



# SIXTH OPINION ON DENMARK



## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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## TABLE OF CONTENTS

SUMMARY .....	4
PRIORITY RECOMMENDATIONS .....	6
Priority recommendations .....	6
Other recommendations .....	6
Follow-up to these recommendations .....	6
MONITORING PROCEDURE .....	8
Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee .....	8
Preparation of the state report for the sixth cycle .....	8
Country visit and adoption of the Sixth Opinion .....	8
ARTICLE-BY-ARTICLE FINDINGS .....	9
Scope of application (Article 3) .....	9
Legislative and institutional framework for combating discrimination (Article 4) .....	10
Preservation and promotion of minority culture and language (Article 5) .....	12
Promotion of mutual respect and understanding (Article 6) .....	13
The situation of Greenlanders (Article 6) .....	15
The situation of Roma (Article 6) .....	17
The situation of the Jewish community (Article 6) .....	18
Combating hate crime and hate speech (Article 6) .....	19
Minority language media (Article 9) .....	21
Use of minority language in contacts with the administration (Article 10) .....	22
Display of bilingual signs (Article 11) .....	23
Fostering of the knowledge of the culture and language of national minorities in education (Article 12) .....	24
German minority language schools (Article 13) .....	25
Political representation and participation (Article 15) .....	26
Cross-border and bilateral co-operation (Articles 17 and 18) .....	26

## SUMMARY

1. Danish society continues to be characterised by a high level of social welfare, protection of citizen rights and a strong focus on gender equality, which benefits also persons belonging to minorities, be it the recognised German minority or other non-recognised communities. While Denmark continues to restrict the scope of application of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) to the German minority, the Advisory Committee found it relevant to also look into the situation of the Greenlandic, Roma and Jewish communities, which all have historic ties with Denmark and experience issues in areas covered by the Framework Convention.

2. As regards the general climate of mutual respect and understanding, the authorities continue to implement a number of restrictive policies towards residents based on their or their parents’ country of birth as being of “non-Western origin”. This contributes to an atmosphere where ethnic, cultural, religious and even linguistic diversity is not acknowledged as an asset to be managed through mutual accommodation, but as a potential threat to the cohesion of society. The Advisory Committee considers the categorisation of persons according to their “origin” rather than based on the principle of free self-identification contrary to the spirit and letter of the Framework Convention. Insofar as these restrictive measures are linked to immigration controls, they also have implications for persons belonging to the German minority, who are negatively affected by the continued controls at the border with Germany.

### German minority

3. Denmark continues to grant a high level of protection to persons belonging to the German minority. Further improvements took place during the monitoring period, notably as regards participation in decision-making. An agreement was found on a new format for the Contact Committee for the German Minority, which will become a fully-fledged committee of the Danish Parliament. In the four municipalities in South Jutland/North Schleswig inhabited by a significant number of Germans, yearly meetings with the mayors have been formalised, along with a good representation of the German minority among local councillors. Finally, these municipalities have expanded the information and services provided in the German language, largely as a reaction to immigration of German citizens to the region.

4. An important concern for persons belonging to the German minority are the continued controls at the border with Germany. Frequent traffic jams put a burden on those wishing to maintain regular contacts with Germany, including teachers at German minority schools, and negatively impact cross-border cooperation in the region. The recent rise in newcomers from Germany in South Jutland/North Schleswig is welcomed by persons belonging to the German minority, but also raises challenges such as the increased demands on the private German language school system.

5. While the awareness of the German minority in South Jutland/North Schleswig is high and has increased further following the events organised to mark the centenary of the 1920 Schleswig Plebiscites, more could be done to raise the awareness of the majority population in the rest of the country about the history and presence of the German minority as an integral part of Denmark.

### Greenlandic, Roma, Jewish and other communities

6. Persons belonging to the Greenlandic community in Denmark are currently discussing whether they would like to be protected by the Framework Convention. The authorities have made progress in acknowledging past injustices towards persons belonging to this community, but many issues remain open. These include the continued disproportionate rates of Greenlanders among children removed from their families and among those who are experiencing homelessness, and the lack of Greenlandic language education, adequate interpretation, and targeted integration courses.

7. Like many persons belonging to the Greenlandic community, persons identifying as Roma are negatively affected by the fact that Denmark does not take any positive measures to ensure effective equality of persons belonging to these communities, beyond the access to the social welfare system available to all Danish citizens. Migrant Roma continue to be in an extremely vulnerable situation. The recently adopted Action Plan against antisemitism and the decision to adopt a first Action Plan against racism are positive steps in the direction of acknowledging that persons belonging to certain minority communities experience specific challenges, which need to be addressed through specific measures to guarantee full and effective equality.

8. Most affected by discrimination, hate speech and hate crime are persons with (assumed) “non-Western origin”, and notably Muslims. The continuation of a range of restrictive policies targeting specifically this group, such as the policy on “parallel societies”, contributes to a negative public discourse about the diversity of Danish society.

**Gender equality and other intersectional aspects of minority protection**

9. Denmark places much emphasis on gender equality, equal opportunities for persons with disabilities, and the rights of children and youth. Nevertheless, intersectional issues continue to negatively affect access to full enjoyment of rights by persons belonging to minority communities. Adding intersectional and multiple discrimination to the non-discrimination legal framework would help to render intersecting forms of discrimination such as against Greenlandic or Muslim women more visible, also allowing to identify specific barriers hampering their societal inclusion.

## PRIORITY RECOMMENDATIONS

10. The Advisory Committee proposes that the Committee of Ministers make the following recommendations with respect to the implementation of the Framework Convention by Denmark.

11. The authorities should take the following priority measures to improve further the implementation of the Framework Convention, along with the implementation of all recommendations contained in this opinion:

### Priority recommendations

- 1) The Advisory Committee urges the authorities to take all necessary measures to facilitate the display of bilingual signage in South Jutland/North Schleswig, including through promoting intercultural understanding and consultations between municipal authorities and representatives of the German minority (see para. 120, Article 11).
- 2) The Advisory Committee urges the authorities to actively promote a climate of intercultural dialogue and mutual respect and to evaluate and reassess, in consultation with representatives of the groups concerned, current integration policies with a view to addressing their stigmatising and alienating effects, particularly on persons with an immigrant background from predominantly Muslim countries (see para. 62, Article 6).
- 3) The Advisory Committee urges the authorities to develop a strategy with targeted measures to promote the rights of Greenlanders in Denmark and remove barriers to their inclusion in society. Such a strategy should have a gender dimension and include, *inter alia*, compensation schemes for victims of the “Coil campaign” (see para. 75, Article 6).
- 4) The Advisory Committee urges the authorities to guarantee transitional measures for the placement of Greenlandic children whilst the new psychometric tests are being developed and to set in motion redress mechanisms for children and their families who might have been wrongly assessed by previous tests (see para. 76, Article 6).
- 5) The Advisory Committee calls on the authorities to raise awareness of the Framework Convention among persons belonging to communities who could benefit from the protection it offers, and to establish a constructive dialogue on the possible extension of the personal scope of application of the Framework Convention on an article-by-article basis, especially taking into account the *Inatsisartut's* resolution instructing the Greenlandic government to encourage recognition of Greenlanders living in Denmark as a national minority (see para. 29, Article 3).
- 6) The Advisory Committee calls on the authorities at all levels to provide more proactive, substantial and regular support towards the protection and promotion of the language and culture of the persons belonging to the German minority across Denmark (see para. 48, Article 5).
- 7) The Advisory Committee calls on the authorities to revise, in co-operation with Roma representatives, Denmark's Strategy on Roma Equality, Inclusion and Participation, as part of effective targeted measures promoting an environment where persons belonging to the Roma community feel comfortable self-identifying as such (see para. 82, Article 6).
- 8) The Advisory Committee calls on the authorities to continue monitoring and to evaluate the extent of reporting about the German minority by public broadcasters and to take action accordingly, with a view to increasing general awareness of the minority as an integral part of Danish society (see para. 105, Article 9).
- 9) The Advisory Committee calls on the authorities to adapt the financial support to German language schools to meet their increasing needs, in close co-operation with representatives of the minority (see para. 134, Article 13).
- 10) The Advisory Committee calls on the authorities to remove any remaining obstacles to cross-border contacts with Germany and reinforce systemic and proactive consultation mechanisms with representatives of the German minority (para. 148, Article 17).

### Other recommendations

12. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee.

### Follow-up to these recommendations

13. The Advisory Committee encourages the authorities to translate and publish the present Opinion into the official and minority languages and disseminate its findings and recommendations widely among all stakeholders.

14. Furthermore, the Advisory Committee encourages the authorities to organise a follow-up event after the publication of this sixth-cycle Opinion to discuss and identify ways of implementing the recommendations made in this Opinion.

## MONITORING PROCEDURE

### Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee

15. No round table to follow up on the recommendations of the Fifth Opinion of the Advisory Committee took place. The Opinion and Committee of Ministers Resolution were not translated into Danish or German, nor published on the respective government websites.<sup>1</sup>

### Preparation of the state report for the sixth cycle

16. The state report was received on 30 March 2023. Representatives of the German minority and the Danish Institute for Human Rights were consulted in its preparation. No gender-related aspects of minority rights were addressed in the report.

### Country visit and adoption of the Sixth Opinion

17. This sixth-cycle Opinion on the implementation of the Framework Convention by Denmark was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the sixth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Copenhagen and Aabenraa/Apenrade from 26 to 29 June 2023.

18. The Advisory Committee expresses its gratitude to the authorities for their co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 13 October 2023, was transmitted to the Danish authorities on 18 October 2023 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Danish authorities on 13 December 2023.

19. The visit took place in co-ordination with the sixth monitoring cycle of the Committee of Experts of the European Charter for Regional or Minority Languages, which adopted its sixth evaluation report on Denmark on 15 November 2023.<sup>2</sup>

\* \* \*

20. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. The Advisory Committee assesses the situation in the light of the circumstances prevailing at the time of monitoring.

<sup>1</sup> Some information on the Framework Convention and Denmark's sixth state report is, however, published on the [website of the Ministry of Culture](#).

<sup>2</sup> Committee of Experts of the European Charter for Regional or Minority languages, Sixth Evaluation Report on Denmark, 15 November 2023; available at: <https://rm.coe.int/denmarkecml6-en/1680ae4d14>.



## ARTICLE-BY-ARTICLE FINDINGS

## Scope of application (Article 3)

21. The territorial and personal scope of application of the Framework Convention by Denmark has remained unchanged.<sup>3</sup> The Danish authorities apply the Framework Convention to the German minority in South Jutland/North Schleswig. The state report includes the main developments related to the German minority and a short reference to the Jewish community.<sup>4</sup> No information is provided on the Advisory Committee's recommendations pertaining to Greenlanders and Roma. The authorities explain that when ratifying the Framework Convention, Denmark did not identify these communities as national minorities residing in Denmark within the meaning of the Framework Convention.

22. As during previous cycles, the authorities consulted the respective governments of the Faroe Islands and of Greenland on a potential application of the Framework Convention. The Government of the Faroe Islands did not express a wish for the Framework Convention to apply to Faroese residing in Denmark.

23. The Government of Greenland stated in its consultation response that it does not have jurisdiction over Greenlanders residing permanently in Denmark and is therefore not in a position to make a statement as to whether or not the Framework Convention should apply to Greenlanders residing in Denmark. On 14 November 2023, the Parliament of Greenland (*Inatsisartut*) approved a proposal to "instruct the Greenland government (*Naalakkersuisut*) to encourage the Danish government to recognise Greenlanders living in Denmark as a minority, as per the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages".<sup>5</sup> According to official data, 17 067 residents of Denmark were born in Greenland.<sup>6</sup>

24. Representatives of the Jewish community told the Advisory Committee that they would not like to be recognised as a national minority but would welcome protection on an article-by-article basis (see Article 6).

25. The Advisory Committee could not meet with and hear the views of representatives of the Roma community as no active Roma organisations exist. The Advisory Committee remains concerned that the situation of Roma in Denmark is not fully conducive to the effective enjoyment of the right to free self-identification (see Article 6).

26. The Advisory Committee observes that the authorities have not dedicated much effort to spreading knowledge about the Framework Convention and its objectives amongst communities that could possibly benefit from its application. Given the ongoing discussion among Greenlanders and the interest expressed by representatives of other communities for an article-by-article approach, raising awareness of the Framework Convention among persons belonging to these communities would indeed be important, and the Advisory Committee stands ready to support the authorities in this effort.

27. The Advisory Committee wishes to reiterate that, on the one hand, states parties have a margin of appreciation as regards the personal scope of application to be given to the Framework Convention in order to take the specific circumstances prevailing in their country into account. On the other hand, this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions. In this vein, the Advisory Committee maintains its view expressed since the first monitoring cycle, that neither Greenlanders nor Roma can *a priori* be excluded from the personal scope of application of the Framework Convention.<sup>7</sup>

28. Furthermore, official recognition as a national minority or the granting of a specific status do not constitute the beginning of the process of minority rights protection, nor are they essential for the

<sup>3</sup> The declaration handed to the Secretary General at the time of ratification, on 22 September 1997, reads as follows: "In connection with the deposit of the instrument of ratification by Denmark of the Framework Convention for the Protection of National Minorities, it is hereby declared that the Framework Convention shall apply to the German minority in South Jutland of the Kingdom of Denmark."

<sup>4</sup> See information on the Action plan against Antisemitism in the state report, pp. 13-14 (see also Article 6 of this Opinion). Unofficial figures published by organisations representing the respective minority communities or by civil society organisations, indicate that approximately 15 000 Germans, 23 000 Faroese, 17 067 Greenlanders, 7 000 Jews, and between 2 000 and 15 000 Roma live in Denmark. However, in the absence of official data collection, none of the sources is verifiable and the Advisory Committee is not in a position to establish that the same number of people freely self-identifies to those groups.

<sup>5</sup> The proposal was adopted with 19 votes in favour, no votes against and no abstains. Available at: <https://ina.gl/da/samlinger/oversigt-over-samlinger/2021/em-2023/dagsorden/1x/>.

<sup>6</sup> See website of [Statistics Denmark](https://www.ssi.dk/). Data based on free self-identification is not available.

<sup>7</sup> ACFC First Opinion on Denmark, adopted on 22 September 2000, paras. 14-23.

application of the Framework Convention or of its specific articles. Recognition as a national minority has a declaratory rather than a constitutive character. Access to minority rights should therefore not depend on formal recognition.<sup>8</sup> Hence, pending further progress on the issue of recognition, it would be beneficial if the authorities were to adopt an article-by-article approach to the application of the Framework Convention and to take the basic principles of the Framework Convention into account in their legislation, policies and practices in relation to persons belonging to the communities concerned.<sup>9</sup>

### Recommendation

**29. The Advisory Committee calls on the authorities to raise awareness of the Framework Convention among persons belonging to communities who could benefit from the protection it offers, and to establish a constructive dialogue on the possible extension of the personal scope of application of the Framework Convention on an article-by-article basis, especially taking into account the *Inatsisartut's* resolution instructing the Greenlandic government to encourage recognition of Greenlanders living in Denmark as a national minority.**

### Legislative and institutional framework for combating discrimination (Article 4)

30. Denmark's non-discrimination legislative framework remains covered by, *inter alia*, the Constitution, the Act on the Prohibition of Discrimination on the Labour Market, the Act on the Prohibition of Discrimination due to Race, and the Act on Ethnic Equal Treatment. Language is not included as a prohibited ground for discrimination. Neither multiple nor intersectional discrimination is explicitly defined in law.

31. The Board of Equal Treatment is a quasi-judicial equality body dealing with complaints related to discrimination on different grounds, including "race, skin colour, religion or belief, (...) or national, social or ethnic origin." In 2022, the Board settled 94 cases concerning discrimination on the ground of "race, ethnic and national origin", up from 46 at the beginning of the monitoring period (2019).<sup>10</sup>

32. The Danish Institute for Human Rights (DIHR) is Denmark's equality body. It provides legal advice on discrimination issues and files complaints to the Board of Equal Treatment if the case is of a fundamental nature or of public interest.<sup>11</sup> In 2022, the DIHR's hotline received 62 enquiries concerning issues of discrimination on the grounds of "race" or ethnicity. According to the DIHR's representatives, an increase in the use of their hotline regarding "race" or ethnicity from 24 the previous year to 62 in 2022 is considered to be linked to increased awareness-raising efforts. The Board of Equal Treatment and the DIHR meet once or twice a year to discuss issues of concern to both institutions.

33. The Danish Parliamentary Ombudsman office deals with complaints regarding public administration, and in limited cases, private institutions. It can also start investigations at its own initiative. In general, cases concluded by the ombudsperson do not appear to be linked directly to discrimination on the grounds of ethnicity, "race" or religion, pointing to a need for further awareness raising among different groups on the competences of the ombudsperson.

34. The 2022 Country Report of the European Network of Legal Experts in Gender Equality and Non-discrimination concerning Denmark noted a "profound lack of recognition that discrimination takes place in Danish society", and that the Danish authorities do not prioritise efforts to promote equality and non-discrimination. It further noted that the Board of Equal Treatment and the DIHR are almost invisible to victims and there is insufficient confidence in the system.<sup>12</sup> Interlocutors of the Advisory Committee highlighted the fact that language barriers might partially contribute to this invisibility.

35. According to the National Integration Barometer, 45% of immigrants and descendants of "non-Western origin" (see Article 6) claimed to have experienced discrimination based on their "ethnic origin" in 2022.<sup>13</sup> In addition, research undertaken in 2021 by the DIHR showed that 20% of employees with

<sup>8</sup> ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 28.

<sup>9</sup> See also ACFC Second Opinion on Denmark, adopted on 9 December 2004, para. 16.

<sup>10</sup> [Ligebehandlingsnævnets årsberetning 2022](#) (Annual Report of the Board of Equal Treatment 2022), p. 29. The Equal Treatment Board "interprets its mandate broadly and in practice also adjudicates cases of alleged discrimination on the grounds of language and of skin colour". European Commission against Racism and Intolerance (ECRI), [Sixth Report on Denmark](#), adopted on 29 March 2022, p. 8.

<sup>11</sup> [Act on the Board of Equal Treatment](#), Section 1(9).

<sup>12</sup> European Network of Legal Experts in Gender Equality and Non-Discrimination (2022), [Country Report. Non-discrimination. Denmark](#), pp. 10-11.

<sup>13</sup> See [website of the National Integration Barometer](#) (in Danish).

an ethnic minority background have experienced discrimination at work, and that ethnic minority men are twice as likely to experience sexual harassment or unwanted sexual attention than their male colleagues of Danish ethnic affiliation.<sup>14</sup>

36. The Advisory Committee reiterates that “[p]ersons belonging to national minorities must have access to information, where possible in their own language, about their rights, the work of the anti-discrimination institutions and the remedies against any form of discrimination available to them, including indirect forms of discrimination, as well as cases of multiple discrimination”.<sup>15</sup> The Advisory Committee is concerned that, even though the institutional framework to deal with discrimination is in place, victims do not use redress mechanisms, either because they are not aware of them, or because they do not trust the institutions. Either way, further outreach and trust-building measures are required to strengthen the current frameworks, to guarantee protection from discrimination, and to promote effective equality within society. Access to information in other languages in addition to Danish would contribute to increasing awareness about the relevant institutions.

37. The Advisory Committee notes that the Board of Equal Treatment has in the past dealt with cases related to alleged discrimination on the grounds of language.<sup>16</sup> Nevertheless, the Advisory Committee is of the view that it would be preferable to explicitly include the ground of “language” in the law, thus strengthening its clarity and accessibility, as well as its visibility and preventive function.

38. As regards multiple and intersectional discrimination, the Advisory Committee emphasises that people might be discriminated against because of one or more characteristics that are part of or are perceived as part of their identity. The concept of multiple discrimination recognises that discrimination can occur on the basis of more than one perceived characteristic. For instance, being a woman belonging to a national minority can create a cumulative disadvantage. Intersectional discrimination results from interconnected identities such as, for instance, belonging to a national minority while at the same time having a certain gender, age, disability or social background, which in consequence produces a new and unique type of discrimination.<sup>17</sup> The Advisory Committee therefore considers that an explicit provision of statutory definitions of both multiple and intersectional discrimination could help better understand discrimination-related issues in Denmark and develop targeted measures for those more at risk of encountering discrimination.

39. The Advisory Committee also reiterates that “[s]triving for *de facto* equality in the context of the Framework Convention requires adequate and effective strategies to support different identities, including the effective protection from discrimination that is based on any of these differences.”<sup>18</sup> In this vein, the Advisory Committee welcomes that the Danish authorities included in the 2022 Finance Act funding for an Action Plan against Racism, but regrets that it has not yet been developed (see Article 6).<sup>19</sup>

40. The Advisory Committee is of the view that including language as a ground for discrimination, prohibiting multiple and intersection discrimination, and putting into place positive action measures would strengthen the existing frameworks and help address discrimination and promote effective equality. The Advisory Committee emphasises that comprehensive non-discrimination legislation is essential to guarantee persons belonging to national minorities the right to effective equality before the law and of equal protection of the law as enshrined in Article 4 of the Framework Convention.

## Recommendations

41. The Advisory Committee asks the authorities to increase their efforts in raising awareness on the remedies and support structures available in cases of discrimination by public and private bodies, in particular among those groups most exposed to discrimination.

<sup>14</sup> The numbers for women are the same for both ethnic minority women and women with a Danish ethnic affiliation. Danish Institute for Human Rights (2022), [Etniske minoriteter angiver oftere at de oplever diskrimination og seksuel chikane på arbejdspladsen](#) (Ethnic minorities are more likely to report experiencing discrimination and sexual harassment in the workplace), p. 1.

<sup>15</sup> [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 28.

<sup>16</sup> European Commission against Racism and Intolerance (ECRI), [Sixth Report on Denmark](#), adopted on 29 March 2022, para. 1.

<sup>17</sup> See ACFC [Thematic Commentary No. 4](#), para. 66, and the [Glossary on the Gender Matters website](#) of the Council of Europe.

<sup>18</sup> *Ibid.*, para. 58.

<sup>19</sup> Danish Institute for Human Rights (2022), [Beretning til Folketinget 2021](#) (Report to the Parliament), p. 9.

42. The Advisory Committee strongly encourages the authorities to strengthen equality and anti-discrimination legislation, in particular by providing for statutory definitions of multiple and intersectional discrimination, and by including language as a ground for discrimination.

### Preservation and promotion of minority culture and language (Article 5)

43. The Ministry of Culture makes available general funds for projects aiming to promote cultural activities and any interested organisation can apply for them. The Ministry of Culture has expanded the information related to the German minority on Denmark's official website, and it now includes more information on the history of the minority's presence in Denmark. The text highlights the importance of the peaceful coexistence of Germans and Danes in the border region,<sup>20</sup> and is available in English to give visibility to the German minority in South Jutland/North Schleswig to the wider audience.

44. At regional level, the Region of Southern Denmark continues to contribute to funding the Cultural Agreement for Sønderjylland-Schleswig, concluded between German and Danish municipalities and foundations in the border region. Approximately one million Danish krone (DKK)<sup>21</sup> were made available for multi-annual funding for projects in 2021-2024.<sup>22</sup> The Cultural Agreement seeks to strengthen the common cultural space in the border region and to expand the cultural policy and debate through exchanges among youth and children. Under its umbrella, activities focus on showcasing the added value of the regional, local and cross-border cultures, with an emphasis on shared cultural heritage north and south of the border and the region's linguistic diversity.<sup>23</sup> Further funding opportunities for cultural activities are available through grant schemes in the different municipalities in South Jutland.

45. Representatives of the German minority reported to the Advisory Committee that, overall, there is good promotion of their culture at the regional level in South Jutland/North Schleswig, in the four municipalities where the German minority is traditionally present, as well as at the cross-border region level overall. There is availability of books in German language and a good range of cultural activities. Nevertheless, they highlighted that this remains limited to the traditional settlement area and that activities linked to the German language and culture outside South Jutland/North Schleswig are mostly organised by the *Goethe-Institut* or highlight the German culture from Germany. They also raised concerns about the fact that in international events linked to the promotion of Danish culture, the German minority culture is not represented. It is important to them that the authorities take a more proactive approach to have the German minority, its language and culture better supported and represented as an integral part of Denmark.

46. The Advisory Committee reiterates that Article 5(1) also implies positive action<sup>24</sup> to ensure that minority cultures are recognised as an integral and valued element of each society. The Advisory Committee welcomes that the multi-annual funding for the Cultural Agreement has been renewed. It however notes that the activities are limited to the cross-border region and promote the cultural and linguistic diversity between South Jutland/North Schleswig (Denmark) and Schleswig-Holstein (Germany). It therefore considers that a more proactive role by the authorities to promote the culture of the German minority beyond the region where it is traditionally present would be beneficial, both within Denmark and internationally.

47. On a positive note, the Advisory Committee welcomes the authorities' announcement that it will accept additional commitments towards the promotion of the German language under the European Charter for Regional or Minority Languages. In that respect, the Advisory Committee notes that a mandate was given to the Ministry of Culture to upgrade their commitments in December 2021,<sup>25</sup> and looks forward to the completion of the relevant procedure (See also Articles 10 and 11).

### Recommendation

**48. The Advisory Committee calls on the authorities at all levels to provide more proactive, substantial and regular support towards the protection and promotion of the language and culture of the persons belonging to the German minority across Denmark.**

<sup>20</sup> [Denmark's Sixth periodical report for the European Charter for Regional or Minority Languages](#), March 2023, p. 5.

<sup>21</sup> DKK 1 is approximately EUR 0.13.

<sup>22</sup> [Denmark's Sixth periodical report for the European Charter for Regional or Minority Languages](#), March 2023, p. 20.

<sup>23</sup> Kulturaftale 2021-24 mellem kulturministeren og Kulturregion Sønderjylland-Schleswig, 1 January 2021- 31 December 2024, pp. 3-4, available at: [Kulturaftale Sønderjylland-Schleswig – Region Sønderjylland-Schleswig DK \(kulturfokus.de\)](#).

<sup>24</sup> [ACFC Thematic Commentary No. 3](#), para. 24.

<sup>25</sup> [Denmark's Sixth Periodical Report on the implementation of the European Charter for Regional or Minority Languages](#), p.7.

## Promotion of mutual respect and understanding (Article 6)

49. Society in Denmark is ethnically, linguistically and religiously diverse, though data on ethnic affiliation based on free self-identification is not available.<sup>26</sup> The population includes groups that have been historically present on the territory such as the German minority, Greenlanders, Roma and Jews, as well as some 15% of residents who were born abroad or have at least one parent born abroad. In 2022, the most common “countries of origin” of Denmark’s residents were Türkiye, Poland, Syria, Romania, Ukraine, Germany, and Iraq.<sup>27</sup>

50. Representatives of the German minority in South Jutland/North Schleswig reported a good atmosphere of mutual respect and understanding in the region. To mark the centenary of the 1920 Schleswig Plebiscites and the demarcation of the border with Germany, the Danish authorities organised around 800 events and activities in 2020 and 2021. The festivities involved the Queen of Denmark and the Danish Prime Minister, as well as the Federal President of Germany. One of the objectives was to raise awareness of the presence of the German minority and an established practice of peaceful coexistence in the region. A survey conducted by the authorities before and after the celebrations showed that 24% of respondents considered the integration of South Jutland/North Schleswig into Denmark as an important national event, marking a clear increase from 8% from before the celebrations.<sup>28</sup>

51. During the monitoring period, municipalities in the South Jutland/North Schleswig region actively worked to attract German citizens to move to the region to address the demographic decline and lack of qualified employees. The number of newcomers from Germany increased sharply in 2021. While some 700 to 900 Germans moved to South Jutland/North Schleswig annually between 2017 and 2020, the number rose to 1 532 in 2021 and further to 2 228 in 2022.<sup>29</sup>

52. The municipalities conduct information meetings for persons considering settling in Denmark, and provide an increasing offer of administrative services in the German language (see also Article 10).<sup>30</sup> In their promotional efforts, municipalities refer to the bilingual institutions of the German minority as incentives for those wishing to relocate from Germany.<sup>31</sup> The German minority organisations actively reach out to the newcomers and are making significant efforts to support them in settling in Denmark.<sup>32</sup>

53. Representatives of the German minority reported that the increased arrival of German citizens to their region also entails some challenges. For example, the heightened demand in the German school system stretches the minority’s resources (see Article 13). Overall, however, representatives of the minority consider the trend as beneficial as it reinforces the German language in the South Jutland/North Schleswig region, enriches the minority culturally, and generally strengthens the position of a region which is peripheral in Denmark.

54. The Advisory Committee welcomes the good atmosphere of respect and understanding in the South Jutland/North Schleswig region and in particular the authorities’ efforts to commemorate the centenary of the Schleswig Plebiscites and the demarcation of the border with Germany in an inclusive and positive way. The Advisory Committee welcomes, furthermore, that the recent increase in immigration from Germany to South Jutland/North Schleswig is seen in a positive light by both the authorities and representatives of the German minority. It emphasises, however, that integration efforts are primarily the responsibility of the local, regional and national authorities and cautions against overly relying on the “integration support” provided by persons belonging to the German minority. It considers it important that any additional financial burden for the German minority’s institutions, such as the schools (see Article 13), be adequately compensated by the Danish authorities.

55. As regards minority communities without a longer-established historical presence, the primary objective of Denmark’s integration policy continues to be the achievement of self-sufficiency through inclusion in the labour market. To this end, newcomers receive free courses on Danish language and

<sup>26</sup> For the Advisory Committee’s assessment of the Danish authorities’ approach to data collection, see ACFC [Fifth Opinion on Denmark](#), paras. 39-45.

<sup>27</sup> Ministry for Immigration and Integration (November 2022), [International Migration – Denmark. Report to OECD](#), p. 17.

<sup>28</sup> Ministry of Culture (2022), [Eftermåling: Danskernes kendskab til Genforeningen 1920](#) (Survey: Danes’ knowledge of the 2020 reunification).

<sup>29</sup> Der Nordschleswiger (12 June 2023), [Einwanderung: Deutsche strömen weiter nach Nordschleswig](#) (Immigration: Germans continue to flock to North Schleswig).

<sup>30</sup> [Denmark’s Sixth Periodical Report on the implementation of the European Charter for Regional or Minority Languages](#), p. 8.

<sup>31</sup> See website of Sønderborg/Sonderburg municipality, [Fünf gute Gründe um nach Sønderborg zu ziehen](#) (Five good reasons to move to Sønderborg).

<sup>32</sup> Der Nordschleswiger (26 June 2023), [Deutsche Minderheit stellte sich vor: Zugezogene waren begeistert](#) (German minority introduced itself: Newcomers were enthusiastic).

culture, and can benefit from a job and training scheme.<sup>33</sup> This supportive approach is, however, coupled with a set of measures countering problems supposedly associated with migration from the so-called “non-Western” countries, namely the existence of “parallel societies”, “residential segregation”, “honour-related conflicts and negative social control”, as well as “radicalisation”.<sup>34</sup> Using the category of residents of “non-Western origin” in the definition of parallel societies and high barriers to naturalisation have been strongly criticised by international bodies, including the Advisory Committee.<sup>35</sup> Though some of the terminology used has changed in the meantime, these measures have largely remained in place and new ones have been added. For example, the Ministry of Immigration and Integration introduced in 2020 the “MENAPT” statistical category, including 24 countries among the Non-Western category, which are predominantly Muslim.<sup>36</sup>

56. In their exchanges with the Advisory Committee, persons belonging to ethnic and religious communities commonly identified as “non-Western” said they perceived these measures as stigmatising. According to them, rather than fostering a feeling of belonging to the Danish society, these measures - and the public discourse around them - generate a sense of alienation among them.

57. The Advisory Committee reiterates its view that the statistical separation of residents according to their or their parents’ birthplace does not allow those concerned to freely self-identify. Instead, it introduces arbitrary distinctions contributing to a “them against us” rhetoric and stigmatisation. This is even more the case for the new “MENAPT” category covering persons assumed to be of Muslim faith based on this being the predominant religion in their or their parents’ country of birth.

58. From the perspective of the language rights of persons belonging to minorities, the Advisory Committee wishes to draw attention to the Act on Mandatory Learning Programme, adopted in 2018 and in force since 1 January 2019, affecting children whose family language is not Danish: under the policy countering “parallel societies”, children in housing areas designated as “vulnerable” must attend 25 hours per week of an early learning programme from the age of 12 months, unless their parents can guarantee a sufficient level of Danish to facilitate the learning programme at home or enrol them in Early Childhood Education and Care (ECEC). According to the authorities, these programmes help children to “learn the Danish language and be introduced to democratic values such as dialogue, respect for diversity, and equality between the sexes”, and to develop their general readiness to learn.<sup>37</sup> In case of non-compliance, families lose child benefits. While acknowledging the benefits of early acquisition of the state language, the Advisory Committee considers this punitive approach problematic. It deems it important to give preference to promotional measures over those of a punitive nature in order to pursue the legitimate objective of strengthening the knowledge and use of the state language by all members of the population. The Advisory Committee wishes, furthermore, to recall the importance of proper acquisition also of the first language, both for the preservation of one’s identity, and for benefiting from the full potential of individual plurilingualism for democratic culture.<sup>38</sup> According to a report on the implementation of the Act on Mandatory Learning Programme, in the first year after adoption, it was applied to only 35 out of 832 children in the relevant housing areas. The overwhelming majority attended ECEC anyhow. Child benefit was suspended in a further 15 cases.<sup>39</sup> In the view of the Advisory Committee, these figures underline the disproportionality of the political discourse emphasising stereotypically assumed “cultural” differences based on the birthplace of a child’s parents. The Advisory Committee also notes that the report was prepared only in consultation with municipalities, without direct involvement by members of the target group.

59. Municipalities in Denmark offer free “mother tongue” education to pupils speaking the language of an EU/EEA country, the Faroe Islands or Greenland. “Mother tongue” education is offered to pupils in grades 0-9, it takes place outside normal school hours and is free of charge. Classes are held if at least 12 pupils wishing to learn the same language are interested and if it is possible to find a qualified teacher. The Advisory Committee welcomes the possibility for children to learn their first language within the Danish education system. It regrets, however, that among the foreign languages this offer is limited

<sup>33</sup> Ministry for Immigration and Integration (November 2022), [International Migration – Denmark. Report to OECD](#), p. 64.

<sup>34</sup> *Ibid.*, pp. 74-81.

<sup>35</sup> See, inter alia, ACFC [Fifth Opinion on Denmark](#), Articles 3 and 6; European Commission against Racism and Intolerance (ECRI), [Sixth Report on Denmark](#), adopted on 29 March 2022, p. 6; UNCERD (1 February 2022), [Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Denmark](#), paras. 10-12.

<sup>36</sup> MENAPT stands for Middle East, North Africa, Pakistan and Turkey. For a full list of countries included, see European Website on Integration (11 December 2020), [Denmark: New statistics category for migrants from Muslim countries](#).

<sup>37</sup> Ministry for Immigration and Integration (November 2022), [International Migration – Denmark. Report to OECD](#), p. 71.

<sup>38</sup> See Recommendation [CM/Rec\(2022\)1](#) of the Committee of Ministers of the Council of Europe on The Importance of plurilingual and intercultural education for democratic culture, explanatory memorandum.

<sup>39</sup> Danish Evaluation Institute (2021), [Kortlægning af obligatorisk læringstilbud](#) (Mapping of the mandatory learning offer). A total of 98 parents requested to educate their children at home, out of which two requests were rejected.

to those spoken in the EU/EEA countries, and considers it worth extending the offer to cover other languages widely spoken in Denmark.

60. The Advisory Committee reiterates that the personal scope of application of Article 6 of the Framework Convention is wide and that the states parties to the Framework Convention undertake under this provision to promote mutual respect and understanding among all persons living in their territory, irrespective of their ethnic, cultural, linguistic or religious identity or nationality. It further stresses that “the promotion of tolerance and openness towards diversity in society is essential not only for the development and implementation of successful integration strategies, but is also a central precondition for persons belonging to national minorities to self-identify as such without hesitation and proactively claim the rights contained in the Framework Convention.”<sup>40</sup>

61. Against this background, the Advisory Committee is concerned that Denmark’s approach to integration in practice gives rise to divisions rather than fostering genuine respect of diversity. It is regrettable that in particular persons with ascribed “origins” in predominantly Muslim countries experience discrimination and stigmatisation and do not feel that their contribution to society is recognised. The Advisory Committee is convinced that a more inclusive and dialogue-based approach that perceives ethnic, cultural, linguistic or religious diversity as an asset rather than a threat is needed to promote the integration of Danish society as a whole.

### Recommendations

**62. The Advisory Committee urges the authorities to actively promote a climate of intercultural dialogue and mutual respect and to evaluate and reassess, in consultation with representatives of the groups concerned, current integration policies with a view to addressing their stigmatising and alienating effects, particularly on persons with an immigrant background from predominantly Muslim countries.**

63. The Advisory Committee encourages the authorities to continue supporting the integration of society in the South Jutland/North Schleswig region in light of the increased immigration from Germany.

### The situation of Greenlanders (Article 6)

64. According to official data from Statistics Denmark, there are 17 067 Greenlanders currently living in Denmark<sup>41</sup> which amounts roughly to 25% of the total number of Greenlanders (both in Greenland and abroad). Upon arrival to Denmark, Greenlanders as Danish citizens get *de jure* access to the same rights as all Danes. No information is provided in the state report on the recommendations by the Advisory Committee regarding the situation of Greenlanders in Denmark.

65. In 2020, Denmark’s Prime Minister apologised to 22 Greenlandic children and their families who were forcibly removed from Greenland to become “little Danes” in the 1950s in a failed attempt by the Danish Government to create “elite children” who could become ambassadors of Danish-Greenland relations. 16 out of the 22 children were sent to an orphanage upon their return to Greenland and not to their families.<sup>42</sup> The apology followed a 2020 report, commissioned by the previous government, which found that as a result of this experiment, half of the children suffered from mental health issues or alcohol abuse, some became homeless, and most died relatively early.<sup>43</sup>

66. In 2022, the governments of Denmark and Greenland launched a two-year investigation into the so-called “Coil campaign” (*Spiralkampagnen*), whereby Danish doctors allegedly used intra-uterine devices (IUDs) on Greenlandic women and girls<sup>44</sup> without their knowledge or consent between 1966 and 1991, with a view to regulating the size of the Greenlandic population. In a statement issued in 2023 after his visit to Greenland, the United Nations Special Rapporteur on the Rights of Indigenous Peoples called for an extension of the years under investigation to take account of the more recent cases and to allow for the inclusion of oral testimonies of Inuit (Greenlandic) women.<sup>45</sup>

<sup>40</sup> ACFC Thematic Commentary No. 4, para. 53.

<sup>41</sup> The data concerns only people born in Greenland and currently living in Denmark, and it is not based on self-identification. Similarly, it does not include people born in Denmark of Greenlandic parents. Statistics Denmark, available at <https://www.statbank.dk/20021>.

<sup>42</sup> BBC News (8 December 2020), [Denmark apologises to children taken from Greenland in a 1950s social experiment](#).

<sup>43</sup> BBC News (9 March 2022), [Denmark says sorry to children of failed experiment](#).

<sup>44</sup> Around 4 500 Greenlandic women and girls were fitted with IUDs between 1966 and 1970, which was around half the fertile female population of Greenland at the time. Nevertheless, cases have been alleged to have taken place up until more recent times and therefore numbers could be higher. See BBC News (8 December 2022), [Doctors fitted a contraceptive coil without my consent](#).

<sup>45</sup> United Nations Special Rapporteur on the Rights of Indigenous Peoples (2023), Visit to Denmark and Greenland 1-10 February 2023, End of Mission Statement. See [Country visits | OHCHR](#).

67. The Advisory Committee welcomes the steps taken by the Danish authorities to redress past injustices towards Greenlanders as a way to promote intercultural dialogue and reconciliation. The individual and collective grief and trauma inflicted by past assimilatory policies requires positive action. Increased efforts by the authorities would be beneficial to rebuild trust by encouraging dialogue within the community and with the authorities and society at large, acknowledging the trans-generational effects of past traumatising policies of assimilation and improving the understanding of discriminatory patterns still affecting Greenlanders in Denmark today.

68. The Advisory Committee is concerned that, even when the “Coil campaign” ended, some such practices might have continued beyond the period under investigation by individual health practitioners. It therefore highlights the importance of ensuring that adequate investigation takes place as a first step to rebuilding trust and passing legislation to compensate victims of the “Coil campaign”. While in 1992 the Greenlandic authorities assumed the competences of the health sector in Greenland, investigation should still fall under the joint responsibility of both governments of Denmark and Greenland.

69. In his statement, the United Nations Special Rapporteur on the Rights of Indigenous Peoples also highlighted the high levels of discrimination and exclusion faced by Greenlanders in Denmark.<sup>46</sup> In his view, language and cultural barriers are hampering the societal inclusion of Greenlanders, thus leaving them in a more vulnerable position. These include difficulties in finding accommodation when arriving to Denmark, which increases the risk of homelessness.<sup>47</sup> Greenlanders account for 7% of the total number of people experiencing homelessness in Denmark,<sup>48</sup> and they are 46 times more likely than ethnic Danes to seek shelter.<sup>49</sup> Additional issues arise from the difficulty in accessing social benefits, or insufficient digital skills to deal with public authorities and public administration in a highly digitalised country.<sup>50</sup> The precarious situation of many Greenlanders arriving to Denmark was highlighted by representatives of the Greenlandic community as the main obstacle hampering the full enjoyment of Greenlanders’ rights in Denmark, which conditions their access to employment and in turn, puts them in a more vulnerable position.

70. According to the information provided by representatives of the Greenlandic community, the wrongful placement of Greenlandic children into foster care is one of the most pressing issues for the community. Data from a report published in 2022 shows that children with Greenlandic parents are five times more likely to be put into placement than children with ethnic Danish parents.<sup>51</sup> The report highlighted that caseworkers in Danish municipalities lack knowledge of Greenlandic culture and language, which has led to misunderstandings and prejudices.<sup>52</sup> In 2023, the Folketing allocated DKK 7.8 million over a three-year period to develop new culturally sensitive psychometric tests used on parents when deciding on the placement of children, and to develop informational material about the Danish social system in Greenlandic. Challenges associated with the translation and adaptation of these new tests into Greenlandic made it impossible to deliver within the initial timeframe. The Folketing therefore agreed to carry out a preliminary study in 2024, which will be the baseline of the process. The Greenlandic Children's Association will be responsible for counselling and training caseworkers in Danish municipalities. An evaluation will be done in 2025 by the Danish National Centre for Social Science Research (VIVE).<sup>53</sup>

71. In its 2022 report to the Parliament, the DIHR raised several issues of concern regarding Greenlanders in Denmark, including with regards to transitional measures for children and families whilst the above-mentioned tests are being developed. Other concerns regarding societal integration included the lack of access to interpretation services when dealing with public authorities (especially in the healthcare and justice sectors), which hampers Greenlanders’ access to basic rights, *de facto*

<sup>46</sup> Ibid.

<sup>47</sup> Justitia (2023), [Retssikkerhed for grønlandere i udsatte positioner i Danmark](#) (Legal security for Greenlanders in a vulnerable situation in Denmark), pp. 8-20.

<sup>48</sup> The Danish National Centre for Social Science Research (VIVE) (2022), [Hjemløshed i Danmark 2022 - National kortlægning](#) (Homeless in Denmark 2022 – National Mapping), p. 92.

<sup>49</sup> The Danish National Centre for Social Research (VIVE) (2015), [Grønlandere i Danmark](#) (Greenlanders in Denmark), p. 47.

<sup>50</sup> Denmark was the first country where digital self-service in the public sector was made mandatory for citizens. The high level of digitalisation in Denmark can pose a barrier to those in more vulnerable situations. Justitia (2023), [Retssikkerhed for grønlandere i udsatte positioner i Danmark](#) (Legal Security for Greenlanders in a vulnerable situation in Denmark), p. 39.

<sup>51</sup> When comparing the total group of Greenlandic parents in Denmark to ethnic Danish parents with the same characteristics (e.g. socio-economic resources), the difference in placement frequency is reduced to approx. 1.5 times as often as the Danish ones.

<sup>52</sup> The Danish National Centre for Social Science Research (VIVE) (2022), Children with a Greenlandic background placed in Denmark - from Danish municipalities, p. 6.

<sup>53</sup> See Kalaallit Nunaata Radioa (2023), [Anbringelser af grønlandske børn: Regeringen giver millioner til nye forældretest](#) (Placement of Greenlandic children: Government gives millions for new parental tests).



denying their equal rights as Danish citizens. The report also highlighted that the lack of interpretation services plays a decisive role in cases of removal of Greenlandic children from their families.<sup>54</sup>

72. Additional barriers exist to learning the Greenlandic language in Danish schools. Despite the fact that the law allows for teaching of Greenlandic in schools (although outside regular school hours) as long as there is a minimum of 12 pupils requesting it in a given municipality and there is a qualified teacher,<sup>55</sup> interlocutors belonging to the Greenlandic community living in Denmark reported to the Advisory Committee that this rarely takes place and that many Greenlandic children are in practice deprived of their right to learn their first language. Interlocutors also emphasised the importance of religion for the community and the high demand for religious services. In this sense, there is a need for more pastors who speak the Greenlandic language and are sensitive to the Greenlandic culture and increased support in this regard would be welcomed by the Greenlandic community.

73. The Advisory Committee reiterates that “[s]triving for *de facto* equality in the context of the Framework Convention requires adequate and effective strategies to support different identities, including the effective protection from discrimination that is based on any of these differences.”<sup>56</sup> The Advisory Committee therefore highlights the importance of positive targeted action to address the issues faced by Greenlanders in Denmark and to promote *de facto* equality by addressing the above-mentioned issues and not act as a barrier to it.

74. In light of past injustices which resulted in the uprooting of Greenlanders from their culture and alongside the consequences that the assimilatory policies had on them, the Advisory Committee considers that the development of a culturally sensitive tailor-made strategy done in co-operation with persons belonging to the Greenlandic community in Denmark, including women and youth, and taking into account their needs and interests is required.

### Recommendations

**75. The Advisory Committee urges the authorities to develop a strategy with targeted measures to promote the rights of Greenlanders in Denmark and remove barriers to their inclusion in society. Such a strategy should have a gender dimension and include, *inter alia*, compensation schemes for victims of the “Coil campaign”.** There is also a need for tailor-made integration courses which include Danish language lessons and digitalisation, adequate training of interpreters of Greenlandic and Greenlandic language teachers, full access to public services, to accommodation and to the labour market, the promotion of Greenlandic culture, and an increased provision of culturally sensitive pastors speaking the Greenlandic language.

**76. The Advisory Committee urges the authorities to guarantee transitional measures for the placement of Greenlandic children whilst the new psychometric tests are being developed and to set in motion redress mechanisms for children and their families who might have been wrongly assessed by previous tests.**

### The situation of Roma (Article 6)

77. The authorities did not report on any measures taken to promote mutual respect and understanding *vis-à-vis* Roma. Given that Article 6 of the Framework Convention explicitly applies to “all persons” living in the territory of states parties, the Advisory Committee regrets this lack of information.

78. In October 2021, the authorities adopted the “Danish Strategy on Roma Equality, Inclusion and Participation 2021-2030”.<sup>57</sup> The Strategy lists general measures targeted at the entire population in the areas of equality, education, employment, housing and participation. It does not include any targeted measures such as the provision of services in Romani language, initiatives to counter antigypsyism, or prevent discrimination against the Roma. Moreover, there are no public initiatives for promoting awareness of Roma art, culture and history. The Strategy also has no action plan, target indicators, assigned budget and timeline. The DIHR criticised the Strategy as unambitious and recommended to the authorities to revise it in order to meet the minimum obligations in the EU Strategic Framework.<sup>58</sup>

<sup>54</sup> Danish Institute for Human Rights (2022), [Beretning til Folketinget 2021](#) (Report to the Parliament), p. 38.

<sup>55</sup> Ministry of Children and Education (2014), Executive order on primary school mother tongue teaching No. 689 of 20 June 2014, sections 1.2, 3.1 and 5, received on 11 July 2023.

<sup>56</sup> [ACFC Thematic Commentary No. 4](#), para. 58.

<sup>57</sup> “Danish strategy on Roma equality, inclusion and participation 2021-2030”, available at the [website of the European Union](#) (in Danish).

<sup>58</sup> European Network of Experts in Gender Equality and Non-Discrimination (28 August 2023), [Flash Report: Criticism of the Danish Roma Strategy](#).

Persons belonging to the Roma community were not involved in the preparation of this Strategy, or in the evaluation of the previous one.<sup>59</sup>

79. The authorities explain that it is not possible to design specific policies for Roma because Denmark does not collect data on ethnicity. The Advisory Committee considers, however, that such data collection is not a necessary prerequisite for taking specific measures with a view to achieving effective equality (see Article 4). A thorough understanding of the needs and interests of a certain group can also be achieved through qualitative research and effective participation of persons belonging to the community concerned in decision-making.

80. There are currently no active Roma NGOs in Denmark, and no mainstream NGO currently has Roma-targeted activities. Interlocutors told the Advisory Committee that one of the reasons is that individuals want to avoid being confronted with discriminatory stereotypes and ethnic biases about Roma.<sup>60</sup> In its Fifth Opinion, the Advisory Committee recommended to the authorities to take measures creating an environment where persons identifying as Roma, including those living in Denmark for several generations, feel safe and comfortable doing so.<sup>61</sup> The Advisory Committee regrets that this recommendation was not followed-up and reiterates the need to encourage civil society engagement of persons wishing to represent needs and interests of Roma in Denmark, including those belonging to the younger generations.

81. Roma undocumented migrants experiencing homelessness are in a particularly vulnerable situation. As these persons do not have a social security number, most social welfare services, including increasingly also shelters and other basic services, are not accessible for them. In its Fifth Opinion, the Advisory Committee criticised that new provisions in the Code on Public Order against “discomforting camping in public spaces” adopted in 2018 were disproportionately used to charge persons experiencing homelessness with a Roma background. In 2020, the respective provisions were clarified to ensure action by the Police is only taken against camps that are permanent in nature and create insecurity.<sup>62</sup> According to interlocutors met by the Advisory Committee, the provisions continue to be applied disproportionately to Roma persons experiencing homelessness. In the state report, the authorities explain that the provisions contain no reference to “nationality” and are therefore applicable to all citizens. However, in a response to a question by a Parliamentarian about “Roma camps popping up in Copenhagen” in June 2023, the Minister of Justice referred exclusively and in detail to the implementation of the provisions on camping in public spaces.<sup>63</sup> The Advisory Committee deeply regrets this situation and considers it necessary to develop a more comprehensive approach to address the poverty-related problems of the migrant Roma experiencing homelessness.

### Recommendation

**82. The Advisory Committee calls on the authorities to revise, in co-operation with Roma representatives, Denmark’s Strategy on Roma Equality, Inclusion and Participation, as part of effective targeted measures promoting an environment where persons belonging to the Roma community feel comfortable self-identifying as such.** The authorities should support Roma civil society initiatives, paying particular attention to Roma youth, and research on the history and presence of Roma in Denmark. They should, furthermore, develop a more comprehensive approach to the poverty-related problems of migrant Roma experiencing homelessness.

### The situation of the Jewish community (Article 6)

83. In January 2022, Denmark’s first “Action Plan against Anti-Semitism” came into force. It contains 15 initiatives to tackle antisemitism, which are co-ordinated by the Ministry of Justice, including the promotion of research on antisemitism, educational activities and training, and Holocaust remembrance teaching. The Action Plan additionally uses the International Holocaust Remembrance Alliance’s definition of antisemitism to guarantee a common understanding of its meaning.<sup>64</sup>

84. The Advisory Committee welcomes the launch of the first “Action Plan against Anti-Semitism”, the first of its kind in Denmark, especially given the context of the increase in hate crimes motivated by

<sup>59</sup> [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation](#), April 2022, pp. 7-10.

<sup>60</sup> *Ibid.*, p. 11.

<sup>61</sup> [ACFC Fifth Opinion on Denmark](#), Article 3.

<sup>62</sup> See “Section 20 question S717” of 23 June 2023 and response by the Minister of Justice of 28 June 2023 at the [website of the Folketinget](#) (in Danish).

<sup>63</sup> *Ibid.*

<sup>64</sup> Danish Government (2022), [Action Plan against anti-Semitism](#), p. 7.

religious grounds in Denmark in recent years (see below). The Advisory Committee appreciates the positive action approach taken by the authorities, which is a good practice worth applying also to other minority communities.

85. Following a citizens' initiative<sup>65</sup> campaigning to set a minimum age for non-medical circumcision of boys to 18 years of age and subsequent extensive political and public debate, the Danish *Folketing* (Parliament) voted against the proposal in May 2021.

86. The Advisory Committee notes that the public debates about the legality of non-medical circumcision of boys have led persons belonging to the Jewish community to question the extent to which it will remain possible to observe this religious practice in Denmark and to worry about a further increase in antisemitism. The Advisory Committee was, however, informed that the authorities do not foresee any amendments in the relevant guidelines on non-medical circumcision of boys by the Danish Patient Safety Authority.

87. In the light of the above and having regard to the strong emphasis on awareness raising in schools about the Jewish community in Denmark and its culture under the Action Plan against Anti-Semitism, the Advisory Committee is satisfied by the authorities' efforts to pursue the respect for the right to religious freedom of the Jewish community in Denmark.

### Recommendation

88. The Advisory Committee invites the authorities to continue co-operation with persons belonging to the Jewish community in their efforts to prevent and combat antisemitism, including in the context of the implementation and evaluation of the "Action Plan against Anti-Semitism".

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

89. Criminal offences regarding hate speech are regulated under Section 266 b of the Danish Criminal Code, according to which anyone shall be punished who publicly, or with the intention to disseminate to a wider group, issues a statement or other communication "threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin or religious faith (...)." Section 81 of the Criminal Code has a list of aggravating circumstances, including ethnic origin and religious faith.<sup>66</sup> In 2021, this provision has been supplemented to allow for its application in situations with mixed motives, such as where the bias motive correlates with other motives.<sup>67</sup>

90. Grounds for crimes motivated by hatred are, *inter alia*, "race", skin colour, national or ethnic origin, and faith.<sup>68</sup> The most common hate crimes are vandalism, violence and hate speech, in order of prevalence, and the most common grounds for such crimes are "race" and religion. Data on hate crimes is available through three different sources – the Ministry of Justice's victimisation survey, the National Police records and the Prosecution Service.

91. 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.<sup>69</sup> 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, whereas the most common ground for violence motivated by hatred and online hate speech was religion.<sup>70</sup> Although these changes render

<sup>65</sup> In Denmark, any citizens' initiative gathering over 50 000 signatures has the right to a debate in Parliament and to be put to vote.

<sup>66</sup> [State Report](#), p. 11.

<sup>67</sup> See [OSCE ODHIR Hate Crime Reporting Website on Denmark](#).

<sup>68</sup> Danish National Police (2023), [Hadforbrydelser i 2021. Rigsplottiets årlige rapport om hadforbrydelser / forbrydelser](#) (Hate Crimes in 2021. The Danish National Police's annual report on hate crimes), p. 14.

<sup>69</sup> These numbers are based on a small sample of respondents and thus present a degree of uncertainty. Ministry of Justice (2022), [Udsathed for vold og andre former for kriminalitet. Offerundersøgelserne 2005-2021](#) (Vulnerability to violence and other forms of crime. Victim surveys 2005-2021), p. 161.

<sup>70</sup> *Ibid.*, pp. 161-163.

data from previous years not fully comparable, the Advisory Committee welcomes this development as it contributes to a more accurate picture of the situation.

92. The Danish National Police registers cases of hate crime through its case management system (POLAS) and following the Director of Public Prosecutor's guidelines on hate crimes.<sup>71</sup> In 2021, the Police recorded 521 potential hate crime cases, 254 of which were racially motivated, followed by 164 crimes committed on religious grounds (93 cases of which related to Judaism and 63 to Islam).<sup>72</sup> 306 of these hate crimes were registered as criminal offences with an increase by 63% in violent offences with a hate motive from the previous year.<sup>73</sup>

93. Since September 2020, the Prosecution Service also gathers statistical data on hate crimes dealt with by Danish Courts.<sup>74</sup> Of the 521 hate crime cases registered by the Police in 2021, 159 charges were put forward in 146 cases.<sup>75</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>76</sup> 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.

94. For the period 2021-2023, a financial agreement was reached for the Police and Prosecution Services setting new initiatives to enhance the response to hate crimes.<sup>77</sup> Training for police officers has been strengthened, including by extending the supplementary hate crime training programme to two days instead of one. A strong focus has been put on victims, for whom information material has been developed, but also on civil society working with main target groups affected by hate crimes.<sup>78</sup>

95. According to research by the DIHR, one in three victims does not consider hate speech punishable or illegal; one in four does not consider it worth reporting as it is too common; 17% of victims would not know where to report if the hate speech takes place on a bus, and 7% if through Facebook.<sup>79</sup> These are some of the factors contributing to under-reporting.

96. The Advisory Committee welcomes the additional steps taken by the authorities towards the development of a National Action Plan against Racism (see Article 4) since the fifth monitoring cycle, where it urged "the authorities to adopt a new action plan against racism, including monitoring of hate speech in political and public discourse."<sup>80</sup> It, however, notes that many actors, including the DIHR, expressed concern that despite the commitment (including financial) to put it in place in the Autumn 2022, the changes in government postponed it and the Action Plan remains to be finalised.

97. The Advisory Committee emphasises that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. States have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated. Law enforcement and criminal justice authorities need to collect disaggregated data on such cases and make these publicly available.<sup>81</sup> Targeted measures are therefore required to ensure social cohesion, in particular given the over-representation of "race" (49%) and religion (31.5%) as a motive (see above). The Advisory Committee is concerned about the magnitude of under-reporting of crimes motivated by racist hatred,<sup>82</sup> and considers that the reinforcement of trust-building and awareness raising among the concerned communities would contribute to removing barriers preventing victims to report hate crimes.

98. The Advisory Committee welcomes the efforts taken by the authorities in strengthening mechanisms dealing with hate crimes, especially those aiming at raising awareness among the communities most

<sup>71</sup> Danish National Police (2023), [Hadforbrydelser i 2021. Rigspolitiets årlige rapport om hadforbrydelser / forbrydelser](#) (Hate Crimes in 2021. The Danish National Police's annual report on hate crimes), p. 10.

<sup>72</sup> Ibid., p. 13. Data from previous years for the total number of hate crimes registered by the police is as follows: 449 for 2018, 569 for 2019, and 635 for 2020. This shows a general trend to increase in reporting, with a big drop in the last year.

<sup>73</sup> Ibid., p. 11.

<sup>74</sup> [State report](#), p. 12.

<sup>75</sup> Data presented is based on information obtained at the time of the publication of the Police report; numbers might slightly differ.

<sup>76</sup> The Danish Institute for Human Rights (2022), [Anbefalinger til handlingsplan mod racisme](#) (Recommendations for an Action Plan against Racism), p. 5.

<sup>77</sup> Ibid., para. 4.

<sup>78</sup> [Hadforbrydelser i 2021. Rigspolitiets årlige rapport om hadforbrydelser / forbrydelser](#) (Hate Crimes in 2021. The Danish National Police's annual report on hate crimes), pp. 31-34.

<sup>79</sup> The Danish Institute for Human Rights (2022), [Had mod minoriteter. Fortællinger om had i hverdagen](#) (Hatred against minorities – Stories about hate in everyday life), p. 44.

<sup>80</sup> [ACFC Fifth Opinion on Denmark](#), p. 5.

<sup>81</sup> See also [Recommendation CM/Rec\(2022\)16 of the Committee of Ministers of the Council of Europe to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.

<sup>82</sup> These concerns are also shared by the UN Committee on the Elimination of Racial Discrimination (2022), [Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Denmark](#), CERD/C/DNK/CO/22-24, paras. 18-19.

affected by them. Nevertheless, the Advisory Committee notes that there is no co-ordination mechanism to assess the overall situation with regards to hate crime in Denmark, and it is therefore necessary to develop a comprehensive and holistic approach to hate crimes, including by taking measures to reduce under-reporting through awareness-raising of the remedies and support services available for victims and ensuring effective investigation and prosecution, in order to effectively prevent and combat hate crimes.

### Recommendations

99. The Advisory Committee reiterates its recommendation to the authorities to swiftly adopt the National Action Plan Against Racism, including monitoring of hate speech online, and design targeted measures for communities and persons belonging to them most at risk, in consultation with their representatives. This action plan should include measurable indicators to evaluate the outcomes of its implementation.

100. The Advisory Committee encourages the authorities to continue their efforts to combat hate crimes and hate speech, and to set up a co-ordination mechanism to address these offences in a comprehensive manner and ensure comparative data analysis.

### Minority language media (Article 9)

101. The German minority continues to receive support for its news publication *Der Nordschleswiger*. The amount of funding increased during the monitoring period and is considered adequate by the representatives of the German minority.<sup>83</sup> The annual subsidy to *Der Nordschleswiger* through the Danish media subsidy scheme increased from DKK 3.2 million in 2019 to DKK 3.8 million in 2022. It is completed by a yearly grant earmarked for information efforts of the German minority association *Bund Deutscher Nordschleswiger* (BDN), which increased from DKK 1.7 million in 2019 to DKK 2.4 million in 2022. Finally, the Ministry of Culture continues to grant an annual subsidy of approximately DKK 250 000 for the production and distribution of audio content in German in local radio in South Jutland/North Schleswig.

102. During the monitoring period, *Der Nordschleswiger* has undergone a transition from a daily printed newspaper to an online news portal, accompanied by a printed version once every two weeks. Given the high levels of internet access and digital literacy rates in Denmark, including among the elderly, minority representatives consider the transition a success. While the printed newspaper had a circulation of 1 100 copies, the news portal counts 30 000 unique readers per week. The bi-weekly printed edition continues to have a circulation of 1 100 copies and is distributed for free. The online portal is used not only by persons belonging to the German minority, but also by a wider Danish readership – where necessary, facilitated by machine translation. Representatives of the German minority expressed satisfaction with the formula found for carrying *Der Nordschleswiger* into the digital era and find the current solution better adapted to their needs and preferable to having their own TV or radio station. The Advisory Committee strongly welcomes the continued and increased support to *Der Nordschleswiger* and considers the successful transition from a printed newspaper to an online news portal with a printed copy twice a month a good practice.

103. As in the past, there is no dedicated airtime in the German language or dedicated to the German minority in public radio or television. The public service contracts concluded by the Ministry of Culture and the two national public broadcasters DR and TV2, contain the obligation “to provide a broad coverage of Denmark, thereby reflecting the diversity of culture, philosophy of life and living conditions in different regions of the country.”<sup>84</sup> In addition, eight regional broadcasters (“TV2 Regionerne”) with public service obligations cover the different regions in Denmark. In this context, DR is obliged since 2019 to “place emphasis on the coverage of minorities in the Danish/German border area.”<sup>85</sup> This obligation was reconfirmed in the public service contracts concluded in 2022. It is, however, not clear how exactly this obligation is implemented. The 2019 annual report of the regional broadcaster TV SYD states that the objective of 35 features/programmes emphasising the conditions in the Danish-German border region, including the German minority, was reached.<sup>86</sup>

<sup>83</sup> The annual subsidy to the “Nordschleswiger” through the Danish media subsidy is completed by a yearly grant through the government’s Finance Act earmarked for information efforts of the German minority association BDN. The grant increased from DKK 1.7 million in 2019 to DKK 2.4 million in 2022. Finally, the Ministry of Culture grants an annual subsidy of approximately DKK 250 000 for the production and distribution of audio content in German in local radio in South Jutland/North Schleswig.

<sup>84</sup> [State report](#), p. 15.

<sup>85</sup> *Ibid.*

<sup>86</sup> [Annual Report of TV SYD for 2019](#), p. 9 (in Danish).

104. The Advisory Committee reiterates that, “[i]n order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to minorities and their languages, including numerically smaller national minorities. This entails granting support to the media and programmes for, by, and about national minorities in minority and majority languages, as well as in bi- or multilingual formats. Minority interests and concerns should also be mainstreamed into regular broadcasts rather than singled out in occasional programmes and mainstream media should engage in broader political discourse of interest to persons belonging to minorities.”<sup>87</sup> In this vein, the Advisory Committee welcomes that the obligation for public broadcasters to broadcast on the German minority has been maintained. However, it considers that a more detailed monitoring of this provision in the public service contract could be helpful.

### Recommendations

**105. The Advisory Committee calls on the authorities to continue monitoring and to evaluate the extent of reporting about the German minority by public broadcasters and to take action accordingly, with a view to increasing general awareness of the minority as an integral part of Danish society.**

106. The Advisory Committee encourages the authorities to continue ensuring stable funding for media produced by the German minority.

### Use of minority language in contacts with the administration (Article 10)

107. Denmark does not have a legal framework establishing a right to use the German language in contact with the administration either at central or local levels. At the central level, the Danish authorities follow a case-by-case approach, with comprehensive digital services in German made available by the tax authority and the national health administration. While information on Covid-19 was initially only available in Danish, information in German was added quickly upon the request of the representatives of the German minority. Dissatisfaction was, however, expressed to the Advisory Committee during its visit with the land registry (*Tinglysningsretten*), which usually does not accept documents in German. German translations were produced to inform about the new electronic ID MitID which was launched in 2021. The authorities provided a leaflet guide in German, which was distributed to representatives of the German minority and is available online.<sup>88</sup>

108. At the local level, it remains possible to communicate in German, both orally and in writing, with the local administration of the four municipalities traditionally inhabited by Germans. According to both officials and minority representatives, this practice has expanded during the monitoring period, also as a result of the growing immigration from Germany.

109. The largest municipality Sønderborg/Sonderburg launched a new website in 2022, giving ample information in German with a view to attracting German citizens to settle in the municipality.<sup>89</sup> The municipality also has all digital services (*borgerservice*) available in German, alongside English and Ukrainian,<sup>90</sup> and states on its website that the citizens’ service office (*borgerservicecentre*) serves customers in both Danish and German.<sup>91</sup> The German versions of the websites of Aabenraa/Apenrade, Haderslev/Hadersleben and Tønder/Tondern provide less information than the respective Danish websites, and most digital services are available only in Danish and English. Both the websites of Sønderborg/Sonderburg and Aabenraa/Apenrade feature information about the German minority.<sup>92</sup>

110. The longstanding request by representatives of the German minority that each municipality appoint an identified German-speaking contact person has not been fulfilled.<sup>93</sup> In their exchanges with the Advisory Committee, representatives of the municipalities argued that this would not improve the service provided to German-speaking persons as this person could not reply to all of the diverse requests. Rather, any municipality official working in the municipality would refer citizens to a German-

<sup>87</sup> ACFC Thematic Commentary No. 3, para. 41.

<sup>88</sup> Available at: [https://www.mitid.dk/media/xiqhptvn/mitid-en-kvikguide\\_de.pdf](https://www.mitid.dk/media/xiqhptvn/mitid-en-kvikguide_de.pdf).

<sup>89</sup> See Sønderborg/Sonderburg [website for “Zuzügler”](#) (migrants).

<sup>90</sup> See website of the municipality at <https://sonderborgkommune.dk/de/>.

<sup>91</sup> See [Borgerservicecentre - Aabenraa Kommune](#).

<sup>92</sup> See website of the municipality at [www.aabenraa.dk/vores-kommune/deutsch/die-deutsche-volksgruppe/](http://www.aabenraa.dk/vores-kommune/deutsch/die-deutsche-volksgruppe/).

<sup>93</sup> See also [ACFC Fifth Opinion on Denmark](#), para. 105.

speaking colleague knowledgeable on the respective issue at stake, which is part of the respective communication strategies.

111. Municipalities have also not included the issue of elderly care for German speakers in their respective policies, which is another demand of the representatives of the German minority mentioned also in the Fifth Opinion.<sup>94</sup> Sønderborg/Sonderburg has translated the welcome letter for new residents in nursing homes into German. Aabenraa/Apenrade adopted a “Strategy for Digital Healthcare and Welfare Technology” for 2021-2024 which highlights the presence of German language in the region and its use as a language of communication with the administration. In addition, the German language can be used to operate the new electronic communication platform introduced in nursing homes. Representatives of the German minority expressed confidence that any problems would be solved on an ad hoc basis once they come up, but criticised the reluctance of municipalities to commit officially to a certain level of services in German.

112. The Advisory Committee reiterates that “[t]he possibility of using minority languages in dealings with the administration in all areas where the criteria established by Article 10(2) of the Framework Convention are met may not be left solely to the discretion of the local authorities concerned. It is therefore important to set up clear and transparent procedures on how and when to institute the use of minority languages, including in written form, to ensure that the right is enjoyed in an equal manner.”<sup>95</sup>

113. The Advisory Committee notes with satisfaction that, in practice, solutions are found at local level in order to meet the needs of the German speakers. It regrets, however, that the implementation of this minority right is conditioned in practice by the goodwill of the civil servants concerned and that effective access to linguistic rights of persons belonging to the German national minority remains dependent on ad hoc circumstances. From the point of view of the Advisory Committee, it will remain so as long as the implementation of such rights are based on a practice only, rather than also ensured by legislation. In this context, the Advisory Committee welcomes Denmark’s intention to accept additional undertakings under the European Charter for Regional or Minority Languages and that the German minority has proposed a number of such additional undertakings regarding the use of German with administrative authorities, which could give guidance to the authorities on the needs and interests of persons belonging to the German minority in this regard.

### Recommendation

114. The Advisory Committee encourages the authorities to ensure, both legally and in practice, the right for persons belonging to the German minority to use the German language in relations with administrative authorities.

### Display of bilingual signs (Article 11)

115. Legislation has been in place since 2016 allowing for the possibility to display bilingual signs in Denmark, and no further legislative or policy changes have taken place since then. To date, no municipality has bilingual signs in Danish and German. While the responsibility for road sign regulations lies with the Ministry of Transport, it is the competence of municipal councils to decide whether bilingual signs are desired at the entry of and within each municipality.

116. Representatives of the German minority have for a long time expressed the wish for bilingual signage. This was most recently highlighted in the context of Denmark’s intention to accept additional undertakings under the European Charter for Regional or Minority Languages, when German minority representatives expressed interest in having the Danish authorities ratify the provision of the Language Charter related to bilingual signage.<sup>96</sup>

117. According to the national authorities, the fact that the installation of bilingual signs has so far not been discussed in any of the four municipal councils is an indicator that the population is not yet ready to see signs displayed in German, by reference to the past occupation of the region by Germany. While the national authorities undertake measures to promote intercultural understanding in the region, such as through the commemoration of the centenary of the Schleswig Plebiscites (see Article 6), they stress that the decision to install bilingual signs depends on the political will at the local level.

118. The Advisory Committee notes that in the four municipalities concerned both conditions set by Article 11(3) of the Framework Convention for the display of bilingual signage are met, as they are

<sup>94</sup> Ibid.

<sup>95</sup> ACFC Thematic Commentary No. 3, para. 55.

<sup>96</sup> Bund Deutscher Nordschleswiger (2022), BDN's wishes to the Language Pact, received on 4 July 2023.

“traditionally inhabited by substantial numbers” of persons belonging to the German minority, and there is “a sufficient demand”. It reiterates that “bilingualism in signposts should be promoted as it conveys the message that a given territory is shared in harmony by various population groups.”<sup>97</sup>

119. The Advisory Committee welcomes the national authorities’ efforts to promote an atmosphere that is more receptive to the display of bilingual signage through initiatives like the celebration of the centenary of the plebiscites. It nevertheless regrets that after several decades of peaceful coexistence, no attempts have been made by local councils to set up bilingual signs at the entrance of the four municipalities, leading to a situation that is incompatible with Article 11(3) of the Framework Convention. More decisive efforts are needed both at local and national levels, keeping in mind that bilingual topographical signage is an important public recognition and a sign of acceptance of the presence of the German minority in Denmark.

### Recommendation

**120. The Advisory Committee urges the authorities to take all necessary measures to facilitate the display of bilingual signage in South Jutland/North Schleswig including through consultations between municipal authorities and representatives of the German minority.**

### Fostering of the knowledge of the culture and language of national minorities in education (Article 12)

121. The Danish authorities, as well as the four municipalities inhabited by substantial numbers of Germans, have taken a range of measures to strengthen the status of German as a foreign language in Danish public schools. All public schools offer German as a foreign language as of the fifth grade, and more than 80% of Danish pupils graduating from ninth grade had German at school.<sup>98</sup> While the percentage of students choosing German for their B-level exams has slightly increased since 2017 (from 58% to 61%), the take-up of German for A-level exams has slightly decreased over this period (from 8% to 6%). The interest in studying German at university has decreased as well, and the number of newly graduated German teachers halved between 2014 and 2018.

122. To strengthen German as a foreign language, the authorities added one supplementary teaching hour in the fifth grade and, through the National Centre for Foreign Languages, provided additional funding to improve the teaching of German at tertiary level. Instruction in the German language is also allowed in vocational schools, a practice recently expanded in the trade school (*Handelsskole*) in Tønder/Tondern.<sup>99</sup>

123. In the municipalities of Tønder/Tondern and Sønderborg/Sonderburg, German is mandatory as of the last year of kindergarten (“grade 0”), in Aabenraa/Apenrade as of the 3rd grade, and in Haderslev/Hadersleben as of the fifth grade. All four municipalities are part of the Cultural Agreement for Sønderjylland-Schleswig, which supports cross-border cultural activities for pupils (see Article 5). In 2019-2022, the municipalities of Aabenraa/Apenrade, Tønder/Tondern and Sønderborg/Sonderburg participated in a programme by the Centre of Minority Pedagogy enhancing the qualifications of teachers in the region and developing materials for teaching German in a playful way to young children.

124. The Advisory Committee emphasises that Article 12(1) of the Framework Convention “seeks to promote knowledge of the culture, history, language and religion of both national minorities and the majority population in an intercultural perspective.”<sup>100</sup> In this light, it strongly welcomes that the authorities took measures to counter the decreasing interest in learning German as a foreign language. It particularly welcomes the decision in Tønder/Tondern and Sønderborg/Sonderburg to make German compulsory as from the last year of kindergarten. It considers this a good practice as it contributes to raising awareness of the German minority, its language and culture as an integral part of the border region from an early age.

125. Representatives of the German minority were less satisfied with the knowledge about their minority among Danes living outside the border region. The authorities informed the Advisory Committee that the history and presence of the German minority in Denmark is not an obligatory part of the curriculum, either in history or social studies, or in German as a foreign language.<sup>101</sup> The Advisory Committee regrets this and considers that it would be beneficial if pupils making the effort to learn German as a foreign language were also acquainted with the German national minority in Denmark. The Advisory

<sup>97</sup> [ACFC Thematic Commentary No. 3](#), para. 67.

<sup>98</sup> If not mentioned otherwise, information in this section is based on [Denmark's Sixth Periodical Report on the implementation of the European Charter for Regional or Minority Languages](#), pp. 13-14.

<sup>99</sup> According to information submitted by the authorities, the authorisation was given for the school years 2023/24 and 2024/25.

<sup>100</sup> [Explanatory Report to the Framework Convention](#), para. 71.

<sup>101</sup> In the guide from the Ministry of Children and Education for History teaching in upper secondary education (A-level), the history of the Danish-German border region is highlighted as an example that can be used as part of a focus on reconciliation processes.



Committee emphasises that while German is taught as a foreign language, it is at the same time a national minority language and as such constitutes an integral part of Denmark's cultural and linguistic heritage.

126. Representatives of Greenlanders living in Denmark found that the level of knowledge about modern Greenland and the Greenlandic culture among the majority population is low and expressed a wish for more attention to be paid to their community in the education system. Representatives of the Jewish community expressed satisfaction with the quality of Holocaust education in Danish schools; they would, however, consider it welcome if Danish pupils also learned about the present situation of the Jewish community in Denmark.

### Recommendations

127. The Advisory Committee encourages the authorities to continue strengthening the teaching of German in Danish public schools and to consider, in consultation with representatives of the German minority, whether German language teaching could be used as a vehicle for raising awareness of the German minority as an integral part of Danish society, also outside South Jutland/North Schleswig.

128. The Advisory Committee encourages the authorities to ensure that school curricula provide for quality information on the history and presence of the German minority as well as of other communities that are part of Denmark's diverse society, including Greenlanders and the Jewish community.

### German minority language schools (Article 13)

129. The *Deutscher Schul- und Sprachverein für Nordschleswig* runs, as private institutions, 19 kindergartens, 13 schools, one *Efterskole*,<sup>102</sup> and one grammar school, serving approximately 1 600 pupils. As regards funding, the private schools of the German minority are on an equal footing with Danish public schools, with the exception of the grammar school *Deutsches Gymnasium für Nordschleswig*. From 2024, Denmark has allocated additional funding for the grammar school with the aim of achieving equal terms with public Danish upper secondary schools.

130. In the schools of the German minority, all subjects are taught in German, and Danish is taught as a second language. There is an adequate supply of teachers as the schools can recruit teachers from both Denmark (about 35%) and Germany (about 65%). The schools have their own psychological counselling service. The situation during the Covid-19 pandemic was not overly problematic as both teachers and families adapted well to remote teaching due to the high level of digitalisation in Denmark.

131. Representatives of the German minority expressed satisfaction with the private school system and – barring the ongoing discussions about financial equality – the financial support it receives from the Danish and German authorities. They are also satisfied with the supply of education materials, most of which are imported from Germany. The *Schul- und Sprachverein* also produces its own educational materials, which cover the history of the border region and the German minority in South Jutland/North Schleswig.

132. Though welcoming the increased immigration of families from Germany to the region (see Article 6), representatives of the German minority also stated that this trend generated certain challenges for the school system. For the first time, schools are confronted with a higher demand than they can meet, leading to the use of temporary building solutions such as pavilions and containers. Although the schools receive a financial compensation for extra building expenditures in the same way as public schools, they perceive this situation as challenging. Also, the lump sum support to German schools used to privilege them compared to other private schools, which have a dynamic financing model based on annual pupil numbers. In 2022, this situation reversed for the first time due to the increase in pupil numbers. The authorities are in dialogue with the German minority about a sustainable solution for closing the funding gap.

133. The Advisory Committee welcomes that the private school system continues to meet the needs of the German minority in South Jutland/North Schleswig and is funded at an equal level as Danish public schools. In the context of increased demand due to immigration from Germany, it considers that it is the responsibility of the authorities to support the German minority in finding durable solutions.

### Recommendation

**134. The Advisory Committee calls on the authorities to adapt the financial support to German language schools to meet their increasing needs, in close co-operation with representatives of the German minority.**

<sup>102</sup> The [Efterskole \(or Nachschule\) in Tingleff](#) is a residential school where pupils can spend grades 9 and/or 10 to finish their lower secondary education.

### Political representation and participation (Article 15)

135. The main instrument of participation of persons belonging to the German minority at the national level is the Contact Committee for the German Minority whose Secretariat is located within the Ministry of Culture.<sup>103</sup> To the satisfaction of the German minority, a reform of the Contact Committee was agreed in 2023, turning it into a full parliamentary committee of the *Folketinget*, and equipping it with a budget. The new committee is to be chaired by a member of Parliament. Regular meetings with the Ministry of Culture, which used to chair the Contact Committee, are to be maintained. Representatives of the German minority expressed hope that the frequency of meetings would increase from currently one to two meetings per year. While representatives expressed a general satisfaction with their possibilities to participate in public decision-making at the national level, they said that contacts are usually established at their own initiative and that decision-making processes about their issues, for instance in the area of education (see Article 13), take a lot of time.

136. The Advisory Committee welcomes the agreement on the new setup of the Contact Committee for the German Minority and shares the German minority's hope that the new institutional setup responds to its recommendation regarding the need for a more proactive approach and more regular contacts with the national authorities.<sup>104</sup>

137. At the local level, the German minority is represented in local councils through its party *Schleswigsche Partei/Slesvigsk Parti*. The party is represented in the local councils of Aabenraa/Apenrade (two seats), Haderslev/Hadersleben (one seat), Sønderborg/Sonderburg (three seats) and Tønder/Tondern (four seats, including the mayor). All four municipalities hold at least one formal meeting per year among the German minority association, the mayor and the head of the municipal administration. Representatives of the German minority expressed satisfaction with their possibilities to influence decision-making at local level.

### Recommendation

138. The Advisory Committee encourages the authorities to ensure that the new setup of the Contact Committee for the German Minority results in a more proactive approach by the authorities and more regular contacts so as to ensure the effective participation of persons belonging to the German minority in decision-making.

### Cross-border and bilateral co-operation (Articles 17 and 18)

139. The Danish authorities continue to promote co-operation across the border with Germany through a broad variety of initiatives. In August 2022, the Foreign Ministers of Denmark and Germany launched an Action Plan for strengthened co-operation between the two countries, which – among other issues – covers regional development and minority issues in the Danish-German border region. They are both responsible for supervising the implementation of the plan and looking, *inter alia*, into ways how to strengthen cultural ties across the border through education.<sup>105</sup>

140. At regional level, the Region of Southern Denmark is a member of both *Dialog Forum Norden* and the *Minority Competence Network of Schleswig-Holstein/South Denmark*, networks of national and regional minorities in the German-Danish border area. The Region of Southern Denmark, as well as the transfrontier co-operation body “Region South Jutland/North Schleswig-Schleswig”, are again involved in the 2021-2027 phase of the EU-funded Interreg-programme, promoting co-operation on minority cultures and languages. Within the Interreg framework, the Region South Jutland/North Schleswig-Schleswig administers a Citizen's Fund to strengthen intercultural competences in cross-border projects on a broad variety of topics, including environment, health and social issues.

141. At the local level, the municipalities of Aabenraa/Apenrade and Sønderborg/Sonderburg set up, together with the city of Flensburg (Germany), the cross-border triangle co-operation *Grænsetrekanten*, with a view to developing infrastructure and tourism, and harmonising administrative processes.

<sup>103</sup> See information about the Contact Committee on the [website of the Ministry of Culture](#).

<sup>104</sup> [ACFC Fifth Opinion on Denmark](#), paras. 132 and 134.

<sup>105</sup> Unless mentioned otherwise, the information in this section is based on [Denmark's Periodical Report on the implementation of the European Charter for Regional or Minority Languages](#), pp. 24-25.

142. Representatives of the German minority stressed that cross-border contacts are essential for them and praised the commitment of the Danish authorities to facilitating cross-border relations and bilateral co-operation with Germany.

143. 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>106</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.<sup>107</sup>

144. Representatives of the German minority said that long traffic jams and delays at the German-Danish border have been part of their everyday lives for many years now. These place an enormous burden on everyone visiting families and friends, doctors, taking part in cultural events, or commuting for work – including teachers at the German schools in South Jutland/North Schleswig. They further told the Advisory Committee that they do not feel sufficiently heard in the discussions about this topic. For instance, when in June 2023 the Ministry of Justice held a meeting with commuters, the transportation sector and other stakeholders to discuss the border controls, representatives of the German minority were not involved.<sup>108</sup> This was later redressed by the authorities and the Ministry of Justice reached out to them to take their suggestions and answer their questions. In a survey on the border closures during the Covid-19 pandemic, only 25% of surveyed residents of the border region found that the Danish government “listened to and understood the special concerns of borderland residents.”<sup>109</sup> Respondents also reported a feeling of exclusion and a lack of understanding for the strong sense of a cross-border regional identity.<sup>110</sup>

145. Representatives of the German minority expressed discontent about the fact that geoblocking prevents them from streaming German TV channels. While reception of German TV stations via satellite dishes is still possible, most households have transitioned to digital TV, through which German channels are not accessible. The Advisory Committee regrets this situation as users are limited to the reception of traditional linear TV, while they are excluded from the reception of the large offer of on-demand services provided by German channels (*Mediatheken*), which are only accessible online. The Danish authorities informed the Advisory Committee that this issue falls under the purview of the German regulation. The Advisory Committee notes that the reform of geoblocking rules is currently being discussed at the EU level as part of the Media and Audiovisual Action Plan.<sup>111</sup> In this context, and given the concerns raised by persons belonging to the German minority, the Advisory Committee is of the view that the Danish authorities should seek to address this issue with their German and European counterparts.

146. The Advisory Committee welcomes the efforts of bilateral and cross-border co-operation made in Denmark at national, regional and local levels. However, as open borders have proven essential for deepening cross-border contacts and relations, the Advisory Committee regrets the continued controls at Denmark’s border with Germany. It regrets in particular the lack of consultation with representatives of the German minority in this context.

### Recommendation

**147. The Advisory Committee calls on the authorities to remove any remaining obstacles to cross-border contacts with Germany and reinforce systematic and proactive consultation mechanisms with representatives of the German minority.**

<sup>106</sup> See European Commission website on [Temporary Reintroduction of Border Control](#). The European Court of Justice declared these controls to be in contradiction to the Schengen Borders Code. For further details see the [judgment](#) of the Court (Grand Chamber) of 26 April 2022.

<sup>107</sup> Federal Union of European Nationalities (FUEN) (22 September 2022), [DialogForumNorden raises its voice against Danish border controls](#).

<sup>108</sup> Der Nordschleswiger (8 June 2023), [Grenzkontrollen: Weitere Spuren und bessere Beschilderung](#) (Border controls: More lanes and better signage).

<sup>109</sup> Ruairidh Tarvet and Martin Klatt (2021), [The impact of the Corona crisis on borderland living in the Danish-German border region with a special focus on the two national minorities](#), p. 9.

<sup>110</sup> *Ibid.*, pp. 10-11.

The **Advisory Committee on the Framework Convention for the Protection of National Minorities** is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Danish and German.

This opinion contains the evaluation of the Advisory Committee following its 6<sup>th</sup> country visit to Denmark.

[www.coe.int/minorities](http://www.coe.int/minorities)

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