeskole the subject German is a non-compulsory subject from the 7th form. The aim of teaching German is for the pupils to acquire knowledge and proficiency in understanding spoken and written German and to be able to express themselves orally and in writing. At the same time the teaching is meant to develop consciousness of German language and usage as well as language acquisition. The teaching will give the pupils knowledge of cultural and social conditions in German speaking countries and strengthening their international understanding of their native culture, cf. Order No. 482 of 6 June 1994, section 17 (Appendix 36). Reference is also made to the objectives of the Folkeskole as described above under Article 6, paragraph 1.

#### **Activities in the field of research**

The Danish Institute of Border Region Studies is a self-governing institution with its domicile in Aabenraa. It was established in 1976 by collaboration between the Government and the South Jutland County Council as a result of Denmark's membership of the EU.

The institute operates with social scientific and humanistic research and arranges information about problems in border regions, particularly in Europe. The main emphasis is put on the Danish-German border region.

The committee consists of representatives from the South Jutland County Council, the Ministry of Research and Information Technology, the Danish Research Council for the Humanities and the Danish Social Science Research Council. The expenditure of the institute is covered by contributions from the Ministry of Research and Information Technology, the South Jutland County Council and from elsewhere. In 1999 the Ministry of Research and Information Technology contributes about DKK 2.5 million to the institute's operating expenses.

In 1998, in connection with its research activities in the fields of history, language and culture concerning the German minority, the Institute of Border Region Studies published various works, which are shown in the enclosed list of publications (Appendix 37).

Moreover, the institute is continuously working on an effort to promote initiatives in the working committee "Sprogkontakt" in the study of German minority issues.

The European Centre for Minority Issues (ECMI) has been established in co-operation between Denmark, the Federal Republic of Germany and the German state of Schleswig-Holstein. ECMI, which is located in Flensburg, has been established as a self-governing institution under German law. The committee consists of three Danish and three German members and expanded in 1997 by three additional members, who represent the EU system. Denmark holds the chairmanship.

The objective of ECMI is to look into questions and problems concerning minority and majority groups in a European perspective, through science, information and counselling. ECMI must as far as

possible co-operate and exercise its activity as a part of network that includes other institutes of research in Europe.

In 1996 DKK 5.0 million was earmarked for start-up costs, and the fundamental grant of the centre is financed equally by Germany and Schleswig-Holstein on the one side and Denmark on the other side. In 1999 approximately DKK 2.7 million has been earmarked for the fundamental grant from Denmark.

In June 1998 ECMI held an international conference in Flensburg on the implementation of the Framework Convention. At the conference a number of recommendations were drawn up to contribute to an efficient and complete implementation of the convention.

Furthermore, ECMI's former manager, Dr. Stefan Troebst, attended the 30th National Convention of the American Association for the Advancement of Slavic Studies, Panel: "Europe and the Protection of National Minorities", Boca Raton, Florida, on 24 to 27 September 1998, on which occasion he presented the article "The Council of Europe's Framework Convention for the Protection of National Minorities Revisited", which is due for publication in The Helsinki Monitor. Finally, together with the Academy Sankelmark, ECMI organised a seminar entitled "Minderheitenschutz in Europa. Innovationen im nationalen und im Völkerrecht", where a panel discussed the implementation of the Framework Convention.

University of Southern Denmark has been established as an institution under the Danish Ministry of Research and Information Technology. Under section 1(2) of the Danish Universities Act, an institution of higher education is obliged, within its domains, to undertake research and offer higher education until the highest scientific level. It is also under an obligation to safeguard freedom of research and contribute to disseminating knowledge about the working methods of science (Appendix 38).

University of Southern Denmark, Danish Centre for Migration and Ethnic Studies, currently has a Czech exchange student who is working on a project on schools and language training for the German minority in South Jutland.

### **Paragraphs 2 and 3**

In the provisions governing the Danish State Education Grant and Loan Scheme, special conditions have been stipulated for the German minority in Denmark, as in accordance with the Danish State Education Grant and Loan Authority's special rules stipulating that educational grants can be used for educational programmes in Germany, cf. section 50 of the Order on State Education Grants and Loans until Master's Degrees (Appendix 39). In practice grants are given to training of kindergarten teachers, teachers (including upper secondary school teachers), ministers of religion (the study of theology) and librarians. The grant is given for the officially stipulated time of study, whereas grants normally are only given for no more than four years for educational programmes outside Scandinavia. Reference is also made to Article 13 below.

### **Article 13**

**1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

### **Paragraphs 1 and 2**

In the field of education Denmark has adopted no extraordinary measures to implement the Framework Convention as the provisions of the convention have already been fulfilled through

Denmark's long-time tradition of incorporating the German minority's rights into Danish legislation. The Copenhagen Declaration mentioned below under Article 18, paragraph 1, thus lays down in Part II, paragraph 3, that educative schools and folk high schools, as a result of the Danish principle of freedom of education, may be established in compliance with the relevant legislation.

### **Private independent schools and private independent basic schools**

The legal framework for fulfilment of the provisions of the convention about minorities' right to set up and manage their own schools is the Act on Private Independent Schools and Private Independent Basic Schools, also known as the Act on Private Independent Schools (Appendix 40). Generally the law gives free access to establish schools as independent institutions with state subsidy.

A private independent basic school must offer education equal to what is generally required in the Folkeskole, cf. section 1 of the Act. The teaching language is Danish, however, German in the German minority school, cf. section 2 of the Act. The Ministry of Education and the local council have to be notified of the establishment of a private independent basic school, cf. section 8 of the Act. To receive state subsidies a private independent basic school furthermore has to comply with a number of conditions, including:

- to be a self-governing independent institution with regulations about administration and economic conditions to be approved by the Minister for Education, and the means of the school must solely be used for school and educational purposes, cf. section 5 of the Act.
- schools must have 28 pupils on 1st to 7th form levels - in the first and second school year, however, only 12 to 20 pupils. The Minister for Education can, however, deviate from the required number of pupils in special cases, cf. section 19 of the Act. The rule has been used to give the German minority's schools in Denmark a general dispensation from the required number of pupils to the number of 10 pupils.

State subsidy is granted according to the number of pupils per year of a private independent basic school. The average subsidy per pupil per year is laid down in the Budget based on the cost per pupil in the Folkeskole according to the latest statement of accounts. The cost is adjusted according to prices and salaries up to the fiscal year. Since 1995 the rate per pupil per year in the private independent schools has been 75 per cent of the cost per pupil in the Folkeskole.

According to section 14 of the Act the state grants a supplementary subsidy to the German minority's schools within a yearly allocation which is laid down in the Budget. In the Budget for 1999 the amount of DKK 3.8 million is laid down as a supplementary subsidy for the German minority's schools. Deutscher Schul- und Sprachverein für Nordschleswig allocates the grant to the schools. According to section 17 of the Order on Subsidies etc. to Private Independent Schools and Private Independent Basic Schools etc., the extra subsidy for the German minority's schools is to cover the special costs which are necessary for securing the operation of the German minority's school system by Deutscher Schul- und Sprachverein für Nordschleswig (Appendix 41). The necessary costs include lessons in double mother-tongue instruction (Danish and German), a special grant towards operational expenditure to secure the existence of the schools and other special arrangements for minorities as well as their own approved school psychological services, their own approved arrangement concerning educational, labour market and vocational guidance ("Berufsberatung") and a special approved arrangement concerning training of teachers from Germany in the German minority's school system ("zweites Staatsexamen").

The Minister for Education has the final authority. In addition to this Deutscher Schul- und Sprachverein für Nordschleswig has responsibility for allocating the subsidy granted by the Danish State to the schools.

Today 15 German schools in Denmark receive state subsidy according to this Act.



### **Continuation Schools**

South Jutland is also home to a German continuation school. The legal framework for this school is the Act on Folk High Schools, Continuation Schools, Home Economics Schools and Colleges for Art, Crafts, Textile and Fashion Design and Order on Subsidies etc. to Folk High Schools, Continuation Schools, Home Economics Schools and Colleges for Art, Crafts, Textile and Fashion Design (appendices 42 and 43).

To be recognised as a private independent boarding school, the school has to comply with a number of conditions, including being a private foundation with statutes on aim, administration and economy to be approved by the Minister for Education. Furthermore there are demands for a body of people running the school and adequate physical frames. Reference is made to section 10 of the Act. The aim is described in detail in section 1 and section 3 in the Continuation Schools Act. At the beginning of the course the pupil has to have finished 7 years of school attendance or be 14 years old, cf. section 14(2) of the Act.

The school must have a minimum of activities to be State-subsidised, cf. section 14(1) and section 15(2) of the Act. Apart from that there is a number of subsidy-related conditions: The course has to be completed with a majority of pupils who are Danish citizens or on equal footing. This does not apply to the German continuation school, cf. section 15(4) of the Act and section 10(2) of the Order. The training is planned for Danish pupils and the language is normally Danish, but this condition does not apply to the German continuation school, cf. section 14(4). I.e. the German minority has a right to State subsidy as the pupils can be included in the yearly number of pupils with a right to subsidy without the necessity of a majority of Danish pupils and the training can be planned for this group. The rules for pupil grants cannot be used for foreign nationals.

### **School-based Leisure-time Activities**

In addition, the state grants subsidy to school-based leisure-time activities according to the number of pupils enrolled in the school-based leisure-time activities from the pre-school class and the 1st through 3rd forms, cf. section 15 of Act on Private Independent Schools and Private Independent Basic Schools. The amount per pupil for school-based leisure-time activities is laid down in the Budget and is at present DKK 6,500. A leisure-time activity has been set up at 6 out of 15 German basic schools.

### **Private Independent Upper Secondary Schools**

The German minority has its own upper secondary school in Aabenraa which is operated as a private independent upper secondary school in accordance with the general rules. The education is in principle identical with a Danish upper secondary school leaving examination as well as regards contents as qualifications, apart from the pupils being better qualified in German. The education is recognised in Denmark as well as in Germany.

The general rules on private independent upper secondary schools may be summarised as follows: The Minister for Education may authorise private individuals to set up upper secondary schools, cf. section 7(1) of the Upper Secondary Schools Act (Appendix 44). The courses offered by private upper secondary schools are exactly the same as those offered by upper secondary schools under the auspices of county authorities, cf. orders issued under the Upper Secondary Schools Act. The Ministry of Education also supervises courses.

Section 7(5-9) of the Upper Secondary Schools Act embodies further rules for private independent upper secondary school, laying down - for instance - that private independent upper secondary

schools have to be private foundations, that the school in its work as a private foundation the school has to be independent and that the school's funds must solely be used for the school and the educational work of the school.

A number of state subsidies are granted to private independent upper secondary school, cf. the Upper Secondary Schools Act, sections 18 a-f. They include a general subsidy towards operational expenditure per pupil per year, a building subsidy per pupil, a subsidy for private boarding units per yearly boarding pupil, a subsidy for handicapped pupils and a subsidy to reduce the cost of staying at private boarding units. The size of the subsidies is laid down in the annual Budget. Total subsidies amount to 85 per cent of the county's annual expenses per pupil.

Section 18 i lays down a number of additional conditions for the subsidy for private independent upper secondary school, including for instance that the school has to have at least 12 pupils per form. However the Minister for Education in special cases can deviate from the required number of pupils provided that the school has had at least 12 pupils per year group. In these cases a subsidy is given per yearly pupil corresponding to the average subsidies laid down in the annual Budget, cf. section 18 a(3).

Finally, it has been stipulated in section 18 k that the private independent upper secondary school must have other income than the state subsidies and in section 18 kk that the school's funds must be administered to the greatest benefit of the school.

In section 18 p there is a number of rules concerning the payment from the home county of contribution to the state for the home county's pupils in private independent upper secondary schools. In the Order on Subsidies etc. to Private Independent Upper Secondary Schools, Adult Upper Secondary Level Courses and Courses Leading to the Higher Preparatory Examination etc. (Appendix 45) more detailed rules have been stipulated for subsidies to private independent upper secondary schools and courses for higher preparatory examination.

### **Courses for higher preparatory examination**

The Minister for Education can approve that private persons set up courses which offer education according to the Act on Courses Leading to the Higher Preparatory Examination and Academically-Oriented Single-Subject Education Qualifying for an Examination for Adults etc., cf. section 18 of the Act (Appendix 46).

The rules and conditions for setting up, operating and subsidising private courses leading to the higher preparatory examination are on the whole identical with the rules for private independent upper secondary schools, mentioned above. The rules can be found in the Act on Higher Preparatory Examination, sections 18, 24, 30 a-f, 30 i-o and 30 r-v.

Total subsidies to private independent courses leading to the higher preparatory examination correspondingly amount to 85 per cent of the county's annual expenses per pupil.

### **Article 14**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this Article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

### **Paragraphs 1 to 3**

Denmark is deemed to comply with its obligations under Article 14 through the schemes mentioned above under Article 12, paragraphs 2 and 3, and Article 13.

### **Article 15**

**The Parties shall create the conditions necessary for the participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

#### **Cultural life**

Reference is made to the information provided under Article 9 above concerning the German minority's representation on Radio Syd's County Programming Council and on TV Syd's Council. Reference is also made to Article 13 above, from which it appears that Deutscher Schul- und Sprachverein für Nordschleswig allocates the special supplementary subsidy to the German minority schools, and to the other information about the German minority's right to establish and operate its own schools.

Denmark has thus created the conditions necessary for the active participation of persons belonging to the German minority in cultural life.

#### **Social life**

The German minority has established the association Sozialdienst Nordschleswig with a view to promoting social work for the minority. The association, which undertakes a broad spectrum of social tasks, primarily based on voluntary labour, received a grant of DKK 50,000 in 1998 from the Danish Ministry of Social Affairs' pool for the support of voluntary social work. In 1998 Sozialdienst Nordschleswig received funding of DKK 7,000 and DKK 146,000, respectively, from the South Jutland County and the municipalities in the county.

Sozialdienst Nordschleswig received DKK 40,000 in 1998 from the Football Pools and the National Lottery from the Mortgage Bank of Denmark for improvements to and restoration work on "Haus Quickborn" in Kollund, where many of the association's social activities are carried out.

Reference is also made to the information provided under Article 4 above about the German minority's right to run its own day-care facilities.

Denmark has thus created the conditions necessary for the active participation of persons belonging to the German minority in social life.

#### **Economic life**

At present there seems to be no measurable differences in business developments between areas with a high concentration of people from the German minority and areas with a low concentration.

The Danish rules on trade and companies, doesn't distinguish between persons belonging to the German minority and other persons in Denmark. In cases where special requirements need to be met by a person who wishes to carry on trade or establish, own or in any other manner control a company with a view to undertaking business activity, such requirements will usually relate to residence and, in very few cases, nationality. Where Danish nationality is required, such a requirement may undoubtedly be established. Attention is drawn to the rules concerning the free movement of labour within the European Union and the European Economic Area.

Denmark has thus created the conditions necessary for the active participation of persons belonging to the German minority in economic life.

## **Public affairs**

### Election legislation

Danish election legislation is based on the proportional representation system of voting. The possibility for minorities of the population, including the German minority, to achieve representation in the directly elected political organs in proportion to the support they have mustered among the electorate is therefore available.

The principle of proportional representation in general elections is laid down in the Danish Constitution. It thus follows from section 31(2) of the Constitution that the electoral system is designed to secure equal representation of the various opinions of the electorate (Appendix 4). Section 31(3) of the Constitution further specifies that “in determining the number of seats to be allotted to each area, regard shall be taken of the number of inhabitants, the number of electors, and the density of the population”. This means that the seats cannot be distributed arbitrarily, for instance in such a way that geographically delimited areas where the members of the minority live are given less favourable treatment compared with other areas of the country, thus resulting in impaired possibilities of achieving representation in Parliament.

As Danish citizens the members of the German minority enjoy the political rights that are subject to Danish nationality, i.e. the right to vote and stand in general elections.

The Danish Constitution lays down the conditions for the right to vote and stand in general elections, cf. sections 29 and 30(1) of the Constitution. More specific rules governing the election of MPs are set out in the General Elections Act (Appendix 47).

As Danish citizens the members of the German minority are also entitled to participate in elections to local government bodies (county councils and local councils) and, thereby, obtain direct influence on the political decisions that are of particular importance to their daily lives. This possibility is not restricted to Danish citizens, though, as also foreigners who are nationals of countries inside the EU and the Nordic countries living in Denmark have the right to vote and stand in local elections, i.e. as soon as they move to Denmark. Nationals of countries outside the EU and the Nordic countries obtain the right to vote and stand in local elections when they have lived in Denmark for a continuous period of at least three years prior to election day.

The Danish Constitution embodies no provisions on local elections except from a provision that the age qualification for local government electors must be that applying at any time to electors in general elections, cf. section 86 of the Constitution. More specific rules on the election of members to local government bodies are set out in the Local Elections Act (Appendix 48).

The members of the German minority, just like any other citizens, enjoy a constitutional right to form their own political party. Danish election legislation accords the German minority's party a particularly favourable status, allowing the party - even though it is not represented in Parliament - to enjoy some of the rights that are subject to parliamentary representation under normal circumstances. The party is thus entitled to participate in general elections merely by notifying the Ministry of the Interior accordingly, whereas other political parties that are not represented in Parliament are required to collect 20,000 signatures from the electorate to qualify as candidates. Furthermore, in the same way as the parties represented in Parliament and the parties that have collected signatures from the electorate, the German minority's party has an exclusive right to use a special letter for its lists of candidates. Reference is made to section 12(1), third sentence, of the General Elections Act and to section 33(1), second sentence, of the Local Elections Act.

The Danish electoral system is decentralised. A significant part of the practical voting procedures is thus, by law, in the hands of the local councils and the election boards appointed by the local councils.

Election legislation is derived from precise and detailed statutory provisions, which means that the decentral authorities hold no discretionary powers to any particular extent. The administration of the electoral system eliminates discrimination against minorities.

In the most recent local elections in November 1997, the German minority's party, Schleswigsche Partei, participated in the election to the South Jutland County Council and in the election to the local councils of all 23 municipalities in the county. The party obtained representation in the county council with one seat and won a total of eight seats in six local councils, which is one seat down on the preceding local election result.

The German minority's party has not been represented in Parliament since 1964. The party has not participated in general elections since the 1971 election. In this election the party obtained 6,743 votes, which was insufficient to secure the party one of the seven constituency seats in the County of South Jutland and insufficient for the party to be entitled to a share of the supplementary seats.

#### The Liaison Committee concerning the German Minority

The Liaison Committee concerning the German Minority was set up as an advisory committee under the Prime Minister's Office in 1965. The Liaison Committee was set up because the minority's political party, Schleswigsche Partei, failed to obtain representation in Parliament in the election held on 22 September 1964. In 1971 responsibility for the Committee was transferred to the Ministry of the Interior.

The tasks of the Committee, in accordance with clause 1 of its rules of procedure, are to assure the German minority contact with the Danish Government and Parliament and to negotiate domestic policy affairs of interest to the minority (Appendix 49). Meetings are held as required, but at least once in every parliamentary session and, in addition, at the request of three members.

The Minister of the Interior chairs the Committee. The Minister of Education is Deputy Chairman. Furthermore, the Committee is made up of a representative of every party represented in Parliament and three representatives of the German minority who are appointed on the recommendation of the minority's political organisation, "Bund deutscher Nordschleswiger" (Federation of German North Schleswigers). Finally, the head of the German Minority's Secretariat in Copenhagen is a member, whereas the Secretary General of the German minority attends the meetings without being a member. The members' term of office expires on the day of every general election in Denmark. Most recently, the Committee was re-established after the general election on 11 March 1998. The Minister of the Interior makes secretarial assistance available to the Committee, and any expenditure incurred in connection with the Committee's activities is borne by the Treasury.

Examples of issues that have been considered by the Liaison Committee within the past few years include various subsidy schemes of relevance to the minority as well as the issue mentioned under Article 4, paragraph 2, above concerning preferential rights for children of parents belonging to the German minority to places in the minority's day-care facilities. Moreover, it should be mentioned that the work of the Council of Europe for the protection of national minorities, mainly the Framework Convention and the European Charter for Regional or Minority Languages, has been subjected to continuous discussion in the Liaison Committee.

Furthermore, in the summer of 1983 a special secretariat to the German minority was set up in Copenhagen. The secretariat, established in collaboration with the Prime Minister's Office, handles some of the tasks that used to be handled by the Liaison Committee. The German Minority's Secretariat in Copenhagen is engaged in close co-operation with the Ministry of the Interior's Secretariat to the Liaison Committee concerning the German Minority. As mentioned, the head of the German Minority's Secretariat in Copenhagen is a member of the Liaison Committee.

The Ministry of the Interior contributes an annual grant (in 1999 DKK 540,000) to the operating expenses of the German Minority's Secretariat in Copenhagen.

Reference is also made to the information under Article 1 above about the German minority's representation in the Danish delegation to the Implementation Meetings for the Human Dimension of the OSCE.

With the existing scheme outlined above, mainly with regard to election legislation and the Liaison Committee concerning the German Minority, Denmark has created the conditions necessary for the active participation of persons belonging to the German minority in public affairs, in particular those affecting them.

#### **Article 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

Denmark has not, as a result of its ratification of the Council of Europe's Framework Convention of 1 February 1995 for the Protection of National Minorities, amended its legislation nor adopted other measures of a nature as described in Article 16 of the Framework Convention.

No changes have been made over the past few years in the structure of local and county government areas in South Jutland.

Furthermore, no changes have been made in the powers of local and county councils that have been designed to alter the proportions of the population in areas inhabited by persons belonging to national minorities.

Danish legislation on changes in Denmark's structure on local and county government areas may be summarised as follows:

Changes in Denmark's structure of local and county government areas may be effected in compliance with the provisions of the Act on the Procedure to be Followed in Connection with Changes in Denmark's Structure of Local and County Government Areas (Appendix 50).

Decisions to change the country's local and county government areas may be made by the Minister for the Interior on the recommendation of the Structure Council. Certain major changes in the structure of local and county government areas are also subject to the consent of Parliament's Local Government Committee. Minor adjustments of the boundary between two local government areas may, however, be effected by the Minister for the Interior without the prior approval of the Structure Council.

The Structure Council is made up of a chairman and six members, who are appointed by the Minister of the Interior for a four-year term. Three members are appointed on the recommendation of the National Association of Municipalities and two members on the recommendation of the Danish Association of County Councils.

The changes seen over the past three years (1996-1998) in Denmark's structure of local and county government areas have been minor adjustments which have affected municipalities situated in eight out of Denmark's 14 counties. Municipalities located in South Jutland have not been affected by the changes.

#### **Article 17**

**1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

The German minority's special interest in cultivating its religious connections with Germany is recognised in Part II, paragraph 8, of the Copenhagen Declaration mentioned below under Article 18, paragraph 1. In that connection reference is also made to the information provided under Article 7 above.

As far as the German minority's contact to Germany is concerned, in particular the German state of Schleswig-Holstein, the Committee of Schleswig-Holstein's Parliament in Kiel handles significant matters relating to the German minority in North Schleswig. This committee usually meets twice a year under the chairmanship of the President of the Schleswig-Holstein Parliament (Landtag) and is composed of members of the Schleswig-Holstein Parliament (Landtag), members of the Federal German Parliament (Bundestag) from Schleswig-Holstein and representatives of the German minority in Denmark.

The main organisation of the German minority, The Federation of German North Schleswigers (Bund deutscher Nordschleswiger), has links throughout Europe with other national minorities and ethnic groups within the framework of the Federalist Union of European Ethnic Groups (Föderalistische Union Europäischer Volksgruppen FUEV) and co-operates with other German minorities in a working group. Moreover three organisations of the German minority: Bund deutscher Nordschleswiger, the German Schools and Language Association (Deutscher Schul- und Sprachverein) and the German Press Association (Deutscher Presseverein) make up a Danish Member State Committee under the European Bureau for Lesser Used Languages (EBLUL). Danish legislation on foreigners' right to stay in Denmark, for instance with a view to contact with the German minority in South Jutland, may be summarised as follows:

EU citizens – including nationals of Germany – and visa-free third country nationals may stay in Denmark up to three months and, in respect of job-seeking EU citizens, up to six months. Third country visa nationals may obtain a visa to visit their relatives or to participate in a cultural or scientific event, for instance activities organised by the German minority in South Jutland. If the purpose of the visit is to stay with certain close relatives, the stay of both EU citizens and third country nationals may be extended to six months. Longer stays require a residence permit under the Danish Aliens Act or a residence certificate under the EC/EEA Order (Appendices 51 and 52).

The EC/EEA Order lays down that a residence certificate may be issued to EU citizens who are in paid employment, are self-employed or provide/receive services in Denmark and to the close relatives of such citizens. EU citizens may also obtain a residence permit under the general provisions of the Aliens Act, including the provision on the granting of a residence permit "if exceptional reasons make it appropriate" as set out in section 9(2), subparagraph 4.

With a view to the granting of a residence permit under this provision, sections 24 to 26(a) of the Aliens Order lay down rules on residence permits to enrol in a programme of higher education, to participate in a course at a folk high school or the like and on residence permits to pupils enrolled in basic and youth education courses (Appendix 53). Under section 26 of the Aliens Order residence permits may be granted for a maximum period of two years to students enrolled in basic and youth education courses, but in practice residence permits are granted for three years - the last year solely by reference to section 9(2), subparagraph 4, of the Aliens Act - to German pupils at "Det Tyske Gymnasium" (the German Upper Secondary School) in Aabenraa with due regard to the special consideration that should be given to the German minority. Under section 26 of the Aliens Order residence permits are granted to pupils enrolled at "Den Tyske Efterskole" in Tinglev. The pupils

usually stay at the school for one or two years. Every year “Den Tyske Efterskole” in Tinglev invites a pupil from the former eastern Europe to stay one year at the school. The cost of this stay is borne by the school itself as a cultural contribution from the German minority in Denmark to other (German) minorities. These pupils also obtain residence permits under section 26 of the Aliens Order. It should be noted that Denmark is expected to enter into the practical Schengen co-operation during the year 2000 and that the control of persons at the internal borders in relation to the other Schengen countries will be abolished.

### **Article 18**

**1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

### **Paragraph 1**

On 29 March 1955 Denmark and the Federal Republic of Germany signed almost identical government declarations in Bonn on the rights of the two minorities north and south of the border between Denmark and Germany, the so-called Copenhagen-Bonn Declarations. By these declarations the basis was laid for the safeguarding of the rights of the two minorities and for the future co-operation with regard to solving the problems of the minorities.

In the preamble of the declarations reference is made to Article 14 of the European Convention on Human Rights pursuant to which the rights and freedoms set forth in that Convention shall be secured without discrimination in respect of association with a national minority. The declarations contain a list of the individual rights enjoyed by members of the two national minorities as well as a list of commitments. It is thus stated that it shall be possible freely to profess one's loyalty to the Danish-German people and the Danish-German culture and such a profession of loyalty shall not be contested or verified by an official authority. Persons belonging to the two minorities and their organisations may not be hindered from speaking and writing the language of their choice.

The full wording of the declarations appears from the pamphlet entitled “Forty Years of Cooperation in the Border Region”, published by the Ministry of Foreign Affairs in March 1995 on the occasion of the 40<sup>th</sup> anniversary of the signing of the Copenhagen-Bonn Declarations (Appendix 54). The Copenhagen Declaration was promulgated in Order No. 24 of 7 June 1955 by the Ministry of Foreign Affairs. The Danish Prime Minister emphasised in 1990, in reply to an interpellation from an MP concerning the forthcoming reunification of Germany, that these declarations still provide a solid basis for the protection of the minorities' rights, adding that German reunification would not alter the international law status of the Copenhagen-Bonn Declarations (Appendix 55).

### **Paragraph 2**

On 2 April 1981 Denmark ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.

Between the district-free city Flensburg, District Nordfriesland and District Schleswig-Flensburg on the German side and the South Jutland County on the Danish side an Agreement on the Establishment of Region South Jutland-Schleswig was concluded on 16 September 1997 (Appendix 56).

According to the preamble to the agreement, the parties establish “a European region which provides the foundations for intensive and long-term co-operation in order to strengthen the development of the total border region and to strengthen the region in a European context and in relation to the neighbouring regions”.



Clause 2 lays down that the objective of the co-operation in the region is “to initiate common activities that can encourage the development of the region and establish closer contact between the populations, business communities and organisations on both sides of the border and, furthermore, intensify transfrontier co-operation. In a European context the region will appear as an entity”.

The agreement specifies the following means to be used for attaining this objective: improvement of living conditions, equal rights, business development, education and training, measures to combat unemployment, exchange of knowledge, cultural co-operation, sports, stimulation of foreign language skills, environmental improvement, developments in the open country, promotion of infrastructure, coastal protection, emergency service, fire prevention.

*The Regional Council* is the chief decision-making body of the organisation. The Council is a joint advisory and coordinating body in transfrontier affairs.

The Council is made up of 42 members, 21 of whom are appointed by each side. It should be noted that both the Chairman of the Federation of German North Schleswigers (Bund deutscher Nordschleswiger), Hans Heinrich Hansen, and the representative from the German minority’s party in the South Jutland County Council, Harald Søndergaard, are members of the Regional Council. In addition, each side appoints up to three observers with the right to attend the meetings of the Council but with no voting rights. The Danish Parliament and Schleswig-Holstein’s Parliament in Kiel are entitled to appoint two of these observers each.

From Denmark, two Members of Parliament attend meetings with observer status.

The principal tasks of the Regional Council are: Adoption of rules of procedure and other necessary guidelines for the organisation’s bodies, adoption of large-scale co-operation projects and approval of budgets for such projects, approval of the organisation’s budget and accounts, consideration and discussion of the annual report.

The decisions of the Regional Council are taken in general agreement, which requires that at least 34 of the Council’s voting members are present, including at least 17 members from each side, and that at least 12 of the attending members from each side vote in favour of the resolution proposed. A copy of the minutes of the meetings of the Regional Council on 10 February and 17 September 1998 is enclosed (Appendix 57).

*The Governing Board* is made up of eight members, four of whom are appointed by each side.

The Governing Board represents Region South Jutland-Schleswig in relation to third parties, prepares and presents proposals to the Regional Council, implements Council decisions, appoints a secretariat and sets up working parties or committees at its own initiative or at the request of the Regional Council.

*The Secretariat* has its seat on the Danish side (Bov) and attends to the day-to-day administration of the organisation as well as the preparation and organisation of meetings of the Council, the Governing Board and working parties/committees.

*Working parties/committees* are set up to prepare proposals for joint projects. In addition, committees of a more permanent nature are set up to handle particular activity areas.

The agreement has been concluded for an indefinite term, but may be terminated if requested by either the Danish or German side.

The Agreement on the Establishment of Region South Jutland-Schleswig received wide press coverage until its conclusion in September 1997.

The Danish Prime Minister replied to an interpellation from an MP that “The Government responds positively to initiatives that are capable, through transfrontier co-operation, of stimulating international understanding in Europe. If regional and local authorities wish to formalise transfrontier co-operation within their respective powers, the parties involved are free to take such decisions themselves.

...

It is up to the regional authorities themselves to decide on the further development of this co-operation as long as it is within the boundaries of existing national legislation” (Appendix 58). Both the Prime Minister and the Minister for the Interior have since then maintained that as long as this co-operation is held within the powers of municipalities and county authorities and within Danish legislation, the Danish Government neither should nor would interfere in questions concerning the appropriateness of such co-operation or its form.

Moreover, reference is made to the cultural enterprise agreement between the Danish Minister for Culture and the South Jutland County, mentioned above under Article 5, paragraph 1.

#### **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

#### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

#### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

#### **Article 22**

**Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.**

#### **Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

### **Article 30**

- 1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**
- 2. Any State may at any later date, by a declarations addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**
- 3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

In connection with the deposit of its instrument of ratification on 22 September 1997, Denmark made a declaration according to which the Framework Convention shall apply to the German minority in South Jutland of the Kingdom of Denmark, cf. the comments to Article 3 above.

["Appendices available at the Secretariat"](#)