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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Second Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

DENMARK

**Denmark's second report
on the
European Charter for
Regional or Minority
Languages**

April 2006

I. Preliminary Section

Preamble

On 8 September 2000 Denmark ratified the European Charter for Regional or Minority Languages of 5 November 1992 (the Charter), which then entered into force for Denmark on 1 January 2001. In connection with ratification Denmark identified German as a minority language within the meaning of the Charter and declared that the Charter should apply to German in respect of the *German minority in South Jutland*.

On 3 December 2002 Denmark submitted its first state report under the Charter. Following this the Committee of Experts submitted its report on Denmark's compliance with its obligations under the Charter on 21 November 2003, and on 19 May 2004 the Committee of Ministers published its resolution on Denmark.

As part of the monitoring mechanism under the Charter Denmark hereby submits its second state report. Denmark considers that the Charter's monitoring mechanism is a significant tool in a continuous dialogue with the Council of Europe, and the Danish Government welcomes this opportunity to continue this constructive cooperation.

The report is established in accordance with the guidelines adopted by the Committee of Ministers of the European Council on 6 February 2002 concerning reports under the terms of the Charter. Thus, to the extent the Committee of Experts in its report of 21 November 2003 indicated that Denmark complies with certain provisions, these provisions are not commented upon unless there have been new developments within the area in question.

Background information

1. Please provide the necessary background information, such as the relevant historical developments in the country, an overview of the demographic situation with reference to the basic economic data for the regions, as well as information on the constitutional and administrative structure of the State.

Demographic information – updated figures from the previous report.

Denmark has a population of 5.41 million. 95.1 per cent of the population are Danish citizens, and a very great majority speak Danish as their mother tongue.

In 2004 Denmark's gross domestic product amounted to 1,446 billion DKK. In 2004 the net value of foreign debt amounted to 166 billion DKK or 11.5 per cent of the gross domestic product. In 2004 the rate of inflation was 1.2 per cent. Average income per inhabitant in 2004 was 266,200 DKK.

The compiling of statistical information on society in Denmark is taken care of by Statistics Denmark. Statistics Denmark does not register information on minorities other than foreign citizens and individuals born outside Denmark. Since affiliation to the German minority in South Jutland is a matter of the individual's free choice pursuant inter alia to Order no 24 of 7 June 1955 on the general rights of the German minority (The Copenhagen Declaration), such affiliation cannot be registered anywhere.

For this reason there are no official figures on the size of the German minority in South Jutland, but the German minority itself has stated that it comprises about 15,000 people.

The minority, who speak both German and Danish, mainly live in the southern and western parts of Sønderjylland County where in some municipalities it accounts for between 5 and 20 per cent of the population. In addition, members of the German minority are spread over the remaining parts of Sønderjylland County.

Because the members of the German minority nearly all speak German, the members of the German minority are defined as "persons who speak regional or minority languages."

Historical development

The existence of a German-minded population group in South Jutland is the result of a historical development which has meant that the area has been under alternating Danish and German rule. The Duchy of Schleswig was founded in the 12th century and throughout its changing history it belonged to Denmark until the defeat of Denmark by Prussia and Austria in the Danish-German war in 1864. The result of this was that South Jutland along with the German speaking but Danish Duchies of Holstein and Lauenburg were annexed to Prussia. In 1919 after the end of World War 1 the allied victors and Germany laid down in the Versailles treaty among other things that referendums were to be held in northern and central Schleswig. These referendums were held in February and March 1920, respectively. The result was that Schleswig was divided and that North Schleswig was surrendered by Germany and thus reunited with Denmark in the summer of 1920. In this way the present national minorities in the Danish-German border area came into existence: the Danish minority in Germany and the German minority in Denmark. After 1920 the German population group demanded a revision of the border. Until 1933 the German minority demanded that the parts of North Schleswig where there had been a German majority at the referendum in March 1920 should be reunited with Germany. After the Nazis came into power in Germany in 1933, the German minority demanded that all of North Schleswig should become part of Germany. After the Second World War the newly organised German minority submitted a declaration of loyalty to Denmark and at the same time acknowledged the border laid down in 1920. The present detente was established in 1955 through the Copenhagen-Bonn Declarations. In these parallel and almost identical declarations, which remain in force, the Danish Government established the rights of the German minority in Denmark while the Government of West Germany established the rights of the Danish minority in the Federal Republic of Germany.

Constitutional and administrative structure

In Denmark there are at present three administrative levels: the state, the counties and the municipalities. There are 13 counties and 270 municipalities.

In 2005 Folketinget (the Danish Parliament) adopted an overall reform of the public sector in Denmark (a municipal reform). The municipal reform will come into force on 1 January 2007.

The reform involves a change of the administrative structure: on 1 January 2007 the counties will be abolished, and five new regions will be established along with a new municipal structure with 98 municipalities. 65 of these will be new municipalities, and 33 will cover geographical areas that correspond to existing municipalities.

The municipal reform is also a reform of the division of tasks. There will be a new distribution of the public sector tasks between the municipalities, the new regions and the state authorities.

The aim of the reform is among other things to create an effective public sector that can deliver public services of high quality without raising taxation levels. Therefore responsibility for services will be placed at the administrative level that is best suited to take care of a given task.

Another aim of the reform is to strengthen local democracy and to place responsibility for tasks at an administrative level as close to the citizens as possible. A number of the tasks that are today taken care of by the counties, will therefore be transferred to the municipalities, which will be the citizens' main point of access to the public sector.

A third aim of the reform is to establish a clearer division of responsibility between the various administrative levels and thus a clearer administrative structure for the citizens.

Decisions taken by municipalities, counties and – after the reform – the regions may in most cases be brought before a state authority, e.g. a board of appeal or a ministry. The legitimacy of the activity of the mentioned authorities is ensured, moreover, by state supervisory authorities.

All Danish authorities, including Folketinget, the courts and the administrative authorities, are under obligation in the carrying out of their tasks to secure compliance with the norms and principles of human rights contained in the Danish Constitution.

Folketinget is subject to control by the judiciary. Danish courts have the competence to declare that a law adopted by Folketinget is unconstitutional.

Administrative authorities are subject to control by the judiciary. The courts are responsible for the administration of justice. The independence and the impartiality of the courts is laid down in the constitution,

in the Administration of Justice Act and in the human rights instruments ratified by Denmark, including especially Article 6 of the European Convention on Human Rights and Article 14 of the UN Convention on Civil and Political Rights.

The Courts have powers to try the legitimacy of decisions and rules issued by the administrative authorities. The extent of these powers depends on the circumstances and on the laws and rules relevant to a given case.

The Ombudsman is an independent authority appointed by Folketinget and with powers to look into all matters relating to the state's civil and military administration as well as municipal administration. The Ombudsman may decide to examine a case either on the basis of a complaint submitted for instance by a citizen who is affected by a certain administrative issue or on his own initiative. The Ombudsman has no powers to take a position on a complaint that concerns a binding decision. The means at the disposal of the Ombudsman are to return the case to the authority from where it originates, the issuing of recommendations and communication of information on unlawful activity to the relevant authority. In this connection it may be mentioned that the Ombudsman is required to inform Folketinget if his examination of a given case indicates that it may be assumed that public authorities have committed errors or shown neglect of some significance.

Regional languages and minority languages

2. Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Charter, which exist within your State's territory. Indicate also the parts of the territory of your State where the speakers of such language(s) reside.

In connection with ratification Denmark identified German as the only language that is a minority language in the sense of the Charter and submitted a declaration to the effect that the Charter shall apply to German in respect of the *German minority in South Jutland*.

3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "speaker of regional or minority language" that your state has retained for this purpose.

German

In the view of the Danish Government a national minority is characterised by being a minority population group that above all have long historical and firm affiliation to the state under consideration – as opposed to groups of refugees and immigrants in general.

Against this background Denmark in connection with ratification submitted a declaration to the effect that the Charter shall apply to German in respect of the German minority in South Jutland.

German is spoken by about 15,000 individuals, who are members of the German minority in South Jutland. For further reference cf. the demographic information provided under question 1.

Faeroese and Greenlandic

As mentioned in Denmark's first report, the Greenland and Faeroese authorities were consulted in connection the ratification of the Charter. Both the Greenland and the Faeroese authorities were of the view that Faeroese and Greenlandic are sufficiently protected under the respective home rule legislations and therefore did not want the languages in question to be covered by the Charter.

It appears from the Committee of Experts' report of 26 May 2004 that regardless of the fact that Greenlandic and Faeroese are legally protected to a high degree in the home rule areas, the Committee of Experts would have welcomed for these languages to be covered by the Charter. The Committee of Experts finds that the protection enjoyed under the respective home rule legislations is in accordance with the special protection secured by the Charter.

The Committee of Experts has invited the Danish authorities to consider extending the scope of application of the Charter in Greenland and the Faroe Islands.

Prior to the submission of the present report Denmark has presented the draft report to the Greenland and the Faeroese authorities.

Neither Greenland nor the Faroe Islands have expressed a wish for further consultation on possible extension of the scope of application of the Charter in Greenland and the Faroe Islands.

Moreover, the Committee of Experts has mentioned that it has not received information from the Danish authorities on the situation pertaining to Greenlandic and Faroese in Denmark.

In this regard the Danish Government would like to refer to the fact that existing legislation - including the administration of justice, public administration and the act on health care etc. - in Greenland, in the Faroe Islands and in Denmark provides a degree of protection of the languages Greenlandic, Faroese and Danish which is in accordance with the special protection secured by the Charter.

Roma

It appears from the report of the Committee of Experts that the Committee has noted Denmark's view according to which Roma has not traditionally been spoken in Denmark. However, the Committee of Experts has noted that the Advisory Committee under the Framework Convention in its statement on Denmark has referred to the "historical presence of Roma in Denmark". This view was also defended by a representative of Roma language during the Committee's visit in Denmark, and this view is in accordance with the fact that traditionally Roma has been spoken all over the continent. Therefore the Committee of Experts has requested information with a view to considering this issue.

In Denmark the Civil Registration System contains information on age, sex, marital status, citizenship, place of birth, current place of residence and family situation. Furthermore the system contains current information on births, deaths, change of address within the country, immigration and emigration. Thus there is no information in the Civil Registration System on the basis of which may be calculated the number of persons who describe themselves as Roma.

Against this background Denmark is not in a position to provide further factual information on the presence of Roma in Denmark to the Committee of Experts.

The Danish Government has noted that it is the view of the Committee of Experts that Roma should be recognized as a minority language in Denmark. However, the Danish Government has to acknowledge that unfortunately the question of the recognition of Roma as a minority language continues to be one of the issues that give rise to disagreement. It continues to be the view of the Danish Government that it is a condition for the recognition of a minority language that the population group under consideration has historical or long term and continuous affiliation to Denmark, which – as mentioned by Denmark in connection with the first monitoring process - is not the case for Roma.

It should be stressed that all persons residing in Denmark have a right to speak the language they wish. The fact that a language is not covered by the Charter thus solely means that the language in question is not covered by the special provisions for the promotion of that language that follow from the Charter.

Furthermore all population groups in Denmark, including Roma, have the opportunity to establish private schools or day care services and provide private child care with grants from the state and the municipalities respectively if the conditions laid down in Act on the Private, Independent Schools etc (Appendix 1) and in the Social Services Act (Appendix 4) are met. This is a possibility which e.g. the German minority in South Jutland very much make use of. The Roma have not used the opportunity to establish private schools. There is no information as to whether Roma have made use of the opportunity to establish day care services and offer private child care as this area belongs under the individual municipalities.

4. Please indicate the non-territorial languages, as defined in paragraph c of Article 1 of the Charter, used within your State's territory and provide statistical data concerning speakers.

There are no such languages in Denmark.

5. Please provide recent general statements on the policy of your State concerning the protection of regional or minority languages where it may be of use to supplement the above four points.

In connection with the preparations of the municipal reform the Danish Government has indicated that the special – historically conditioned – status of the German minority in South Jutland calls for special considerations. This has led to special arrangements being made for the German minority in South Jutland in connection with the municipal reform, cf. the answer to question 2 in Part II.

Furthermore, in 2005 the Danish prime minister took part in the celebration of the fiftieth anniversary of the Copenhagen-Bonn Declarations on which occasion the prime minister stressed that individuals may freely profess their belonging to their nationality and culture and such a profession may not be contested or tried by the authorities. Reference is made, moreover, to the answer to question 4 in Part I.

Part I

Legislation etc. with a view to implementing the Charter

1. Please state the main legal act(s) and/or provisions that you consider essential for the implementation of the European Charter for Regional or Minority Languages in your country. Please provide:

- ***copies of those acts and/or provisions, in English or French, should your country not have done so in relation to the initial periodical report;***
- ***details and copies of new legislation or policy documents with relevance to the regional or minority languages;***
- ***details of case law or other legal or administrative developments in this field.***

As mentioned in Denmark's first state report, solutions for the protection of the German language that comply with the Charter's principles on the protection of regional and minority languages were created long before Denmark's ratification of the Charter. Thus, existing Danish legislation and administrative practice was and is in accordance with the principles of the Charter for which reason Denmark has not undertaken any changes of legislation or otherwise launched special measures with a view to implementing these principles.

In connection with its first report Denmark submitted information on acts etc. that are of special significance to the German minority in South Jutland. These acts etc. remain in force with the exception of:

- Act no 408 of 10 June 1997 on Board for Ethnic Equality (replaced by Act no 411 of 6 June 2002 on the establishing of Danish Centre for International Studies and Human rights, to which reference was made in connection with Denmark's first report)
- Order no 1018 of 17 November 2000 on act on financial support for the financing institute of the daily newspapers (replaced by act no 576 of 24 June 2005 on the Daily Newspapers Board)

Since Denmark's first report the below mentioned acts and orders that affect the minority have been adopted/come into effect. The legal provisions in question are appended to this report (in Danish).

- Act no 374 of 28 May 2003 on Ethnic Equal Treatment
- Act no 400 of 1 June 2005 on amendments of the Services Act and amendments of the Legal Rights and Administration in the Social Sector Act (Section 11 a in the Social Services Act has been incorporated in Consolidated Act no 1187 of 7 December 2005, appended to this report (Appendix 4))
- Act no 602 of 24 June 2005 on the promotion of trade and industry
- Act no 576 of 24 June 2005 on the Daily Newspapers Board
- Order no 828 of 29 August 2005 on municipal subsidies for day care for children, parents' own payment and special grants etc.
- Order no 869 of 16 September 2005 on furtherance of the representation etc. of the German minority in South Jutland in the municipalities of Haderslev, Sønderborg, Tønder and Aabenraa
- Order no 1439 of 15 December 2005 on local radio and television broadcasting
- Act no 1426 of 21 December 2005 on amendments of the Act on the Private Independent Schools etc.

Furthermore attention is drawn to Order on agreement of 25 September 1998 with Germany on the establishing of Danish-German high school curricula which, due to an error, was not mentioned in connection with Denmark's first report.

New legislation etc. in connection with the municipal reform

In connection with the preparations of the municipal reform, the German minority in South Jutland indicated that the minority was worried that its possibilities of obtaining political representation in the municipal councils in South Jutland would be reduced after the reform because of the increase in the size of each municipality. Furthermore, the German minority in South Jutland stated that the minority was worried that it would lose a range of the voluntary economic grants which at present it receives from the municipalities in South Jutland. And the minority was worried that after the reform less priority would be given to cross border cooperation in the border region including that the minority itself would lose influence on cross border cooperation. According to the German minority the cross border cooperation is closely linked to the minority's cultural activities.

Against this background special provisions were made in connection with the reform for the German minority in South Jutland which appear from Order no 869 of 16 September 2005 on furtherance of the representation etc. of the German minority in South Jutland in the municipalities of Haderslev, Sønderborg, Tønder and Aabenraa (Appendix 9), Act no 602 of 24 June 2005 on the promotion of trade and industry (Appendix 3), Article 11 a, Section 6 in the Social Services Act, cf. Consolidated Act no 1187 of 7 December 2005 (Appendix 4) as well as Order no 828 of 29 August 2005 on municipal subsidies for day care for children, parents' own payment and special grants etc. (Appendix 5).

Concerning the content of the mentioned legal provisions reference is made to the answers to questions 1 and 2 in Part II.

Harmonization of rules for transport grants for pupils in independent private schools

In order to harmonize the rules for transport grants for pupils who choose a school different from the local school whose district they belong to, the transport grants scheme for pupils in independent and private schools is abolished as from the academic year 2006/2007.

A special arrangement has, however, been introduced for the schools of the German minority which involves a maximum own payment per child of 100 DKK per month and a ceiling of 175 DKK per family per month. These rules have been implemented in the Finance Act.

Amendment of the principles for distribution of running cost grants to the individual private independent schools

Act no 1426 of 21 December 2005 on amendments of the Act on the Private and Independent Schools (Appendix 2) will introduce, as from 1 January 2007, a change in the principles for the distribution of running cost grants for the individual private, independent schools. In connection with the amendment it has among other things been decisive to secure that the schools of the German minority are not affected by the economic consequences of the proposal.

Against this background Article 11, Section 1, 3, of the Act involves a provision to the effect that prior to the distribution of the running cost grants to the individual schools, a special grant will be set aside for the schools of the German minority in South Jutland. 1.9 million DKK has been allocated on the Finance Act for 2006. This arrangement is permanent.

Bodies and organisations legally established in the country which further the protection and development of regional and minority languages

2. Please indicate the bodies or organisations, legally established in your state, which further the development and protection of regional or minority languages. Please, list the names and addresses of such organisations.

As mentioned in Denmark's first report there are no bodies or organisations established on the basis of legal provisions which as such further the protection and development of regional and minority languages.

The following organisations which further the protection and development of regional and minority languages may, however, be mentioned:

- The European Bureau for Lesser Used Languages (EBLUL), which is an independent paneuropean organisation established in 1982 and supported by the EU, aims to further opportunities for the use of minority languages in EU's member states. EBLUL cooperates with a range of European minority organisations including Bund Deutscher Nordschleswiger. In Denmark EBLUL covers only the German minority in South Jutland. Through this cooperation EBLUL contributes to furthering the interests of the German minority including the German language in South Jutland. As mentioned in Denmark's previous report EBLUL is preparing a website with special regard to the language and culture of the German minority. This has not yet been finalised.
- Verein für deutsche Kulturbeziehungen im Ausland (VDA) aims to secure that the German minorities everywhere in the world can maintain contact to Germany and to German language and culture. VDA supports among other things German media outside Germany and organises lectures and seminars for members of German minorities. The German minority has a local branch of VDA.
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The following individuals from the German minority may be contacted concerning EBLUL and VDA.

Gösta Toft (EBLUL), Det tyske Generalsekretariat, Vestergade 30, 6200 Aabenraa, phone: (0045) 74 62 38 33, mail: toft.sp@bdn.dk.

Peter Iver Johannsen (VDA), Det tyske Generalsekretariat, Vestergade 30, 6200 Aabenraa, phone: (0045) 74 62 38 33, mail: johannsen@bdn.dk.

Measures with a view to implementing the recommendations of the Committee of Ministers and disseminating knowledge of the Charter

3. Please indicate if any body or organisation has been consulted about the preparation of this periodical report or about the implementation of the recommendations of the Committee of Ministers addressed to your state. In the case of an affirmative answer, specify which one(s).

The report has been made by the Ministry of the Interior and Health on the basis of consultations involving a number of Danish ministries and the State County of South Jutland. Furthermore the secretariat of the German minority in Copenhagen has contributed to and commented on the content of the report. Moreover, the report has been presented to Sønderjylland County and the Association of Municipalities in South Jutland.

The recommendations of the Committee of Ministers have been discussed in the Liaison Committee concerning the German minority and in the special working group mentioned in connection with the answer to question 1, Part II. Reference is made, moreover, to answer to question 1, Part II.

4. Please indicate the measures taken (in accordance with Article 6 of the Charter) to make better known the rights and the duties deriving from the application of the Charter.

The Ministry of the Interior and Health have extended the ministry's website so that more information on minority issues is covered. In this connection the Ministry of the Interior and Health has ensured that the website includes a specific heading called *National minorities* which gives access to a number of documents concerning the Charter, including the Committee of Experts' report of 21 November 2003 and the resolution of the Committee of Ministers of 19 May 2004.

The documents are accessible in Danish and/or in English. The Danish population generally has a good command of the English language.

The rights of the German minority also received special attention in 2005 when on 29 March Denmark and Germany celebrated the fiftieth anniversary of the Copenhagen-Bonn Declarations, an event at which both the Danish prime minister and the German Kansler were present. The Copenhagen-Bonn Declarations are further described in Denmark's first report.

Furthermore the Danish prime minister and the German Kansler had a meeting and agreed on a common Danish-German declaration in which Denmark and Germany among other things confirm their will to continue to attach great significance to issues relating to the minorities. In the declaration the parties further declare their willingness to support all public and private initiatives aimed at strengthening cross-border cooperation in the Danish-German border area. By way of contribution to this effort they decided to establish a working group concerning social and labour market related questions with the aim of intensifying present efforts to remove barriers to among other things cross border commuters. The working group published its final report in February 2006. Cross border cooperation is important for the German minority because it plays a role among other things for the minority's culture, including the German language.

Furthermore a special stamp has been produced which marks the fiftieth anniversary of the Copenhagen-Bonn Declarations.

5. It is understood that full details of the measures taken to implement the recommendations of the Committee of Ministers will appear in the body of the report. Nevertheless, please summarise those measures for each recommendation.

The Committee of Ministers issued the following recommendations in connection with the first monitoring process concerning Denmark:

1. adopt a more structured policy for the protection and promotion of German in order to achieve practical implementation of the provisions of the Charter, especially in the fields of administration, justice and the media.
2. renew consultations with the Home Rule Authorities of the Faroe Islands and Greenland on the possible application of the Charter in the two Home Rule areas.
3. consider the protection of the German language in the context of possible reform of administrative structures which could affect Sønderjylland County.
4. ensure that German speakers in practice have the possibility to use their language before administrative authorities.
5. implement the undertakings chosen in the field of the broadcasting media.

Re 1 and 4:

The state authorities in South Jutland, e.g. the State County of South Jutland – which is covered by the Charter – know German and use German when there is a need for this. The municipal authorities, which are not covered by the Charter, have many employees who can speak German and thus also here there is a great potential for the use of German.

As mentioned in connection with Denmark's first report the Ministry of the Interior and Health on 1 October 2003 sent a letter to all municipal councils in Sønderjylland County, to Sønderjylland County and to the State County of South Jutland in which the ministry drew attention to the special conditions that pertain to the German minority in South Jutland, and in this connection reference was made to the Charter.

In connection with the coming into force of the municipal reform there will likewise be a need to draw attention to the special conditions that pertain to the German minority in South Jutland. Therefore the Ministry of the Interior and Health is considering – following consultation with the German minority - to send a letter of information in 2006 concerning minority language issues to the four committees in South Jutland which prepare the establishing of the new municipalities.

Re 2

Prior to the submission of the present report the Danish Government has presented the draft report to the Faroese and the Greenland authorities.

Neither the Faroe Islands nor Greenland have expressed a wish for renewed consultations on the question of being covered by the Charter.

Re 3

The Ministry of the Interior and Health and the Ministry of Economic and Business Affairs have taken legislative measures with a view to meeting the worries of the German minority in connection with the municipal reform. The German minority has sincerely welcomed this. Reference is made to the answer to question 1, Part II.

Re 5

The Ministry of Culture has undertaken to make available to the German minority a grant of 250,000 DKK for a three-year trial period open to prolongation. So far one payment to the German minority has been effected by the Ministry of Culture. The grant is to be used for the payment of broadcasting time for news broadcasts in German on the South Jutland local radio station, Radio Mojn, following application from the German minority.

6. Indicate what steps your country has taken to inform the following of the recommendations:

- **all levels of government (national, federal, local and regional authorities or administrations)**
- **judicial authorities**
- **legally established bodies and associations**

Question 6 is answered along with question 7.

7. Please explain how your state has involved the above, in implementing the recommendations.

The relevant national authorities were informed of the recommendations immediately when they were received from the Committee of Experts and from the Committee of Ministers.

As regards the question as to how the relevant national authorities have been involved in the implementation of the recommendations, reference is made to the sections on the relevant obligations and the overview of Denmark's initiatives in connection with the answer to question 5.

The special working group that is further described in Section 1 in Part II and the Liaison Committee concerning the German minority have likewise been informed of the recommendations and have discussed these. Reference is made furthermore to Section 1, Part II.

Moreover the Charter, Denmark's first report, the report from the Committee of Experts and the statement from the Committee of Ministers are accessible on the website of the Ministry of the Interior and Health in which way the judiciary have been informed of the recommendations.

Part II

Denmark's application of the Charter's Article 7

1. Please indicate what measures your state has taken to apply Article 7 of the Charter to the regional or minority languages referred to in paragraphs 1 and 3 of part I above, specifying the different levels of government responsible.

2. If appropriate, state any further measures which are envisaged in your country.

General measures for the elimination of differentiation and for the furthering of common understanding among all language groups in Denmark

As part of the implementation in Danish legislation of the Council Directive on the principle of equal treatment of all regardless of race and ethnic origin (2000/43/EC) new legislation has been introduced which involves strengthened protection against differential treatment on the basis of race or ethnic origin.

The Danish Centre for International Studies and Human Rights was established through the act on the establishing of Danish Centre for International Studies and Human Rights, (Act no 411 of 6 June 2002), adopted by Folketinget in June 2002. The Institute for Human Rights is one of the two independent sections of this centre.

The act lays down that the Institute for Human Rights shall contribute, among other things, to the furthering of equal treatment of all regardless of race or ethnic origin, including through assisting victims of differential treatment in securing proper handling of their complaints concerning differential treatment, initiating independent studies of differential treatment and publishing reports as well as through the issuing of recommendations on matters relating to differential treatment.

Through this act is implemented the provision of Article 13 in the Directive on equal treatment concerning the establishing of one or more equal treatment bodies. In this connection the Board on Ethnic Equality, which was mentioned in Denmark's first report, was abolished because tasks relating to the furthering of equal treatment are now taken care of by the Institute for Human Rights.

The Act on Ethnic Equal Treatment that was adopted by Folketinget in May 2003 and which, among other things, aims to implement parts of the EU Directive on equal treatment contains a prohibition of differential treatment on the basis of race or ethnic origin and a prohibition of any reprisals following complaints etc. concerning differential treatment.

The protection against differential treatment covers anybody who is the victim of differential treatment because of race or ethnic origin regardless of whether the person in question belongs to a national minority. The prohibition concerns all public and private activity in so far as social protection is concerned, including social security and health care, social services, education as well as access to and supply of goods and services including housing. Furthermore the prohibition concerns membership of and participation in certain organisations. And the act includes provisions on shared burden of proof in cases that concern differential treatment and provisions on access to compensation for non-economic damage which supplement the general access to compensation for economic loss under Danish law.

The Act gives the Institute for Human Rights – by supplementing the obligations that follow from Article 13 in the EU Directive on equal treatment – powers to process concrete complaints regarding differential treatment within the scope of the act and express its views on whether the prohibition of differential treatment and the prohibition of reprisals have been infringed.

All questions concerning discrimination may be put before the Danish courts of law. The Ombudsman of Folketinget can furthermore take a position on questions regarding equal treatment of all individuals by public authorities regardless of their affiliation to Denmark.

General measures regarding the German minority in South Jutland.

The Liaison Committee concerning the German minority

With a view to continued attention to the interests of the German minority vis-à-vis Folketinget and the Danish Government the Liaison Committee for the German Minority was established in 1965 as mentioned in Denmark's first report. In this committee representatives of the German minority together with the Government and members of the political parties represented in Folketinget negotiate matters of interior policy relevant to the minority. The committee was established by way of compensation for the fact that the German minority was no longer represented in Folketinget, and since it was established it has proved to be of great value as a practical tool for the solution of the minority's problems.

Usually the Liaison Committee has one meeting each year. The agenda is planned in cooperation with the German minority.

The most important issue at the meetings in 2004 and 2005 of the Liaison Committee was the political representation of the German minority after the municipal reform. At the meeting on 15 November 2004 the recommendations of the Committee of Ministers of 19 May 2004 with regard to Denmark were also discussed including especially the recommendation concerning the field of media. Following this, the Ministry of Culture undertook to provide a grant of 250,000 DKK for a three-year trial period open to prolongation. The grant is to be used for the buying of broadcasting time for news broadcasts in German on the local radio station in South Jutland, Radio Mojn, following application from the German minority. Reference is made to what is said about Denmark's implementation of Article 8 in Part III of this report.

The latest meeting of the Liaison Committee took place on 19 April 2006. The most important issues of the meeting were the Charter and the cross-border cooperation after the municipal reform.

The secretariat of the German minority in Copenhagen

As mentioned also in Denmark's first report a special secretariat for the German minority with an office in Copenhagen was established in 1983. The secretariat's running costs are financed through a grant from the Danish Government, but the secretariat does not belong under a ministry. The leader of the secretariat is appointed by the German minority. The secretariat's tasks include among other things observation of parliamentary work both in the plenary and in the committees, contact with Folketinget, the Government and ministries and taking care of the minority's interests. The leader of the secretariat has among other things participated as a member of the official Danish delegation at international meetings relevant to minority issues.

The special working group

The special working group is an informal forum established with a view to current discussion and evaluation of the measures taken under Part III of the Charter including in the area of education and under the provisions of the Framework Convention. Thus it is a forum with a broad basis and perspective which is competent to discuss practically any issues relating to the German minority in South Jutland.

The working group consists of the leader of the secretariat for the German minority in Copenhagen and representatives from each of the following ministries: the Ministry of Education, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of the Interior and Health. The working group may invite representatives from other ministries when needed.

As a general rule there is one meeting a year in the working group if the German minority proposes items for the agenda.

The most recent meeting was held on 9 September 2004, and on this occasion especially the recommendations of the Committee of Ministers of 19 May 2004 were discussed.

Special arrangements for the German minority in South Jutland in connection with the municipal reform

In the municipalities that exist until the coming into force of the municipal reform on 1 January 2007 the political party of the German minority, Slesvigsk Parti, is represented with altogether 7 mandates in 5 municipalities in Sønderjylland County. At present Slesvigsk Parti is thus represented in the municipalities of

Højer, Løgumkloster, Tinglev, Tønder and Aabenraa. Furthermore Slesvigsk Parti is represented by one mandate in Sønderjylland County Council.

In connection with preparation of the municipal reform the German minority indicated a certain worry that its opportunities for obtaining political representation in the municipal councils in South Jutland would be reduced because the municipal reform would lead to fewer and bigger municipalities. Furthermore, the German minority was seriously worried that it would lose a range of the voluntary economic grants that it receives from the municipalities in South Jutland at present. Moreover, the minority was worried that after the municipal reform cross border cooperation in the region would be given less priority and that in this connection the minority itself would lose influence on cross border cooperation, which plays a significant role for the minority's cultural activities.

It appears from the recommendations of the Committee of Ministers in connection with the first monitoring process that Denmark should consider protection of the German language in connection with a possible municipal reform that would influence Sønderjylland County.

In connection with preparation of the municipal reform the Danish Government has taken into consideration that it might be difficult for the German minority to obtain political representation through its own activity in the merged municipalities. This has led to a number of special arrangements for the minority. These arrangements can be seen among other things in Order no 869 of 16 September 2005 on furthering of the representation etc. of the German minority in South Jutland in the municipalities of Haderslev, Tønder, Aabenraa and Sønderborg (Appendix 9) and Act no 602 of 24 June 2005 on the promotion of trade and industry (Appendix 3). The special arrangements aim to secure that the minority continues to have opportunities to draw attention to their special interests, including interests pertaining to culture and work, which will contribute to maintaining the German language.

Through a number of special arrangements the Danish Government has, furthermore, secured that the German minority does not lose the financial grants that it receives today from the municipalities in South Jutland and from Sønderjylland County. In this way the minority's opportunities to engage in cultural and social activities are maintained, which will likewise contribute to maintaining the German language.

The German minority has very much welcomed these arrangements, which are described in the following.

Political representation at municipal level

It follows from Article 1 in the Order on furthering of the representation etc of the German minority in the municipalities of Haderslev, Tønder, Aabenraa and Sønderborg that 31 members are to be elected in the four municipalities of South Jutland if on the occasion of one of the two most recent elections, the party of the German minority obtained at least one mandate.

According to the general rules for laying down the number of candidates, the municipal councils in South Jutland would have the opportunity to fix the number of mandates at 25 as a minimum at the municipal election in 2005 and 19 as a minimum at the election in 2009 and at elections thereafter. The special rules concerning the number of mandates in the municipalities of South Jutland will, therefore, strengthen the opportunities of the German minority to obtain political representation in the individual municipal councils.

Articles 2-5 of the Order lay down new provisions for delegates. In the municipalities mentioned the list of candidates of the German minority will have a right to one delegate if the minority does not obtain at least one mandate but obtains at least 25 per cent of the number of votes that corresponds to the lowest quotient that has given a mandate at the election.

The delegate will be an official affiliated to the municipal council and to one permanent committee to be decided on by the delegate.

The delegate will not have a right to vote, but will otherwise have the rights that legislation confers on members of the municipal council.

Articles 6-14 of the Order furthermore contain new provisions in the form of rules for the establishing of a special committee to take care of preparatory or advisory functions for the municipal council, the financial committee and the permanent committees in matters pertaining to the German minority in South Jutland. The municipal councils of Haderslev, Tønder, Aabenraa and Sønderborg are to establish such a special committee if the minority does not obtain a mandate or a delegate but obtains at least 10 per cent of the number of votes that correspond to the lowest quotient that have given a mandate at the election.

The special rules applied in connection with the municipal elections on 15 November 2005. At the election the German minority obtained a mandate in the municipal council of Sønderborg and a mandate in the municipal council of Tønder, two mandates in the municipal council of Aabenraa and a delegate in the municipal council of Haderslev. The German minority has expressed great satisfaction with this result, which the minority very much ascribes to the special rules.

Political representation at regional level

As part of the municipal reform a new framework is established for regional promotion of trade and industry. The act on the promotion of trade and industry implements the municipal reform in this area. The central innovative element is the regional growth forums which are meant to strengthen regional conditions for development and growth. The regional growth forums were established on 1 April 2006.

It appears from the comments on Article 11,3 in the act on the promotion of trade and industry that if more than one growth forum is established in Region Syddanmark, the Minister for Economic and Business Affairs will lay down rules to the effect that the German minority in South Jutland shall be represented by one member in the growth forum closest to the German border. If only one growth forum is established, the minority will be represented by an observer. As of 1 April 2006 only one growth forum has been established in Region Syddanmark in which the German minority has one observer.

Furthermore it appears from Article 8, Section 8 in the act on the promotion of trade and industry that the Minister of Economic and Business Affairs is empowered to meet a possible wish expressed e.g. by the German minority to establish a body to take care of cross-national cooperation in the Danish-German border region Sønderjylland-Schleswig, in which the German minority would participate as a member.

Securing the economic grants of the German minority

Through special arrangements, including legislation, the Danish Government has secured that the voluntary grants that the minority at present receives from municipalities in South Jutland and from Sønderjylland County will be continued after the municipal reform. The grants concern the area of social and cultural affairs and altogether amount to about 2,899,500 DKK.

The most important area to benefit from the grants are the minority's child care institutions, which every year receive a grant of about 23,000,000 DKK from the municipalities in South Jutland. The grant is secured in the following manner:

Through the new provision on private institutions in Article 11 a of the Social Services Act, cf. Consolidated Act no 1187 of 7 December 2005, municipal authorities are obliged to give qualified private suppliers access to the establishing and running of day care services. A new type of day care service has thus been introduced as from 1 October 2005 along with existing types.

Before 1 October 2005 the establishing of private day care services was dependent on an agreement with the relevant municipality. According to the new arrangement a private institution need not enter into an agreement with the municipality on the running of the institution. The municipality is obliged to recognize a private supplier if this supplier meets the quality requirements laid down centrally and at municipal level. This change of legislation among other things thus helps secure that the minority's institutions are no longer dependent on an agreement with the municipality on the running of the institution, which will contribute to securing the continued existence of the minority's institutions.

The minority's institutions, in this context solely the minority's independent day care institutions under Article 9 in the Social Services Act, will, however, probably receive a reduced municipal grant when they are changed into private institutions because private institutions are given an average grant, and the minority's institutions are small and relatively costly.

Based on Article 11,a in the Social Services Act the Minister for Family and Consumer Affairs is authorised to lay down rules concerning the German minority.

In Order no 828 of 29 August 2005 on municipal subsidies for day care services for children, parents' own payment and special grants etc. special rules have therefore been laid down with regard to the independent institutions of the German minority which decide to become private institutions. When the minority's

independent day care institutions decide to become private institutions, they will be given a grant towards buildings and running costs that is not smaller than the grant the institutions are at present receiving.

Part III

For each regional or minority language chosen at the moment of ratification, as follows from paragraph 2 Article 2 of the Charter, please indicate in which way the paragraphs and/or subparagraphs have been implemented.

In accordance with Article 3, paragraph 1 of the Charter Denmark has identified German as a minority language to which the provisions identified pursuant to Article 2, paragraph 2 of the Charter shall apply following the Charter's coming into force in Denmark.

Article 8 – Education

Denmark has specified that the following provisions on education will apply to German as a minority language:

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a iii) to apply one of the measures provided for under i and ii above [availability of preschool education in the relevant regional or minority languages] at least to those pupils whose families so request and whose number is considered sufficient;

b iv) to apply one of the measures provided for under i to iii above [availability of primary education in the relevant regional or minority languages] at least to those pupils whose families so request and whose number is considered sufficient;

c iii/iv) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or to apply one of the measures provided for under i to iii above [availability of secondary education in the relevant regional or minority languages] at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

d iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;

e ii) to provide facilities for the study of these languages as university and higher education subjects;

f ii) to offer such languages as subjects of adult and continuing education;

g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Concerning Denmark's compliance with the individual provisions of Article 8 please note:

1.

a iii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

b iv) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

c iii/iv) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

d iii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

e ii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

f ii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

g) It appears from the first report from the Committee of Experts that the Committee has received information from Denmark indicating that the curricula for History, Social Science and German include Denmark's historical relations to Germany, and that the curricula include cultural and social affairs in German speaking countries. However, the Committee of Experts has not received sufficient information to decide whether the language, history and culture of the German minority are reflected in the curricula. Therefore the Committee of Experts has not been able to comment on whether Denmark meets this obligation and has requested further information.

Against this background the Danish Government has the following comments:

The Danish Folkeskole is both a national and a local school. The Folkeskole is regulated through the Primary Education Act which lays down the framework for the activities of the Folkeskole. This means that all municipal schools have the same objectives, the same rules as to what subjects are taught at each level, the same rules for central knowledge and competence areas within each subject as well as similar rules for the organisation of the school system. But it is the responsibility of the individual municipal council to decide how the municipality's schools shall function in practice within the framework of the Primary Education Act.

The common objectives laid down by the Ministry of Education define what knowledge and what qualifications should be attained by the individual pupil within the various subjects and disciplines at the time of leaving school and at specific intermediary levels respectively.

Teaching about the culture, history, language and religion of the German minority and other ethnic and religious groups forms part of the curricula primarily in Social Science and History. But also the subjects Danish, German and Christian Studies are concerned with issues relating to minority groups.

No official regulations mention any specific minority group, ethnic or religious group, but there is a long and widespread tradition for the teaching of German culture and history in the Folkeskole. One of the central knowledge and competence fields in History concerns "Power, justice, interests and human rights", and this central knowledge and competence field usually also includes issues that concern minority groups.

In addition issues relating to minority groups, ethnic and religious groups are often an integrated part of the project paper which is a mandatory part of the 9th grade curriculum. In this connection the pupil is given the opportunity to carry out and present an inter-disciplinary project the primary content of which should be taken from the subjects History and Social Science. The project paper is evaluated both through a written statement and in accordance with the 13 point marking scale. If the pupil so chooses, the result of the project paper may be noted on the pupil's school leaving certificate.

Municipalities and schools decide how the common objectives are to be attained. And it is the individual teacher who selects teaching methods, books and material within the range of material approved by the school board.

Moreover, Denmark has both a national and a local tradition for including relevant minority groups, ethnic and religious groups in connection with the national and religious celebrations and events of the minority groups or special national holidays with a view to securing that consideration is paid to the interests of these groups. In practice this is done through the establishing of special networks, committees and working groups with participants from the minority groups so that they have the opportunity, along with others, to influence the planning and carrying out of such events.

h) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

i) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

2. The Committee of Experts has indicated that this obligation is considered to be fulfilled.

Article 9 – Judicial authorities

Denmark has specified that the following provisions will apply to German as a minority language:

1. The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

b in civil proceedings:

iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

2. The Parties undertake:

a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

b) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or

c) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

Concerning Denmark's compliance with the individual provisions of Article 9 please note:

1.

b iii) and c iii) Regardless of the fact that Danish legislation secures the right to present documents in German, the Committee of Experts has not been in a position to obtain information on the use of this right by the German minority. The Committee of Experts therefore considers this obligation to be fulfilled only formally.

2.

a, b and c)

The Committee of Experts has drawn attention to the fact that (a), (b) and (c) are alternative options for which reason the Committee considers (b) and (c) superfluous. The Committee of Experts therefore only considers Denmark's fulfilment of (a) which also covers the obligations in (b) and (c).

It follows from Article 149, Section 2 in the Administration of Justice Act that the validity of legal documents may not be contested because they are in German. According to the Committee of Experts it has, however, been pointed out by several members of the German minority that this right is seldom made use of and that many courts are reluctant to allow the use of documents in German with reference to the fact that the German minority is bilingual. As an instance of this reluctance the Committee of Experts has mentioned a court's refusal to allow an association to present its statutes in German.

Therefore the Committee of Experts has concluded that this obligation is solely met formally and looks forward to further information on its implementation in the next report.

Re 1 and 2:

Concerning the use of documents in German in law courts the Danish Government would like to note that the judges at the courts of Gråsten, Sønderborg, Tønder and Aabenraa have submitted the following information:

Two judges have stated that as a general rule the German minority always have a right both to speak German and to present their documents in German to the court unless the other side and/or the risk of misunderstanding requires translation.

The two other judges have stated that they always provide for translation of German documents into Danish unless the documents in question are very simple and do not give rise to linguistic misunderstandings, e.g. invoices.

Furthermore the Danish Government would like to draw attention to the fact that it follows from the Administration of Justice Act Article 149, 2 that documents made out in a language other than Danish, e.g. German, shall be accompanied by a translation which, when this is required by the court or the other side, shall be duly authorised. Translation may, however, be waived when both parties agree to this and the court considers that it has sufficient knowledge of the foreign language in question.

Thus it follows implicitly from the Administration of Justice Act Article 149, 2 that a document cannot be rejected by the court with reference solely to the fact that it is written in e.g. German. On the other hand the court may in a concrete case decide that the document should be accompanied by a translation and may require that this translation is duly authorised.

Article 10 – Administrative authorities and public services

Denmark has specified that the following provisions will apply to German as a minority language:

1. Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a v) to ensure that users of regional or minority languages may validly submit a document in these languages;

4. With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

c) compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

5. The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Concerning Denmark's compliance with the individual provisions of Article 10 please note:

1.

a v) In its first report Denmark referred to the fact that the advisory obligation of public administrative services that follows from Article 7 in the Administrative Powers Act lays down that when an individual who does not have sufficient knowledge of Danish approaches a public authority in a matter that requires a decision, the authority should, in view of the circumstances, provide interpreting and translation assistance for the person in question to the extent needed. In its report the Committee of Experts referred to the fact that members of the German minority will not be covered by this provision as they speak fluent Danish.

Furthermore the Committee of Experts has stated that the minority has referred to isolated cases in which members of the German minority have been requested not to speak German when approaching administrative authorities or in which documents in German have not been accepted by administrative authorities who referred to the fact that the German minority speak and understand Danish.

Against this background the Committee of Experts has noted that there are no measures in place that further the German minority's use of German in South Jutland. In the light hereof the Committee of Experts does not consider the obligation to be fulfilled and suggests that Denmark takes the necessary measures with a view to securing that the German minority can present documents in German.

In this connection the Danish Government has the following comments:

As mentioned in connection with the answer to question 5, Part I, it is the view of the Ministry of the Interior and Health that in connection with the coming into force of the municipal reform there will be a need to draw attention to the specific conditions relating to the German minority in South Jutland. Therefore the Ministry of the Interior and Health is considering – following consultation with the German minority - to send a letter of

information in 2006 concerning minority language issues to the four committees in South Jutland which prepare the establishing of the new municipalities.

4.

c) The Committee of Experts has indicated that it considers this obligation to be fulfilled but suggests that the Danish authorities make use of the existing potential with regard to the speaking of German that exists among the staff employed by the authorities in South Jutland.

Reference is made to the comments under 1. a v).

5.

The Committee of Experts has indicated that this obligation is considered to be fulfilled.

Article 11 – Media

Denmark has specified that the following provisions on media will apply to German as a minority language:

1. The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

b i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;

b ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

c i) to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;

c ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

d) to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;

e i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;

f ii) to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

g) to support the training of journalists and other staff for media using regional or minority languages.

2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Concerning Denmark's compliance with the individual provisions of Article 11 please note:

1.

b i) The Committee of Experts has pointed out that there is no radio station in South Jutland that uses the German language. The establishing of radio stations in Germany is subject to the same rules that apply to the establishing of radio stations in Denmark. The authorities allow the establishing of radio stations, but no steps have been taken to invite or make easier the establishing of radio stations that use the German language. Therefore the Committee of Experts considers that this obligation has not been met.

b ii) The Committee of Experts has indicated that (i) and (ii) are alternative options. As (i) has not been met, the Committee of Experts has looked into whether (ii) has been met, which is not the case as there is no radio in South Jutland that broadcasts programmes in German and as the Committee has not received information on any measures intended to invite or make easier the broadcasting of such programmes.

The Danish Government draws attention to the fact that the Ministry of Culture has undertaken to provide a grant of 250,000 DKK for a three-year trial period open to prolongation. So far the Ministry of Culture has made payment to the German minority on one occasion. The grant is to be used on application from the German minority for the buying of broadcasting time for news broadcasts in German on the local radio station in South Jutland, Radio Mojn.

c i and ii)

The Committee of Experts has referred to the fact that there are no television channels in South Jutland that use the German language and that no measures have been taken with a view to inviting or making easier the establishing of such channels. The Committee of Experts is aware of the existence of TV-Syd which broadcasts one 10-minute programme in German every month in cooperation with Nord-deutscher Rundfunk. No programmes in German are produced in South Jutland. In the view of the Committee of Experts this would, however, not even have been sufficient to fulfil the obligation in c (ii). The Committee of Experts is worried that so little is done with regard to TV-broadcasting in German for which reason the Committee of Experts considers that this obligation has not been met.

The Danish Government finds reason to repeat that the Government does not share the view of the Committee of Experts according to which Denmark does not meet its obligations under the provisions in c (i) and (ii).

As described in connection with the first monitoring process under the Charter, it is the view of the Danish Government that Danish media legislation promotes the establishing of local radio and TV stations by providing technical infrastructure for such stations and the possibility of obtaining a broadcasting permission and state support for running costs. The fact that these possibilities are also open to other groups in society does not mean, in the view of the Danish Government, that Denmark does not further and/or make easier the establishing of at least one television channel in German or does not further and/or make easier regular broadcasting of TV programmes in German.

Concerning the question of German programmes from the regional TV2-stations, the Danish Government finds occasion to refer to the Danish Radio and Television Broadcasting Act which lays down that in the planning of programmes the regional TV 2-stations should attach importance to affiliation to the relevant region. TV 2- stations are financed through licence fees in order for them to meet their public service obligations. Because of the significance of the independence of the media, it is left to the regional stations themselves to prioritise their investments in programmes.

Concerning the question of programmes in German from the public service stations DR and TV 2, the Danish Government – bearing in mind the principles of the independence and autonomy of the media – considers that sufficient protection is provided by the public service obligation of these two stations to service the whole population and to attach decisive importance to the freedom of information and expression.

d) The Committee of Experts has not received any information on the implementation of this provision for which reason the Committee cannot take a position on whether it is fulfilled, and the Committee invites the Danish Government to provide further information.

Reference is made to the comments of the Danish Government on the obligations in Article 11, 1, b), c), and f).

e i) The Committee of Experts has referred to the fact that "Der Nordschleswiger" is the main newspaper for the German speaking population in Denmark. This paper has received economic support pursuant to the act

on economic support for the financing institute of daily newspapers. The Committee of Experts has, however, understood that there has been a reduction in the number of public announcements (from central, regional or municipal authorities), which also influences the newspaper in German. The Committee of Experts considers the obligation to be met but suggests that the Danish authorities consider Danish policy on public information especially with regard to matters that concern the German speaking group of the population.

The Danish Government has noted the view of the Committee of Experts and has taken note of the Committee's suggestion.

f ii) The Committee of Experts does not know of any measures involving economic support for audio-visual productions in German. The Committee of Experts does not consider this provision to be met.

The Danish Government would like to draw attention to the fact that the aim of the Danish Film Act is to further the art of filmmaking, film culture and the use of cinemas in Denmark. The opportunities for support under the act include among other things development, production and distribution of feature films, documentaries etc. The granting of support presupposes among other things that a film is made in Danish or contains specific artistic or technical contributions to the furthering of Danish film art or film culture in Denmark. Grants are allocated by Det Danske Filminstitut following concrete assessment of applications. A range of elements form part of this assessment such as universality, quality, appeal to the public, financing and liquidity plans, distribution plans etc. Thus the German minority in South Jutland has an opportunity to apply for support under the Film Act.

g) No specific programmes at Danish universities train journalists in German. In its first report the Committee of Experts mentioned that Denmark has drawn attention to the fact that the rules on study grants cover all Danish students who want to study journalism, but these rules are not specifically aimed at students of journalism in minority languages in the sense of this obligation. The Committee of Experts has not been informed to what extent the support offered in practice gives access to education for journalists and others within the field of media who use regional or minority languages. The Committee of Experts is not in a position to conclude whether this obligation has been fulfilled and looks forward to further information in Denmark's forthcoming report.

In this connection the Danish Government would like to submit the following information:

There are three training programmes for journalists in Denmark.

Concerning the programme at *Danmarks Journalisthøjskole (DJH) in Århus*, Denmark would like to submit the following information:

The training programme in journalism at Danmarks Journalisthøjskole (DJH) in Århus is a 4-year bachelor programme which can be followed as a "classical" journalism programme and as a programme in photo journalism. Furthermore the school offers a one-year diploma programme in journalism and the so-called supplementary programme. Studies abroad may be part of the programme as well as reporting trips to other countries.

DJH has several offers for international students as well as international projects. Furthermore DJH along with a number of partners have won EU's Erasmus Mundus tender in the area of training of journalists through which students may take a master's degree in journalism in 4 European countries (Denmark, the Netherlands, UK and Germany).

Concerning the two academic journalism programmes at *the University of Southern Denmark and Roskilde University*, Denmark would like to submit the following information:

- The journalism programme at the University of Southern Denmark is a bachelor programme of 3½ years and with the possibility of another two years leading to a master's degree. The programme which admits 75 students once a year includes 12 months' internship.
- The journalism programme at Roskilde University consists of a two-year basic programme, a further journalism programme of 18 months to be combined with another further programme also of 18 months' duration. In addition there is a one-year internship. The programme admits 50 students twice a year and includes 12 months' internship. It is possible to finalise the programme with a bachelor degree after three years.

Students who master Danish and who pass the required exams, may seek approved internships abroad that require full knowledge of other European languages. In such cases the students will have acquired these qualifications beforehand in various ways.

It should be noted that students at Roskilde University combine journalism with another university subject. Thus it is possible to combine journalism with German. Such a combination will – in addition to journalism – give the student qualifications in the German language and knowledge of German culture and society at graduate level.

As from 1 September 2006 it will, furthermore, be possible to be admitted to the University of Southern Denmark's master's level journalism programme on the basis of a relevant non-journalistic bachelor degree that includes journalism as an optional subject. A bachelor degree in German will thus give access to a master's degree programme in journalism, and in this way a combination of the subjects of journalism and German may be obtained.

Thus it is possible for journalism students in Denmark to acquire proficiency in the German language and knowledge of German culture and society. This may take place through a stay in Germany as part of the journalism programme, through combining journalism and German at Roskilde University or, as from 1 September 2006, combining a bachelor degree in German including optional journalism with the master's level journalism programme at the University of Southern Denmark.

In this connection attention is drawn to the fact that the staff of the German minority's paper "Der Nordschleswiger" includes journalists trained in Denmark.

2) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

Article 12 – Cultural activities and facilities

Denmark has specified that the following provisions in the field of culture will apply to German as a minority language:

1. With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b) to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e) to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

f) to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

g) to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

2) In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

3) The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Concerning Denmark's compliance with the individual provisions of Article 12 please note:

1.

a) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

b) It appears from the report of the Committee of Experts that programmes produced in Germany are regularly dubbed or subtitled in Danish in public radio or television. In Denmark few programmes are produced in German, and the Committee of Experts has no information as to whether programmes produced in Denmark using the German language are dubbed, translated or subtitled. Therefore the Committee of Experts is not able to take a position as to whether this obligation is fulfilled.

The Danish Government would like to draw attention to the fact that foreign programmes are dubbed in Danish public service TV when the target group is children who cannot read. Other programmes – in languages other than Danish – are subtitled.

d) It appears from the report of the Committee of Experts that although Denmark has confirmed that the German minority take part in ordinary cultural activities in the region, the Committee has no information neither concerning the bodies responsible for these activities nor concerning the manner in which these bodies allocate suitable economic support under the provision. Therefore the Committee of Experts is not at present in a position to conclude whether the obligation is fulfilled and looks forward to further information in the next report.

The Danish Government would like to draw attention to the fact the German minority in South Jutland receives economic subsidies for the minority's cultural activities from the state, Sønderjylland County and the municipalities in South Jutland.

As far as the library service of the German minority is concerned, the Danish state provides a yearly grant of 2,500,000 DKK whereas Sønderjylland County and the municipalities in South Jutland provide a yearly grant of 425,000 DKK and 375,000 DKK respectively.

Furthermore the German minority receives a grant of 415,000 DKK for the minority's sports facilities in Tinglev from the municipalities in South Jutland.

In addition to this the minority receives a yearly grant of 130,000 DKK from Sønderjylland County for the youth centre Knivsbjerg, which among other things organises art courses for mainly German children, 6,500 DKK for the publishing of the book *Heimatkundliche Arbeitsgemeinschaft für Nordschleswig*, and, at intervals and following application, 10-15,000 DKK for projects carried out by the German school association.

Moreover Sønderjylland County, at intervals and following application, provides 6,000 DKK for the German choir "Nordschleswigsche Musikvereinigung", which among other things arranges church concerts.

The common Danish-German region Sønderjylland-Schleswig, which on the Danish side consists of Sønderjylland County, administrates a 3-year pool of subsidies amounting to 3.6 million DKK (486,000 Euro) for the promotion of general knowledge of the culture and language of the neighbour country and to further direct contact across the border. This culture and youth pool provides grants to a range of individual activities and projects both north and south of the border.

From this pool among other things a grant of 3,000 Euro have been given to the project KunstTransport, which is a Danish-German project with participation of young people from the Danish minority and the German minority.

Regarding the possibility of the German minority to speak German when contacting the municipalities in South Jutland and Sønderjylland County concerning economic grants for cultural activities, reference is made to what is stated among other things on page 12.

e) It appears from the Committee of Experts' first report that the Danish authorities have confirmed that bodies that are responsible for organising or supporting cultural activities generally have staff at their disposal who speak both German and Danish fluently. However, the Committee of Experts has not received any information on what bodies are responsible for organising or supporting these cultural activities. The Committee of Experts does not draw any conclusions on the fulfilling of this obligation and looks forward to further information in the next report.

Reference is made to what is stated under 1. d).

f) It appears from the Committee of Experts' first report that the Danish authorities have stated that the German minority is usually invited to take part in cultural activities in the region. But the Committee of Experts has no concrete information on the implementation of this provision and therefore is not in a position to conclude whether this provision is met or not. Therefore the Committee of Experts would like to get further information in the next report.

Reference is made to what is stated under 1. d).

g) The Committee of Experts has indicated that it considers this provision to be fulfilled.

2. In its first report the Committee of Experts invited the Danish authorities to take measures with a view to suggesting cultural activities outside South Jutland. The Committee of Experts does, however, consider this provision to be met in practice.

3. It appears from the report of the Committee of Experts that the Committee of Experts does not consider this provision to be met. The Committee of Experts does, however, refer to Denmark's first report in which it is stated that the Danish Secretariat for International Cultural Relations intends to discuss the development opportunities with members of the German minority and the committee looks forward to reading about this in Denmark's next report.

The Danish Government would like to draw attention to the fact that in 2004 the Danish Arts Agency, which takes care of international cultural exchange, held the meeting announced in Denmark's first report with representatives of the German minority in South Jutland. At this meeting the parties discussed activities in connection with the fiftieth anniversary of the Copenhagen-Bonn Declarations. The Danish Arts Agency furthermore provided information about the activities and future plans and priorities in the field of cultural exchange and invited the minority to consider and present possible projects for consideration. The Arts Agency has not yet received any such proposals from the German minority.

Article 13 – Economic and social life

Denmark has specified that the following provisions on economic and social life will apply to German as a minority language:

1. *With regard to economic and social activities, the Parties undertake, within the whole country:*

a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in agro-technical documents such as instructions for the use of products or installations;

c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

2. *With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;

Concerning Denmark's compliance with the individual provisions of Article 13 please note:

1.

a) The Committee of Experts has indicated that this obligation is fulfilled.

c) The Committee of Experts has stated that the Committee does not have any information on practice established with a view to discouraging the use of German in connection with economic and social activities. In its first report Denmark stated that the provision has been implemented in accordance with the Copenhagen-Bonn Declarations from 1955 and in connection with measures described elsewhere in the

report. The Committee has not received any concrete information on special measures in this area and for this reason is not in a position to conclude whether the obligation is fulfilled. Therefore the Committee of Experts looks forward to further information in connection with the next report.

In this regard the Danish Government would like to draw attention to the following:

It follows from the provision that Denmark is under obligation to counteract any practice that aims to limit the use of regional or minority languages in connection with economic or social matters. According to the information available to the Danish authorities no practice exists which aims to discourage the use of regional or minority languages, and in the view of the Danish Government there is, therefore, no need for special measures.

d) The Committee of Experts has indicated that it considers this obligation to be met.

2.

c) It is the view of the Committee of Experts that measures are required which include regional and local authorities if this provision is to be considered fully met.

As mentioned in connection with Denmark's first report, the hospitals in Sønderjylland County receive and treat members of the German minority using German depending on the circumstances. Most often it will be possible to find persons who understand and speak German, including doctors who have grown up and have been trained in Germany.

Furthermore it should be noted that cross border health cooperation in recent years has been extended through the establishing of a German private hospital in South Jutland and a German rescue helicopter is now part of pre-hospital services. Likewise, patients from South Jutland are now also free to choose breast cancer screening, childbirth and a range of orthopaedic treatments at German hospitals instead of Danish hospitals.

The Ministry of the Interior and Health would like, furthermore, to mention that in connection with the coming into force of the municipal reform there will be a need to draw attention to the special circumstances that pertain to the German minority in South Jutland. Therefore the Ministry of the Interior and Health is considering – following consultation with the German minority - to send a letter of information in 2006 concerning minority language issues to the four committees in South Jutland which prepare the establishing of the new municipalities.

Article 14 – Transfrontier exchanges

Denmark has specified that the following provisions from among the provisions on transfrontier exchanges set out in Article 14 of the Minority Languages Charter will apply to German as a minority language:

The Parties undertake:

a) to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

b) for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Concerning Denmark's compliance with the individual provisions of Article 14 please note:

a) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

b) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

List of Appendices:

Reference is made to the appendices appended to Denmark's first report. As a supplement the following is appended:

1. Act on the Private, Independent Schools etc, cf. Consolidated Act no 665 of 27 June 2005
2. Act no 1426 of 21 December 2005 on amendments of Act on the Private, Independent Schools etc.
3. Act no 602 of 24 June 2005 on the promotion of trade and industry
4. The Social Services Act, cf. Consolidated Act no 1187 of 7 December 2005
5. Order no 828 of 29 August 2005 on municipal subsidies for day care for children, parents' own payment and special grants etc
6. Act no 374 of 28 May 2003 on Ethnic Equal Treatment
7. Order no 1439 of 15 December 2005 on local radio and television broadcasting
8. Act no 576 of 24 June 2005 on the Daily Newspapers Board
9. Order no 869 of 16 September 2005 on furthering of the representation etc. of the German minority in South Jutland in Haderslev, Sønderborg, Tønder and Aabenraa
10. Order on agreement of 25 September 1998 with Germany on the establishing of Danish-German high school curricula