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

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**Denmark's second report
under the Council of
Europe's Framework
Convention for the
Protection of National
Minorities**

May 2004

Introduction

On 22 September 1997, Denmark ratified the Council of Europe's Framework Convention for the Protection of National Minorities. The Framework Convention entered into force for Denmark on 1 February 1998. On 6 May 1999, Denmark submitted its first state report under the Framework Convention.

As part of the monitoring mechanisms of the Framework Convention, Denmark hereby submits its second state report under the Framework Convention. In the opinion of Denmark, the monitoring procedure is an important instrument in the ongoing dialogue with the Council of Europe, and the Danish Government views with satisfaction this opportunity to continue constructive cooperation.

The report has been prepared based on contributions received from the ministries and other official bodies affected by the provisions of the Framework Convention, these being the Ministry of Interior and Health, the Ministry of Justice, the Ministry of Ecclesiastical Affairs, the Ministry of Culture, the Ministry for Refugees, Immigration and Integration Affairs, the Ministry of Social Affairs, the Prime Minister's Office, the Ministry of Transport, the Ministry of Foreign Affairs, the Ministry of Education, Statistics Denmark, and the County of South Jutland.

The German Minority's Secretariat in Copenhagen has had an opportunity to view an overall draft version of this report and has been of assistance in providing factual information.

The report has been prepared in accordance with the outline for state reports adopted by the Committee of Ministers of the Council of Europe. Thus the report concentrates on those topics, which based on Denmark's first state report, were raised in the Committee of Minister's resolution of 31 October 2001 and in the Advisory Committee's opinion of 22 September 2000. Furthermore, Item III of the report contains the information requested by the Advisory Committee through the Committee's specific questions to Denmark.

I. Practical arrangements made at national level for following up the results of the first monitoring cycle on the implementation of the Framework Convention

a. please indicate the follow-up activities organised at national, regional and local level, the persons and authorities implicated, the conclusions adopted and their dissemination to interested parties (including publication, where appropriate);

The results of the first monitoring cycle were discussed in March 2002 at a meeting of the Liaison Committee concerning the German Minority, which is made up of representatives of all the parties represented in the Danish Parliament and the German minority.

Among the topics discussed at the meeting was the appointment of a working group, based on the work with the Council of Europe's Language Charter, with the participation of a number of ministries and the German minority. The working group is an informal forum with no actual decision-making powers. The work of the group will facilitate continuous follow-up and discussion of the implementation both of the

Framework Convention and the Language Charter, thus enhancing the coordination of the ongoing work of implementing the two conventions in the best possible manner.

In addition, the Danish Government can inform the Council that in a letter dated 1 October 2003, the Ministry of the Interior and Health approached all the local councils in the County of South Jutland, the County Council of South Jutland and the State County of South Jutland with a general briefing on/reminder concerning the special circumstances of which the public authorities must be aware in their handling of cases relating to the German minority, including the significance of the Framework Convention as it applies to the German minority.

Among the issues stressed by the letter is that the Copenhagen-Bonn Declarations lay down that the profession of German or Danish nationality and culture is a matter of free choice and may not be contested or verified by the authorities. In this context, it is emphasised that the Copenhagen-Bonn Declarations guarantee the preservation of national cultural and linguistic identities by minorities on both sides of the border, and thus the Declarations continue to constitute the framework of the present state of peaceful coexistence along the German-Danish border.

Besides the Copenhagen-Bonn Declarations, the letter furthermore emphasises that the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages is also important with regard to the German minority.

By means of the letter, it was the Ministry of the Interior and Health's intention to help prevent misunderstandings arising to the detriment of relations between the two population groups in South Jutland as a result of inattentiveness. In this way, the Ministry hopes to help promote the continued positive evolution of the good feelings reigning along the border that both the German minority and the Danish majority contribute to.

b. please indicate what steps have been taken to publicise the results of the first monitoring cycle, as well as the impact of these steps: publication, dissemination, translation of the relevant documents (opinion, State comments, resolution) into the official language(s) and the minority languages where appropriate (including measures to promote awareness of the Framework Convention);

An information box on the Framework Convention may be found on the Ministry of Foreign Affairs' website under the item *Human Rights/The Council of Europe and Human Rights*. Here readers will find a link to the Council of Europe's communication concerning the adoption of the first resolution on Denmark's implementation of the Framework Convention at the 771st meeting of the Committee of Ministers on 31 October 2001. There are direct links to the resolution itself and to the Advisory Committee's opinion and the official comments of the Danish Government relative to this from the Council of Europe's communication.

The Danish Government is aware that the Advisory Committee's opinions and the Committee of Ministers' resolutions could probably be disseminated in a better and more publicly-oriented manner than has hitherto been the case.

With this in mind, the Ministry of the Interior and Health has expanded its website to include more information on national minority issues. In this context, the Ministry of the Interior and Health has been careful to include a number of documents about the Council of Europe's Framework Convention for the Protection of National Minorities, including the Advisory Committee's opinion, the official Danish comments on this opinion and the Committee of Ministers' resolution under a separate item entitled *National Minorities* on its website.

The documents are available in Danish and/or English. Danish is spoken and understood by the overwhelming majority of members of the German minority. As for English, this is a language with which the Danish population is in general very familiar.

c. please indicate the steps taken and the outcome of these steps, in order to improve participation by members of civil society in the process of implementing the Framework Convention at the national level (including the means used to increase the level of information, consultation and participation of members of civil society in the different stages of the Framework Convention monitoring procedure);

As is apparent from Denmark's first report under the Framework Convention, the German minority was involved in the monitoring process, including through the provision of factual information for Denmark's first state report, and the German minority had an opportunity to submit their comments both on the appropriate ministries' contributions to the report and the overall draft version of Denmark's first report.

As mentioned above, in connection with the work of the Council of Europe's Language Charter, a working group was appointed consisting of representatives from the relevant ministries and the German minority. Besides issues relating to the Language Charter and the area of education, the working group may also discuss other topics of interest to the German minority, including topics relative to the Framework Convention. Questions concerning the implementation of the Framework Convention and the monitoring procedure were among the subjects discussed at the most recent meeting in September 2003.

Furthermore, as mentioned previously, the Ministry of the Interior and Health has expanded its website with the inclusion of a separate item on *National Minorities*, which contains information on such matters as the Framework Convention, including the monitoring procedure.

Finally and as also mentioned above, in a letter dated 1 October 2003, the Ministry of Interior and Health approached all the local councils in the County of South Jutland, the County Council of South Jutland and the State County of South Jutland with a general briefing on/reminder concerning the special circumstances of which the public authorities must be aware in their handling of cases relating to the German minority, including the significance of the Framework Convention as it applies to the German minority. In this connection, the Ministry of the Interior and Health referred to the fact that the Framework Convention and Denmark's first state report under the Framework Convention were available on the Ministry's website.

d. please indicate what steps have been taken to continue the dialogue in progress with the Advisory Committee, including those taken to keep it regularly informed of any action taken in response to the results of the first monitoring cycle (see section 3 of the country relevant Resolution adopted by the Committee of Ministers). Please also indicate the outcome of these steps.

As a link in replying to the letter of 15 March 2002 from the Chairman of the Council of Europe's Advisory Committee set up under the Framework Convention, Professor Rainer Hofmann, which contained proposals for closer dialogue between the Advisory Committee and the Danish authorities, the Ministry of Foreign Affairs convened a meeting with the ministries concerned on 4 September 2002.

Against this background, in a letter dated 1 October 2002, the Ministry of Foreign Affairs informed the Advisory Committee that the Danish authorities consider the monitoring procedures in their present form quite satisfactory, but that, at the same time, the Danish authorities were agreed that the monitoring process might nevertheless be enhanced by an interim dialogue between the Advisory Committee and the relevant national authorities in matters which need clarification or further elaboration.

Apart from correspondence concerning Denmark's second state report under the Framework Convention, Denmark has received no communications from the Advisory Committee since October 2002. Furthermore, during its work with the Framework Convention during the relevant period, the Danish Government has not come across any specific questions or problems that would have necessitated getting in touch with the Committee.

II. Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers in respect of your country

a. please provide a general presentation of the measures taken to implement the Committee of Ministers' conclusions (see section 1 of the country relevant Resolution adopted by the Committee of Ministers), including any other measures considered relevant in this respect;

In its resolution the Committee of Ministers initially concludes that Denmark was to be commended for its work with the German minority in South Jutland.

The Committee of Ministers also concludes that the personal scope of application of the Framework Convention in Denmark merits further consideration by the Government of Denmark in cooperation with those concerned.

Finally, the Committee of Ministers concludes that the privileged funding of the Danish National Church and the obligatory registration of all names by this church merits review.

Re the personal scope of application of the Framework Convention

By way of introduction, the Danish Government finds reason to point out that the Framework Convention does not contain a definition of the notion of national minority, nor do the other instruments in the field of minorities.

According to the Explanatory Report of the Framework Convention, it was decided in connection with the preparation of the Convention not to define the notion of national minority in the Framework Convention, thus leaving it to Participating States to determine the content of the notion through their practice.

Under general rules of interpretation, the fact that it follows from the preliminary work to the Framework Convention that the Convention is aimed at minorities created by the upheavals of European history must be taken into account when determining the notion of national minority in relation to the Framework Convention. Thus, according to the preamble of the Convention, the Convention is needed because the upheavals of European history have shown that the protection of national minorities is essential to stability in Europe. Further, the preamble and Article 18 of the Convention state that the implementation of the principles of the Convention implies cross border co-operation between local and regional authorities. According to their wording, several of the provisions in the Convention contain territorial limitations, dealing with areas which are inhabited by persons belonging to national minorities (Article 10(2), Article 11(3) and Article 14(2)) traditionally or in substantial numbers. Lastly, point 66 in the Explanatory Report states that the term "inhabited traditionally" refers to the fact that the provisions of the Convention apply to persons still living in their traditional geographical area.

In the opinion of the Danish Government, the distinctive mark of a national minority is that it is a minority population group which above all has historical, long-term and lasting links to the country in question – in contrast to refugee and immigrant groups in general.

Against this background, Denmark has identified the German minority in South Jutland as a national minority covered by the Framework Convention.

Therefore, when ratifying the Framework Convention, Denmark declared that the Framework Convention applies to the German minority in South Jutland of the Kingdom of Denmark. This declaration was submitted pursuant to Article 30 of the Framework Convention. As shown in the first report on Denmark's implementation of the Framework Convention, Denmark's 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 referenda in 1920) – i.e. South Jutland in Denmark and Schleswig in Germany – Danes and Germans live together in traditional residential areas. The overwhelming majority of the German minority in Denmark are Danish nationals.

It is the opinion of the Danish Government that the identification process may be viewed as a positive and fruitful part of implementation of the Framework Convention in Denmark, in that it makes clear to both authorities and minorities whom the convention applies to. Thus, the Danish Government is of the opinion that the

declaration helps promote awareness of the Framework Convention, something which the Council of Europe also believes to be important.

Furthermore, Denmark has taken note of the fact that other countries, such as, for instance, Germany and Sweden, have applied the same method and submitted declarations accordingly on the national minorities in their countries.

In this regard, the Danish Government finds it necessary to point out that the Danish declaration was not, as alleged by the Advisory Committee, intended to exclude *a priori* any national minorities in Denmark from falling under the Convention. When ratifying the Convention, Denmark gave thorough consideration to which national minorities where to be found in Denmark and subsequent to these deliberations identified the German minority as the only national minority in Denmark.

However, in general the Danish Government finds reason to point out that if, for want of a common definition of the notion of national minority, an extremely broad interpretation is adopted, which in some cases could result in a particularly wide-ranging understanding of which population groups are covered by the Framework Convention, in the opinion of the Danish Government there is a contingent risk of diluting the Convention and weakening the intended protection of the Convention instead of strengthening it.

For the reasons stated above, the Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

Based on the aforementioned introductory remarks, the Danish Government submits the following:

The Faeroe Islands and Greenland

Denmark ratified the Convention in 1997 with territorial validity for the Faeroe Islands and Greenland. Ratification was made after submission to and acceptance by the Faeroese and Greenland Home Rule Governments in accordance with the procedures applying under the home rule arrangements.

Denmark's declaration at the time of the ratification of the Convention that in Denmark the Framework Convention applies to the German minority in South Jutland was also made with the acceptance of the Home Rule Governments.

In continuation of the dialogue with the Advisory Committee which took place in connection with the first monitoring process relative to implementation of the Framework Convention by Denmark, in the autumn of 2001 the Danish Government approached both the Faeroese and the Greenland Home Rule Governments with a view to obtaining their respective comments on the status of the Faeroe Islands and Greenland under the Framework Convention.

The position of the Faeroese Home Rule Government is laid out in a letter dated 19 October 2001 from the Faeroese Lagmand to the Ministry of Foreign Affairs, which,

among other things, states that: "On 17 July 1997, The Faeroe Islands passed a resolution to endorse the Council of Europe's Framework Convention on National Minorities with a view to its application to Faeroese territories in accordance with the relevant provisions of the Convention. Thus, the Faeroese decision did not cover the scope of application of the Convention." The letter also states: "The Council of Europe's Framework Convention on National Minorities and Article 27 of the UN Covenant on Civil and Political Rights do not apply to the Faeroese people within the territories covered by the Faeroe Islands." Lastly, the Lagmand stated that it is, however, "the opinion of the Faeroe Islands that the relevant authorities in Denmark should get in touch with Faeroese associations in Denmark with a view to clarifying the extent to which the Council of Europe's Framework Convention on National Minorities applies to the national Faeroese minority in Denmark."

As far as Danish citizens native of and resident on the Faeroe Islands are concerned, against the above background, the Danish Government has taken no further action with regard to the question of whether this group might be considered a national minority within the meaning of the Framework Convention.

As regards persons from the Faeroe Islands residing in Denmark, in a letter dated 5 December 2001 the Ministry of Foreign Affairs informed the Faeroese Lagmand that, in the opinion of the Danish Government, persons from the Faeroe Islands who take up residence in Denmark may not be considered a national minority in Denmark. Thus the Danish Government has not found reason to obtain opinions from Faeroese associations in Denmark as suggested by the Lagmand in the letter of 19 October 2001.

In the same way, the Government sees no reason to approach Danish associations in the Faeroe Islands or Greenland.

In a letter dated 8 November 2001, the Greenland Home Rule Government informed the Ministry of Foreign Affairs that on 6 November 2001, the Home Rule Government had endorsed the Danish Government's comments to the Advisory Committee's opinion on Denmark with regard to Greenland. At the same time, the Home Rule Government stated that the Home Rule Government remained in agreement with the Danish Government that the German minority in South Jutland is the only national minority in Denmark within the meaning of the Convention.

See also paragraph II b, re Article 3.

Roma

When ratifying the Framework Convention, Denmark did not identify Roma in Denmark as a national minority within the meaning of the Convention.

In Denmark, the Central Population Register contains information on age, sex, marital status, citizenship, place of birth, present address and family information. Moreover, the register provides up-to-date information on births, deaths, changes of residences within the country, immigration and emigration. Thus there is no information in the Central Population Register, which could be used for determining the number of persons belonging to Roma.

According to information available to the Danish Government, the Roma who live in Denmark today may be divided into two main groups: one group came to Denmark from the middle of the 1990s onwards fleeing the wars in the former Yugoslavia; the other came to the country at the end of the 1960s. Only few Roma are Danish citizens. Any Roma who took up residence in Denmark prior to the 1960s have, according to information available to the Government, been completely integrated and do not emerge as an identifiable group.

Paragraph 43 of the Explanatory Report of the Framework Convention states that not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities.

According to the information available, the Roma living in Denmark today have no historical or long-term and unbroken association with Denmark, but consist partly of immigrants and partly of refugees. Thus, in the opinion of the Danish Government, the Roma do not constitute a national minority in Denmark.

On 30 January 2004, a meeting was held between the Danish Roma association Romano and representatives of the Ministry of the Interior and Health, the Ministry for Refugees, Immigration and Integration Affairs and the Ministry of Foreign Affairs. The object of the meeting was to discuss an approach made by the Roma association concerning the possibilities of recognising Roma in Denmark as a national minority within the meaning of the Council of Europe's Framework Convention for the Protection of National Minorities.

At the meeting, Romano had an opportunity to express the opinions of the association. At the same time, the ministerial representatives gave an account of the Danish Government's opinion.

Naturally, the Danish Government will take into consideration and evaluate any other material information on Roma in Denmark that the Romano association is able to contribute.

Summary

The Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

As stated above, since Denmark's first report, discussions have taken place between representatives of the Danish Government and both the Greenland and Faeroese Home Rule Governments and the Roma in Denmark.

Against this background, the Danish Government remains of the opinion that the German minority in South Jutland is the only group identifiable as a national minority, and which therefore falls within the scope of application of the Framework Convention.

Re the privileged government-subsidised status of the Danish National Church

The Council is referred to the following comments under Section II b re Articles 4 and 8.

Re the question of registration of names through the Danish National Church

The Council is referred to the following comments under Section II b re Article 11.

b. please indicate, article by article, the measures taken in response to the Committee of Ministers' recommendation (see section 2 of the country relevant Resolution of the Committee of Ministers) to take appropriate account of the various comments contained in the Advisory Committee's opinion. Here, please provide information on any new developments in your country that seem relevant to each particular article of the Framework Convention, including remedies and solutions to any difficulties or problems that may have been encountered.

The Advisory Committee's comments on each of the articles of the Framework Convention are listed below in italics, followed by the Danish Government's comments thereon.

Re general remarks

The question of raising awareness of the Framework Convention in Denmark (point 8 in the Advisory Committee's opinion)

The Advisory Committee has some concern that awareness in Denmark about the Framework Convention appears to be rather limited. The Advisory Committee therefore considers that the Danish authorities should undertake more activities in this respect.

As shown in Denmark's first report on Denmark's implementation of the Framework Convention, long before its ratification of the Convention Denmark had provided solutions that satisfy the principles of the Convention, one of the aims being to ensure effective equality between the German minority in South Jutland and persons belonging to the majority. The report contains much information about measures adopted in specific areas for the purpose of providing this equality.

Denmark has therefore found no grounds for carrying through amendments to legislation or otherwise adopt special measures to implement the principles of the Framework Convention.

The Liaison Committee concerning the German Minority, whose object is to discuss political home affairs of interest to the minority, has discussed the content of the Framework Convention and Denmark's ratification of it at its annual meetings. Moreover, the Danish authorities have continuously discussed the solutions established to create equality between the German minority and the majority in South Jutland with the German Minority's Secretariat in Copenhagen.

In connection with the entry into force of the Framework Convention for Denmark, the Danish Centre for Human Rights published a pamphlet "Beskyttelse af nationale mindretal i Europa" ("Protection of National Minorities in Europe"). The pamphlet

contains an introduction to the Framework Convention and a review of the contents of the Convention.

Lastly, it should be noted that, in connection with Denmark's ratification, the Framework Convention – like all conventions acceded to by Denmark – was published in the Danish Law Gazette, Lovtidende C; that the Framework Convention is electronically available in Retsinformation (Legal Information); and that both the Convention and Denmark's first report are electronically available on the website of the Danish Ministry of the Interior and Health. The report can also be obtained at public libraries, etc, and anyone requesting the report on Denmark's implementation of the Framework Convention will receive the report free of charge.

Furthermore, in August 2001 the Ministry of Foreign Affairs published a pamphlet in Danish and German on the European Charter for Regional or Minority Languages for the use of the German minority and the authorities in South Jutland. Among the items in the pamphlet is a general section on the protection of minority rights, where the Framework Convention is also mentioned. The pamphlet has been published in co-operation with the German minority and has been sent to all public libraries in South Jutland, to the libraries of the German minority, to municipal authorities in the South Jutland County and to all of the minority's institutions, schools, etc. There is a link to the pamphlet from the website of the Ministry of Foreign Affairs' Human Rights' unit.

The Danish Government is attentive to the expediency of, if possible, further promoting awareness of the Framework Convention. In particular, the Government believes that efforts to promote awareness should focus on those groups to whom the Framework Convention is of importance.

In this context, the Danish Government can disclose – as has already been mentioned – that in a letter dated 1 October 2003, the Ministry of the Interior and Health approached all the local councils in the County of South Jutland, the County Council of South Jutland and the State County of South Jutland with a general briefing on/reminder concerning the special circumstances of which the public authorities must be aware in their handling of circumstances that affect the German minority, including the significance of the Framework Convention as it applies to the German minority.

Re article 3

Various questions on the Convention's personal scope of application

The Advisory Committee finds that the Danish authorities should examine the question of the Convention's application to peoples of the Faeroes and Greenland, including those resident in Denmark, to persons of ethnic Danish origin who reside on the Faeroe Islands or in Greenland, to persons belonging to the German minority but who reside outside South Jutland and to Roma and other groups in Denmark.

By way of introduction the Danish Government refers to the remarks under section II a on the personal scope of application of the Framework Convention, including that the Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

Based on this, the Danish Government has the following comments to make on the individual points:

The question of application of the Convention to Greenlanders and Faeroese persons
(points 16-19 in the Advisory Committee's opinion)

The Advisory Committee has particularly stated that the fact that a group of persons constitutes *an indigenous people* or *a people* and as a result is assured a different type of protection does not in itself exclude them from protection as a national minority.

In addition, the Advisory Committee commented that the majority of the Framework Convention's provisions apply throughout the territory of the state and not just in that part of the territory of state traditionally inhabited by the minority populations.

As already mentioned, Denmark has not identified the Faeroese and Greenlander peoples as national minorities within the meaning of the Convention.

Denmark ratified the Convention in 1997 with territorial validity for the Faeroe Islands and Greenland. Ratification was made after submission to and acceptance by the Faeroese and Greenland Home Rule Governments in accordance with the procedures applying under the home rule arrangements.

Denmark's declaration at the time of the ratification of the Convention that in Denmark the Framework Convention applies to the German minority in South Jutland was also made with the acceptance of the Home Rule Governments.

The Danish Government refers the Council to Section II a for an account of the subsequent correspondence between the Danish Government and the Home Rule Governments.

Particularly with regard to persons born on the Faeroe Islands or in Greenland who choose to take up residence in Denmark, it should be pointed out that they are not registered as groups or individuals based on their descent, but enjoy protection both at national level and through the international instruments which protect the rights of the individual and safeguard against discrimination. Please refer to the correspondence between the Danish Government and the Home Rule Governments mentioned under section II a.

The Danish Government finds reason to point out that the Danish declaration was not, as alleged by the Advisory Committee, intended to exclude *a priori* any national minorities in Denmark from falling under the Convention. When ratifying the Convention, Denmark gave thorough consideration to which national minorities were to be found in Denmark, and subsequent to these deliberations identified the German minority as the only national minority in Denmark.

Against the aforementioned background, the Danish Government remains of the opinion that the Framework Convention does not apply to the Faeroese or Greenlander peoples, regardless of whether they reside in the home rule territories or in Denmark.

The question of the application of the Convention to persons of ethnic Danish origin who live in home rule areas (point 20 in the Advisory Committee's opinion)

It is apparent from the preliminary work to the Framework Convention that it is aimed at minorities created by the upheavals of European history. It is characteristic of persons of ethnic Danish origin who are resident in or take up residence in, work, marry and settle down, etc in Greenland and the Faeroe Islands that they can in no way be said to have taken up residence in the home rule areas because of historic upheavals.

On this basis, the Danish Government is of the opinion that persons of ethnic Danish origin residing in the home rule territories cannot be defined as national minorities within the meaning of the Convention.

Apart from the above, the Government has the following comments to make on the Advisory Committee's opinion expressed in point 20:

The Home Rule Authorities are subject to the Danish Constitution and the fundamental freedoms derived thereof. Moreover, the Home Rule Authorities are also subject to the human rights conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN Convention on the Elimination of All Forms of Racial Discrimination, that have been ratified by Denmark and which with the acceptance of the Home Rule Governments comprise Greenland and the Faeroe Islands.

Danes taking up residence in the Faeroe Islands or in Greenland are thus protected by the international instruments, which protect the rights of the individual and afford protection against discrimination.

The question of application of the Convention to persons belonging to the German minority but living outside the area of South Jutland (point 21 in the Advisory Committee's opinion)

As mentioned, Denmark has only identified the German minority in South Jutland as a national minority within the meaning of the Convention.

As can be seen from the first state report on Denmark's implementation of the Framework Convention, the minority in South Jutland numbers 15-20,000 persons according to information received from the German minority. The German minority lives mainly in the South Jutland County, representing from 5 to 20 per cent of the population in some of the 23 municipalities.

Denmark's first report also mentions that the German minority has established kindergartens, basic schools, after-school centres, school-based leisure-time activities, a continuation school, an upper secondary school and libraries, all in the South Jutland County; that the German minority's newspaper, *Der Nordschleswiger*, has its principal editorial offices in Aabenraa, South Jutland; and that the German minority's main organisation Bund deutscher Nordschleswiger has its head office in Aabenraa, South Jutland. At the local elections in 2001, the German minority party, Slesvigsk Parti, achieved representation on the County Council of South Jutland and on local councils in five of the county's municipalities.

The German minority only manifests itself as a national minority in South Jutland. It should be noted that persons from the German minority enjoy the same rights as all other Danish citizens whether they are living in or outside South Jutland.

The solutions which contribute to equality between the German minority and the majority include both general arrangements which apply to everybody in Danish society and special arrangements involving positive discrimination favouring the German minority. Naturally enough, the positive discrimination measures reflect the German minority's historic ties with South Jutland and the fact that the German minority only manifests itself as a national minority in this area. A few of the positive discrimination measures favouring the German minority relate especially to the area of South Jutland; by way of example the Danish Government might mention the appointment of rectors with equal status in the Danish National Church in the towns in South Jutland (first report pages 18-19), certain provisions regulating the language of the Church (report page 21), the German minority's continuation school at Tinglev (report page 41) and the minority's library system (report page 23).

Furthermore, the situation since the first Danish State Report has changed as a result of the passing of an amendment to the Act on Social Services involving the introduction of a free choice of day-care facilities across municipal boundaries (Consolidated Act no. 764 of 26 August 2003).

Under the previous rules, members of the German minority were not legally entitled to choose day-care facilities in another municipality. However, in cases where parents chose – and obtained – a more expensive day-care service in another municipality, the municipality of residence paid the additional outlay involved.

As per 1 January 2004, under the above-mentioned amendment to the law the German minority is now entitled to choose day-care facilities in a different municipality. Following the amendment to the law, if the use of day-care facilities across municipal boundaries involves extra costs, these will normally be defrayed by the parents. Nevertheless, Ministerial Order no. 890 of 6 November 2003 ensures that those families making use of day-care facilities attached to the Deutscher Schul- und Sprachverein für Nordschleswig are on an equal footing with parents able to make use of ordinary day-care facilities in the municipality. This means that the previous rules for payment whereby the family paid according to the rates applying in the municipality of residence while the municipality of residence paid any difference stemming from the use of day-care facilities across municipal boundaries will continue to apply to the use of day-care facilities attached to the Deutscher Schul- und Sprachverein für Nordschleswig across municipal boundaries.

Access through particularly extensive public co-funding to setting up kindergartens, basic schools and youth recreation centres, school-based leisure activities and upper secondary schools is a general arrangement which can also be used by any persons attached to the German minority in South Jutland, who take up residence in other parts of the country.

Consequently, the Danish Government holds the view that there is no need for additional initiatives relative to persons attached to the German minority who are resident outside South Jutland.

The question of application of the Convention to Roma (gypsies) in Denmark (points 22-23 in the Advisory Committee's opinion)

The Council is referred to the comments on Roma under section II a on the personal scope of application of the Framework Convention.

The question of application of the Convention to persons belonging to other groups, based on a review of the individual articles of the Convention in consultation with the groups concerned (point 24 in the Advisory Committee's opinion)

The provisions of the Framework Convention apply to national minorities.

As mentioned above, Denmark has identified the German minority in South Jutland as the only national minority in Denmark.

The Danish Government holds the view that a particular population group can either be identified as a national minority or it cannot be identified as such a minority. Thus the Danish Government finds that regarding a particular population group as a national minority under one provision of the Convention but not under another does not accord with either the Convention or the general understanding of the concept.

Against this background, the Danish Government finds no basis for a review of the individual articles of the Convention in consultation with other groups.

Re article 4

The question of effective remedies for persons who suffer from discrimination (point 25 in the Advisory Committee's opinion)

The Advisory Committee considers that the Danish Government should examine its legislation in order to ensure that effective remedies are available to all persons who suffer from discrimination, both by public authorities and private entities.

Generally, the Danish Government would point out that Denmark has ratified the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and that Denmark's implementation of these conventions is monitored by the control bodies attached to the conventions.

Furthermore, the Danish Penal Code contains a provision according to which any one who publicly or with intent to propagate them to a wider circle makes statements or any other communication by which a group of persons is threatened, insulted or exposed to indignities on the grounds of race, colour, national or ethnic origin, religion or sexual orientation is liable to a fine or imprisonment for a term not exceeding two years.

In addition, Denmark has a special Act on Prohibition against Discrimination in the Labour Market.

Lastly, as part of the implementation in Danish law of Council Directive (2000/43/EC) on implementing the principle of equal treatment of all persons irrespective of racial or

ethnic origin new legislation has been introduced which will provide additional safeguards against discrimination on the grounds of race or ethnic origin.

The Act on the Establishment of the Danish Centre for International Studies and Human Rights (Act no. 411 of 6 June 2002), which was passed by the Danish Parliament in June 2002, has resulted in the establishment of the Danish Centre for International Studies and Human Rights. The Institute for Human Rights is integrated into this centre as one of two independent entities.

The Act stipulates that the Institute for Human Rights should, among other things, help promote the equal treatment of all people regardless of race or ethnic origin, including through the provision of assistance in handling the complaints of the victims of discrimination, the launching of independent inquiries into discrimination and the publishing of reports and the submission of recommendations in matters regarding discrimination.

The Act implements the provision in article 13 of the Directive on equal treatment of ethnic minorities on the establishment of one or more equality of treatment bodies. In this connection, the Board for Ethnic Equality was closed, since work concerned with the promotion of equality of treatment is now undertaken by the Institute for Human Rights.

The Act on Ethnic Equal Treatment, which was passed by the Danish Parliament in May 2003, one of the intentions of which it is to implement parts of the EU Directive on equal treatment between persons irrespective of racial or ethnic origin, forbids discrimination on the grounds of race or ethnic origin and forbids reprisals consequent to complaints, etc concerning discriminatory treatment.

Protection against discrimination applies to all those discriminated against on the grounds of race or ethnic origin, regardless of whether the person involved belongs to a national minority or not.

The prohibition applies to all public and private enterprises and activities as far as concerns social protection, including social insurance and healthcare, social benefits, education, and access to and supply of goods and services, including homes. The prohibition also applies to membership of and participation in certain organisations. Furthermore, the Act also contains provisions concerning the shared burden of proof in cases concerning discrimination and the right to compensation for non-financial losses, which supplements the ordinary right under Danish law to compensation for financial loss.

The Act authorises the Institute for Human Rights – in addition to its responsibilities under article 13 of the EU Directive on equal treatment of all persons irrespective of race and ethnic origin – to process specific complaints concerning discriminatory treatment within the scope of the Act and to express an opinion on whether there has been a contravention of the prohibition against discriminatory treatment and the prohibition against reprisals.

Moreover, all matters involving discrimination may be brought before the Danish courts of law. The Parliamentary Ombudsman may also decide on matters involving public

authorities' equal treatment of all persons irrespective of these persons' ties with Denmark.

In the light of the aforementioned, it is the opinion of the Danish Government that Danish legislation offers effective legal remedies to those who are victims of discrimination.

Re article 6

The question of intolerant attitudes in Danish society and in particular in respect of discrimination against foreigners and naturalised Danes in the field of the labour market, housing etc. (point 27 in the Advisory Committee's opinion)

The Advisory Committee is concerned about information on intolerant attitudes in Danish society. The Committee therefore considers that the Danish authorities should maintain continued vigilance in this respect as well as take measures to counteract the spreading of intolerant attitudes.

The Danish Government has undertaken a number of initiatives which, in general, are aimed at promoting mutual respect and understanding between all people regardless of their ethnic identities, etc.

Thus the Danish Government has prepared an action plan for the promotion of equality of treatment and diversity, and for the combating of racism. Among the elements of the action plan, which was published in November 2003, are proposals for an information campaign on diversity and equality of treatment, support for local schemes that focus on diversity, and a more intense discussion of democracy, fellow citizenship and diversity.

In addition, the Danish Government has provided financial support for projects intended to promote diversity. Also please refer to the legislative initiatives mentioned in the comments to article 4.

Apart from the above, the Danish Government finds reason to point out that according to Article 6 of the Framework Convention, the Participating States must 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, culture and the media.

According to the wording of the provision, the scope of application of Article 6 is quite broad but must in accordance with the general principles of interpretation of treaty law be interpreted in the light of the general scope of application of the Convention which only relates to the protection of national minorities.

The general question of intolerant attitudes in the States and the question of discrimination against foreigners etc who do not belong to a national minority, as raised by the Advisory Committee, is thus outside the scope of application of the Convention in the opinion of the Danish Government.

Re articles 4 and 8

The question of the status of the Danish National Church (point 29 in the Advisory Committee's opinion)

The Advisory Committee raises the question as to whether the fact that state support is provided only to the Danish National Church is, given the existence of other religions in Denmark, in conformity with the principle of equality before the law and of equal protection of the law as guaranteed under Article 4 of the Framework Convention. The Committee therefore recommends that this question be reviewed in detail by Denmark.

According to their wording, the provisions of Articles 4 and 8 apply to persons belonging to national minorities. Therefore, as mentioned above, when ratifying the Framework Convention, Denmark made a declaration to the effect that the Framework Convention applies to the German minority in South Jutland. Articles 4 and 8 are therefore only relevant to that minority. As a result, the general question raised by the Advisory Committee concerning state support to the Danish National Church falls outside the scope of application of the Convention.

As regards the German minority in South Jutland, it should be noted that in Denmark's report on the implementation of the Framework Convention it is stated that, in terms of denomination, the vast majority of persons belonging to that minority are Evangelical Lutherans. They are either members of the Danish National Church or belong to one of the German independent congregations in South Jutland. Furthermore, it is stated that the detailed rules on freedom of religion in Denmark are found in section 67, section 68 and section 70 of the Danish Constitution and in Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Furthermore, the Danish Government is of the opinion that the status of the Danish National Church, cf. section 4 of the Constitution of Denmark, does not contravene Article 8, cf. Article 4, of the Framework Convention. Freedom of religion is secured in Denmark through section 67 of the Constitution of Denmark, according to which all citizens are at liberty to form congregations for the worship of God in a manner in accordance with their convictions, provided that nothing contrary to good morals or public order is taught or done.

As regards the financial support that the State grants to the Danish National Church, it should be noted that this support currently accounts for approx. 10.3% of the income of the Danish National Church. The balance of the income stems mainly from the church tax, which is only paid by members of the Danish National Church. While members of the Danish National Church cannot deduct church tax from their taxable income, members of congregations outside the Danish National Church are allowed to deduct their membership contributions.

In the light of the aforementioned the Danish Government is of the opinion that the special status of the Danish National Church does not contravene the provisions in articles 4 and 8 of the Framework Convention.

Re article 9

The question of German language programmes (point 30 in the Advisory Committee's opinion)

Please refer to Denmark's first report which states that national minorities are able to establish their own radio and TV stations on an equal footing with all others. The German minority is aware of this possibility, and in 2003 the Ministry of Culture arranged contacts between the minority and the Media Secretariat, which is an independent institution under the Ministry of Culture responsible for the overall administration of Danish legislation on local radio and TV activities.

Furthermore, the Danish Government can inform the Council that the German minority newspaper, *Der Nordschleswiger*, has been broadcasting German language news bulletins twice daily through the private regional radio station "Radio Mojn" since the beginning of January 2004. The German minority itself finances the production and purchase of programming interfaces for these broadcasts, which have been well received by listeners and by the local radio board in Aabenraa.

Re article 11

The question of registration of names (point 32 in the Advisory Committee's opinion)

The Advisory Committee considers that persons not belonging to the Danish National Church should not be obliged to have the names of children born to them registered through the Danish National Church.

Article 11 of the Framework Convention ensures every person belonging to a national minority the right to use his or her surname and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

In the opinion of the Danish Government, the provision does not relate to the question as to in which registers the names are to be entered. For several hundred years the fundamental civil registration in Denmark, except South Jutland, has taken place through notification to the church registers of the Danish National Church. This also applies to naming. The registration is carried out by the ministers of the Danish National Church as a central government task. The registration may be made in writing and consequently does not assume that the person concerned appears in person.

Following the introduction of electronic registration, new regulations have been established for the transcription of certificates from the Danish National Church's registers, cf. the Ministry of Ecclesiastical Affairs' Circular of 13 December 2001, where Section 13, subsection 2 states as follows:

”Section 13 [...]

subsection 2. In general, certificates for members of the Danish National Church bear the words "DEN DANSKE FOLKEKIRKE" (the Danish National Church) at the top corner of the certificate. Should the requisitioner of the certificate so desire, these words can be removed from the certificate before transcription. In general, certificates for people who are not members of the Danish National Church do not bear the words "DEN DANSKE FOLKEKIRKE". However, should the requisitioner so request, these words must be inserted on the certificate prior to transcription."

Electronic registration commenced at the end of 2001 and had been introduced throughout the entire country by the end of 2003. Henceforth, persons who are not members of the Danish National Church will automatically receive certificates which do not bear the words "DEN DANSKE FOLKEKIRKE" in the top left-hand corner.

With particular regard for South Jutland, it should be noted that the registration of names in this part of the country is not carried out by ministers of the Danish National Church, but by municipal name registrars. These arrangements were introduced in 1874 when the South Jutland areas were under German administration. Upon reunification with Denmark in 1920, these special arrangements remained in force. Thus, a member of the German minority who does not belong to the Danish National Church does not need to apply to a minister of the Danish National Church when seeking name registration.

The question of bilingual signing (point 34 in the Advisory Committee's opinion)

The Advisory Committee is dismayed by and rejects the view expressed by the Danish Government on page 37 of the first Danish State Report, which states "that signs are less clear and less readable if bi-lingual. When aimed at road-users, such signs must therefore be considered to have a negative impact on road traffic safety".

Bi-lingual signposting is not prohibited by Danish law. Should a county or local council wish to erect a bilingual sign, such sign must be approved by the Danish Road Directorate.

Under current Danish road signing regulations, it is recommended that the place names used on signs should accord with the place names found on road maps, e.g. the road map of the Kort- og Matrikelstyrelsen (National Survey and Cadastre). The Council is referred to the Road Regulations on road signing, volume 0: General rules on the signing of ordinary roads, cf. section 5 of Ministerial Order no. 861 of 22 October 2003 on the signing of ordinary roads, cf. section 6, subsection 1 of the Public Roads Act, and section 24, subsection 3 of the Private Communal Roads Act.

This principle accords with the international UN Convention on Road Signs and Signals, which states: "On signs G,1; G,4; G,5; G,6 and G,10 it is recommended to show place names in the language of the country, or the subdivision thereof, where the localities referred to are situated". The signs referred to are road signs.

The basis of the recommendations of the Danish and international rules is that road users should find accord between the various types of road directory information used in the planning of journeys and the signposting information found on road signs. On Danish road maps, directory information (e.g. the names of towns and localities) is indicated in Danish, with the consequent signposting of towns and cities in Danish.

In the opinion of the Danish Road Directorate, in certain cases bilingual signs *may* create uncertainty and confusion among road users. Furthermore, the extra information which bilingual signs would imply could be to the detriment of readability and cause a degree of confusion that may lead to an increased risk of traffic accidents.

However, the Danish Road Directorate is also of the opinion that in some few individual instances the use of bilingual information and warning signs may have a positive affect, including where road safety is concerned.

With regard to information signs at the country's major bridges, e.g. the Great Belt bridge and the Øresund bridge, these signs are bilingual (Danish-English) precisely in order to enhance road safety and promote traffic flow.

In other words, there can be cases where bilingual signposting can prevent uncertainty and confusion among road users, just as there are occasions where this can create uncertainty and confusion among road users.

Therefore, specific evaluation must be made in each case as to the appropriateness of signposting in more than one language.

In the case of cross-border signposting – i.e. where signs refer to a town in another country than that in which the sign is erected – it has been decided to show the name of the town or locality using the spelling used on international road maps, and which is used in the country where the town or locality is situated.

Thus, South Jutland County has stated that in future signs pointing to the closest towns south of the border will use the spellings officially used in the town in question, for example Niebüll instead of Nibøl.

Should the implementation of true bilingual signing be desired, this requires approval from the Danish Road Directorate in accordance with the Fjern- og nærmålskataloget (The Distant and Close Destination Catalogue), which can be viewed at www.vejregler.dk.

As far as is known, in recent times no request for approval of bilingual signposting has been submitted for approval to the Danish Road Directorate, and therefore the Road Directorate has not had occasion to adopt a specific position regarding such a request.

III. Specific questions to each State Party to the Framework Convention

Please give the details requested in the specific questions submitted separately by the Advisory Committee as part of the continuing dialogue with the Advisory Committee.

1) Please provide information on administrative reforms that are under discussion which may have an impact on the German minority.

On 1 October 2002, the Government appointed a commission on administrative structure which was assigned the task of producing a technical and expert analysis of whether the existing system lives up to present-day requirements placed on a modern welfare state. The analysis was intended to constitute a decision-making basis for changes in the framework for carrying out public sector responsibilities. The object was thus of a general social nature.

The commission was requested to assess the advantages and disadvantages of alternative models for the organisation of the public sector. The commission's mandate

stated that in the assessment of the advantages and disadvantages of the various manners of organizing the public sector, the criteria of efficiency and sustainability, democratic control, the participation of citizens and the dialogue between citizens and politicians, quality assurance, closeness to citizens, citizens' civil rights and options, transparency in the delegation of authority, and correlation between authority and financial responsibility should be included and evaluated relative to each other. In addition, the commission decided to add the criteria of simplicity and manageability.

On 9 January 2004, the commission presented its report. A copy of the summary is attached.

The report published shows that, overall, the commission assesses there to be a need for a reform of the structure of the public sector. The weak points of the current system are partly associated with the size of municipalities and counties and partly with the division of responsibilities between the central government, the counties and the municipalities. Moreover, the commission also assesses that the public sector – as it is organized today – will be inadequate to deal with the challenges of the future. Against this background, the commission recommends that a future reform should cover both changes in the subdivision of the country, such that the smallest administrative unit both at local and regional level is considerably larger compared to the situation today, and also the transfer of responsibilities between central government, the counties and municipalities such that related tasks are gathered under one administrative function to a greater extent than today.

Where the German minority is concerned, the Danish Government can inform the Council that the commission's report states that the integration of several municipalities and counties in some individual cases may result in certain special groups finding it more difficult to preserve their political representation and influence in local councils and/or county councils.

For instance, this could be the case where a municipality on an island is integrated with an – often larger – municipality on the mainland, or close to the German border, where the German minority may find it more difficult to obtain elected representation.

The commission assesses that within the framework of the Local Government Act it will be possible to make allowances for these special considerations. Thus, under section 17, subsection 4 of the Local Government Act, the local council can appoint special committees to deal with particular tasks or to carry out preparatory and consultancy work for the local council, the finance committee or the standing committees. Persons who are not members of the local council may be appointed to such committees.

Thus the appointment of the aforementioned committees guarantees minorities a continued political platform in those cases where these minorities have lost political representation following the alteration of the present municipal and county boundaries.

The structure commission's report, including the comments on the German minority, will form the basis for further political debate on the future organisation of local government structures.

The Danish Government is keenly aware of and recognises the interests of the German minority relative to the forthcoming structural reforms. The most recent confirmation of this by the Government was made at the meeting of the Liaison Committee concerning the German Minority on 1 March 2004, when the Minister of the Interior and Health and a number of the parties represented in Parliament declared that they were aware of the consequences a structural reform might have for the German minority. A joint political undertaking was also made to cushion the impact of these in order to allow the German minority to preserve its cultural and political influence in that part of the country. The Danish authorities are involved in continuous discussion with the German minority hereon with a view to finding a solution that will be to the satisfaction of both parties.

2) Please provide information on the work being carried out and the issues under examination by the Liaison Committee (concerning the German minority) and the Secretariat of the German minority set up in Copenhagen.

Since May 1999, when Denmark submitted its first report to the Council of Europe under the Framework Convention, 5 meetings of the Liaison Committee concerning the German Minority have been held; these were held on 30 March 2000, 30 March 2001, 11 March 2002, 31 March 2003 and 1 March 2004.

The agenda of the meetings of the Liaison Committee has traditionally been established in collaboration with the German Minority's Secretariat in Copenhagen and is based on the proposals for subjects of discussion put forward by the German minority.

At the meetings, each year, the chairman of the Bund deutscher Nordschleswiger presents a report on the events of the previous year from the standpoint of the German minority, and the minority usually submits a report on the German minority's education system. Any specific questions or problems the reports may bring up are then discussed. The subjects discussed so far have been, for example, the celebration of the 50th anniversary in March 2005 of the Copenhagen-Bonn Declarations, the question of the German minority's desire for a separate minority article in the forthcoming European constitution, the holding of a minority conference, the economic situation of the South Jutland region and the significance to the German minority schools of changes in the state subsidy system for private independent schools and private basic schools.

In addition, a number of subjects of topical interest have been discussed at the meetings concerned. In 2001, 2002 and 2003, a variety of questions relating to the European Language Charter were on the agenda. In addition, meetings have discussed the reporting procedures under the Framework Convention. Furthermore, such matters as subsidies for the cultural work of the German minority have been discussed.

In 2002, at the request of the German minority, a rundown of amendments to Danish immigration legislation and the relevant amendments' possible significance for the German minority were given.

At the meeting in 2003, the chairman of the Liaison Committee reported on the work on the forthcoming change to municipal and country structures. In addition, the agenda included changes to the law in the social area, since this might have unintended consequences for the German minority. However, all problems were solved to the

satisfaction of the minority before the meeting. Finally, problems that had arisen for the German minority newspaper, *Der Nordschleswiger*, were discussed, since technicalities in the rules relative to Post Danmark's distribution prices for certain newspaper supplements had resulted in unintentionally high distribution rates for the minority newspaper. The problem was solved as a result of the meeting.

The main topic of the 2004 meeting was the forthcoming structural reform and the possible consequences for the German minority.

Where the Germany Minority's Secretariat in Copenhagen is concerned, the Danish Government can inform the Council that the Secretariat receives an annual subsidy from the Danish Government of about DKK 600,000 (2004 figure) for the running of the Secretariat. The Secretariat is headed by the editor-in-chief of the German minority newspaper *Der Nordschleswiger*, Siegfried Matlok, who is assisted by one secretary.

The head of the Secretariat is a member of the Liaison Committee concerning the German Minority, but, in addition, the Secretariat attends to a large number of other tasks associated with day-to-day contacts between the German minority and the Government, Parliament and central government administration. Through regular contacts and meetings with both members of parliament and the central government administration, the German Minority's Secretariat in Copenhagen ensures that the queries, requests, problems, etc of the German minority are passed on to the appropriate persons and authorities in order to solve possible problems that may occur in the course of the year as efficiently as possible.

Thus in everyday life, the Secretariat acts as an effective link between the German minority and the Government, Parliament and the central government administration in Copenhagen.

3) *Please provide information on the issues concerning the German minority in Denmark that are under consideration by the Regional Council set up under the Agreement on the Establishment of Region South Jutland-Schleswig (1997).*

South Jutland County, Regional Office South Jutland-Schleswig, has provided information on the fact that the German minority – as is also the case with the majority population – is participating in the formation of Region South Jutland-Schleswig. The minority is considered to be an important part of the Danish-German cooperation by virtue of their traditional engagement in cross-border work, their contacts with the opposite side of the border, and not least, their linguistic abilities, which constitute a valuable basis for the cross-border cooperation.

The German minority is represented in the Regional Council for Region South Jutland-Schleswig through the chairman for Bund deutscher Nordschleswiger, Hans Heinrich Hansen, and county councillor for the Schleswig Party, Hinrich Jürgensen. The minority is also represented in the Language and Equality expert group and is also represented by an observer on the Environmental Committee.

In recent years, the main topics discussed in Region South Jutland-Schleswig have included: the expansion of the cross-border labour market, marketing of the region as a business and industrial area, the intensification of university cooperation, the expansion

of cooperation in the educational and healthcare sectors, transport cooperation (principally public transport), cultural cooperation (especially for children and young people) and environmental cooperation.

Under the auspices of Region South Jutland-Schleswig a number of projects have been initiated in which the German minority is particularly involved. Thus, members of the minority act as collaborative partners in an annual youth leader conference held between youth leaders on the German and Danish sides of the border. The minority is also involved, including through the provision of funding, in the Danish-German children's theatre, which staged works in 2003 for the second time. In addition, the German minority is co-arranger of a young people's forum for young people on both sides of the Danish-German border, and a regularly recurring school sports competition, in which the minority participates, has been initiated.

Lastly, it should be mentioned that the question of bilingual signposting was under discussion in the Regional Council a couple of years ago.

With regard to the cross-border cooperation, the Danish Government also finds it relevant to inform the Council that a grant of DKK 250,000 has been awarded from the Ministry of Culture's Provincial Fund towards the first phase of the "Schleswig Industrial Museum" project, which will mark 400 years of industrial cultural heritage between the River Eider in the south and Kongeåen in the north. The project is a cooperation between museums, etc on both sides of the border. Throughout the individual phases, a route will be opened that connects the individual "stations" (museums, places of interest, exhibitions, etc) which will narrate the history of industry in the region. A Danish/German language guidebook will be published and joint signs will be erected at all the industrial-historic sites along the route.

4) Please provide information on plans to collect data on ethnicity, religion or language by means of a census or other process.

The Council is referred to page 13 of the first Danish State Report on Statistics Denmark, which, among other things, states that Statistics Denmark's statistical information on social conditions is almost exclusively based on the information that is recorded in the government register, the Central Population Register. The statistical information contains updated information on age, sex, marital status, citizenship, place of birth, present address and family information. Moreover, the register provides up-to-date information on births, deaths, changes of residence within the country, immigration and emigration.

The Register contains no information on ethnic groups, religion or language which could be used for statistics on other minorities besides citizens of foreign countries and persons born outside Denmark. However, the Register does contain information on whether a person is a member of the Danish National Church, of a congregation or whether the person concerned has no association with the Danish National Church. This information is recorded with a view to the levying of church tax. No other religious affiliations are recorded.

The Danish Personal Data Protection Act which, among other things, implements EU directive 95/46/EC – the so-called Data Protection Directive – applies to personal

information processed partially or completely by electronic means, and to non-electronic processing of personal information contained or that will be contained in a register.

The Personal Data Protection Act applies both to processing by public authorities and to that undertaken by private companies, associations or the like.

Under the Personal Data Protection Act, there is a general requirement that all processing of personal information – including the gathering of such – should accord with "good data processing practice".

For instance, any retrieval of data should be made only for an express and substantive purpose, and such data may not be later used for other purposes incompatible with this. Only the amount of information required for the purpose may be obtained, and the person responsible for data and information must ensure that the information is not inaccurate and misleading. Moreover, the collected information must be deleted or made anonymous once the person responsible for data and information no longer needs to be in possession of the information in a form that would allow the identification of the person concerned.

Under section 7 of the Personal Data Protection Act there is special provision for the processing – including the collection – of information on racial or ethnic backgrounds, political, religious or philosophical convictions, labour union affiliations, information on health and sexual matters; fundamentally, such information may not be processed or collected.

However, this does not apply in cases where the registered person has given express consent for such processing, or if such processing is necessary to protect the vital interests of the registered person or other persons, and the registered person is incapable physically or legally of giving his or her consent. Nor does it apply if the information concerned has been made public by the registered person or if processing is necessary to establish, assert or defend legal claims.

In addition, non-profit organisations, etc whose object is of a political, philosophical, religious or professional nature may process the aforementioned sensitive personal information relative to the organisation's members and other persons who by virtue of the object of the organisation are in regular contact with this, however, with the proviso that the processing of such information lies within the framework of the organisation's activities.

The above-mentioned sensitive personal information may also be processed if this is required by the public authorities for undertaking tasks in the area of criminal law.

"Personal information" is defined as any form of information on an identified or identifiable natural person. Processing of information that has been made anonymous in such a way as to make the registered person unidentifiable is not covered by this Act. Thus the Personal Data Protection Act does not apply to the processing – including the gathering – of information on ethnic groups, religion or language which cannot be traced back to a specific individual.

However, it is thought that any gathering of information on ethnic groups, religion and language which cannot be traced back to individual persons would be associated with considerable uncertainty, partly with regard to whether the entire desired population would be included in the study, partly with regard to the possibility that one person might enter the statistics several times, and finally with regard to whether the individual information received would be valid.

As the Central Population Register generally contains all the information that the Danish authorities need, in general there is no need for censuses in Denmark. The Danish Government has no plans for carrying out a census with a view to gathering information on ethnic groups, religions or languages.

5) Please provide information on latest developments linked to improving antidiscrimination legislation in Denmark.

As mentioned previously, the Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

Against the same background, it is also the opinion of the Danish Government that the monitoring of Denmark's compliance with its obligations under the Framework Convention should be restricted to conditions related to the German minority.

In answer to the question, for general information the Danish Government can state that Danish legislation applies to everyone regardless of national origin, race, ethnicity, etc. Thus Danish legislation does not discriminate between various population groups, e.g. Danes, members of the German minority, Turkish people, Pakistanis, Roma, Somalis, etc.

From a legislative standpoint, more specific prohibitions against discrimination have been expressed in such documents as the Act on Prohibition of Discrimination on the Grounds of Race, etc and paragraph 266 b of the Penal Code on the prohibition against discrimination on the grounds of a person's race, colour, national or ethnic origin, faith or sexual orientation. The Council is referred to page 27 of Denmark's first state report. The circumstances described in this report remain unchanged.

The Act on Ethnic Equal Treatment (Act no. 374 of 28 May 2003) forbids discrimination on the grounds of race or ethnic origin in a number of areas of society outside the labour market. The Act also forbids reprisals as a result of complaints, etc against discrimination.

Protection against discrimination applies to all those discriminated against on the grounds of race or ethnic origin, regardless of whether the person involved belongs to an ethnic minority or not.

The Act authorises the Institute for Human Rights to process specific complaints concerning discriminatory treatment within the scope of application of the Act and to express an opinion on whether the prohibition against discriminatory treatment and the prohibition of reprisals have been contravened.

In general, refer to the comments on article 4.

6) *Please provide information concerning the recent Aliens Act, and in particular provisions impacting on family life, in view of any issues that may be relevant under Article 6 or other provisions of the Framework Convention.*

As mentioned previously, the Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

Against the same background, it is also the opinion of the Danish Government that the monitoring of Denmark's compliance with its obligations under the Framework Convention should be restricted to conditions related to the German minority.

In answer to the question the Danish Government can inform the Council that on 31 May 2002 the Danish Parliament enacted government bill no. L 152 of 28 February 2002, which included the tightening of a number of regulations in the family reunification area, such that reunions between spouses would in all cases now only be allowed following a specific and individual evaluation based on the relevant provisions under law. The bill entered into force on 1 July 2002 as Act no. 365 of 6 June 2002.

As the comments to the bill show, the same requirements – with the modifications derived from Denmark's international obligations – are placed on Danish nationals residing in this country as on foreigners residing in Denmark. This also applies to persons belonging to the German minority, who are normally Danish citizens.

As an example of this, the comments mention the changes to the so-called attachment requirement according to which, since the summer of 2002, permission for reunions between spouses may in all cases only be granted when the spouses' total attachment to Denmark is greater than the spouses' total attachment to another country. This applies to both foreigners and Danish nationals residing in this country, including persons belonging to the German minority, regardless or not of whether they are Danish nationals. It should be noted in this context that in every case there must be an individual evaluation of the spouses' total attachment to Denmark compared to the spouses' total attachment to another country.

When evaluating whether the attachment requirement may be considered to have been met, some of the aspects to which the immigration authorities must attach importance are the duration and nature of the spouses' or cohabiting partners' residence in the respective countries, including in which country the partners grew up and went to school, and whether or not the partners have made long-lasting or frequent stays in each other's respective native countries.

The purpose of the alteration to the attachment requirement is to ensure the best possible basis for the successful integration of the family member seeking reunification with the family in Denmark.

Therefore, persons with a strong and long-lasting attachment to Denmark, e.g. because they, like the German minority in South Jutland, have lived in Denmark all their lives, will generally comply with the attachment requirement.

Since the tightening of regulations in the summer of 2002, the stipulation concerning the greatest attachment to Denmark in connection with a family reunification with a foreign spouse has been eased for persons who have a strong and long-lasting attachment to Denmark.

Thus in December 2003, as Act no. 1204 of 27 December 2003, the Danish Parliament passed government bill no. L 6 of 8 October 2003, one of the provisions of which is an easing of the attachment requirement.

As a result of this easing, the attachment requirement need not be applied in future in cases where the person wishing to bring a spouse or cohabiting companion to Denmark has held Danish citizenship for 28 years.

Under the immigration authority's administration of the rules, persons who have not held Danish citizenship for 28 years but who were born and have grown up in Denmark or who came to Denmark as a child and have grown up in Denmark, and who have resided legally in Denmark for 28 years must be treated in the same way as persons who have held Danish citizenship for 28 years. Therefore, the persons concerned, possibly including members of the German minority in South Jutland, will be exempt from the attachment requirement in the same way as persons who have held Danish citizenship for 28 years.

7) Please provide information on recent policy and practice concerning schooling for Roma in Denmark.

As mentioned previously, the Danish Government is of the fundamental opinion that the obligations under international law that Denmark has assumed according to the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

Against the same background, it is also the opinion of the Danish Government that the monitoring of Denmark's compliance with its obligations under the Framework Convention should be restricted to conditions related to the German minority.

However, with reference to the question, the Danish Government can inform the Council that in principle the Danish education system treats the children of Roma on an equal footing with all other children.

In practice, nevertheless, certain municipalities where there are a considerable number of Roma have intensified the initiatives which are normally directed at pupils from immigrant backgrounds. These involve the establishment of special reception classes for bilingual pupils and an increased emphasis on the teaching of Danish.

Since 1 August 2003, the only children covered by municipal obligations to offer mother tongue teaching in the official language of the country from which the child comes, cf. section 1 of Ministerial Order 618 of 22 July 2002, are children resident in

Denmark who are citizens of another EU or EEA country and who are being educated in Danish schools.

Thus, municipalities are no longer obliged to offer mother tongue teaching to the children of Roma. However, municipalities may offer such mother tongue teaching on a voluntary basis. Experience has shown that even where language teaching in Romany has been offered to Roma children in e.g. the Municipality of Helsingør, classes in Romany have not been set up due to a lack of interest. The number of Romany dialects has proved to be so great that it has not been possible to teach the children concerned together, and as a result the Municipality of Helsingør no longer offers voluntary teaching in Romany.

Similarly to other bilingual children, Roma children who live in Denmark are offered assistance towards the learning of Danish as a second language if there should be a need for such.

Where adult education is concerned, the situation for Roma is the same as that for persons from a different ethnic background. Specific projects are set up aimed at specific target groups. For example, in the Municipality of Helsingør a joint skills development project between the EU and the municipality has been set up especially for Roma.

Appendices:

The Council is referred to the appendices to the first Danish report. Supplementary, the following is enclosed:

1. Letter of 1 October 2003 from the Ministry of the Interior and Health to all the local councils in the County of South Jutland, the County Council of South Jutland and the State County of South Jutland
2. Pamphlet on the European Charter for Regional or Minority Languages published by the Ministry of Foreign Affairs (Danish and German version)
3. Excerpt from Social Services Act (Consolidating Act No. 764 of 26 August 2003)
4. Excerpt from Ministerial Order No. 890 of 6 November 2003 on municipal subsidies to day-care facilities for children etc.
5. Act on Prohibition against Discrimination in the Labour Market etc. (Act No. 459 of 12 June 1996)
6. Act on the Establishment of the Danish Centre for International Studies and Human Rights (Act No. 411 of 6 June 2002)
7. Act on Ethnic Equal Treatment (Act No. 374 of 28 May 2003)
8. Action plan for the promotion of equality of treatment and diversity, and for the combating of racism (publicised by the Danish Government November 2003)
9. The Ministry of Ecclesiastical Affairs' Circular of 13 December 2001 on the Danish National Church's registers (DNK)
10. Road Regulations on road signing, volume 0: General rules on the signing of ordinary roads
11. Excerpt from Ministerial Order no. 861 of 22 October 2003 on the signing of ordinary roads
12. Excerpt from the Public Roads Act (Consolidation Act No. 671 of 19 August 1999)
13. Excerpt from the Private Communal Roads Act (Consolidation Act No. 670 of 19 August 1999)
14. Report from the Commission on Administrative Structure, summery 2004 + English translation
15. Act on Processing of Personal Data (Personal Data Protection Act) (Act No. 429 of 31 May 2000 as amended by Act No. 280 of 25 April 2001)
16. Bill No. L 152 of 28 February 2002 amending the Aliens Act, the Marriage Act and other Acts (Abolishment of the *de facto* refugee concept, streamlining of the asylum proceedings, more stringent conditions for the issue of permanent

residence permits and tightening of the conditions for family reunification, etc.) + English translation

17. Act amending the Aliens Act, the Marriage Act and other Acts (Abolishment of the *de facto* refugee concept, streamlining of the asylum proceedings, more stringent conditions for the issue of permanent residence permits and tightening of the conditions for family reunification, etc.) (Act No. 365 of 6 June 2002)
18. Bill No. L 6 of 8 October 2003 amending the Aliens Act (Amendment of the rules on the condition of ties at reunification of spouses and enhanced efforts against marriages contracted against a party's own desire) + English memorandum on the bill
19. Act amending the Aliens Act (Amendment of the rules on the condition of ties at reunification of spouses and enhanced efforts against marriages contracted against a party's own desire) (Act No. 1204 of 27 December 2003)
20. Ministerial Order No. 618 of 22 July 2002 on mother tongue teaching in the Folkeskole (Primary and Lower Secondary School) of children from member states of the European Community, from countries comprised by the Agreement on the European Economic Area and from the Faeroe Islands and Greenland