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**Comments of the Government of Denmark on the Sixth Opinion of the Advisory  
Committee on the implementation of the Framework Convention for the Protection of  
National Minorities by Denmark**  
received on 7 June 2024

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## **COMMENTS OF THE GOVERNMENT OF DENMARK ON THE SIXTH OPINION OF THE ADVISORY COMMITTEE REGARDING THE IMPLE- MENTATION OF THE FRAMEWORK CONVENTION FOR THE PRO- TECTION OF NATIONAL MINORITIES BY DENMARK**

The Danish Authorities are pleased to respond to the invitation of the Advisory Committee to comment on the sixth opinion on Denmark (2023), regarding the implementation of the Framework Convention for the Protection of National Minorities. The comments have been prepared with contributions from relevant ministries and municipalities.

### **General comments**

The Danish Authorities would like to reiterate its position – mentioned in both previous and the latest Danish state report – with respect to the scope of the Framework Convention. The international obligations that Denmark has assumed according to the Framework Convention relates only to the German national minority in South Jutland. The Danish Government will continuously work towards ensuring that the German Minority has the opportunity to raise any issues that the minority wants to discuss, and that the obligations towards the German minority is fulfilled.

It is the opinion of the Danish Government that the distinctive mark of a national minority is that it is a minority population group, which above all has historical, long-term and lasting links to the country in question – in contrast to refugee- and immigrant groups in general. Therefore, Denmark has identified the German minority in South Jutland as a national minority covered by the Framework Convention. Thus, when ratifying the Framework Convention, Denmark did not identify other minorities, who are living, in Denmark, as a national minority within the meaning of the Convention.

With this said, it is important to underline that all other minorities residing in Denmark enjoy the same fundamental rights as do all Danish citizens, including the rights contained in international human rights conventions and frameworks, which Denmark has ratified. Combined with the domestic legal framework and practices, Denmark strives after equal and fair treatment of all minorities residing in Denmark. This includes protection both at national level and through the international instruments, which protect the rights of the individual and safeguard against discrimination.

Finally, the Danish authorities would like to express its appreciation for the valuable cooperation with the Advisory Committee and the efficient and constructive meeting in June 2023.

### **Specific comments**

This report contains the Danish authorities' comments on the draft 6th opinion on Denmark prepared by the Advisory Committee as adopted on 7 February by the Advisory Committee on the Framework Convention for the Protection of National Minorities. The

Danish authorities wishes to address paragraphs from the Opinion on an article-by-article basis. All relevant ministries, authorities and municipalities were heard in this process.

**(Article 5)**

**Preservation and promotion of minority culture and language**

**Para 44:** Region Southern Denmark would like the underlined words in parenthesis included in the following sentence. “*At regional level, the Region of Southern Denmark continues to contribute to (the) funding (of) the Cultural agreement*”.

**(Article 6)**

**Promotion of mutual respect and understanding**

**Para 54:** Aabenraa Municipality would like its integration efforts for German newcomers to be included. Among other things, the municipality works with guidance service for (potential) newcomers, holds welcome meetings, and makes guidance offers available via partners such as Regionskontor & Infocenter and Infocenter or Business Aabenraa.

**Para 55:** The Ministry of Immigration and Integration notes that issues such as radicalization and honour-related conflicts are not issues supposedly associated with migration, but issues that have real-life negative impacts for some individuals, not least for vulnerable groups within migrant communities.

**Para 56-57:** The Ministry of Immigration and Integration notes that the MENAPT-category was introduced by the Ministry in 2020 in order to monitor the status and development of the integration of immigrants and their descendants. The MENAPT-group has a specific focus since this group of immigrants has played an important role in Denmark’s immigration history. The classification is not used to make assumptions about the religious affiliation of its subjects.

**Para 58:** The Ministry of Children and Education would like to have included the exact description of the children that must attend a 25 hour per week of a mandatory learning programme in para 58:

*“Children who are not enrolled in an ECEC-centre at the age of 12 months. Parents who do not want their child to be enrolled in a mandatory learning programme can chose to facilitate the learning programme themselves. The parents' efforts must be commensurate with the mandatory learning programme. A learning programme that is commensurate with the mandatory learning programme consists, among other things, of ensuring that*

*the child's Danish language is developed and that the child's broad understanding of learning is supported through activities in everyday life.”*

*“The mandatory learning program is part of a number of Danish policies that were presented in 2018 as part of a national action plan combating parallel societies”*

**Para 61-62:** The Ministry of Immigration and Integration notes that the Danish authorities disagree that the Danish integration policies generally lack a basis of intercultural dialogue and mutual respect.

**(Article 6)**

**The situation of Greenlanders**

**Para 75:** The Ministry of Children and Education would like to underline that from the school year 2023/2024, it is mandatory to teach about the Kingdom of Denmark (Denmark, Greenland and the Faroe Islands) for primary schools and lower secondary schools in Denmark. This emphasizes the joint history between the three countries. Making the history of the Kingdom of Denmark a mandatory part of primary and lower secondary education will give all students knowledge and understanding of the whole Kingdom of Denmark. Increased knowledge and understanding is a good way to prevent prejudices. This should be reflected in the paragraph.

**(Article 6)**

**Situation of Roma**

**Para 78 and 82:** The Ministry of Immigration and Integration notes that the EU's strategic framework for the Roma suggests a differentiated approach in the Member States based on national circumstances.

Denmark does not have and does not consider it productive to have integration policies specifically aimed at specific ethnic groups, hence neither the Roma population.

Rather the group has – on equal footing with everyone legally residing in the country – access to the universal welfare state's services (childcare, education, health care, employment effort, integration policies etc.) largely funded by the general taxation.

In addition, Denmark's emphasis on abiding by general principles of equal treatment ensures recognition of political, civil, social etc. rights of the Roma population.

These principles are the bedrock of Denmark's approach to Roma inclusion and thus reaffirmed in Denmark's national strategy applying the EU strategic Framework for equality, inclusion and participation for 2020-30.

**Para 79, 80 and 82:** The Ministry of Immigration and Integration notes that Danish authorities do not register ethnicity and are consequently unable to collect and quantify data disaggregated on ethnic groups.

Any target for education level, employment rate and health - as well as its monitoring mechanisms - in Denmark - apply to Roma as well as to everyone else.

In line with the above-mentioned principles, Denmark does not have government-funded initiatives that aim specifically at strengthening the Roma civil society. However, there is a number of NGO's that work with integration and inclusion of refugees and ethnic minorities that are financially supported by the Danish Finance Act and the relevant Danish authorities are in close dialogue with these NGO's.

**(Article 6)**  
**Combating hate crime and hate speech**

**Para 91:** The Ministry of Justice would like to point out that the text in paragraph 91 is not correct.

*Suggestion for text amendment (new text in red):*

“Data gathered by the Ministry of Justice’s victimisation survey for 2020-2021 estimates that around 20-31 000 people between the ages of 16-74 experience hate-motivated violence, vandalism and/or hate speech online every year. Although information on hate-motivated violence has been collected since 2008, in 2020, changes in data collection were introduced to record also for victims of vandalism whether they believe the crime was motivated by hatred on the grounds of racism, sexual orientation, gender identity or religious beliefs. Religion was also included as a potential ground for hate violence. Lastly, online hate speech began to be recorded as a separate crime. Data for 2020-2021 shows that racism was the most common ground for hate-motivated vandalism **and online hate speech**, whereas the most common ground for violence motivated by hatred ~~and online hate speech~~ was religion. Although these changes render data from previous years not fully comparable, the Advisory Committee welcomes this development as it contributes to a more accurate picture of the situation.”

**Para 92:** The Ministry of Justice would like to point out that the text in paragraph 92 is neither correct nor reflecting the latest annual report on hate crimes.

*Suggestion for text amendment (new text in red):*

“**The Danish National Police has gathered data on registered hate crimes since 2015. The data is compiled in an annual report on police-recorded hate crimes.** The Danish National Police registers cases of hate crime through its case management system (POLCAS) and following the Director of Public Prosecutor’s guidelines on hate crimes.<sup>72</sup> In 2022~~1~~, the Police recorded ~~487~~<sup>521</sup> potential hate crime<sup>73</sup> cases, ~~300~~<sup>254</sup> of which were racially motivated, followed by ~~101~~<sup>164</sup> crimes committed on religious grounds (~~37~~<sup>93</sup> cases of which related to Judaism and ~~50~~<sup>63</sup> to Islam)<sup>74</sup>. ~~340~~<sup>306</sup> of these hate crimes were registered as criminal offences with an increase of violent offences with a hate motive by ~~17~~<sup>63</sup>% to ~~82~~<sup>82</sup> cases from ~~70~~ cases the previous year. **It should be noted that not all 487 cases are registered as hate-motivated criminal acts. Some cases involve hate speech or racial discrimination but other cases concern incidents, investigations, and administrative matters, where the nature of the offense is not definitively clarified.**”

Footnote 73) The 487 cases denote the total number of cases that the Danish National Police have identified as potential cases of hate crime in the review for the annual report on hate crimes for 2022.”

Footnote 74) Danish National Police (2023), Hadforbrydelser i 2022. Rigspolitiets årlige rapport om hadforbrydelser I forbrydelser (Hate Crimes in 2022. The Danish National Police’s annual report on hate crimes), p. 3 and 16.”

**Para 93:** The Ministry of Justice suggests that reference to the Danish National Police’s annual report on hate crimes be deleted as the current sentence is misleading. The total number (487 in 2022) reflects the total number of cases that the Danish National Police have identified as potential cases of hate crime in a subsequent review. As such, they do not necessarily correlate with actual reports of hate crimes, cf. the suggested text amendments to para 92.

*Suggestion for text amendment (new text in red):*

“All cases on hate speech (section 266 b of the Danish criminal code) are registered in the case management system (POLSAS), and since September 2020, The Prosecution Service also gathers statistical data on judgements in which the court has increased the sentence according to section 81, para. 6 of the Danish Criminal Code because the crimes were motivated by hatred towards a certain group of people. ~~Since September 2020, the Prosecution Service also gathers statistical data on hate crimes dealt with by Danish Courts.<sup>75</sup> Of the 521 hate crime cases registered by the Police in 2021, 159 charges were put forward in 146 cases.<sup>76</sup> Despite the number of cases brought for prosecution, there is no record of the number of indictments and convictions, and there are only a small number of published convictions of hate crimes.<sup>77</sup>~~ **In June 2023, the Prosecution Service started publishing a list of cases prosecuted as hate crimes, which is to be updated twice a year.** In July 2023, the Prosecution Service introduced a temporary reporting scheme, whereby Police Districts must refer all judgments regarding section 81, para. 6 to the State Prosecutors for considerations regarding appeal.”

**(Article 17 & 18)**

#### **Cross-border and bilateral co-operation**

**Para 143:** The Ministry of Justice would like to point out that the text in paragraph 143 is currently neither reflecting the Danish Police’s co-operation with German law enforcement authorities nor the intentions of the Danish authorities.

*Suggestion for text amendment (new text in red):*

“However, representatives of the German minority expressed strong criticism of the controls at the border with Germany, which were introduced temporarily in 2016 as an exception to the Schengen regime and have been continuously extended every six months. ~~As of May 2023, border controls were eased, leading to a better circulation of traffic, but Denmark has not returned to free movement as foreseen under the Schengen rules.<sup>107</sup>~~ In a joint resolution of September 2022, members of Dialog Forum Norden stated that cross-border co-operation of persons belonging to national minorities on both sides of the border suffers from the situation and pleaded for a return to the Schengen-compliant

regime before 2016. The Danish Police maintains a close co-operation with German law enforcement authorities in order to secure that the temporary border control is carried out in a manner with the least negative impact on persons crossing the border for legitimate reasons. The Danish authorities are focused on making the border control as flexible as possible for cross-border commuters. As of May 2023, border controls were eased, leading to a better circulation of traffic, but Denmark has not returned to free movement as foreseen under the Schengen rules.”