



Strasbourg, 30 March 2010

ACFC/SR/III(2010)004

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

(Received on 30 March 2010)

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

**March 2010**

## **Introduction**

Denmark ratified the Council of Europe's Framework Convention for the Protection of National Minorities on 22 September 1997. The Framework Convention entered into force for Denmark on 1 February 1998. On 6 May 1999, Denmark submitted its first state report under the Framework Convention. The second state report under the Framework Convention followed on 14 May 2004.

As part of the monitoring mechanisms of the Framework Convention, Denmark now submits its third state report under the Framework Convention. The Danish government sees the report as an excellent opportunity to maintain the ongoing dialogue with the Council of Europe in the area.

The report has been prepared on the basis of contributions received from a number of ministries and other authorities comprised by the provisions of the Framework Convention. The ministries and authorities include the Ministry of Employment, Ministry of the Interior and Health, Ministry of Justice, Ministry of Ecclesiastical Affairs, Ministry of Refugee, Immigration and Integration Affairs, Ministry of Social Affairs, Ministry of Transport, Ministry of Education, Ministry of Foreign Affairs, Ministry of Science, Technology and Innovation, Region South Denmark, the State Administration for South Denmark and the local authorities of Haderslev, Kolding, Sønderborg, Tønder, Vejen and Aabenraa.

The German minority has had an opportunity to review the report and has assisted in providing factual information. The report specifies where information has been provided by the German minority.

To the extent possible, the report has been prepared in accordance with the outline for state reports adopted by the Committee of Ministers on 11 June 2008. The report concentrates on the issues raised in the Committee of Ministers resolution of 14 December 2005 and the Advisory Committee opinion of 9 December 2004 on Denmark based on Denmark's second state report. In connection with the submission of Denmark's third state report, the Advisory Committee has not raised any specific questions.

### **I. Practical arrangements made at national level for following up the results of the second monitoring cycle**

*a. Please provide information on the participation of minority organisations and other non-governmental organisations in the authorities' implementation and monitoring of the Framework Convention, and indicate the impact of their involvement.*

Consisting of representatives of all the parties represented in the Danish Parliament and representatives of the German minority, the Liaison Committee concerning the German Minority regularly discusses issues about the Framework Convention at its meetings. The Liaison Committee thus also discussed the result of the second monitoring cycle, including the recommendations and reports of the Committee of Ministers and the Advisory Committee after their publication. Moreover, the committee regularly discusses the Framework Convention in respect of specific problems, most recently at the Liaison Committee meeting in April 2009,

which discussed the application scope of the Framework Convention following the Local Government Reform.

This issue has also been discussed in the special working group established under the Council of Europe Language Charter. The working group is an informal forum composed of various ministries and the German minority, established to discuss and evaluate regularly the measures taken under chapter III of the Language Charter, including in the educational field. In addition to the above-mentioned issues, the working group may also discuss other issues of interest to the German minority, including issues related to the Framework Convention. The forum is thus broadly based, has a wide perspective and holds the competencies to discuss practically all matters relating to the German minority in South Jutland. The meetings have included discussions on broadening the knowledge of the Framework Convention at local and regional levels. The latest meeting of the working group was held in January 2010.

In addition to the meetings in the above forums, the Ministry of the Interior and Health is, in its capacity as secretariat of the Liaison Committee concerning the German minority, maintaining a regular dialogue with the secretariat of the German Minority in Copenhagen, and regularly holds meetings with representatives of the German minority to discuss issues proposed by the German minority, including questions related to the Framework Convention.

*b. please indicate what steps have been taken to publicise the results of the second monitoring cycle (Opinion, State comments, Resolution): publication, dissemination, translation of the relevant documents into the official language(s) and the minority languages where appropriate.*

Denmark's second state report, the report of the Advisory Committee and the resolution of the Committee of Ministers were all uploaded to the website of the then Ministry of the Interior and Health. A new website was established in connection with the establishment of the former Ministry of Social Welfare, later the Ministry of the Interior and Social Affairs, which is responsible for matters relating to national minorities. The new website included a separate page providing information about the Framework Convention and the monitoring cycles. The Danish state reports, the reports of the Advisory Committee and the resolutions of the Committee of Ministers for all the cycles have been uploaded to the website [www.ism.dk](http://www.ism.dk).

The documents will be made available on the new website of the new Ministry of the Interior and Health.

Moreover, the website also contains letters from November 2009 from the Danish government to Danish local authorities in the former County of South Jutland and Region South Denmark concerning the application scope of the Framework Convention following the Local Government Reform, cf. point d.

The website [www.ism.dk](http://www.ism.dk) includes a news function. This allows everyone to receive information by e-mail whenever the Ministry publishes news on the website. In this connection people can also receive information when the Ministry publishes new information about minorities and the Framework Convention on its website.

The documents are available in both Danish and English. The majority of the members of the German minority fully command the Danish language.

On request, the Ministry of the Interior and Health sends copies of the Danish state reports, the reports of the Advisory Committee and the resolutions of the Committee of Ministers free of charge. The report is also available at public libraries.

The website of the Ministry of Foreign Affairs provides basic information about the Council of Europe, the Framework Convention and the Language Charter.

*c. please provide information on any follow-up activities organised at national, regional and local levels.*

As specified under point I a., the Liaison Committee concerning the German minority has held several meetings since the last report, discussing for instance the Framework Convention and the recommendations of the Advisory Committee and the Committee of Ministers. The Ministry of the Interior and Health also conducts regular meetings with representatives of the German minority where these issues are also discussed.

In connection with the meeting of the Liaison Committee in April 2008, the German Deputy Minister for the Interior, who is also minister for national minorities in Germany, was invited to meet the Liaison Committee members and enter into a dialogue on the Danish and German views on Danish-German cooperation on national minorities. The meeting was held in very good spirits and the minority has expressed its satisfaction that it is possible to hold such meetings under the Liaison Committee.

In addition, as stated under point a., meetings have been held in the special working group to discuss the Framework Convention and the recommendations of the Committee of Ministers and the Advisory Committee.

Generally the dialogue between the Danish authorities and the German minority is close, open and informal and characterised by mutual respect.

Other relevant activities worth mentioning include the Parliament conference in October 2008 about the contribution of the minorities residing in the Danish-German border region to the societies as a locality factor and the minorities' contribution to development in the societies. In addition to the Danish and German minorities, a number of Danish and German politicians attended the conference. The conference was based on a competence analysis prepared for the state parliament of Schleswig-Holstein by the Institute for Minority Rights of the European Academy in Bolzano (EURAC) in cooperation with the Institute for Regional Development and Local Management (IRDELM), the European Academy and the European Institute of Public Administration (EIPA).

The participants at the conference had a good and useful dialogue, discussing issues such as minority identity, competences and resources, cross-border cooperation and language challenges.

*d. please provide information on any other measures taken to promote awareness of the Framework Convention.*

At the request of the German minority, the Danish Minister for the Interior and Social Affairs contacted in a letter of 25 November 2009 all local councils of the former County of South Jutland and Region South Denmark. In the letter, the Minister emphasised that the implemented

Local Government Reform does not change the government's view on the minority's historical/geographical home area and the application scope of the Framework Convention.

The letter further emphasises the special circumstances of which public authorities must be aware when considering cases affecting the German minority, including the Framework Convention. The letter also draws attention to the state reports which Denmark has prepared and expects to prepare under the Framework Convention as well as to their importance to the understanding of the application scope of the Framework Convention.

The letters have been translated into English and are included in the appendix of the report.

## **II. Measures taken to improve the implementation of the Framework Convention**

*a. please provide information and evidence that describe how the specific recommendations included in Part 2 of the Resolution adopted by the Committee of Ministers have been implemented. Indications on other policies and measures considered relevant in this context should also be provided.*

Initially, the Committee of Ministers concludes that several areas have experienced positive development, including the area of anti-discrimination and cooperation with the German minority and the basis for such cooperation. This is followed by a list of areas which give cause for concern. These areas have been included in the recommendations of the Committee of Ministers, which is described in the following:

*Consult more widely with representatives of civil society and representatives of different ethnic and religious groups concerning the implementation of the Framework Convention.*

Initially, it should be noted that Denmark has identified the German minority in South Jutland as a national minority comprised by the Framework Convention. The background for this is that the Danish government is still of the opinion – as specified in Denmark's second state report – that a national minority is characterised by being a minority population group which above all has historical, long-term and lasting links to the country in question.

The Danish government supports the principle of a committed and constructive dialogue between relevant authorities and representatives of civil society and ethnic and religious minorities. This dialogue takes place at all levels of the work with Danish integration policy. In this connection, the government refers to Denmark's comments to the second report of the Advisory Committee on Denmark, pages 3 and 4.

However, the fact that Denmark, after careful consideration, has identified the German minority in South Jutland as the only minority to be comprised by the Framework Convention should not be viewed as the government's lacking interest in entering into a dialogue with groups of non-Danish ethnicity living in the Danish society. Reference is thus made to the fact that the government has launched and financed several initiatives to promote participation of groups of non-Danish ethnicity in the democratic process. The government is keenly interested in involving several ethnic groups in Danish recreational associations as this will not only promote dialogue with these groups but also contribute positively to their general inclusion in Danish society.

As regards the Roma population, the Ministry of Foreign Affairs, the Ministry of Refugee, Immigration and Integration Affairs and the Ministry of the Interior and Health have reviewed several sources relating to the presence of the Roma in Denmark as part of the dialogue with the Romano association on the scope of application of the Framework Convention in respect of the Roma. In this connection, the Ministry of Foreign Affairs, Ministry of Refugee, Immigration and Integration Affairs and the Ministry of the Interior and Health sent a letter to the Romano association on 11 March 2010 in which the ministries stated that they were prepared to hold a meeting where the Romano association can present new information. Reference is made to the response to article 3 for a more detailed review of the results of the study (page 17-18).

The Danish government has regular meetings with various stakeholders in the area. In May 2008, for instance, a meeting was held in the Ministry of Refugee, Immigration and Integration Affairs with József Berény from the Council of Europe, who requested information on the Roma's situation in Denmark.

Other measures include:

*Democratic platform for young people*

The Ministry of Refugee, Immigration and Integration Affairs is currently establishing a democratic platform for young people together with the Danish Youth Council. The objective of the democratic platform for young people is to inspire young people with different cultural backgrounds to democratic commitment and participation and to act as counselling body and sounding board for ministries and authorities in this respect. The members of the democratic platform were elected at a major conference which took place at the end of February 2010, at which a wide group of committed and interested young people was encouraged to participate. The democratic platform is to target its activities towards young people who feel they stand on the outside of the democratic community and do not participate in ordinary recreational associations.

The Ministry is also creating an Internet platform for young people with a debate forum and information about democracy, extremism and international issues relevant to these themes. It is a priority that the young people take joint ownership of the new Internet forum and that it is considered interesting and attractive.

The Ministry will also produce a documentary for teaching and debate providing evidence from people who used to be involved in various extremist environments.

*Role model campaign*

In 2002, the government launched the campaign "Need for all young people" to ensure that more young people of non-Danish ethnicity enrol in and complete a vocational training programme. The campaign's young role models visit schools, after-school facilities, sports associations and study cafes and help make a difference for many young people and leave a positive impact. Through the role models' personal stories about their challenges on the way to an education and work, they help support, motivate and inspire other young people. The various groups of role models under the Need for all young people campaign, local authorities, associations, etc. need to be strengthened and qualified to enter into a dialogue with young people on identity, citizenship, democracy and extremism.

Act upon manifestations of intolerance and xenophobia, including in the political arena, and counter these phenomena with the tools available.

The Danish government underpins combating any type of discrimination, including threatening or degrading statements.

Since 1992, the Danish Civil Security Service has compiled reports from the police districts about criminal acts and incidents aimed at foreigners based on an assumed racist background.

In 2001, reporting was extended to comprise all cases with a possible racist or religious background regardless of whether the criminal act is aimed towards a foreign or Danish person or interest. As of 1 January 2009, reporting was further extended to comprise criminal acts stemming from other extremist views.

The objective of the reporting is primarily to give the Danish Civil Security Service a basis for identifying and assessing possible signs of more organised and systematic criminal activities arising out of racism or xenophobia. This assessment is made by comparing the reports with other types of information of the Civil Security Service. In addition, the reporting provides a basis for informing the public about the scope of such acts.

On the basis of the reports, the Danish Civil Security Service prepares an annual statement on the development in the area. The statement is published on the Danish Civil Security Service website [www.pet.dk](http://www.pet.dk).

In connection with the latest extension of the reporting scheme, a decision was made to change the procedure so that, in future, the Civil Security Service can retrieve relevant information directly from the police electronic case system with a view to simplifying and streamlining the scheme. The Civil Security Service finds that this change will ensure a more comprehensive and true picture of the development in the area but, characteristically of the area, every criminal action with a possible extremist background may still not necessarily come to the attention of the police.

Presently, the number of reported criminal actions and omissions with an assumed racist or religious background totals 53 cases in 2003, 37 cases in 2004, 87 cases in 2005, 98 cases in 2006 and 35 cases in 2007.

Importantly, experience shows that reports are made after the time of statement relating to the preceding period, meaning that the figures need to be adjusted.

Address criticisms of the Aliens legislation and the government's integration strategy in order to further promote tolerance and ensure that issues of discrimination are tackled.

The Danish government believes that the best road to proper integration goes through the labour market. A workplace offers the opportunity of finding Danish friends, establishing networks and learning about Danish society. People also need to speak Danish with their Danish colleagues; consequently it is important that immigrants have a job – also in relation to supporting and strengthening mutual tolerance and thus reducing discrimination. The government is therefore highly committed to helping immigrants find jobs.



For instance, the government has earmarked DKK 300 million to hire approx. 200 extra company-oriented job consultants between 2007 and 2010 in the 15 local authorities with most unemployed immigrants and descendants of immigrants claiming start-help assistance, social assistance and introductory benefits. The job consultants must help unemployed immigrants and their descendants find a job via a “hand-held” effort. They should thus follow the weakest unemployed immigrants very closely, help them get started, show them the way to the companies, help them find a mentor and follow up their employment conditions.

Denmark recently conducted a study of the effect of leisure-time jobs for immigrants. The study showed that immigrants who have had a leisure-time job have a three times higher chance of working as skilled labour and three times higher chance of completing a training programme than immigrants who have not had a leisure-time job.

Moreover, Denmark continues to focus on minimising the risk of discrimination in the labour market. The special function for ethnic employment efforts, which supports the job centre effort vis-à-vis immigrants and their descendants, will therefore register the scope of job orders which cannot be approved due to discriminating requirements. Moreover, the special function will conduct an electronic questionnaire survey to clarify the job centres’ knowledge about discrimination and handling of discriminating requirements. The study was to be conducted among selected job centre staff at the end of 2009.

Reference is also made to the information provided by Denmark concerning the question in Denmark’s comments to the report of the Advisory Committee of 3 May 2007 pages 7ff, which specifies that the Danish government pursues a firm and fair aliens policy as a condition for a successful integration policy. It further states that the government finds that the aliens policy meets Denmark’s international obligations, and that the government has taken a number of specific initiatives to fight racism and promote equal treatment.

*Find alternative solutions for the Roma children who remain in a separate Roma class in order to guarantee equal education.*

Denmark’s second state report included a special section on schooling for the Roma in Elsinore Local Authority, which has started special classes for Roma pupils in Elsinore’s schools due to too much absence coupled with other reasons.

Elsinore Local Authority has stated that this type of classes no longer exists and that the pupils now attend the general schooling offered by the local authority. This means that Roma pupils attend ordinary classes under the educational system on an equal footing with other pupils in the local authority. Similar to other pupils, the Roma are also offered various support measures, if required.

As concerns absence, the local authority has hired two fieldworkers, who count visiting families with a disproportionately high school absence among their many tasks. The scheme comprises all pupils under the educational system regardless of ethnicity.

*Review the situation of the privileged funding of the Danish National Church and the system of registration of names by the Danish National Church*

As regards the issue of government funding of the Danish National Church, it should be noticed that the provisions of Articles 4 and 8 of the Framework Convention apply to persons of

national minorities. As previously mentioned, Denmark made, in connection with the ratification, a declaration to the effect that the Framework Convention applies to the German minority of South Jutland. Articles 4 and 8 of the Framework Convention therefore only apply to this minority. Consequently, the Danish government finds that the general issue of government funding of the Danish National Church falls outside the application scope of the Framework Convention.

In terms of the German minority in South Jutland, it should be noted that Denmark's first report on compliance with the Framework Convention specifies that most of the people of this minority are Lutheran.

Moreover, the Danish government does not find that the status of the Danish National Church, cf. section 4 of the Danish Constitutional Act, contravenes article 8, cf. article 4. Freedom of religion is secured by section 67 of the Danish Constitutional Act, under which all citizens are entitled to associate in communities and worship according to their convictions, but nothing may be taught or done that contravenes public order.

As regards the financial support granted by the government to the Danish National Church, it should be noted that in the latest consolidated statement of the earnings and expenses of the church from 2007, this support constitutes approx. 12.4 % of its earnings. The rest of the earnings mainly stem from the church rate imposed solely on its members. Members of the Danish National Church cannot deduct the church rate from their taxable income in contrast to members of communities outside the National Church.

Against this backdrop, the Danish government finds that the special position of the Danish National Church is not in contravention of the provisions of Articles 4 and 8 of the Framework Convention.

In respect of the issue of registration of naming, it should be noted that Article 11 of the Framework Convention ensures any person belonging to a minority the right to use his/her last name and first names in their own language and the right to official recognition of such names in accordance with the rules of their legislative systems.

The Danish government finds that this provision does not relate to the issue of the registers to which naming should be reported.

For centuries, the basic civil registration of persons in Denmark has been done by the incumbents of the National Church in the church registry, except in South Jutland. The same applies to naming.

Until a few years back, the church registers were kept in handwritten church books but since 2003 registration has been electronic: Central Population Register. Registration is made by the bookkeepers of the National Church as a government task. Registration can be done in writing or via the Internet and does not require personal attendance.

Certificates issued to members of the Danish National Church are provided with the text "THE ESTABLISHED CHURCH OF DENMARK" in the top left corner. The person requesting the certificate may request this text to be excluded. Certificates issued to people who are not members of the National Church will not be provided with the text "THE ESTABLISHED CHURCH OF DENMARK". The person requesting the certificate may

request that this text be included. It should be noted that section 18 of the Danish Naming Act stipulates that naming by baptism outside South Jutland can be made in the National Church or a recognised community.

In South Jutland, basic civil registration and registration of names is done by the local authorities. This is a continuation of the arrangement in place when South Jutland belonged to Germany. Since 2007, South Jutland bookkeepers have also used the Central Population Register, meaning that all registration in Denmark takes place in the same electronic register.

Naming and requests for name change must be reported to and be considered by the bookkeepers of the National Church; however, nationwide, citizens registered in South Jutland must contact the local authority in which their birth was registered.

Naming can be done via the Internet throughout Denmark when done together with the registration of birth.

A member of the German minority who is not a member of the National Church therefore do not need to contact a priest of the National Church or a recognised community for name registration.

*Examine how further support can be provided to local radio and televisions broadcasting for the German minority*

Since 2005, the Danish Ministry of Culture has provided yearly subsidies of DKK 250,000 to the newspaper of the German minority, Der Nordschleswiger, for production and purchasing of broadcasting time for news in German via the South Jutland local radio station Radio Mojn. Subsidies were originally provided for a trial period of three years. Since 2008, subsidies have been part of the annual budget for the football and Lotto appropriations documents.

The objective of this subsidy is to enable the German minority to produce and broadcast news in German in South Jutland. The minority has reported that the scheme is a success.

It should be noted that under the Radio and Television Broadcasting Act, the German minority may obtain licence to operate their own local radio and television stations. The German minority has informed the Ministry of Culture that it does not want its own radio station and is satisfied with the subsidies for news broadcasting on a Danish local radio.

Referring to the independence of the media, Denmark has refused to demand that the Danish Broadcasting Cooperation (DR) broadcasts radio in German.

*Examine, with those concerned, how to better reflect the culture, history, language and religion of persons belonging to the German minority and other ethnic and religious groups in the curriculum and textbooks*

The basic starting point of preparing local curricula and publishing textbooks is that approval of local curricula is a matter for the local authority and that the textbook publishers decide what they want to publish.

In respect of textbooks publishing, Denmark has a longstanding tradition of Danish textbooks reflecting the content of the curricula laid down by the Ministry of Education. This has

particularly been the case in the past years where the objective, intermediate objectives and final objectives of the subjects have become binding on the local authorities. In addition, except for very few cases, the Ministry's curricula are also accepted as binding by the local authorities.

In 2009, all primary and secondary education subjects were given new common objectives following a comprehensive review of previous final and intermediate objectives, curricula and teaching guidelines. Subjects relating to human rights, globalisation, minorities and – seen in relation to the German minority – the border area issue have been strengthened.

It has thus become mandatory that the culture, history and language related to the border area are included in history studies, but these subjects can also easily be included in other subjects.

*Ensure that the implementation of administrative reforms does not have an adverse impact on the effective participation of the German minority at the municipal and regional levels or on the system of German minority schools and day care facilities*

Initially, it should be noted that the German minority has been heard in respect of the implementation of the Local Government Reform and its impact on the German minority. On several occasions, the minority has expressed its satisfaction with its corporation with the Danish government on the matter.

*Local political participation and representation:*

In connection with the Local Government Reform, the German minority expressed its concern that the minority's possibility of local authority representation would be diminished since the reform results in fewer and larger local authorities.

The Danish government has taken this into account in connection with the Local Government Reform, and in respect of the issue of local authority representation, this resulted in Executive Order No. 869 of 16 September 2005 on the promotion of the German minority in the representation of South Jutland, etc. in the local authorities of Haderslev, Tønder, Aabenraa and Sønderborg.

Section 1 of the order stipulates that 31 members must be elected for the four local councils of South Jutland if the party list of the German minority won at least one seat at the latest or second latest local council election.

According to the general rules on determining the number of seats, the local councils in South Jutland would be able to set the number of seats to at least 25 at the local elections in 2005 and at least 19 at the local elections in 2009 and at future elections. The special rules concerning determining the number of seats in the South Jutland local authorities will therefore strengthen the minority's possibilities of gaining political representation in the individual local councils.

Sections 2-5 of the order include a new initiative in the form of rules about a delegate. Consequently, the party list of the German minority will be entitled to a delegate if it does not win at least one seat, but obtains at least 25% of the number of votes corresponding to the lowest electoral quota carrying a seat at the election.

The delegate is a delegate of the local council and in a committee chosen by the delegate.

The delegate is not entitled to vote, but otherwise have the rights related to membership of the local council.

Moreover, sections 6-14 of the order include a new initiative in the form of rules regarding the establishment of a special committee serving a preparatory or advisory function in respect of the local council, the finance committee and the standing committees in cases affecting the German minority in South Jutland. The local councils of Haderslev, Tønder, Aabenraa and Sønderborg must thus establish such a special committee if the minority fails to win a seat or a delegate, but wins at least 10% of the number of votes corresponding to the lowest electoral quota carrying a seat at the election.

The special rules applied in connection with the local elections on 15 November 2005. The party of the German minority won one seat in Sønderborg Local Council, one seat in Tønder Local Council, two seats in Aabenraa Local Council and one delegate seat in Haderslev Local Council.

At the latest local elections in November 2009, the party of the German minority won two seats in the local councils of Aabenraa and Tønder, respectively, and one seat in both Haderslev and Sønderborg. Thus, the minority increased their total number of seats at the 2009 local elections and became actual members of all four local councils.

*Regional political participation and representation:*

As part of the Local Government Reform, a new framework was established for regional trade and industry development. The act on trade and industry development implements the Local Government Reform in trade and industry. The central innovation is the regional growth forums which are to strengthen regional development and growth conditions. The regional growth forums were established on 1 April 2006.

The comments to section 11(3) of the act on trade and industry development specifies that if more than one growth forum is established in Region South Denmark, the Minister for Economy and Business Affairs will decide that the German minority in South Jutland must be represented by a member in the growth forum closest to the German border. If only one growth forum is established in Region South Denmark, the minority will be given an observer seat. Region South Denmark is considering establishing one growth forum from 2010.

Furthermore, section 8(8) of the act on trade and industry development stipulates that the Minister for Economy and Business Affairs is authorised to grant a request from e.g. the German minority to establish a body to handle cross-national cooperation in the Danish-German border region South Jutland-Schleswig, which must include the German minority as member.

Region South Denmark participates as partner in the agreement on Region South Jutland-Schleswig together with three German authorities and the four South Jutland local authorities.

Additionally, Region South Denmark has made a joint declaration with the state government of Schleswig-Holstein on regional cooperation, the partnership agreement, which updates a previous partnership agreement made between the County of South Jutland and the state government of Schleswig-Holstein.

A regional assembly has been established under the agreement on Region South Jutland-Schleswig. Region South Denmark will finance the majority of the Danish part of the organisation's operating expenses.

The partnership agreement between Region South Denmark and the state government of Schleswig-Holstein does not establish common Danish-German bodies. The meetings between the parties to the agreement are conducted on an ad hoc basis.

For the regional assembly established under the agreement on Region South Jutland-Schleswig, the German minority appoints one of the 11 Danish members. It should also be noted that the South Jutland local authorities has appointed a political representative elected by Slesvigsk Parti.

The German minority has stated that the minority is currently represented in the following regional forums:

- Growth forum for South Denmark
- Interreg Committee
- Region South Jutland-Schleswig
- Dialogforum Norden
- TV-Syd Council
- Dialogforum DR Syd

The German minority has expressed its satisfaction with the scheme.

*German minority schools:*

In connection with the 2006 Budget Agreement, it was decided to harmonise the rules on travelling subsidies for students choosing another school than the district school, effective from the school year 2006/2007. The German minority specified that such harmonisation would have consequences for the school children of the German minority as they often travel over greater distances to attend school.

Politically, it was recognised that German minority families should not incur disproportionately larger costs than other families due to their longer transport to school. The 2006 Budget Agreement therefore stipulated that an actual payment ceiling be imposed per child per month and per family per month for German minority schools.

Subsequently, the German minority has expressed its satisfaction with this scheme.

*Day-care facilities:*

As other providers of day-care facilities, the German minority can establish nursery schools (day-care centres) as follows:

Under the Danish Day-Care Facility Act, day-care centres can be established and operated as independent day-care centres by a private provider subject to agreement with the local council. The private provider may for instance be the German minority, an organisation or a group of parents wanting to establish an independent day-care centre as an alternative to local authority day-care centres. Independent day-care centres are operated by a board.

An independent day-care centre is not part of the local authority but an autonomous legal entity operated on a private-law basis in the form of an agreement with the local council. Independent day-care centres are characterised by being non-profit institutions.

A private provider holding local-authority approval may also establish day-care centres as private day-care centres. Contrary to the rules for independent day-care centres, this is a matter of right of establishment where the local authority *must* approve the private provider wanting to operate a day-care facility, if the private day-care centre meets central and local-authority approval criteria. An operating agreement with the local authority is therefore not necessary.

The minority may establish day-care centres and private day-care centres or transform existing independent day-care centres into private day-care centres.

In respect of the possibility of using day-care centres across local-authority borders, specific rules apply to choosing a day-care facility related to the German minority under Deutscher Schul- und Sprachverein für Nordschleswig in another local authority.

If parents want a place in a day-care centre related to the German minority under Deutscher Schul- und Sprachverein für Nordschleswig, but no such facility is available in the parents' own local authority (local authority of residence), parents may choose one in another local authority (local authority of the day-care centre). In these cases, the parents pay for the day-care facility in the local authority of the day-care centre according to the general provisions of sections 31-34 of the Day-Care Facilities Act on subsidies and parent payment for a place in a day-care facility in the local authority of residence. The local authority of residence will pay any additional expenses in relation to the local authority of the day-care centre.

The provisions can be found in Executive Order No. 1082 of 20 November 2009 on guaranteed day-care availability, local-authority subsidies for day-care, after-school and club facilities, parents' own payment and obtaining children's certifications, etc. (Day-Care Facilities Order).

#### *Changes in connection with the Local Government Reform*

In connection with the Local Government Reform, a special rule was made for subsidies to those of the minority's independent day-care centres selecting to convert into private day-care centres. This rule is to compensate the minority's day-care centres for any reduced subsidy following the centre's decision to convert into a private day-care centre.

The background for this was rooted in a concern that the Local Government Reform might have negative consequences for the minority's day-care centres if the local authorities choose to convert the structure of their day-care facilities involving termination of the operating agreements with the day-care centres in connection with a reform. In these cases, the minority would be able to turn into a private day-care centre with the risk of receiving a reduced subsidy compared with the existing subsidy received as an independent day-care centre. The reason is

rooted in the rules for subsidies to private day-care centres, which stipulate an average subsidy, and because the day-care centres are typically small and relatively unprofitable.

The special rule has been laid down in the Day-Care Facilities Order and stipulates as follows:

Where an independent day-care centre established by the German minority converts turned into a private day-care centre under section 19(4) of the Day-Care Facilities Act, and no independent day-care centres exist for the German minority of the local authority, operating subsidy per child for the private institution is provided on the basis of the last known accounting year of the local authority's independent day-care centres for the German minority for the same age group.

In 2005, before the Local Government Reform, the German minority had a total of 22 day-care centres established as follows: 17 independent day-care centres, four pool scheme institutions and 1 private day-care centre.

In 2009 the German minority had a total of 21 day-care centres established as follows: 16 independent day-care centres, four pool scheme institutions and 1 private day-care centre.

***b. please indicate, article by article, the measures and policies taken to implement the various findings contained in the Advisory Committee's opinion. Information should be provided in a manner which duly reflects interrelations between various provisions of the Framework Convention.***

With a view to facilitating reading of the report, the answers to section II b follow, to the extent possible, the structure outlined in the report of the Advisory Committee. The Advisory Committee's comments/recommendations are indicated in italics and are followed by the Danish government's comments.

### **Monitoring process**

*...it is noted that no specific follow-up activity in Denmark, involving the Advisory Committee and a wider group of concerned persons, was organised between the first and second monitoring cycle. Such follow-up activities contribute greatly to the dialogue and it is important that the opportunity for such a follow-up in Denmark is not lost during the second cycle of monitoring (point 6 of the Advisory Committee report).*

The government takes a positive view on any future follow-up on Denmark's third state report, although specific plans to this effect need to await the report of the Advisory Committee and the final recommendations of the Committee of Ministers. The government intends to continue the close and trusting dialogue with the German minority and to take into account any wishes the German minority may have for follow-up activities to the widest possible extent.

### **General legislative framework**

*At the same time, there has been legislation introduced which has been criticised for possibly having a negative impact on the promotion of mutual respect and understanding and co-operation among persons living on the territory of Denmark. This is particularly the case in respect of the Aliens Act 2002 and its amendments (point 10 of the Advisory Committee report).*



To counter the considerable immigration and integration problems which the government took over in 2001, the government presented a new aliens policy in January 2002 to limit immigration based on asylum and family reunification and instead try to attract aliens who want to work or study in Denmark. In addition, the government has introduced more rigorous requirements in respect of self-support and strives to ensure that refugees and immigrants living in Denmark are integrated better and find work faster.

One example of changes introduced by the government is the tougher conditions for reunification with a spouse introduced with the amendment of the Aliens Act in 2002. This amendment means that the number of family reunifications in Denmark has dropped and that the basis for integration of aliens in Denmark has improved.

Another example consists of the rules on granting permanent residence permit, which have been amended several times in accordance with the government's increased focus on integration. Consequently, it is now a requirement that new arrivals observe an integration contract, just as permanent residence can be obtained after either three or five years' stay – instead of seven years – if certain conditions for the individual person's integration have been met.

At the same time, the government has made legislative amendments to open the Danish labour market towards the surrounding world to ensure that Danish companies have access to employees with the proper qualifications.

By changing the immigration patterns and ensuring better integration of the aliens staying in Denmark, the government has aimed at increasing the degree of understanding of and accommodation towards new citizens making an effort to contribute positively to the Danish society.

### **Article 3**

By way of introduction, Denmark has identified the German minority in South Jutland as a national minority covered by the personal scope of application of the Framework Convention, and the Danish government is further of the opinion that, in principle, the obligations under international law assumed under the Framework Convention solely relate to the German minority in South Jutland and have no wider application.

In this connection, reference is made to the statements in Denmark's second state report pages 4 ff.

### **Personal scope of application of the Framework Convention**

*While the Advisory Committee notes the absence of a need to extend the scope of application of the Framework Convention to persons belonging to the German minority but living outside the area of South Jutland, the Advisory Committee finds that the Framework Convention could have a scope of application outside South Jutland and recommends that the government considers this option (point 41 of the Advisory Committee report).*

Denmark has taken note of the Advisory Committee's considerations.

The Advisory Committee considers that the relevant authorities should inform Greenlanders and Faeroese living in mainland Denmark about the Framework Convention. The same applies to Danes living in Greenland and the Faeroe Island. The relevant authorities are invited to find out from them if they have an interest in the protection offered by the Framework Convention. In the light of these discussions the Danish authorities are invited to re-examine, if necessary, their position concerning the personal scope of application of the Framework Convention to persons belonging to these groups (point 47 of the Advisory Committee report).

With regard to people born in the Faeroe Islands or Greenland who choose to take up residence in Denmark, the government points out that they are not registered as groups or individuals based on their descent, but enjoy protection both through national and international instruments which protect the rights of the individual and safeguard against discrimination. In connection with Denmark's ratification of the Framework Convention, the Home Rule governments found that the Framework Convention would not apply to the Faeroe Islands or Greenland. The government acceded to this decision.

On the occasion of preparing its third state report, the government has consulted the Representations of Greenland and the Faroes requesting their comments to the questions on Greenland and the Faeroe Islands raised by the Advisory Committee. The Representation of the Faeroe Islands informed the government that the number of people in Denmark speaking Faroese is about 17,000. In their consultation responses, Greenland and the Faeroe Islands expressed no change in their position on the question of whether the Framework Convention should apply to Greenlanders and Faroese living in Denmark.

People of Danish ethnicity living in or moving to, working, starting families, etc. in Greenland or the Faeroe Island cannot be described as having taken up residence in the Home Rule areas because of historic upheavals, for which reason they are not covered by the Framework Convention scope of application.

The Advisory Committee in its first Opinion on Denmark considered that given the historic presence of Roma in Denmark, persons belonging to the Roma community cannot a priori be excluded from the personal scope of application of the Framework Convention. The Committee of Ministers in its Resolution considered that the issue merits further consideration by the government with those concerned (points 48-54 of the Advisory Committee report)

First, Denmark's Central Population Register contains information on age, gender, marital status, nationality, place of birth, current address and family information. Further, the register contains data on births, deaths, changes of residence within the country, immigration and emigration. Thus, the Central Population Register contains no information that could be used for determining the number of persons belonging to Roma.

The Danish government has regular meetings with various stakeholders of the area. In May 2008, for instance, a meeting was held in the Ministry of Refugee, Immigration and Integration Affairs with József Berény from the Council of Europe, who requested information on the Roma's situation in Denmark.

As mentioned in Denmark's second state report under the Council of Europe Framework Convention for the Protection of National Minorities, the then Ministry of the Interior and Health, the Ministry for Refugees, Immigration and Integration Affairs and the Ministry of Foreign Affairs held a meeting with the Danish Roma association Romano on 30 January 2004. At the meeting,

Romano expressed the opinions of the association. The association was urged to submit written material information/documentation in support of its opinion that a historic Roma minority exists in Denmark, and the Danish government will, of course, subsequently take into account such information.

Further, an ongoing dialogue has subsequently been held, in which the Romano association has been urged to submit such material. In that connection, the Romano association submitted a report on the presence of Roma in Denmark, prepared by a representative of the association, in that connection referring to an annexed list of literature for documentation.

On that basis, the ministries have reviewed a long list of sources on the presence of Roma in Denmark over time. In compiling sources, the ministries also used the literature list of such sources submitted by the representative of the Romano association.

The reviewed material did not provide documentation in support of the presence of a historic Roma minority in Denmark. Thus, the ministries were only able to find descriptions of the presence of Roma in Denmark for limited periods of time. According to available information, the Roma population living in Denmark today has no historic or long-lasting uninterrupted attachment to Denmark, but is made up of either immigrants or refugees, and on that background the Roma do not, in the view of the Danish government, constitute a national minority in Denmark.

In a letter dated 11 March 2010, the review conclusions were presented to the Romano association in Denmark. The letter also stated that should the Romano association be interested in holding a meeting at which the ministries could again explain the conditions that need, in the view of the government, to be met before a group of people can be considered as a national minority under the Framework Convention, and at which the Romano association can present any new information on the issue, the relevant ministries will be prepared to arrange such meeting.

*The Advisory Committee recommends that the authorities should seek means of obtaining more reliable ethnicity data broken down by age, gender and location and that further clarification should be provided for those wishing to collect or use such data on the rules, regulations and exceptions to the collection of such data (points 55-62 of the Advisory Committee report).*

Based on data from the Central Population Register, Statistics Denmark regularly prepares statistics on age, gender, marital status, nationality, place of birth, present address and family information. Further, the register contains data on births, deaths, changes of residence within the country, immigration and emigration. Statistics Denmark or the Ministry of Refugee, Immigration and Integration Affairs publicises some of the statistics while others are available on request.

As an aspect of monitoring the labour market, the National Labour Market Authority has, on basis of the Act on an Active Labour Market Policy, set up a key figures system that shows the number of foreign nationals with basis for residence and earned income in Denmark.

The system runs comprise foreign nationals that in the selected period:

- have been granted residence in Denmark after 1 January 2004 and have in the same company earned taxable income of at least DKK 1,000 monthly, on which labour market contribution has been paid
- have active work permits
- are registered in the Register for Foreign Service Providers in Denmark

The concept of residence covers residence permits and registration certificates used in the foreign national statistics of the Danish Immigration Service for residence under the EU order. Work permit is the overall term for residence/work permit. Such permits are used in relation to residence under the Danish Aliens Act.

Information on citizenship relates to a person's nationality.

The system runs comprise foreign nationals with basis for residence from all over the world distributed on citizens from EU Member States, other European states, North America and Oceania, South America, Africa and Asia.

System runs can be divided into geographical areas, basis for residence, sector, year of basis for residence and nationality, and no runs are made on basis of ethnicity.

As mentioned in Denmark's second state report, the Danish Personal Data Protection Act which implements Directive 95/46/EC – called the Data Protection Directive – applies to personal information processed partially or completely by electronic means, and to non-electronic processing of personal information contained or that will be contained in a register. Reference is made to Denmark's second state report on the Council of Europe Framework Convention on Protection of National Minorities.

#### **Article 4**

*The Act on Ethnic Equal Treatment (Act No. 374 of 28 May 2003) forbids discrimination on the grounds of race or ethnic origin in a number of societal settings. The act also forbids reprisals as a result of complaints against discrimination. The Advisory Committee recognises that it is too early to analyse the operation and functioning of this new legislation. It does, however, encourage the authorities to keep a dialogue open with the persons and groups most concerned by the legislation as part of a process of onward going evaluation of the effectiveness of the anti-discrimination legislation and its contribution towards encouraging a spirit of tolerance and intercultural dialogue in Denmark (points 63-67 of the Advisory Committee report).*

Hearing cases on violations of the Act on Prohibition against Differential Treatment on the Labour Market etc. and the Act on Ethnic Equal Treatment until 31 December 2008, the Complaints Committee for Ethnic Equal Treatment received, in the period 2006-2008, 134 concrete complaints and launched 27 inquires on its own initiative. The outcome of the cases was that the Complaints Committee issued 50 decisions, 11 of which stated that the prohibition on unequal treatment had been violated, while 1 decision stated that the equal treatment legislation had been violated.

The Complaints Committee for Ethnic Equal Treatment was abolished as of 1 January 2009, its powers to hear complaints on unequal treatment due to race or ethnicity being transferred to the newly created Board for Equal Treatment.

Set up on 1 January 2009, the Board for Equal Treatment is a common administrative complaints board to which citizens can appeal if they believe that they have been unequally treated.

The Board for Equal Treatment hears complaints of unequal treatment inside and outside the labour market, in the areas today covered by a prohibition against unequal treatment. The prohibition applies to unequal treatment due to gender, race and ethnicity inside and outside the labour market and to religion, belief, age, disablement, sexual orientation, political beliefs, social or national origin. The Board for Equal Treatment can award compensation and disallow dismissals to the extent following from the legislation on which the Board bases its decisions.

Cases on unequal treatment in the labour market will, however, only be heard by the Board, if a union decides not to process the case in the industrial dispute system.

Complaints are processed on the basis of written material, which procedure entails that the Board for Equal Treatment is unable to allow evidence in the form of part or witness statements. The Board secretariat can dismiss complaints not deemed suited for hearing by the Board. If the hearing of a case presupposes actual presentation of evidence, the complaint must be dismissed. The Board for Equal Treatment must also dismiss cases deemed better suited for court hearing.

Decisions by the Board for Equal Treatment cannot be brought before any other administrative authority. Once the Board has decided a complaint, the parties can bring the case before the courts. In the event that the Board's decisions and settlements made before the Board are not observed, the Board is required, at the request and on behalf of the claimant, to bring the matter before the courts of law.

No fees are payable for bringing a complaint before the Board for Equal Treatment. Nor will the claimant be required to pay fees when, on behalf of the claimant, the Board brings the cases before the courts.

*The Advisory Committee considers that the government should keep under review the financial needs of the Danish Institute in view of its important and developing tasks and examine the calls for the Board for Equal Treatment to have the power to enforce disclosure and the competence to look at issues of discrimination on the grounds of religion (point 68-73 of the Advisory Committee report).*

The government refers to Denmark's second state report which explained that the Danish Centre for International Studies and Human Rights was set up by Act no. 411 of 6 June 2002 (Act on the Establishment of the Danish Centre for International Studies and Human Rights).

The act stipulates that the Institute for Human Rights, which is integrated into the Danish Centre for International Studies and Human Rights, must help promote equal treatment of all people regardless of race or ethnic origin, including through provision of assistance to victims of discrimination due to race or ethnic origin by advising on their right to non-discrimination and on how to take their cases to the next level, launch independent inquiries into

discrimination and publish reports and submit recommendations in matters regarding discrimination.

The Act implements the provision of article 13 of the Directive on equal treatment of ethnic minorities on the establishment of one or more equality of treatment bodies. In this connection, the Board for Ethnic Equality was discontinued, since tasks related to promoting equality of treatment will in future be undertaken by the Institute for Human Rights.

Passed by the Danish Parliament in May 2003, the Act on Ethnic Equal Treatment (act no. 374 of 28 May 2003) aimed to implement parts of the EU Directive on equal treatment. It sets out provisions to prohibit unequal treatment on grounds of race or ethnic origin and retaliatory actions consequent to complaints, etc., concerning discriminatory treatment. In that context, the government is satisfied to note the Advisory Committee's positive mention of the Act on Ethnic Equal Treatment in the second Committee report on Denmark.

Protection against discrimination applies to all people discriminated against on grounds of race or ethnic origin, whether or not the people involved belong to a national minority.

The prohibition of discrimination applies to any public and private activity as regards social protection, including social security and health care, social benefits, education and access to and supply of goods and services, including housing. The prohibition also applies to membership and participation in certain associations. Furthermore, the Act contains provisions concerning the shared burden of proof in cases on discrimination and the right to compensation for non-financial loss, which supplements the general access under Danish law to compensation for financial loss.

As a consequence of section 14 of the Act on the Board for Equal Treatment (Act no. 387 of 27 May 2008), the Board for Equal Treatment was set up effective as of 1 January 2009. As a consequence of section 16 of the Act, the above Act no. 374 of 28 May 2003 on ethnic equal treatment was amended to substitute the following for section 10 (2-4):

“(2) The Board of Equal Treatment may review complaints about violations of the prohibition of discrimination on grounds of racial or ethnic origin, see section 3, and violations of the prohibition of victimisation, see section 8.”

The government notes that the Institute for Human Rights has on its website a theme section on discrimination, where it refers to the Board for Equal Treatment as a general board hearing cases on unequal treatment covered by legislation. The Board can hear complaints on unequal treatment due to gender, age, religion or belief, race or ethnic origin, disablement or sexual orientation.

## **Article 6**

### *Tolerance*

First, reference is made to the explanation under section II of the recommendations of the Committee of Ministers on reactions to intolerance and xenophobia (page 7).

Reference is also made to the reply in Denmark's second state report pages 15 and 16.

*Action plan for equal treatment and respect for the individual irrespective of race or ethnic origin.*

In early 2010, Denmark expects to make public an update to the 2003 government action plan to promote equal treatment and combat racism. The action plan consists of multipronged, coordinated and targeted activities which comprise both ongoing and new initiatives aimed at combating unequal treatment due to race or ethnic origin, promote diversity and equal opportunities while also preserving Denmark as an open society showing respect for individuals and leaving room for diversity.

The action plan will constitute one of several initiatives in the efforts to combat radicalisation and strengthen democratic integration. Thus, it also aims to supplement the action plan on prevention of extremist attitudes and radicalisation being prepared. The action plan for equal treatment and respect for individuals irrespective of race or ethnic origin must consider activities already launched, just as new initiatives to promote dialogue, inclusion and citizenship must supplement the action plan.

The action plan will include elements such as:

- Initiatives aimed at promoting equal opportunities for work and education irrespective of ethnic origin by, for instance, breaking down barriers between work places and various ethnic minority groups.
- Initiatives aimed at combating discrimination in cultural and leisure-time activities, including introduction of sanctions to licensees practising discrimination in the night life.
- Initiatives to strengthen mutual dialogue, participation in communities and active citizenship by, for instance, providing information on the framework set up by law to combat discrimination.
- Initiatives to strengthen respect of individuals, of diversity and of a diverse society, including initiatives to prevent harassment, etc.

*EU workshop on intercultural dialogue*

In spring 2009, Denmark also facilitated an EU workshop on “Integration and dialogue. – Intercultural dialogue as an instrument to foster social cohesion?” The workshop formed an element of European knowledge sharing and was the second workshop focused on that particular issue. The first meeting in London in autumn 2008 focused on dialogue initiatives at local levels and on discussions of the subject “meaningful interaction”. The concept should be understood as dialogue at local/personal levels aimed at promoting understanding of diversity. The meeting in Denmark focused on transferring the excellent experience reaped in Denmark from more institutionalised intercultural dialogue.

*2008 European Year of Intercultural Dialogue*

Denmark participated in the 2008 European Year of Intercultural Dialogue.

*Pool to promote dialogue on community and diversity*

Finally, with a view to continuing the ongoing dialogue, in March 2006 the Minister for Refugee, Immigration and Integration Affairs allocated DKK 4 million to a pool for dialogue on community and diversity. The pool aimed at promoting dialogue on diversity, fundamental values and citizenship across ethnicity, religion and cultural backgrounds to underpin development of a democratic community with freedom, responsibility and mutual understanding. In that context, the aim was to launch initiatives that would promote active citizenship, shared democratic values and mutual understanding, while countering prejudice, destructive forces and extremist and radical views. Funding has primarily been granted for initiatives made up of broad and non-homogenous target groups and involving a diversity of people cutting across lines of gender, ethnicity, religion, etc. In the 2008 application round, the Ministry attached special emphasis on ensuring that dialogue should help strengthen popular, democratic cohesion in society while also countering radicalisation and extremist views among young people.

All pool funds have now been allocated. The following provides examples of initiatives receiving grants from the pool:

- "Limboland" by Zentropa Entertainment. The project comprises mentor training and film production for non-conforming young of non-Danish ethnicity. Having completed the film production, the young people will make a dialogue tour to technical colleges, upper secondary schools, etc., during which they show the film and invite young people to participate in dialogues and discussions on the film themes, including ethnicity, social exclusion and diversity.
- "Young meet young", an integration project on understanding and friendships. Young people with Danish and non-Danish ethnicity take turns to follow each other for a day from early morning to late evening. The idea is to start a dialogue that promotes understanding of other cultures and values, thus countering prejudice.
- "Kul;Tour", Interaction and diversity, Danish YMCA scouts. The project aims to set up concrete meetings and create opportunities for dialogue between people who would not normally meet. The aim is achieved through a human library, in which 18 young people with non-Danish ethnicity play the roles of books that can be borrowed by passers-by to have an informal discussion in the library café.

*The government is encouraged to examine how it can give support, including financial support, to Roma organisations*

The Danish government is only aware of one incidence in which the Romano association has approached the government on support for concrete expenses, as the Romano association in October 2008 expressed regret that it had not received travel grants for an OSCE meeting in June 2008. In such instances, the Roma have the same opportunities to apply for public subsidies and grants as other associations and organisations in Denmark.

*The Advisory Committee encourages the authorities to make further efforts to find a solution for establishing the first full-scale mosque in Denmark.*

A mosque must be established within the framework set up by the Danish Spatial Planning Act and the local plans for individual local authorities. Denmark has no special legislation for erection of religious buildings like a mosque.



In March 2010, the City of Copenhagen must decide on two different proposals which also entail the erection of mosques in Copenhagen. One proposal to be processed consists of an initial report in which the local council must decide whether a local plan should be prepared, which plan should enable a major development project to be authorised, encompassing a mosque. The project is proposed for the Amager urban district in the eastern part of Copenhagen.

The other proposal to be processed by the City of Copenhagen in March 2010 is a draft local plan which will allow the establishment of an Islamic cultural centre and a mosque in the north-western part of Copenhagen. The draft local plan explains that application has been submitted to set up a modern Islamic cultural centre in the form of a mosque on par with classic mosques. The draft also shows that the centre will encompass prayer rooms, arena theatre, conference rooms, library, rooms for after-school teaching, etc.

Both projects will be financed and initiated by private contributors, and only because of the project size, scope and location, the City of Copenhagen must plan and approve that such building work be initiated in Copenhagen, and the City of Copenhagen is not financially a party to the proposals.

*There is a concern about incidents of negative stereotyping in the media, as well as a concern that there is not sufficient coverage about the positive contribution that persons belonging to different ethnic and religious groups make to Danish society in general. To tackle these complaints, the Advisory Committee considers that, where relevant, persons concerned could make greater use of the Press Council, which deals with complaints against the Press. The Press Council itself could, through its power to take up matters of its own volition, also take on a more active role (points 94-103).*

The Press Council is an independent public committee that was set up in 1992 under the Media Liability Act.

The Press Council seats eight members, appointed by the Minister for Justice. The chairman and vice-chairman must be lawyers and are appointed on recommendation from the President of the Danish Supreme Court. Two members are appointed on recommendation from the Danish Union of Journalists. Two members are appointed as representatives of the editors of printed media, radio and television. Finally, two members are appointed as public representatives on recommendation from the Danish Council for Adult Education.

The Council holds about 12 ordinary meetings annually. When a case is being heard, four members are involved: one lawyer (chairman or vice-chairman), one editor, one journalist and one public representative.

In accordance with section 43(1) of the Media Liability Act, the Press Council rules in cases relating to:

- 1) whether the publication made is contrary to sound press ethics, and
- 2) whether a mass media shall be under an obligation to publish a reply (corrective statement), including the content, form and location of the reply.

Section 34(1) of the Media Liability Act stipulates that the content and conduct of the mass media shall be in conformity with *sound press ethics*. More detailed interpretation of the concept of sound press ethics appears from Press Council decisions and guidelines for sound press ethics adopted by the Danish Newspaper Publishers' Association.

According to section 36(1) of the Media Liability Act, requests for *reply* in the mass media to information of a factual nature which might cause anyone significant financial or other loss, and which has been published in a mass media, must be heeded, except where the correctness of the information is unquestionable. Thus, replies are in the nature of factual rectification of information published in a mass media. In replies, the mass media in question must publish the rectification free of charge.

Cases on sound press ethics or replies may be brought before the Press Council by lodging a written complaint as stipulated in section 44(1) of the Media Liability Act.

In recent years, the Press Council has received between 130-177 complaints annually. In 2008, the Press Council received 163 complaints in total.

Further, the Press Council may try a case on its own accord where the case is essential or leading, cf. section 44(2). In such cases, the injured party will be asked to give a statement.

As a matter of principle, the Press Council is very reluctant to try cases on its own accord. To date, the Council has only tried one such case. It happened in 1997, when several media had publicised pictures of Crown Prince Frederik and his friends, pictures taken while they were socialising in private. The Council stated that its reason for trying the case on its own accord was not that the case related to a member of the royal family, but that the person had, due to his position in the Danish society, chosen not to take legal action or lodge complaints with a body like the Press Council.

*The Advisory Committee considers that the media itself has a responsibility to promote tolerance, safeguard against xenophobia and intolerance in the media and to avoid stereotyping and negative portrayal of persons belonging to different ethnic and religious groups in the media. Further awareness raising of these issues amongst journalists is recommended. Entry into the media profession of persons belonging to different ethnic and religious groups should be encouraged as should the greater use of minority sources in the preparation of media material (points 94-103 of the Advisory Committee report).*

In 2002, the Danish School of Media and Journalism conducted a study aimed at identifying the need for support of people of non-Danish ethnicity.

A precondition for being admitted to the School is that candidates enter themselves for an entry test in which all candidates compete on equal conditions. The School of Media and Journalism would like to attract people from all social classes, and it states that the number of people of non-Danish ethnicity applying for admission has increased by a little more than 3% in recent years.

The efforts to realise this objective further call for the job of a journalist becoming visible in public electronic media, so that journalists will come to appear as role models.

The Advisory Committee considers that the Municipality of Elsinore needs to find an alternative solution for the children in the remaining classes for Roma only children. The solution needs to address, in consultation with the Roma concerned, the individual needs and skills of the Roma children affected. This should be done in such a way as to encourage the mainstream integration of these children into school life and include, as necessary, special assistance to meet the particular needs of the children (points 104-108 of the Advisory Committee report).

Reference is made to the statements under section II a on the recommendations of the Committee of Ministers pertaining to Roma-only classes (page 8).

#### **Article 8**

Reference is made to the statements under section II a on the recommendations of the Committee of Ministers pertaining to government funding of the Danish National Church (page 8 ff.).

#### **Article 9**

In relation to television broadcasting, the Advisory Committee sees scope for further programming in German and for the German minority, including for the German-Danish border region. The Advisory Committee encourages TV Syd, the local public sector television broadcaster to explore this issue further with the German minority and encourages the authorities to examine whether additional funding could be made available to TV Syd in view of the additional costs incumbent on producing television programmes in German and Danish (points 112-123 of the Advisory Committee report).

With reference to media independence, the Danish government has refused to instruct the regional TV 2 company, TV Syd, to broadcast programmes in German. However, the government wants to point out that the board of representatives of TV Syd seats a representative of the German minority, and that as a natural part of covering its area, TV Syd features the German minority's events.

#### **Article 10**

The authorities are encouraged to examine the measures they could take to improve the possibilities for persons belonging to the German minority using their language with the administrative authorities (points 129-134 of the Advisory Committee report).

On 9 June 2006, the then Minister for Interior Affairs and Health wrote in the light of the Local Government Reform to the merger committees of the local authorities in the German-Danish border region. The letter urged the local authorities to consider how in the context of the Local Government Reform, they could take into account measures that would to a wider extent enable the German language to be used in future citizen service. The letter also describes examples of areas where it would be natural to take special linguistic considerations or use German-speaking staff. The letter further emphasises that such measures would help promote the positive development of the excellent relations existing between the German minority and the Danish majority in the border region.

A similar letter was forwarded to the committee preparing the establishment of Region South Denmark.

As mentioned in point I d, the Danish Minister for the Interior and Social Affairs forwarded on 25 November 2009 a letter to all local authorities, the former County of Southern Jutland and to Region South Denmark. The letter draws attention to the Framework Convention, the state reports which Denmark has prepared and expects to prepare under the Framework Convention as well as to the information contained in the reports.

*Regional state administration for South Denmark*

The regional state administration for South Denmark states that the administration's cooperation and communication with the German minority rest on common practice but also on an understanding of the minority's interest in upholding their mother tongue, German. Thus, the intentions and objectives of the Language Charter and the Framework Convention are seen as integrated aspects of state administration work.

No statistics are prepared about the number of inquiries to the state administration that are submitted by the German minority. However, such inquiries are not submitted every day.

In employing staff that is to serve citizen directly, the state administration takes note of whether they speak German. In the newly created information centre, particular importance was attached to ensuring that all employees spoke German. All inquiries submitted to the information centre and the department of family affairs in German will also be replied to in German.

Further, several of the other employees also speak and write German. This enables the administration to hold meetings in German and to have necessary documents translated. However, written normative guidelines have not been prepared for handling inquiries from or to members of the German minority.

Handling cases on separations, divorces, child maintenance, etc., the family affairs department normally does not translate decisions into German.

Nor does the social committee, which processes complaints of local authority and some regional authority decisions on rights and obligations under the social legislation, generally translate its decisions into German. Instead, decisions from the social committee and relating to German-speaking people are accompanied by the following statement in German:

*"Für eine eventuelle Übersetzung des Briefes, wenden Sie sich bitte schriftlich oder mündlich an die Statsverwaltung, siehe Telefonnummer und Adresse rechten Seite".*

If the state administration receives a request from a member of the German minority on a translation of a decision, the state administration will be able to supply it. No such request has been received yet.

All oral negotiations between parties can be made in German, irrespective of whether the summoned parties speak and understand Danish. In practice, a pragmatic solution is often agreed between the parties, i.e. the state administration employee speaks Danish to the member of the German minority who replies in German.

### *State administration website*

Denmark's state administrations share a common website; [www.statsforvaltning.dk](http://www.statsforvaltning.dk) on the Internet.

From the front page, visitors can click to the website of the individual state administrations. The front page of the common website displays a small flag that enables selection of an English version of the front page with key subpages displayed and selectable from the English front page.

However, it does not offer translations of the subpages related to the individual state administrations.

Currently, the website does not offer a German translation, but the state administration for South Denmark is striving to make available a German translation of its own website.

The state administration for South Denmark believes that excellent contacts and cooperation exist between the German minority and the state administration when they solve the tasks entrusted to the state administration.

### *Region South Denmark*

#### *Somatic treatment system*

As to the administration of Region South Denmark, a variety of its information material is available in German.

The patient office with its patient advisors can assist citizens in German, if requested. This also applies to the regional eligibility assessment committee, which committee deals with matters related to the extended free choice of hospitals. Further, in the experience of the Hospitals of South Denmark examination and treatment of members of the German minority are not connected with unsolvable language difficulties.

#### *Psychiatric treatment system*

At contact to the hospital departments in South Jutland, anybody can speak German in the contact and treatment phases. This applies to patients and relatives alike. However, the staff does not carry any signs that indicate whether they speak German. Patients and relatives can inquire and will be referred to German-speaking staff. This option has been available since 2004.

In connection with contacts to the administrative part of the area located in Middelfart, people will be referred to German-speaking staff to the extent possible. In connection with the psychiatric department in Vejle, the hospital will make sure that patients' and relatives' contact will speak German.

Region South Denmark is contemplating launching a process that will consider how the region can describe, document and formalise the German minority's rights in relation to the psychiatric departments of the region.

### *Website of Region South Denmark*

The website [www.regionsyddanmark.dk](http://www.regionsyddanmark.dk) already contains general information on the region in German as well as a site recruiting German and Austrian health staff. Currently, no plans exist to add specific information on the region to the German minority.

The website [www.sygehussonderjylland.dk](http://www.sygehussonderjylland.dk) (website of the Hospitals of South Denmark) today offers the following information in German:

- General information on the Hospitals of South Denmark
- Information on the hospital strategy: Quality around the clock
- Job section for Germans seeking employment with the Hospitals of South Denmark. The site offers an introduction to job application at the hospitals, vacancies, information on the hospitals as workplaces, information on language training offered to German-speaking staff and a German doctor's description of working at a Danish hospital.

As of 1 October 2009, information and contact data on emergency help became available in German.

In the long term, plans exist to make available further information on the hospitals and their services in German, such as an overview of departments, contact information for German-speaking staff, list of the most common examination and treatment services, patient information from emergency rooms and trauma clinics, etc.

### *Local authorities*

The local authorities of the previous County of Southern Jutland have all stated that, when the need arises, they call in German-speaking staff or interpreters.

Further, several local authorities have stated that German versions of their websites exist.

The local authority of Aabenraa has stated that in 2008 it launched internal German language training of its staff with a view to improving the possibilities of assisting German-speaking contacts even better. Further, the local authority performs civil marriages in German, should the couples so wish.

### **Article 11**

*The Advisory Committee invites the Danish authorities to give due consideration to any proposals made to them by the German minority for the display of traditional local names, street names and other topographical indication sides. In responding to these requests, the Danish authorities should keep in mind that such displays are an important public recognition and sign of acceptance towards the presence of the German minority and reflect the special nature and character of the borderland region of South Jutland (points 139 -142 of the Advisory Committee report).*

In its second state report pages 20-21, Denmark stated that existing legislation does not prohibit signs in two languages.

The issue has been debated in the Region South Jutland-Schleswig, which forum concluded that it is – in a historic perspective – a sensitive subject, and on that background the Region would not make recommendations for the area.

Should a local authority or a region want to erect signs in two languages, the Road Directorate must give authority to do so.

As far as the Road Directorate is aware, no request has been lodged, since Denmark submitted its second state report, for signs in two languages. Consequently, the Road Directorate has been unable to make concrete decisions on such requests.

## **Article 12**

*Advisory Committee considers that undue restrictions should not be placed on the use by children of their mother tongue in day care facilities (kindergartens) and that the authorities should look into this matter and examine the extent to which there may be a problem. The Advisory Committee recommends that the authorities provide clarification to parents, teachers and schools on what may be acceptable in terms of limitations on the use of the mother tongue so as to tackle any confusion which may exist concerning this issue (points 143-149 of the Advisory Committee report).*

### *Schools*

In 2005, the Ministry of Education publicised the publication “Guidelines for mandatory language stimulation of bilingual preschoolers.”

Prior to the publication, the Danish parliament adopted in June 2004 an amendment to the Danish Act on Primary and Secondary Education that made language stimulation mandatory of bilingual children who had not yet started in school.

The publication explains how language stimulation can be realised and also emphasises that the teaching element of the different language-stimulation offers must aim to support children in learning Danish in cooperation with their parents and respecting the children’s bilingualism which means that the children grow up in contact with several languages and cultures.

### *Day-care facilities*

The objectives clause of the Act on Day-Care, After-School and Club Facilities, etc. for Children and Young People stipulates that day-care facilities must give children a wide understanding of Danish culture and an understanding of the other cultures children meet in their daily lives. Day-care facilities must rest on democratic values characteristic of the Danish society and promote integration into the society. It therefore follows as a natural element of day-care facilities that Danish is the primary language spoken.

Danish as the primary language will give all children language stimulation in Danish from an early age. Early intervention in children’s language development is of special importance in relation to children who do not speak Danish corresponding to their age, for instance because it is not their mother tongue.

If they believe in a concrete case that it would not cause integration problems if Danish was not the primary language in a day-care facility, local councils may dispense from the requirement of Danish spoken in day-care facilities. One example could be day-care facilities established by the German minority. Integration problems could, for instance, mean conditions that would impact on children's ability to cope in the Danish society.

#### **Article 14**

*The Advisory Committee recommends that the Danish authorities continue in their discussions with the German minority in order to find an acceptable solution for any impact the proposed administrative changes may have on the system of German minority schools and day care facilities (kindergartens) (points 150-153 of the Advisory Committees report).*

Reference is made to the statements under section II a on the recommendations of the Committee of Ministers pertaining to the impact of the Local Government Reform on the German minority (pages 11 ff.).

#### **Article 15**

*The Advisory Committee recommends that the government should continue to support the mechanism of consultation with the German minority and give consideration to strengthening the mechanism of consultation for other ethnic and religious groups in Denmark (points 154-157 of the Advisory Committee report).*

Since Denmark submitted its second state report under the Council of Europe Framework Convention on Protection of National Minorities, four meetings have been held in the Liaison Committee concerning the German minority. The Danish Minister for the Interior has chaired all meetings, and representatives from the political parties represented in the Danish parliament have also participated. The meetings were held in Copenhagen or Aabenraa, in which town the German minority has its administrative offices.

Several meetings have also been held regularly between representative of the German minority and the Danish government. Meetings are normally held on requests from the German minority.

As mentioned under point I a, a meeting was held in the special working group in January 2010, which meeting discussed various subjects, including the Framework Convention and its reporting requirements.

The Danish government believes that the German minority is satisfied with the scope of communication between the Danish government and the German minority.

As to the issue of other ethnic and religious groups, reference is made to the statements submitted under section II a on the Committee of Ministers recommendation on consultation with various ethnic and religious groups (pages 5 ff.).

*The Advisory Committee recommends that the Danish government keeps up its discussion with the German minority, in particular on the issue of voting rights at municipal level, in order to find appropriate solutions to ensure that effective participation guaranteed under Article 15 of the Framework Convention is not undermined by the proposed administrative reforms (points 158-168 of the Advisory Committee report).*



Reference is made to the statements under section II a on the recommendations of the Committee of Ministers pertaining to the impact of the Local Government Reform on the German minority (pages 11 ff.).

### **Article 18**

*The Advisory Committee is aware of concerns raised by the German minority that the proposed administrative reforms could jeopardise the work, structure and level of representation of the German minority in the Region South Jutland-Schleswig. The Advisory Committee is, however, aware that the recent safeguards proposed by the government on 1 December 2004 go some way to meet the concerns of the German minority (see under Article 14 above). The Advisory Committee considers that this issue ties in with the concerns raised under Article 14 above in relation to the proposed administrative reforms and their impact on the effective participation of persons belonging to the German minority. The Advisory Committee considers that the proposed reforms should be implemented in such a way as to ensure that they do not adversely impact on the ability of persons belonging to the German minority to participate in transfrontier co-operation such as currently covered by the Region South Jutland-Schleswig (points 172-175 of the Advisory Committee report).*

Reference is made to the statements under section II a on the recommendations of the Committee of Ministers pertaining to the impact of the Local Government Reform on the German minority (pages 11 ff.).

List of appendices:

Reference is made to the appendices submitted together with Denmark's first and second reports. The following supplementary appendices are attached:

1. Act no. 576 of 24 June 2005 on the Danish Newspaper Board
2. Act no. 540 of 24 June 2005 on review of local government structure
3. Act no. 937 of 25 September 2008 on institutions for upper secondary training programmes and general adult education, etc.
4. Act no. 473 of 12 June 2009 on the Greenland Self-Government
5. Act no. 1428 of 14 December 2009 on an Active Labour Market Policy
6. Act no. 387 of 27 May 2008 on the Board of Equal Treatment
7. Executive order no. 748 of 13 July 2009 on objectives, intermediate objectives and final objectives for the subjects of the primary and lower-secondary school
8. Executive Order No. 1082 of 20 November 2009 on guaranteed day-care availability, local-authority subsidies for day-care, after-school and club facilities, parents' own payment and obtaining children's certifications (with subsequent amendments)
9. Letter of 25 November 2009 to the German minority concerning the home area of the minority
10. Letter of 25 November 2009 to the South Jutland local authorities and Region South Denmark concerning the home area of the minority

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Dear Sirs,

25 November 2009

**The German minority's letter regarding the effect of the Local Government Reform on the definition of the homeland of the German minority.**

J.nr. 2009-7197  
KOPI

The German minority contacted the Danish Government in connection with the Liaison Committee meeting on 20 April 2009 regarding the effect of the Local Government Reform on the definition of the homeland of the German minority.

The German minority has pointed out that the area that the minority traditionally has considered their homeland and which geographically covers the former County of Sønderjylland cannot in the same way be defined by the current local and regional borders. Specifically, the minority has pointed out that the former municipalities Christiansfeld and Rødding, which before the reform were part of the County of Sønderjylland, are now part of the municipalities of Kolding and Vejen, respectively, and therefore not a part of the four municipalities where the minority in connection with the Local Government Reform has obtained a specific arrangement regarding representation.

For this reason the minority has requested clarification from the Danish Government regarding the historic & geographic homeland of the minority. The minority has emphasized that it is not a question of the minority wanting to expand the existing specific arrangements in the legislation regarding representation to include municipalities other than Haderslev, Sønderborg, Tønder and Aabenraa.

The Danish Government is aware that the Local Government Reform has in some respects had special implications for the German minority. In this connection I would like to compliment the minority for its constructive attitude and the good dialogue that the Ministry has experienced when cooperating with

the minority. It has contributed very positively to finding a good solution for the minority which I understand the German minority is very satisfied with.

In connection with the ratification of the Framework Convention of the Council of Europe and the European Charter for Regional or Minority Languages the Danish Government has indicated that the conventions apply to the German minority in South Jutland. The declarations reflect the fact that the German minority in Denmark traditionally have lived in South Jutland. The most part of the minority lives in the border area in the southern and eastern part of South Jutland and the rest lives in an area that constituted the former County of Sønderjylland.

The Danish Government hereby informs the German minority that the new borders in connection with the Local Government Reform do not change the homeland of the minority, nor have they any influence on the Government's definition of the application of the Framework Convention and the European Charter for Regional or Minority Languages of the Council of Europe.

The Danish Government would also like to point out that in accordance with the wishes of the minority it has no plans to expand the obtained specific arrangements in the legislation regarding representation in the local councils.

I enclose a copy of my letter to the Region of Southern Denmark and the municipalities of Haderslev, Kolding, Sønderborg, Tønder, Vejen and Aabenraa in which I have notified the region and the municipalities that the Local Government Reform does not alter the homeland of the minority and the application of the mentioned conventions. In addition, I will as soon as possible inform the Council of Europe accordingly.

Yours sincerely,

Karen Ellemann

Region of Southern Denmark  
Haderslev Kommune  
Kolding Kommune  
Sønderborg Kommune  
Tønder Kommune  
Vejen Kommune  
Aabenraa Kommune

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Dear Sirs,

Letter regarding the German minority in South Jutland

K O P I

25 November 2009

J.nr. 2009-7197

For many years, the German minority and the Danish majority have lived side by side in the border country enjoying mutual respect and beneficial cooperation. This is a strong foundation for a continued positive co-existence in the area.

The Local Government Reform has changed the local and regional borders which has also affected the German minority. As part of the reform a number of specific arrangements were made for the minority in terms of political representation in the municipalities of Aabenraa, Haderslev, Sønderborg and Tønder.

The new local and regional borders resulting from the Local Government Reform and the abolition of the County of Sønderjylland also entailed that the part of South Jutland that the minority considers its homeland is no longer reflected in the administrative division of the area.

For this reason the minority has requested clarification from the Government regarding the historic and geographic homeland of the minority.

Today, I have therefore sent the enclosed letter to the German minority. In the letter, the Danish Government confirms that the German minority in Denmark traditionally has lived in South Jutland. The most part of the minority lives in the border area in the southern and eastern part of South Jutland and the rest lives in an area that constituted the former County of Sønderjylland.

In its letter to the German minority the Danish Government acknowledges that the new borders in connection with the Local Government Reform do not change the homeland of the minority, nor have they any influence on the Government's definition of the application of the Framework Convention and the European Charter for Regional or Minority Languages of the Council of Europe.

With this letter to the Region of Southern Denmark and the municipalities in the former County of Sønderjylland I wish to emphasize that the Local Government Reform does not change the homeland of the minority and the application of the conventions mentioned.

As the letter indicates, the Danish Government has, in accordance with the wishes of the minority, no plans to expand the specific arrangements that the minority has regarding representation in the municipalities of Haderslev, Sønderborg, Tønder og Aabenraa to include other municipalities.

I would also like to take this opportunity to inform the Region of Southern Denmark and the municipalities in the former County of Sønderjylland of the specific arrangements that apply in cases regarding the German minority.

The basic rights of the German minority, such as equal justice under the law, freedom of assembly, freedom of association, freedom of religion etc. are protected by the general provisions of the Danish Constitution and other legislation.

In addition, the Bonn-Copenhagen Declarations from 1955 include a number of individual and general rights that apply to the Danish minority in South Schleswig and the German minority in South Jutland. These declarations still constitute the framework for the good cooperation on both sides of the border region.

In addition to the Danish Constitution, general legislation and the Bonn-Copenhagen Declarations, the Framework Convention of the Council of Europe for the Protection of National Minorities and the European Charter for Regional or Minority Languages apply to cases that concern the German minority.

Every three to five years, Denmark prepares government reports on the Framework Convention of the Council of Europe for the protection of National Minority and application of the European Charter on Regional or Minority Languages in Denmark. These reports provide a good picture of the application of the Framework Convention and the Charter. Denmark has up till now submitted two reports in accordance with both the convention and the Charter and submission of a third report is expected in April of 2010.

All the mentioned legal instruments and the government reports are available on the website of the Ministry of the Interior and Social Affairs and the Ministry of Foreign Affairs.

With this letter I would like to contribute to ensuring a continued positive development of the interaction between the German minority and the Danish majority through dialogues and mutual understanding and maintenance and further development of the inter-dependence, which has become an example to the rest of Europe, to the benefit of everyone involved.

Yours sincerely,

Karen Ellemann