

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

COUNCIL OF EUROPE



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**Fourth Opinion on Denmark
adopted on 20 May 2014**

SUMMARY

Denmark has maintained a consistent policy of support to persons belonging to the German national minority in South Jutland, the only recognised national minority in the country. The authorities show a degree of flexibility in respecting the linguistic rights of other groups.

The National Action Plan for Roma Inclusion, adopted in 2011, aims to combat poverty and social exclusion of Roma and to improve Roma inclusion in the mainstream society. However Roma and some other groups continue to face discrimination and intolerant attitudes.

The public administration is undergoing a process of digitalisation. As a result, local offices of different branches of administration have been closed down and some persons belonging to the German minority find it more difficult to address their concerns in their minority language.

Recommendations for immediate action

- introduce additional and targeted initiatives and policies to combat all manifestations of intolerance, racism and xenophobia, in particular by addressing systematically racist manifestations in the media and the political sphere;
- ensure that persons belonging to the German minority continue to be able to communicate fully using the German language with all bodies of administration, including electronically;
- intensify dialogue with representatives of different groups, in order to analyse the existing needs and find appropriate solutions allowing all interested to receive teaching in or of their language.

TABLE OF CONTENTS

I. KEY FINDINGS	4
Monitoring process	4
General overview of the present situation.....	4
Assessment of measures taken to implement the recommendations for immediate action from the previous monitoring cycle.....	5
Assessment of measures taken to implement the further recommendations from the previous monitoring cycle	5
II. ARTICLE-BY-ARTICLE FINDINGS	7
Article 3 of the Framework Convention	7
Article 4 of the Framework Convention	8
Article 5 of the Framework Convention	11
Article 6 of the Framework Convention	12
Article 8 of the Framework Convention	15
Article 9 of the Framework Convention	16
Article 10 of the Framework Convention	16
Article 11 of the Framework Convention	17
Article 12 of the Framework Convention	18
Article 14 of the Framework Convention	18
Article 15 of the Framework Convention	19
Articles 17 and 18 of the Framework Convention	20
III. CONCLUSIONS.....	21
Recommendations for immediate action	21

I. KEY FINDINGS

Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by Denmark was adopted in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), submitted by the authorities on 29 January 2014, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Copenhagen and Aabenraa (Åbenrå) on 19-21 March 2014.

2. The Advisory Committee notes however with regret that no follow-up seminar was organized in Denmark following the conclusion of the last monitoring cycle. Such an event would have been useful in view of the limited awareness of the Framework Convention among the different stake-holders both within the administration and the groups enjoying the protection offered by the Convention, or seeking recognition under the Convention.

3. The Advisory Committee looks forward to continuing its dialogue with the authorities of Denmark as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

General overview of the present situation

4. Denmark has maintained a consistent policy of support to persons belonging to the German national minority in South Jutland, which is the only recognised national minority in the country. Consultation between representative organisations of persons belonging to the German minority and the authorities has continued via such representative structures as the Liaison Committee concerning the German Minority and the Secretariat of the German Minority in Copenhagen. However, the meetings of the special working group that deals with the implementation of the provisions of the Framework Convention as well as the Charter for Regional or Minority Languages, with participants from a range of ministries and from the German minority, are seldom held.¹

5. Although the Advisory Committee has consistently invited the authorities to pursue a dialogue-based approach in relations with groups that could benefit from the protection provided for by the Framework Convention, there haven't been any such developments since the last monitoring cycle. The authorities show a degree of flexibility in respecting the linguistic rights of other groups. Existing legislation provides for the possibility of teaching Faroese and Greenlandic languages on the mainland territory. Regrettably, in practice, very few classes are organised, insufficient to the needs of Faroese and Greenlandic language speakers.

6. The National Action Plan for Roma Inclusion adopted in 2011 aims to combat poverty and social exclusion of Roma and to improve Roma inclusion in the mainstream society.

¹ According to the information provided in the State Report, the last meeting of this body was held in 2011.

7. Roma also face discrimination in access to camping sites and there are instances of their being denied access to public places as well as allegations of ethnic profiling by the police. According to Roma representatives, the majority population's attitude is negative, due to persistent negative media coverage and police reporting of ethnicity of Roma suspects, unlike that of other suspects.

8. The public administration is undergoing a process of digitalisation. As a result, local offices of different branches of administration have been closed down and some persons, in particular those lacking computer skills find it more difficult to address their concerns to an official who would be able to answer their queries in the language they understand best. This may have negative consequences for persons belonging to the German minority.

9. A proposed amendment to Section 266.b of the Criminal Code, which would decriminalise insulting and degrading speech and criminalise only statements leading to disturbance of the public order risks further weakening protection against hate speech, which already does not seem to be adequate. Combined with the current political climate of strong anti-diversity rhetoric from some politicians, such a proposal may hinder the promotion of tolerance and respect for minorities in Denmark.

Assessment of measures taken to implement the recommendations for immediate action from the previous monitoring cycle

10. Significant steps have been taken by the authorities to implement two out of three recommendations for immediate action. The Board of Equal Treatment Act was amended in 2012 to require the president and the vice-presidents to be court judges, thus increasing the professional capacity to deal with complex cases. Also in 2012, the Danish Institute for Human Rights – Denmark's National Human Rights Institution (DIHR) Act was enacted. The mandate of the DIHR, was expanded to promote the equal treatment of all people regardless of sex, race or ethnic origin, inter alia by provision of assistance to victims of discrimination with pursuing their complaints about discrimination, launching independent inquiries into discrimination, publishing reports and submitting recommendations in matters regarding discrimination.

11. The financial situation of the daily *Der Nordschleswiger* has improved in recent years as a result of changes introduced by the authorities to the system of allocation of subsidies. Under the new system, subsidies are based on the number of journalists employed by the paper.

12. In South Jutland, the Framework Convention seems to be well known among representatives of the German minority. At the municipal level, in Tønder, Aabenraa (Åbenrå), Sønderborg and Haderslev a significant proportion of employees of municipal offices speak German. Information from the webpages of these municipalities has also been translated into German and English. It has to be noted, however, that the procedures for the use of a minority language in written and oral communication with the local authorities are not determined by any specific regulation and/or set of rules established at the local level and are not monitored.

Assessment of measures taken to implement the further recommendations from the previous monitoring cycle

13. Seminars have been organised since 2011 in all police districts in co-operation between the Danish Security and Intelligence Service and the Danish Institute for Human Rights to raise their awareness of the diverse dimensions and manifestations of racism so as to enable law enforcement officers to assess better whether incidents reported to them are of a racist nature. As a result there has been an increasing number of charges brought under Section 266.b of the Criminal Code.

14. Measures taken to address negative stereotyping of some groups have not yielded expected results. Analysis of Danish media suggests that the media coverage of issues concerning Muslims is predominantly negative and hostile towards this group. Also some media and some politicians single out Roma and accuse them as a group of criminal activity. This stigmatisation results in the persistence of a negative image of the Roma in the broader society.

15. There has been no progress with installation of bilingual Danish and German topographical indications and other bilingual signs in South Jutland.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

16. The Advisory Committee notes that the Danish authorities stated in the Declaration made at the time of deposit of the instrument of ratification in 1997 that the Framework Convention for the Protection of National Minorities “shall apply to the German minority in South Jutland of the Kingdom of Denmark”. This position has been repeatedly laid out in the successive State Reports and comments submitted by the authorities. Against this background, the Advisory Committee has consistently invited the authorities to pursue a dialogue-based approach in their relations with the individuals and groups that might be interested in being given the protection provided for by the Framework Convention and to retain the possibility for these persons to come under the protection of the Convention.

17. The Advisory Committee notes that the Faroe Islands and Greenland enjoy a high degree of autonomy within the Danish Kingdom and that Home Rule Acts, adopted originally in 1948 and 1979 introduced extensive self-government there. In 2009, Greenland’s autonomy was expanded under the Act on Greenland Self-Government.² It further notes that the ILO Convention. No.169 concerning Indigenous and Tribal Peoples in Independent Countries applies in Greenland.

18. While being fully aware of the fact that the concept of “national minority” is not defined in the Danish Constitution or in any other statute, the Advisory Committee reiterates that the application of the Framework Convention with respect to a group of persons does not necessarily require the latter’s formal recognition as a national minority, a definition of national minority or the provision of a specific legal status for such groups of persons. The Framework Convention was conceived as a pragmatic instrument, to be implemented in very diverse social, cultural and economic contexts and to adapt to evolving situations, on a case-by-case and on an article-by-article basis. Therefore, the Advisory Committee welcomes the fact that the authorities continue to take into account specific needs of Faroese and Greenlandic language speakers by providing, under the existing legislation, teaching of these languages on the mainland territory, provided that a required minimum number of children apply for such tuition (see further comments below with respect to Article 14). This is a commendable example of flexibility, which the Advisory Committee would like to encourage also in respect of other groups.

19. The Advisory Committee has, as in the previous cycles of monitoring, been approached by the Roma expressing an interest for the protection of the Framework Convention. It notes the authorities’ claim that the Roma living in Denmark today “have no historical or long-term and unbroken association with Denmark”,³ but consist partly of immigrants and partly of refugees. The Advisory Committee reminds the authorities nonetheless of the long-term presence of Roma in Denmark. The Advisory Committee considers further that extending the provisions of the Framework Convention to Roma in areas such as promotion of culture (Article 5), language teaching (Article 14), fostering knowledge of Roma culture and history among the majority population (Article 12), and effective participation in public life (Article 15) would contribute to the successful integration of persons belonging to the Roma

² Act no. 473 of 12 June 2009 Act on Greenland Self-Government

³ See for example Second State Report submitted by the authorities of Denmark on 14 May 2004, pg. 11 (doc. ref. : ACFC/SR/II(2004)004)

community into the majority Danish society. The Advisory Committee considers that it would also contribute to the better understanding of diversity in society and increase its cohesion.

20. A similar approach extended to the Faroese and Greenlanders living in mainland Denmark would also, in the opinion of the Advisory Committee, improve the integration of persons belonging to these groups. In particular, the vulnerability of Greenlanders requires taking specific measures.

21. The representatives of the Jewish community met by the Advisory Committee during the visit, have not expressed particular interest in being included in the scope of application of the Framework Convention. Nonetheless they have expressed a growing awareness among persons belonging to this group of their distinct identity, in particular in the context of the debate on ritual animal slaughter and circumcision of boys. These two issues constitute essential and - for many - sine qua non elements of their identity as Jews. The Advisory Committee considers that the implementation of the relevant provisions of the Framework Convention could improve the situation in the areas such as freedom of religion, preservation of culture and traditions, etc.

Recommendation

22. The Advisory Committee strongly recommends that the authorities intensify their dialogue with the individuals and groups that express interest or might benefit from the protection provided for by the Framework Convention and to consider applying provisions of the Framework Convention to interested groups irrespective of a formal recognition as a national minority.

Article 4 of the Framework Convention

Anti-discrimination legislation and its implementation

23. The Advisory Committee recalls that a solid legislative basis has been established in Denmark to protect individuals against discrimination. Although the Constitution of Denmark does not contain a general anti-discrimination and equality provision, it states in Chapter VIII, Section 71(1) that “no Danish subject shall be deprived of his or her liberty because of his or her political or religious convictions or because of his or her descent”. This provision is supplemented by more detailed secondary legislation. In particular, the Prohibition of Discrimination in the Labour Market Act, adopted in 1996, offers civil law protection against discrimination on the labour market.⁴ In line with the Danish tradition of regulating the labour market by collective agreements between the labour market social partners, the provisions in this Act may be replaced by provisions in collective agreements if they provide at least the same protection against discrimination as the statutory provisions of the Act, or better.

24. In addition, to strengthen the protection offered by the Prohibition of Discrimination due to Race Act of 1971, the Prohibition of Discrimination due to Race Criminal Act enacted in 1987 covers the following grounds: race, colour of skin, national or ethnic origin, belief and sexual orientation. It also contains a prohibition against discrimination in the provision of goods or services, and as regards access to public places or events.

25. The Advisory Committee finally wishes to recall and commend the Ethnic Equal Treatment Act of 2003⁵ which prohibits discrimination on the grounds of racial and ethnic origin as regards access to social protection, including social security and health care, social advantages, education and access to and

⁴ *Lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v.*, Consolidated Act No. 1349 of 16 December 2008.

⁵ [*Lov om etnisk ligebehandling*] Consolidated Act No. 438 of 16 May 2012 with later amendments.

supply of goods and services, including housing and offers pecuniary compensation to victims of discrimination. The Act further includes provisions on the shared burden of proof and prohibits victimisation, thus protecting individuals from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment.

26. The Advisory Committee is pleased to learn that the Board of Equal Treatment Act, which was established in 2009 to deal with complaints of discrimination, was amended in 2012 to require the president of the Board to be a High Court judge and the vice-presidents to be city court judges, thus strengthening the status as well as the expertise of the Board.

27. In this context, the Advisory Committee notes that the number of cases decided upon by the Board has been rising steadily every year. According to the information provided by the Ministry of Employment, whereas in 2009 it decided on 64 cases and in 2010 on 122 cases, in 2013 the number of cases was 263, of which 41 concerned allegations of discrimination based on race or ethnic origin. The remaining cases concerned alleged discrimination on the grounds of gender, age, disability, sexual orientation, political opinion, social origin, religion or belief. However, although the Board of Equal Treatment has become better known in the four years since its inception, there is still a lack of awareness and, according to some reports, lack of confidence as to its effectiveness as a remedy for persons belonging to different groups, and allegedly apprehension on the part of some victims to come forward fearing adverse effects of complaints. The Advisory Committee considers that there needs to be broader awareness of and accessibility to anti-discrimination complaints' mechanisms.

28. The Advisory Committee notes nonetheless that in 2012 the Board, together with the Council for Ethnic Minorities, founded in 1999 and operating under the aegis of the Ministry of Children, Gender Equality, Integration and Social Affairs, and the Danish Institute for Human Rights, organised a series of public meetings aiming to raise awareness of the legal protection available in cases of ethnic discrimination. In addition, the information provided in the State Report on the allocation of €2,7 million in 2012 -2015 to support initiatives promoting civic citizenship and combating ethnic discrimination is welcome.

29. It is regrettable, however, that resources put at the Board's disposal, with the annual operating budget of €250 000 and administrative staff working on a part-time basis, do not allow it to develop its activities further. The Advisory Committee welcomes recent information about the establishment of an anti-discrimination unit within the secretariat of the Board of Equal Treatment with a budget of €1,3 million for the period 2014-2016. It notes that the purpose of the unit is to work for equality and against discrimination by examining the extent and nature of discrimination against persons with disabilities and against ethnic minorities as well as organising activities aiming at preventing and reducing the number of cases of discrimination.

Recommendations

30. The Advisory Committee urges the authorities to increase visibility, accessibility and public awareness about the work of the Board of Equal Treatment, in particular targeting groups at risk of discrimination and to provide resources needed by this body to carry out its mission effectively.

Data collection

31. The Advisory Committee notes that there have been no significant developments as regards data collection in Denmark in the recent years. The Central Population Register (CPR) of Denmark provides

information on a person's place and date of birth, marital status and citizenship. On the basis of data contained in the CPR, "Statistics Denmark" regularly prepares statistics on age, gender, marital status, nationality, place of birth, present address and family information. In accordance with the Processing of Personal Data Act, "Statistics Denmark" does not collect information on ethnicity, race or religion. In this context, the Advisory Committee notes that some additional, albeit fragmentary, information on languages spoken by non-native Danish speakers is collected by the Ministry of Education in the process of assessing the language skills of children at the start of pre-school in order to base instruction on each child's abilities and language competencies.

32. In this context the Advisory Committee wishes to recall that international standards do not prevent states from collecting data on nationality, ethnicity and languages spoken at home. On the contrary, the Recommendations for the 2010 Censuses of Population and Housing, prepared by the Conference of European Statisticians in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, stipulate that multi-ethnic countries with long-established minorities and/or recently arrived immigrant populations may wish to collect information on the ethnic composition of the population, on mother tongue, the knowledge and practice of languages as well as on religious communities and denominations.⁶ The data are relevant for the understanding of the cultural diversity of the population, the position of ethnic groups in society as well as for the definition and monitoring of evidence-based anti-discrimination policies.

Recommendation

33. The Advisory Committee calls on the authorities to find means of obtaining reliable data on the situation of all groups irrespective of their formal recognition as national minorities. Such data collection should be carried out in close consultation with the persons concerned, while fully respecting international standards on the protection of personal data.

Danish Institute for Human Rights

34. The Advisory Committee notes with interest, that since the adoption of its third opinion on Denmark, the position and mandate of the Danish Institute for Human Rights (DIHR) have changed and its independence was strengthened in June 2012 with the enactment of a new law.⁷ The mandate of the DIHR, hitherto centred on research, promotion and coordination of human rights projects in Denmark and abroad, was explicitly expanded to promote the equal treatment of all people regardless of sex, race or ethnic origin, inter alia by the provision of assistance to victims of discrimination by pursuing their complaints about discrimination, launching independent inquiries into discrimination, publishing reports and submitting recommendations in matters regarding discrimination.

35. The Advisory Committee welcomes the information contained in the State Report that the budget of the DIHR was increased significantly in the period 2011-2012, in line with the new mandate, by €2,8 million and that this increased level of funding has been maintained in 2013 and 2014. It also notes that the independence of the DIHR was strengthened thanks to changes in the manner in which the DIHR's Board, which acts as an oversight body by laying down policy guidelines for the Institute's activities and appointing its Director, is composed. Of the 14 members of the Board, six are now

⁶ See § 413 – 444 of the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing

http://www.unece.org/fileadmin/DAM/stats/publications/CES_2010_Census_Recommendations_English.pdf

⁷ Act no. 553 Danish Institute for Human Rights – Denmark's National Human Rights Institution (DIHR) of 18 June 2012

appointed by the rectors of the Danish Universities, six by the Council for Human Rights (a mixed-composition body grouping representatives of a number of civil society organisations and authorities), one by the Greenland Council for Human Rights and one by the DIHR staff of 26.

36. In addition to its primary role, the DIHR assisted in 70 cases in relation of all forms of discrimination in 2013, up from 28 cases in 2010. In most cases, the Institute's assistance focused on the counselling of applicants and directing them either to the Board of Equal Treatment, the Ombudsman or the ordinary courts.

37. Taking into consideration the fact that the legislative changes, organisational arrangements and funding adjustments are all quite recent, the Advisory Committee is not in a position to comment on the impact that they all have on the effectiveness of the DIHR in promoting anti-discrimination measures and assisting the victims of discrimination. The Advisory Committee notes that there is a need for the DIHR to further strengthen its collaboration with the groups concerned in order to ensure that rights are protected and effectively guaranteed.

Recommendation

38. The Advisory Committee encourages the authorities to review the implementation of the Danish Institute for Human Rights – Denmark's National Human Rights Institution Act with a view to ensuring that the resources put at its disposal correspond to its expanded mandate and enable it to carry out its tasks effectively, independently and in co-operation with representatives of the minorities concerned.

Article 5 of the Framework Convention

Preservation of culture of persons belonging to national minorities

39. The Advisory Committee notes with satisfaction that according to information provided in the State Report, regional authorities in South Jutland support a number of cross-border cultural projects, the most important being the *Interreg project Kultur-Dialog* (cultural dialogue) where associations and artists from the whole region, including artists identifying with the German national minority, can obtain financing. It has to be noted, however, that these small-scale projects lack a long-term perspective that would guarantee continuity and sustainability within a comprehensive framework aiming to recognize and promote minority cultures.

40. The German national minority in South Jutland also takes an active part in activities organized in the framework of the cross-border cultural region "*Kulturregion Sønderjylland-Schleswig*" such as the Schleswig Holstein Music Festival.

41. The authorities have shown sensitivity to minority cultural sites by designating the main synagogue in Copenhagen as a protected building and thus as a site of national interest. The Advisory Committee notes however, that some cultural sites important for the German minority have not been adequately promoted as cultural heritage by the authorities, resulting in the refusal to approve bilingual topographical signs (see Article 11 below for further comments).

42. In this context the Advisory Committee draws the attention of the authorities to the fact that protecting cultural heritage is not only an essential aspect of the preservation of the identity of persons belonging to the majority but also to persons belonging to the minorities.

Recommendation

43. The Advisory Committee invites the authorities to take an active role in facilitating the expansion of the official list of cultural heritage sites with a view to promote cultural diversity in the Danish society. The authorities should also ensure continuity and sustainability of measures designed to support minority cultures.

Article 6 of the Framework Convention

Efforts to combat hostility or violence on ethnic grounds

44. The Advisory Committee notes that a general climate of tolerance prevails in Denmark. It further notes with satisfaction that the authorities continue to support programmes and initiatives, in particular of the Danish Institute for Human Rights, aimed at better understanding the problem of intolerance and discrimination among persons belonging to different minority groups, as well as campaigns valuing diversity and encouraging citizens to report any form of discrimination.

45. The Advisory Committee notes that, according to the recent 2011 survey of crime victims, conducted by the research division of the Ministry of Justice in co-operation with the University of Copenhagen, 8% of the victims of violence were quite sure that the perpetrator had racist motivations, while another 8% considered that this might have been the case. It is regrettable therefore that there are no statistics on the number of indictments and convictions in which Section 81 N° 6⁸ of the Criminal Code was invoked and influenced the sentencing.

46. In this context, the Advisory Committee welcomes Instruction N°2/2011 of the Director of Public Prosecutions, which requires the police to make specific enquiries at the investigation stage as to a possible hate motive in order to enable the prosecution to present the evidence so as to provide requisite proof of aggravating circumstances.

47. In this context the Advisory Committee wishes to recall that in its third Opinion on Denmark it recommended that additional training be made available to police officers to raise their awareness of the diverse dimensions and manifestations of racism so as to enable them to assess better whether incidents reported to them are of a racist nature.

48. The Advisory Committee notes that indeed there has been an increasing number of charges brought, albeit not followed by a higher number of convictions, under Section 266.b of the Criminal Code.⁹ Whereas in 2009, the prosecutors laid charges against 15 suspects, leading to four convictions, in 2012 there were 26 charges brought, leading also to four convictions. Finally, two convictions were reported in the period 2009-2012 in cases concerning violations of the Prohibition of Discrimination due to Race Act.

49. The increased number of charges laid by the prosecutors attests, in the opinion of the Advisory Committee, to the due attention paid by the law enforcement bodies to the Instruction of the Director of Public Prosecutions and to the success of the seminars on hate crime initiated since 2011 in all police

⁸ According to Article 81 N°6 of the Criminal Code, the fact that a criminal offence is based on, inter alia, the victim's race, ethnic origin, colour, religious beliefs or a similar motive should be considered an aggravating circumstance.

⁹ Section 266.b of the Criminal Code [*Straffeloven*] prohibits the dissemination of statements or other information by which a group of people is threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual orientation. Instigation, aiding and abetting is penalized through Section 23 of the Criminal Code. Violation of Section 266.b carries a maximum penalty of two years imprisonment.

districts in Denmark in co-operation between the Danish Security and Intelligence Service and the Danish Institute for Human Rights.

50. However, the Advisory Committee notes with concern the proposed amendment to Section 266.b of the Criminal Code, which would decriminalise insulting and degrading speech and criminalise only statements leading to disturbance of the public order. It wishes to convey the sentiment of representatives of different ethnic communities that further weakening Section 266.b of the Criminal Code, which already does not offer sufficient and effective protection against hate speech, runs contrary to the Committee of Ministers' Recommendation N° R(97)20 on Hate Speech. The proposed amendment would therefore inevitably lead to the worsening of the climate of the public debate in Denmark and increased polarisation of society.

51. The Advisory Committee notes further that the Danish Institute for Human Rights recommended in its Status Report for 2013 that the authorities draft a national action plan against hate crimes and initiate a broad effort to promote victims' courage, willingness and ability to report hate crime.

Recommendations

52. The Advisory Committee calls on the authorities to ensure that there is a sufficient and effective legal basis for addressing cases of hate speech as well as for tackling the racist motives of crimes.

53. The authorities should continue and further develop the programmes and policies for promoting integration, diversity and tolerance in Danish society and monitor them on a regular basis.

54. Further efforts should be undertaken to raise the awareness of all law enforcement agencies on the question of hate crime.

Preventing ethnic discrimination and promoting tolerance

55. The Advisory Committee notes that since 2005, the authorities have established, as a target, that a minimum 4% of the workers within the public administration should have an ethnic background other than Danish. As no data on ethnicity is collected in Denmark, the authorities rely in assessing the situation on the place of birth of employees or of their parents. The Advisory Committee welcomes the information, that according to the data collected by the Agency for the Modernisation of Public Administration, the percentage of persons with an ethnic background other than Danish employed within the state administration increased from 2005 to 2012 from 2 to 3.2% and that persons with an ethnic background other than Danish constituted 6% of newly employed public servants in 2012.

56. Additionally, the Danish Police have made efforts to recruit persons of different ethnic backgrounds into the police force. One recent initiative was the publication of the leaflet "Police job – a future for your children" in eight different languages. According to the data provided by the National Police College, applicants with an ethnic background other than Danish constituted each year no less than 5,5% of the applicants between 2009 and 2012. Although persons of non-Danish origin were on average less successful in passing admission tests, the number of persons recruited by the Danish police has been no less than 2.1% of the total in the same period. The Advisory Committee notes with satisfaction that similar initiatives have been undertaken by the prison service (preparatory school courses for prospective applicants of non-Danish background), the military (adoption of the Diversity Policy by the Ministry of Defence in 2011) and the Court Administration (awareness-raising about the guidelines of the Agency for the Modernisation of Public Administration).

57. The Advisory Committee is concerned it worrying however, that unemployment among non-ethnic Danes and their descendants, which stood at 15,3% in 2012, remains almost three times higher than that of persons of Danish origin.

Recommendation

58. The Advisory Committee invites the authorities to introduce targeted and effective policies and measures to combat unemployment among persons with an ethnic background other than Danish and to pursue efforts to recruit such persons into state institutions.

Discrimination against Roma

59. The Advisory Committee learns that the authorities adopted in 2011 the National Action Plan for Roma Inclusion, developed as part of the EU Framework for National Roma Integration Strategies up to 2020, whose principal aims have been determined to be the inclusion of Roma in the mainstream society, combating poverty and social exclusion and disseminating knowledge on best practices and agreed principles for Roma inclusion to the municipal level. It is particularly welcome that a specific budgetary allocation of €2,7 million accompanied the adoption of the National Action Plan. It is also welcome that specific Roma classes in primary school in Elsinore and a Roma office in the Job Centre have been discontinued to avoid stigmatisation and to help the Roma towards better inclusion. However, the Advisory Committee finds it disturbing that some media and politicians single out Roma and stereotype them as a group engaging in criminal activity. Roma also face discrimination in access to camping sites and there are instances of their being denied access to public places as well as allegations of ethnic profiling by the police. According to Roma representatives, the majority population's attitude is negative, due to persistent negative media coverage and police reporting of ethnicity of Roma suspects, unlike that of other suspects.

Recommendation

60. The Advisory Committee calls on the authorities to pursue and develop without delay measures to combat discrimination against the Roma and introduce targeted policies promoting their full and effective equality in all areas.

Media reporting and political discourse

61. The Advisory Committee recalls that in its third Opinion it noted with concern reports that some media spread distorted and discriminatory image of groups such as the Roma and Muslims and that additional measures needed to be taken to ensure that the media fully comply with the rules of professional conduct, with the view to dissemination of a more accurate image of persons belonging to national minorities.

62. The Advisory Committee is therefore concerned that instances of racist and stigmatising speech in the media and in the political discourse in particular against the Muslims and Roma continue to be reported. The assessment of the Advisory Committee on this issue concurs with that of the Commissioner on Human Rights¹⁰ and the European Commission against Racism and Intolerance.¹¹

¹⁰ See Report by Nils Muižnieks, Commissioner of Human rights of the Council of Europe following his visit to Denmark from 19 to 21 November 2013 § 84 et seq (doc ref. CommDH(2014)4)

¹¹ ECRI Report on Denmark (fourth monitoring cycle) adopted on 23 March 2012 § 84 et seq (doc.ref.: CRI(2012)25)

63. Independent studies, such as the “Analysis of Danish Media setting and framing of Muslims, Islam and racism”¹² published in March 2012 by the Danish National Centre for Social Research also suggest that the media coverage of issues concerning dealing with Muslims is predominantly negative and hostile towards them. The study asserted that that about 58% of the articles dealing with Muslims were negatively portrayed and contributed to shaping hostility towards Muslims. In contrast, the tone of only about a third of the news stories was neutral, while about 8% of the articles positively portrayed and identified Muslims as inclusive.

64. The Advisory Committee finds it particularly disturbing that the media analysis indicated that most news stories were restricted to topics such as extremism, terror, sharia, freedom of speech, democracy versus Islam, and women’s rights, which contribute to negative stereotyping of Muslims. More positive topics such as the general contribution of Muslims to Danish society, the everyday life of the vast majority of Muslims, the value of ethnic, religious and cultural diversity, and discrimination against Muslims appeared in newspapers less frequently.

65. The Advisory Committee has often recalled that xenophobic and intolerant speech in public life has negative consequences for the society’s understanding of minority identities and issues and is likely to prevent the development of genuine inter-cultural dialogue.

Recommendation

66. The Advisory Committee strongly urges the authorities to combat effectively all manifestations of intolerance, racism, and xenophobia. In particular, the Advisory Committee urges the authorities to take further legislative measures and policies to combat racist manifestations in the media, including in the political arena, in the spirit of the Committee of Ministers’ Recommendation N° R(97)20 on Hate Speech.

Article 8 of the Framework Convention

The right to manifest one’s religion or belief

67. The Advisory Committee notes that the names of new-born children are recorded in a registry administered by the Danish National Church. This system does not seem to interfere with the freedom of conscience and religion of persons who are not members of this Church as the documents delivered no longer carry its insignia or reference to the Church.

68. The Advisory Committee notes with regret however, that in September 2013, ritual slaughter of animals in accordance with the kosher rules in Judaism and halal rules in Islam, became illegal in Denmark. The Advisory Committee recalls that the European Court of Human Rights ruled in 2000 that “ritual slaughter must be considered to be covered by a right guaranteed by the Convention, namely the right to manifest one’s religion in observance, within the meaning of Article 9”.¹³ While this ban in practice seems to have little impact on the availability of meat from animals slaughtered according to the kosher rules, imported from abroad, it does send a negative signal to the Jews and Muslims indicating lack of respect for their rights to practice rites called for by Judaism and Islam respectively.

¹² See “Analysis of Danish Media setting and framing of Muslims, Islam and racism” Sara Jul Jacobsen, Tina Gudrun Jensen, Kathrine Vitus and Kristina Weibel, The Danish National Centre for Social Research, March 2012, page 61, <http://www.ces.uc.pt/projectos/tolerance/media/Working%20paper%205/Analysis%20of%20Danish%20Media%20setting%20and%20framing%20of%20Muslims%20Islam%20and%20racism.pdf>

¹³ See paragraph 74 of the ruling of 27 June 2000 in the case of Jewish Liturgical Association Cha’are Shalom Ve Tzedek v. France, (App No. 27417/95) <http://hudoc.echr.coe.int>

69. The Advisory Committee also notes that there has been a wide debate in Denmark on the circumcision of boys. It further notes that the Ministry of Health asked the Danish Health and Medicines Authority to investigate the practice in November 2012. The study produced by this Authority found no reasons for banning the circumcision in general. Another report, by the National Agency for Patients' Rights and Complaints and the Patient Insurance Association is due in early 2016. In this context, the Advisory Committee considers that the outcome of the debate is likely to affect the right of persons belonging to certain groups, notably the Jews and the Muslims, to practice their religions. At the same time, the Advisory Committee agrees that certain conditions on the practice of circumcision of boys can be legitimately imposed by law in the interest of the health of children as long as they are proportionate in relation to this aim.

Recommendation

70. The Advisory Committee calls on the authorities to adopt a religiously sensitive approach to the question of ritual slaughter of animals and consider, in consultation with those concerned, solutions which take into account religious freedom. It also encourages the authorities to continue, together with the groups concerned, to search for pragmatic solutions to the issue of circumcision of boys, taking the health of children fully into account, while ensuring that the outcome does not unduly interfere with the practice of religious traditions at issue.

Article 9 of the Framework Convention

Minority language media

71. The Advisory Committee welcomes the information provided by representatives of the German minority that the financial situation of the daily *Der Nordschleswiger* has improved in recent years as a result of changes introduced by the authorities to the system of allocation of subsidies. This development implements one of the priority recommendations made by the Advisory Committee in the previous cycle of monitoring, and is very welcome indeed. The subsidies, which used to be calculated on the basis of the number of printed copies, are now based on the number of journalists employed by the paper. Furthermore, the Advisory Committee acknowledges information that a private Danish radio station broadcasting in South Jutland carries German language news programmes three times daily.

72. As regards television programming, the Advisory Committee notes that there is neither public nor private broadcasting in the German language in South Jutland. It commends, however, the fact that a regional public television station regularly produces programmes in Danish about the German minority in South Jutland, in spite of the fact that this programming does not constitute its "public service duty" according to the Danish legislation.

Recommendation

73. The Advisory Committee encourages the authorities to continue supporting sustainable development of the German language printed media as well as radio and television broadcasting programmes for and about the German national minority.

Article 10 of the Framework Convention

Use of minority language in local administration

74. The Advisory Committee notes with satisfaction that its previous positive assessment of the possibility for persons associating with the German minority to communicate in German with employees in Tønder, Aabenraa (Åbenrå), Sønderborg and Haderslev municipalities, has remained valid, as most

officials in these local authorities are bilingual in Danish and German. Some of the webpages of these municipalities have also been translated into German and English. However, the procedures for the use of a minority language in written and oral communication with the local authorities by persons belonging to national minorities are not determined by any specific regulation and/or set of rules established at the local level and are not monitored.

75. The Advisory Committee notes that the public administration is undergoing a process of digitalisation, and some services, such as the Danish Tax and Customs Administration, now require that tax returns be filed electronically. According to national minority representatives, this process, which has resulted in the closing down of local branches of the Tax and Customs Administration, has significantly impacted the possibility of some persons, in particular those lacking computer skills, such as among the elderly population, to address their concerns to an official who would be able to answer their queries in the language they understand best.

76. The Advisory Committee is aware that questions can be submitted over the phone to competent officials. It is, however, concerned about the fact that no clear information is available on how to contact officials who would be able to answer in German. For instance, the website of the Danish Tax Authorities¹⁴ does not offer any German pages let alone reference to a telephone number that allows the caller to speak German. This may have negative consequences for persons belonging to the German national minority (see further below comments with respect to Article 15).

Recommendation

77. The Advisory Committee calls on the authorities to ensure, when implementing the digitalisation strategy, that persons belonging to the German minority continue to be able to communicate fully in German, including electronically, with all bodies of administration concerned.

Article 11 of the Framework Convention

Display of traditional local names, street names and other topographical indications

78. The Advisory Committee learns that there has been no progress as regards display of traditional local names, street names and other topographical indications in German. German minority representatives consider that although this issue is not as crucial for the preservation of their identity in Denmark as is schooling in the German language (see further below comments with respect to Article 14), it is indicative of the attitude of the majority towards accepting the minority identity as part of South Jutland's heritage and as a lasting presence.

79. The Advisory Committee considers that the refusal of the Danish Road Directorate to authorise placing of a German language sign indicating Knivsbjerg, a cultural centre significant for the German minority, sent a strong negative signal to local authorities. This is particularly regrettable as it is a national level administration that has set the standard, which is then followed by local authorities. The Advisory Committee recalls that it is the national government which is ultimately responsible for implementing the Framework Convention and therefore it is up to the national authorities to take appropriate measures on the issue of topographical indications in the minority language.

80. In this context, the Advisory Committee notes that representatives of the German minority are reluctant to spend considerable effort on an issue which seems to be controversial and which appears to

¹⁴ See www.skat.dk

be blocked at the national level, and which can only be resolved by central authorities showing good will and positive example.

Recommendation

81. The Advisory Committee invites the central authorities to seek solutions which would allow the display of traditional local names, street names and other topographical indications and signs in places of particular interest to the German national minority in South Jutland.

Article 12 of the Framework Convention

Promotion of knowledge of the culture, history and language of national minorities

82. The Advisory Committee welcomes that the primary school curriculum sets broad goals for what children should learn in class, and specifies that local history and culture should be taught. The curriculum also sets binding targets for children's awareness of culture and stereotypes affecting various ethnic and religious groups in a multicultural society, and aims to encourage a critical debate on social and cultural issues. It has to be noted, however, that there is a lack of general understanding in the wider society about minority issues and diversity in Denmark.

83. The Advisory Committee notes with satisfaction that, according to German minority representatives, schools teaching in the German language have become a fully integrated element of the Danish educational system, with some Danish-speaking parents choosing to educate their children through the medium of the German language in these schools.

Recommendations

84. The Advisory Committee invites the authorities to continue to monitor the visibility of the German culture and language within the Danish education system.

85. The Advisory Committee encourages the authorities to promote knowledge and awareness of minorities in the educational system.

Article 14 of the Framework Convention

Minority language teaching

86. The Advisory Committee notes that schools teaching in the German language operate as private educational institutions and are co-financed by the central state authorities of Denmark and Germany, the Danish municipalities concerned, the Land of Schleswig-Holstein (Germany) and parents. There are currently 14 primary and lower secondary schools, one upper secondary school and one private independent boarding school teaching in the German language in Denmark. The Advisory Committee further notes that the number of children attending primary and secondary schools teaching in the German language has remained stable in the last four years, with around 1 400 children enrolled in these institutions.¹⁵ Representatives of the German minority consider that the number of schools and their location fully meet the demand for German language teaching in South Jutland. The Advisory Committee also notes with satisfaction that the amount of the state subsidy provided by the Danish authorities per child in schools teaching in the German language increased in 2011 to match the state subsidy per child in Danish language public schools.

¹⁵ In September 2013 there were 1 218 children enrolled in primary and lower secondary schools and 164 children in upper secondary schools teaching in the German language.

87. The Advisory Committee further notes that, under the existing legislation¹⁶ municipalities in Denmark are required to offer mother tongue classes to pupils who speak languages of the EU/EEA Member States, as well as Faroese and Greenlandic, provided that a request is made on behalf of at least 12 children and that a qualified teacher can be provided.¹⁷

88. The Advisory Committee regrets that the Ministry of Education was not able to provide information on the number of classes where Faroese and Greenlandic languages were taught in mainland Denmark. According to information provided by representatives of the Faroese and Greenlandic communities, such classes are very few and do not meet the demand for teaching of these languages. Although some teaching is organised in Copenhagen at the Faroese community hall in Føroyahúsið and the Greenlandic House *Lovstræ Kalaallit Illuutaat* most of the children of Faroese and Greenlandic descent do not learn their mother tongues and assimilate rapidly in the mainstream Danish society. The Advisory Committee finds this situation regrettable, as learning Faroese and Greenlandic languages is a right recognised by Danish law. The absence of adequate opportunities for learning these languages also demonstrates that a combination of factors, such as the high numerical threshold and the lack of successful enforcement of these rights, make the relevant legislative provision a dead letter.

Recommendation

89. The Advisory Committee calls upon the authorities to intensify their dialogue with representatives of different groups to whom legislation on teaching in or of mother tongues applies, in order to analyse the existing needs and find appropriate solutions allowing all interested to receive instruction in or of their minority language.

Article 15 of the Framework Convention

Consultative bodies and participation in public affairs

90. The Advisory Committee notes with satisfaction that the well-established system of consultation between representative organisations of persons belonging to the German minority and the authorities has continued to function smoothly in the last years. In particular, the Liaison Committee concerning the German Minority and the Secretariat of the German Minority in Copenhagen serve as contact points to identify negotiated solutions to the problems concerning that minority, in the context of the climate of mutual trust which prevails between everyone involved. The Advisory Committee is concerned, however, that for groups that have not been formally recognised, there is no structured dialogue.

91. At the local level, persons belonging to the German minority are well represented in the municipal councils in Tønder, Aabenraa (Åbenrå), Sønderborg and Haderslev. According to the local representatives the Advisory Committee met during the visit, the electoral weight of the German minority in South Jutland is not of particular importance, as most issues are resolved through consensus or at least by seeking compromise solutions which would be acceptable to all.

¹⁶ LF 142 01/02 (2. samling). *Modersmålsundervisning og sprogstimulering. Vedtaget af Folketinget ved 3. behandling den 23. maj 2002 Forslag til Lov om ændring af lov om folkeskolen og lov om friskoler og private grundskoler m.v.* (Mother tongue education and language stimulation. Adopted by Parliament on 23 May 2002 Law amending the Law on primary and Law on Private and Independent Schools etc.(Mother tongue education and language stimulation)

¹⁷ According to the “Study on educational support for newly arrived migrant children: Case study report Denmark” in the school year 2012-2013 German, English, French, Spanish, Icelandic and Polish language classes were taught to children as elective subjects outside of normal class schedules. (published by the Public Policy and Management Institute on behalf of the European Commission http://edz.bib.uni-mannheim.de/daten/edz-b/gdbk/13/bld/migrant_denmark_en.pdf)

92. The Advisory Committee notes that the Schleswig Party, representing interests of persons belonging to the German minority increased its electoral appeal in the 2013 municipal elections, after decades of decline.¹⁸ This allowed the Party to secure one mandate in Haderslev, two mandates in Aabenraa (Åbenrå), three in Sønderborg (up from one in 2009) and three in Tønder (up from two in 2009).

93. The Advisory Committee considers, however, that occasionally, reforms undertaken on a country-wide basis, such as introduction of e-administration can have a negative impact on the ability of persons belonging to national minorities, in particular those lacking computer skills, such as the elderly population, to participate fully in social and economic life and in public affairs.

Recommendation

94. The Advisory Committee again encourages the authorities to pursue their dialogue-based approach in order to maintain the effective participation of representatives of the German minority in decision-making as well as consider establishing effective consultative mechanisms with groups seeking protection under the Framework Convention.

Articles 17 and 18 of the Framework Convention

Bilateral agreements and promotion of trans-frontier co-operation

95. The Advisory Committee recalls the crucial importance and success of the Copenhagen-Bonn Declarations of 1955 that have been a cornerstone for developing the rights of persons belonging to the German minority in Denmark and the Danish minority in Germany. These declarations, which can be rightfully perceived as models for amicable and peaceful solutions to minority problems and which have contributed to the development of fruitful relations in the border region, have been tested by the passage of time.

96. The system of protection of German minority rights in Denmark and Danish minority rights in Germany has evolved over the years to depend on “kin”-state funding. The Advisory Committee wishes nonetheless to recall that the protection of national minorities’ rights in any state is primarily a responsibility of that state and not of the “kin”-state.

97. The trans-frontier co-operation and free contacts across the Danish-German border contribute constantly to the Danish-German relations. The Advisory Committee wishes to underline the importance of consulting with representatives of the German minority when such trans-frontier co-operation projects are planned and implemented (see related comments above under Article 5).

Recommendation

98. The Advisory Committee invites the authorities to ensure the effective participation of the German minority when designing and implementing cross-border projects.

¹⁸ At the municipal election on 19 November 2013, the Schleswig Party obtained 8 620 votes, significantly more than the 5 249 votes in 2009.

III. CONCLUSIONS

99. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Denmark.

100. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action¹⁹

- **introduce additional and targeted initiatives and policies to combat all manifestations of intolerance, racism and xenophobia, in particular by addressing systematically racist manifestations in the media and the political sphere;**
- **ensure that persons belonging to the German minority continue to be able to communicate fully using the German language with all bodies of administration, including electronically;**
- **intensify dialogue with representatives of different groups, in order to analyse the existing needs and find appropriate solutions allowing all interested to receive teaching in or of their language.**

Further recommendations²⁰

- intensify dialogue with the individuals and groups that express interest in or might benefit from the protection offered by the Framework Convention; consider applying provisions of the Framework Convention to interested groups, on an article-by-article basis, without necessarily formally recognising them as belonging to a national minority;
- review the implementation of the Danish Institute for Human Rights – Denmark's National Human Rights Institution Act with the view of ensuring that the resources put at its disposal correspond to its expanded mandate;
- increase public awareness about the work of the Board of Equal Treatment, in particular among persons with an ethnic background other than Danish;
- develop further the programmes and policies for promoting integration, diversity and tolerance in Danish society and monitor them on a regular basis; promote knowledge and awareness of minorities especially in the educational system;

¹⁹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

²⁰ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- seek solutions, including with regard to cultural heritage recognition, which would allow the display of bilingual topographical indications and signs in places of particular interest to the German national minority.