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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

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

**DENMARK**

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## **Part I. General information on the European Minority Languages Charter and its implementation in Denmark**

### **1. Introduction on the implementation of the Minority Languages Charter in Denmark**

Denmark ratified the European Charter for Regional or Minority Languages of 5 November 1992 (Minority Languages Charter) on 8 September 2000. The Charter entered into force for Denmark on 1 January 2001. Prior to ratification, on 24 November 1999, the Danish Minister for Foreign Affairs presented a proposal for a parliamentary resolution on Denmark's ratification of the Minority Languages Charter (motion for resolution No. B 50). On 26 May 2000, Parliament (the Folketing) gave its approval for ratification.

The purpose of the Charter is to protect and promote the historical regional or minority languages of Europe as a threatened aspect of Europe's cultural heritage. The Charter does not, on the other hand, set out to protect linguistic minorities, nor does it establish any individual or collective rights for the speakers of regional or minority languages. The Charter covers languages that are traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population. The Charter does not include either dialects of the official language(s) of the state or the languages of migrants.

The Minority Languages Charter contains a preamble and 23 articles. It is to a wide extent based on an "à la carte" system, enabling the States Parties to specify the provisions that seem to be most appropriate for the individual languages.

At the time of ratification, Denmark identified German as a minority language in the sense of the Charter and therefore declared that the Minority Languages Charter will apply to German in respect of the *German minority in South Jutland*. The German minority comprises 15-20,000 people, who reside mainly in the southern and western parts of Sønderjylland County, where they account for between five and twenty per cent of the population in some of the 23 local authority areas. Most members of the German minority in Denmark are Danish nationals.

The German minority came into existence after World War I: In 1920 referendums were held in northern and central Schleswig, resulting in the reunification of North Schleswig and Denmark the same year. This step brought about a German minority in Denmark. In the inter-war period, the German minority was in favour of a border rectification. Immediately after the end of World War II, the Danish Government established that the border between Denmark and Germany is definite. The German minority proclaimed its loyalty to the Danish King and State and recognised the border. The permanent nature of the Danish-German border was subsequently recognised by all parties in the Danish-German borderland – the states, the majorities as well as the national minorities. The consensus on this issue provided a basis for the declarations by the governments of Denmark and Germany of 29 March 1955 on the rights of the two countries' national minorities north and south of the Danish-German border, the so-called Copenhagen-Bonn Declarations (Appendix 1). The Copenhagen Declaration confers various individual rights on the members of the German minority and lays down some general principles obliging the Danish authorities to take the minority's interests into account. One of these principles is that persons belonging to the German minority must not be prevented, orally and in writing, from using the language of their choice. The use of the German language in court and in communication with public authorities complies with relevant statutory rules and regulations. Another central issue is the principle that a person

may freely profess his loyalty to German nationality and German culture and that such a profession of loyalty must not be contested or verified by the authorities.

The protection of the German minority's fundamental rights is also safeguarded by the general provisions of the Constitutional Act of the Kingdom of Denmark (Appendix 2) and other legislation governing equality before the law, freedom of religion and expression, freedom of association and assembly, etc. Added to this, there are the obligations Denmark has assumed under international conventions.

To ensure the continued promotion of the German minority's interests through contact with the Danish Parliament and Government, it was decided in 1965 to set up the Liaison Committee concerning the German Minority. In this forum, representatives of the German minority together with the Danish Government and members of the political parties represented in Parliament negotiate domestic policy affairs of interest to the minority. The Committee was set up because the German minority was no longer represented in Parliament and has, since its establishment, demonstrated its vital significance as a practical instrument for solving the minority's problems. Moreover, in 1983 a special Secretariat to the German Minority was set up in Copenhagen. The operation of the Secretariat is financed by subsidies from the Danish Government, but it does not fall within the responsibilities of a government department. The head of the Secretariat is appointed by the German minority. The duties of the Secretariat include, amongst others, the ongoing observation of parliamentary work, both plenary and committee meetings, contact with Parliament, the Government and ministries as well as representation of the minority's interests. The head of the Secretariat has participated as a member of the Danish official delegation to international meetings of relevance to minority issues.

Against this background, it is evident that the problems that used to exist between the two ethnic groups of the borderland have yielded to mutual respect and close cooperation in which consideration for the minority's wish to use its own language is taken into account as a matter of course.

In this context, even long before Denmark's ratification of the Minority Languages Charter, Denmark had thus provided solutions for the German language that satisfy the principles of the Charter for the protection of regional or minority languages. For example, it is an established fact that existing Danish legislation and administrative practice comply with the principles of the Charter, and Denmark has therefore not amended its statutes nor taken other special measures to give effect to these principles.

In connection with Denmark's ratification of the Minority Languages Charter, Denmark made a declaration concerning the Faroese and Greenlandic languages. It appears from the declaration that the Faroese and Greenlandic languages, under the Home Rule Acts for the Faroe Islands and Greenland, enjoy a high degree of protection and that the provisions of the Charter will therefore not be applicable to the Faroese and Greenlandic languages, see Article 4, paragraph 2, and that the Danish Government therefore does not intend to present periodical reports under Article 15 of the Charter in respect of the languages in question.

At the time of depositing Denmark's instrument of ratification, Denmark's permanent representative to the Council of Europe forwarded certified translations into English of the Greenland Home Rule Act of 29 November 1978 and the Home Rule Act of the Faroe Islands of 23 March 1948, on the basis of which statutory consultations have been conducted as part of the ratification process. Reference is made to Articles 9 and 11 of the respective home rule acts and to the lists of cases transferred to the home rule authorities.

The Minority Languages Charter is not designed to remedy the language difficulties arisen in conjunction with the migrations of recent years, and the Charter consequently does not apply to the languages of migrants, see the definition set out in Article 1. Therefore, the Charter does not cover a language such as Romany, which is spoken by the about 1500 Romanies in Denmark. About 800 of these people arrived in Denmark in the late 1960s, and most of the rest in the mid-1990s in connection with the conflicts in the former Yugoslavia. The Romanies have thus no historical or long-term affiliation to Denmark.

It should be emphasised, however, that all persons residing in Denmark are entitled to speak the language of their choice. The fact that the Minority Languages Charter does not apply to a certain language therefore only means that the language in question is not covered by the special promotional measures specified in the Charter.

## **2. Demographics**

German is spoken by the German minority in South Jutland.

The presence of a German-minded community in South Jutland can be ascribed to historical developments, which brought the region under alternately Danish and German rule. The Duchy of Schleswig was created in the 12<sup>th</sup> century and, with its changeable history, belonged to Denmark until the defeat to Prussia and Austria in the Danish-German war of 1864. In consequence, South Jutland – together with the German-speaking, but Danish duchies of Holstein and Lauenburg – was later annexed to Prussia. After the end of World War I, the Versailles Treaty of 1919 between the Allied victors and Germany called for the holding of referendums in northern and central Schleswig. The referendums were held in February and March 1920, respectively. The results meant that Schleswig was divided and that North Schleswig was surrendered by Germany and, therefore, reunited with Denmark in the summer of 1920. These events left the present national minorities in the Danish-German borderland: The Danish minority in Germany and the German minority in Denmark. The German community demanded that the delineation of the border should be rectified. Up to 1933 the German minority demanded that the parts of North Schleswig that achieved a German majority in the referendum of March 1920 should be reunited with Germany. After the Nazis seized power in Germany in 1933, the German minority insisted on the return to Germany of all of North Schleswig. After World War II, the newly organised German minority made a declaration of loyalty to Denmark and also recognised the border from 1920. In 1955 the foundations for the present state of total détente were provided with the Copenhagen-Bonn Declarations. In these parallel and almost identical declarations, which are still in force, the Danish Government established the German minority's rights in Denmark, whereas the Western German Government established the Danish minority's rights in the Federal Republic of Germany.

The compilation of statistics on Danish demography is the responsibility of Statistics Denmark. Statistics Denmark registers no information on minorities other than nationals of foreign states and persons born outside Denmark. Since affiliation to the German minority, for instance under the Copenhagen Declaration of 1955, is based on a free, individual choice, this cannot be registered anywhere either.

Consequently, there is no official record of the size of the German minority in Denmark, but the German minority itself has stated that it comprises about 15-20,000 people.

The minority, fluent in both German and Danish, mainly resides in the southern and western parts of Sønderjylland County, where it constitutes between 5 and 20 per cent of the population in some of the county's local authority areas. Moreover, members of the German minority live scattered throughout other parts of the region.

As practically all members of the German minority speak German, the members of the German minority are defined as "speakers of regional or minority languages".

### **3. Organisations promoting the protection of the German language in Denmark**

The European Bureau for Lesser Used Languages (EBLUL), which is an independent, pan-European organisation established in 1982 and funded by the European Union, aims to facilitate the use of minority languages in EU member states. EBLUL cooperates with a broad range of organisations of European minorities, including Bund deutscher Nordschleswiger. EBLUL has Member State Committees in all EU member states, apart from Greece. In Denmark EBLUL only comprises the German minority in South Jutland. Through this cooperation, EBLUL contributes to promoting the German minority in South Jutland, including the German language. EBLUL is currently preparing a homepage with a special view to the language and culture of the German minority.

Verein für deutsche Kulturbeziehungen im Ausland (VDA) aims to ensure that German-language minorities worldwide are capable of maintaining contact to Germany and to the German culture and language. VDA grants support to, among others, German media outside Germany and organises lectures and seminars for members of the German minorities. The German minority runs a local unit of VDA.

### **4. Organisations and institutions consulted in connection with the preparation of this report**

The report has been prepared by the Danish Ministry of Interior Affairs and Health on the basis of consultations of various other Danish government departments and the Government Office of Sønderjylland County. The Secretariat to the German Minority in Copenhagen and the Danish Institute of Border Region Studies have also contributed to and commented on the contents of the report.

Furthermore, the report has been submitted to Sønderjylland County and to the Association of Local Authorities in South Jutland.

### **5. Denmark's fulfilment of its undertaking to provide information under Article 6 of the Charter**

In 2001 the Danish Ministry of Foreign Affairs published a booklet on the Minority Languages Charter, available in both a Danish and a German edition (Appendix 3). The booklet explains the importance of the Charter in all relevant legal areas. The booklet has been forwarded to the relevant Danish government departments and to the authorities of South Jutland, including the Government Office of Sønderjylland County. In addition, the book has been sent to the local authorities of South Jutland and to Sønderjylland County. The German minority has received 6000 copies in German and 1000 copies in Danish for distribution among its members.

The contents of the Minority Languages Charter have been the subject of in-depth debate in the Liaison Committee concerning the German Minority. This report has also been made

available to the public in both a printed edition and in electronic form at the Ministry of Interior Affairs and Health' website.

Like all other motions for resolutions and bills, the Minority Languages Charter has been published in the Official Report of the Folketing Proceedings, Annex A, and was advertised in the Law Gazette C by Order No. 28 of 23 August 2001. Moreover, the Minority Languages Charter is available at the Ministry of Foreign Affairs' website and will also be available at the Ministry of Interior Affairs and Health' website.

## **6. Denmark's implementation of Article 7 of the Charter in respect of German**

### **6.1 General**

Article 7 of the Minority Languages Charter enunciates various general objectives and principles applying to all the regional or minority languages that are spoken within the territories of the States Parties and which fall within the definition in Article 1. In Denmark's case, Article 7 applies in respect of German.

Article 7 lays down, among other stipulations, that the States Parties must base their policies and legislation on the recognition of the regional or minority languages as an expression of cultural wealth and on the respect of the geographical area of each of these languages in order to ensure that administrative divisions do not constitute an obstacle to the promotion of the languages in question. Article 7 further prohibits any unjustified discrimination relating to the use of regional or minority languages and obliges the States Parties to promote mutual respect and understanding between all the linguistic groups of the country, especially within the educational system and the mass media.

The members of the German minority are protected under section 70 of the Danish Constitution, which reads as follows, "No person shall be deprived of access to the full enjoyment of civic and political rights for reasons of creed or descent".

Section 70 of the Constitution means that members of the German minority must not, because of their descent, encounter any obstacles in their access to the enjoyment of the rights enjoyed by any Danish national.

In addition, section 77 of the Constitution lays down that "any person shall be at liberty to publish his ideas in print, in writing, and in speech", and the right to speak or write in a minority language is not subject to any restriction under current Danish law.

### **6.2 German**

The Copenhagen Declaration of 1955 lays down the fundamental principles governing the peaceful co-existence between the German minority and the rest of Danish society and is rooted in, for example, the recognition of the German language as an expression of cultural wealth. The Copenhagen Declaration of 1955 thus incorporates the principle that persons belonging to the German minority must not be prevented from using the language of their choice, see Part II, paragraph 2, of the Declaration. The provision covers the right to use German in both public and private life.

This principle must be seen in combination with the principle of the Declaration that a person may freely profess his loyalty to German nationality and German culture and that such a

profession of loyalty must not be contested or verified by the authorities, see Part II, paragraph 1, of the Declaration.

These principles have been implemented in detail through various provisions of Danish legislation.

The right to use German in legal proceedings is for instance safeguarded by the provisions of the Danish Administration of Justice Act. In civil cases, it is thus allowed to produce documents and evidence in German – if necessary by the use of interpreters and/or translations. The validity of legal documents must not be denied solely because they are drafted in German.

It thus appears from section 149(2), first clause, of the Administration of Justice Act that “documents issued in a foreign language shall be accompanied by a translation into Danish, which, if required by the court or the adversary, shall be certified by an authorised translator”. Under section 149(2), second clause, however, the right to a translation may be waived when both parties agree to do so and the court believes it has adequate knowledge of the foreign language.

The German minority’s right to use German in both private life and in its relations with public authorities is free and unobstructed, and there are no administrative or other divisions that constitute an obstacle to the promotion of the German language in South Jutland. The Danish Government will bear in mind also in the future that such divisions should not be implemented.

Reference is also made to the comments on the individual articles below.

### *6.3 General measures to eliminate distinctions and promote mutual understanding between all linguistic groups in Denmark*

*Endeavours are made at the early stages of primary education in the Danish Folkeskole (primary and lower secondary school) to promote a common understanding between all linguistic and cultural groups in Denmark, including equality between these groups. Section 1(3) of the Danish Folkeskole Act reads as follows: “The Folkeskole shall familiarise the pupils with Danish culture and contribute to their understanding of other cultures and of man’s interaction with nature. The school shall prepare the pupils for active participation, joint responsibility, rights and duties in a society based on freedom and democracy. The teaching of the school and its daily life must therefore build on intellectual freedom, equality and democracy.”*

*The local council is responsible for the detailed planning of teaching in the Folkeskole in cooperation with the individual school. Therefore, not least the schools in South Jutland have ample opportunities to strengthen the pupils’ knowledge under the special circumstances relating to the German minority and, in that manner, provide the optimum platform for ensuring that the members of the minority are met with understanding and respect when they wish to use their own language.*

*The Folkeskole Act also allows the Folkeskole to offer a broad range of culture and leisure activities in close cooperation with the socio-cultural and associative life of the local community. This also opens up an opportunity for establishing close cooperation with the German minority’s organisations for the development of mutual understanding between the linguistic groups.*



*The Board for Ethnic Equality was set up in 1993 for the purpose of ensuring that the issue of ethnic equality is incorporated into all aspects of community life and for the purpose of highlighting and counteracting discrimination against persons of Danish and other ethnic origins.*

*In 1997 the Folketing passed a new Board for Ethnic Equality Act, strengthening the position of the Board in several ways. The effect of the legislative amendment was that the Board now has a statutory right to make statements on ethnic discrimination, including issues concerning discrimination against the German minority. Thus, it has been emphasised that the Board can discuss problems within the framework of the Act and issue opinions on the basis of requests from individuals. It is therefore possible for the Board to take measures to promote understanding between all ethnic groups, including all linguistic groups, in Denmark.*

*The Board for Ethnic Equality is due to be closed down at the end of 2002. The closure should be seen in the light of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. By an Act establishing the Danish Centre for International Studies and Human Rights (Act No. 411 of 6 June 2002), the Danish Government has implemented the provisions of Article 13, paragraphs 1 and 2, requiring member states to designate independent bodies for the promotion of equal treatment. The Act thus entails the establishment of an Institute for Human Rights, whose duties include the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, see section 2(2), para. 4, of the Act.*

*As mentioned above, the Liaison Committee concerning the German Minority was set up in 1965. In this forum, representatives of the German minority together with the Danish Government and members of the political parties represented in Parliament negotiate domestic policy affairs, including linguistic issues. The implementation of the Minority Languages Charter in Denmark has for instance been up for discussion in the Liaison Committee several times, on which occasions the minority has proposed measures to ensure the best possible promotion of the objectives of the Charter.*

*The Secretariat to the German Minority, established in 1983, is also in regular contact with the Government on issues of any nature, including linguistic issues.*

## **Part II. Denmark's implementation of the provisions specified by Denmark as applying to German as a minority language**

In compliance with Article 3(1) of the Charter, Denmark has specified German as a minority language, to which the provisions chosen under Article 2(2) of the Charter will apply after the Charter has entered into force in Denmark.

### **Article 8 – Education**

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

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

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

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

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

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

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

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

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

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

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

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

*The provisions Denmark has specified from among the provisions on education set out in Article 8 of the Minority Languages Charter have been implemented as described below:*

*1.*

*a iii) "Pre-school education" in Denmark, see section 37 of the Folkeskole Act, generally only comprises the one-year pre-school classes that are offered to children attaining the age of 6 during the calendar year in question. The German-language private independent basic schools (see below) are, like their Danish equivalents, entitled to make pre-school classes available to the age group mentioned, thus qualifying for state subsidy.*

*b iv) The Danish Act on Private Independent Schools and Private Independent Basic Schools etc. allows the setting up of private independent basic schools where German is the main teaching language. A private independent basic school must offer education that meets the general requirements of the Folkeskole Act, see section 1 of the Act. The teaching language is*

German in the German minority schools, see section 2(3) of the Act. Today, 15 German private independent basic schools exist in Denmark.

A private independent basic school must have 28 pupils at 1<sup>st</sup> to 7<sup>th</sup> form levels - in the first and second school year, however, only 12 to 20 pupils. It appears from section 19 of the Act, though, that the Minister for Education may dispense with the requirement for the number of pupils in special cases. This rule has been used to grant the German minority schools in Denmark a general exemption from the requirement, reducing the minimum number to 10 pupils.

Under the Act on Private Independent Schools and Private Independent Basic Schools etc., all private independent basic schools, including the German minority's basic schools in Denmark, are eligible for state subsidy. State subsidy is granted according to the number of pupils enrolled in the school during a year. The average subsidy per pupil per year is laid down in the Finance Act based on the cost per pupil in the Folkeskole according to the latest statement of accounts. The cost is adjusted according to prices and salaries up to the fiscal year.

The state grants a supplementary subsidy to the German minority schools within the limits of a yearly allocation laid down in the Finance Act. In the Finance Act 2002, the amount of DKK 4.0 million is laid down as a supplementary subsidy to the German minority schools. Deutscher Schul- und Sprachverein für Nordschleswig distributes the subsidy among the schools. The extra subsidy to the German minority schools is designed to meet the special costs required for maintaining and ensuring the operation of the German minority's school system. The required costs include lessons in double mother-tongue instruction (Danish and German), a special grant towards operational expenditure to secure the existence of the schools and other special arrangements for minorities as well as their own approved school psychological services, their own approved arrangement concerning educational, labour market and vocational guidance ("Berufsberatung") and a special approved arrangement concerning training of teachers from Germany in the German minority's school system ("zweites Staatsexamen").

Finally, it should be mentioned that the minority's school-based day-care facilities receive a state subsidy in line with the day-care facilities provided by Danish private independent schools and private independent basic schools. The subsidy is granted per pupil per year, amounting to DKK 8,700 in 2002.

*c iii/iv)* The provision has been applied at the level of final secondary education by virtue of German-language teaching in private schools. At the level of upper secondary education, the provision has been applied in the sense that Deutsches Gymnasium in Aabenraa provides education in German, a course leading to full Danish high-school graduation.

The education at Deutsches Gymnasium is thus in principle identical with a Danish upper secondary school-leaving examination in terms of both contents and qualifications, apart from the fact that the pupils are more proficient in German.

Deutsches Gymnasium is a private upper secondary school receiving a state subsidy. The subsidy is granted under the same rules as those applying to subsidies to other private independent upper secondary schools in Denmark. The state subsidy accounts for a total of 85 per cent of the county's annual expenses per pupil.

*d iii)* The provision is considered to have been applied through the possibility of choosing German as an optional subject within vocational education. Vocational education is provided

in the form of short, qualifying programmes, primarily within building-related and technical subjects.

*e ii)* German is offered as a subject at universities and other institutions of higher education, including business schools. Therefore, no special initiatives have been initiated in connection with the ratification of this provision.

*f ii)* The Danish Act on Preparatory Adult Education (PAE Act) requires every adult vocational training centre to teach the core subjects of Danish, mathematics, English, *German or French*, social studies and natural science. Every adult vocational training centre is obliged to offer these subjects at least once a year. Denmark has 72 adult vocational training centres.

*g)* The provisions must be considered to have been applied, for instance through the teaching of history and German in the Folkeskole. Under the Folkeskole Act, the education provided by the nine-year basic school includes, for all pupils, history at 3<sup>rd</sup> to 8<sup>th</sup> form levels and social studies at the 9<sup>th</sup> form level. Moreover, the school must make the teaching of German available to its pupils at 7<sup>th</sup> to 9<sup>th</sup> form levels. Some of the purposes of teaching history are to enable the pupils to occupy themselves with historical events and social conditions throughout the times and to teach the pupils to see Denmark's history in the context of the history of the rest of Scandinavia, Europe and the world at large. Denmark's relations with its neighbouring country Germany and its history and culture will form a natural part of these classes. The purpose of teaching Germany is, besides helping the pupils to acquire proficiency in German, to give the pupils some insight into cultural and social conditions in German-speaking countries.

*h)* In the provisions governing the Danish State Education Grant and Loan Scheme, special conditions have been stipulated for the German minority in Denmark, as the Danish State Education Grant and Loan Authority may direct that educational grants may be used for educational programmes in Germany, see section 50 of the Order on State Education Grants and Loans until Master's Degrees. In practice, grants are given to training of kindergarten teachers, teachers (including upper secondary school teachers), ministers of religion (the study of theology) and librarians. The grant is given for the official period of study, whereas grants are normally only given for no longer than four years for educational programmes outside Scandinavia.

*i)* A working group has been set up among the appropriate government departments and the German minority, who meet at regular intervals to discuss and evaluate the measures taken with regard to the provisions of Part III of the Charter that Denmark has agreed to apply, including measures in the educational field.

The German minority's Schools and Language Association (Deutscher Schul- und Sprachverein für Nordschleswig) issues a comprehensive annual report on the education provided by the minority's kindergartens, primary and lower secondary schools and the upper secondary school. As mentioned above, the teaching language in the minority's primary and lower secondary schools is German, see section 2(3) of the Danish Act on Private Independent Schools and Private Independent Basic Schools etc.

2. The Folkeskole provides for the teaching of German at 7<sup>th</sup> to 9<sup>th</sup> form levels, see the comment on paragraph 1, sub-paragraph g above, and pupils in upper secondary schools may choose German as their advanced or elementary foreign language. German is also offered as a subject at universities and other institutions of higher education, see the comments on paragraph 1, sub-paragraph e, ii) above.

## Article 9 – Judicial authorities

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

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

*b in civil proceedings:*

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

*c in proceedings before courts concerning administrative matters:*

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

*2. The Parties undertake:*

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

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

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

The provisions Denmark has specified from among the provisions on judicial authorities set out in Article 9 of the Minority Languages Charter have been implemented as described below:

1.

*b iii) and c iii)* In civil proceedings and in proceedings concerning administrative matters, documents and evidence may be produced in the regional or minority languages, if necessary by the use of interpreters and translations. For this purpose, reference is made to Denmark's interpretative declaration, according to which Denmark has reserved the right to demand that documents drafted in a foreign language should be accompanied by a translation. Denmark has not accepted sub-paragraph d of Article 9, paragraph 1, which means that the persons availing themselves of the possibility to produce documents and evidence in their regional languages may be required to pay the cost of translators and interpreters.

2.

*a, b and c*) Reference is made to the comments made immediately above and in paragraph 6.2 of Part I of this report.

### **Article 10 – Administrative authorities and public services**

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

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

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

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

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

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

The provisions Denmark has specified on administrative authorities of the state and public services have been implemented as described below:

1.

*a v)* The administrative law duty to provide guidance under section 7 of the Danish Administrative Powers Act (Act No. 571 of 19 December 1985 as amended by Act No. 347 of 6 June 1991) implies that in cases when a person with insufficient command of the Danish language communicates – in person or in writing – with a public authority on a matter pending a decision, the authority must, according to circumstances, make the services of an interpreter or translator available to the person in question as required. The administrative law duty to provide guidance thus ensures that users of the German minority language may validly submit documents in German to the state authorities in South Jutland so far as is reasonable practicable.

Many of the state authorities in South Jutland have employees who have a full command of German, and it is therefore seldom necessary to arrange for interpretation or translation when documents in German are submitted to such authorities. The Employment Service of South Jutland, for example, processes all documents submitted in German with the assistance of its own employees, and oral inquiries in German are also answered in German. Similarly, the customs and tax regions of South Jutland have employees who are fluent in German and capable of handling the cases on the basis of documents submitted in German. When recruiting both clerical and legal employees, the Government Office of Sønderjylland County attaches importance to the job applicants' knowledge of German to facilitate the submission of documents in German without translation. Moreover, the Government Office has stated

that persons contacting the authority in German will usually receive a reply in German. The Health Inspection Authority of Sønderjylland County has bilingual employees, who help translate documents in German whenever their services are needed.

4.

c) The state authorities in South Jutland comply, to the widest possible extent, with the requests of employees having a knowledge of German to be appointed in the territory where the German language is used. This is one of the areas where steps are taken to ensure that the German minority has the possibility of being served by the state authorities in South Jutland in German.

5. Danish authorities recognise the names, including the letters ü, ö and ä, of the German minority in all relations.

More specific rules on names are set out in the Danish Personal Names Act.

A family name is assumed on birth or adoption on the basis of marriage. In addition, a family name may be assumed or changed through notification to the church register (in South Jutland the names register) or through the issue of a certificate of name.

Section 2 of the Names Act lists the cases when a family name may be changed through notification. It is thus possible to change a family name to a family name the person in question has previously borne unless the name was assumed on marriage. Notifications are free of charge.

Under section 6 of the Names Act, a certificate of name may be issued to a new family name unless the family name falls within one of the categories of names listed in the provision. Basically, a foreign name commonly known in Denmark is therefore – like a Danish name – not allowed as a new family name. By a foreign name commonly known in Denmark is understood names such as Churchill and Monet.

Under section 8 of the Names Act, regardless of section 6, a certificate of name may be issued in a number of cases where the applicant has a special connection to a family name. For instance, a certificate of name may be issued to a name that is or used to be borne by one of the applicants' parents, grandparents or great-grandparents unless the name was assumed on marriage. A certificate of name costs DKK 3,000.

It is not allowed to choose a first name that is not a proper first name or which may inconvenience the child, see section 10(1) of the Names Act. The Ministry of Ecclesiastical Affairs has distributed a list of recognised names. In practice, German names are recognised although these are not included in the list.

## **Article 11 – Media**

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

1. *The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or*

*play a role in this field, and respecting the principle of the independence and autonomy of the media:*

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

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

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

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

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

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

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

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

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

The provisions Denmark has specified from among the provisions on media set out in Article 11 of the Minority Languages Charter have been implemented as described below:

1.

*Sub-paragraphs b i) and ii), c i) and ii) and d*

The Radio and Television Broadcasting Act opens up opportunities for companies, associations and similar bodies to obtain licences to run their own radio or television stations. Local boards, which must be widely represented by local associations in the area, issue broadcasting licences. Basically, at least one transmission facility is at the disposal of each



local authority. To offer as varied a media picture as possible, it is standard practice for licence holders to share transmission facilities.

Furthermore, everyone who is not licensed to provide local programme services may obtain a licence to run a radio or television station by way of satellite or cable transmission systems.

The Danish Ministry of Cultural Affairs contributes a total annual grant of DKK 50 million (2002) for non-commercial local radio and television broadcasting all over the country.

The Act thus opens up an opportunity for the German minority in South Jutland – on an equal footing with Danish companies, associations and others – to broadcast local radio and television programmes in their own language.

The Danish Broadcasting Corporation (DR) and TV2 – including regional radio and television stations – are public service bodies. This implies that they are obliged to serve the entire population and place requisite emphasis on freedom of information and expression. Programmes are required to embrace the dissemination of news, information, entertainment and culture and, under sections 7 and 18 of the Act, must strive towards quality, plurality and diversity.

In South Jutland, DR runs "Radio Syd" and TV2 runs "TV Syd". The German minority is represented on both Radio Syd's County Programming Council and on TV Syd's Council.

For the sake of completion, it should also be mentioned that there is a wide selection of German radio and television stations whose programmes are received in South Jutland.

*e i)* The Danish Act on Financial Support to the Financial Institution of the Daily Press (Act No. 192 of 9 May 1984 as amended by Act No. 1113 of 29 December 1997) has opened up opportunities for financial assistance to daily newspapers. The scheme is administered by the Financial Institution of the Daily Press, the overriding objective of which is to secure a larger and more varied supply of newspapers than market conditions would normally generate because it is recognised that the newspapers are of special importance to society, democracy and freedom of expression. Financial assistance can be used for the construction, rebuilding, enlargement, etc. of facilities for production of newspapers and distribution, product development and other purposes and for financial restructuring and development aid. "Der Nordschleswiger", which is the German minority's daily paper in South Jutland, has received funding to the tune of DKK 1 million since the foundation of the Financial Institution of the Daily Press. The institution provides financial assistance after a concrete assessment of the daily papers' needs.

In the final report from 1997, entitled "Information til tiden" ("Information on time"), a committee set up under the Danish Ministry of Research recommends that the public sector chooses the media from a balanced point of view and with care. It states that the public sector's choice of media should exclusively be based on professional criteria for how to reach the target group in the optimum way within the given financial framework. This means, for instance, that due consideration must be given to citizens who do not use the significant, nationwide media.

Furthermore, Part II, paragraph 7, of the Copenhagen Declaration referred to below, lays down that public orders should give reasonable consideration to the German minority's daily papers.

*f ii)* Reference is made to the above comments on sub-paragraphs b and c. It should be noted that financial assistance to local radio and television media is not calculated by giving special consideration to the additional costs involved in broadcasting productions in regional or minority languages, see sub-paragraph f i).

*g)* As mentioned under sub-paragraph h of Article 8(1), students belonging to the German minority in Denmark are eligible, under section 50 of the Order on State Education Grants and Loans and as directed by the Authority, to obtain educational grants for educational programmes in Germany. Students from the German minority in Denmark who want to enrol in a programme of journalism or media training with a view to using the German language may thus obtain educational grants throughout the period of study – even if the period exceeds four years.

2) As mentioned above, the German minority in South Jutland can receive a wide selection of German radio and television stations.

It should further be noted that any person belonging to the German minority is covered by section 77 of the Danish Constitution with regard to freedom of expression. Freedom of expression implies that “any person shall be at liberty to publish his ideas in print, in writing, and in speech subject to his being held responsible in a court of law”.

Section 77 of the Constitution prohibits advance censorship but is no bar to subsequent intervention against expressions that are contrary to substantive rules, including the Criminal Code. The fact that it is a national minority communicating or that communication is in a minority language can never form the basis of intervention under Danish law.

It also appears from the Copenhagen Declaration of 1955 that the Danish Government recommends that the German minority be duly taken into consideration within the framework of the rules in force from time to time on the use of radio.

## **Article 12 – Cultural activities and facilities**

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

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

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

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

*d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of*

*regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*

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

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

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

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

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

The provisions Denmark has specified from among the provisions on cultural activities set out in Article 12 of the Minority Languages Charter have been implemented as described below:

1.

The German minority is a very active participant in cultural life in South Jutland. Not least through various associations does the minority ensure its members access to a broad spectrum of cultural activities, practically all of which are in German. The minority's cultural associations are organised in the main organisation, "Bund deutscher Nordschleswiger", which aims to maintain and strengthen the spiritual and cultural ties to the German people.

The minority's numerous cultural associations include, among others, "Deutscher Jugendverband für Nordschleswig", which is the main organisation for the minority's sports associations and youth clubs with a total membership of 2500. The objective of the organisation is to organise sports and culture festivals, journeys and youth camps in a German-language setting.

"Verband deutscher Büchereien" handles, among other activities, the operation of five libraries in the towns of South Jutland, assisting the minority's schools in running their libraries. The association organises book and art exhibitions, public readings by German-language writers and literary discussions. The organisation has about 150,000 mainly German books and periodicals at its disposal.

"Sozialdienst Nordschleswig" is an association of various local social associations. Its primary functions are social counselling, old-age care services, family counselling, provision of health resort accommodation, travel services for retirees as well as courses and leisure events for families, children and young people.

“Nordschleswigsche Musikvereinigung” secures the ties to German music life by organising one or two annual performances of major choral pieces with the symphony orchestra of Schleswig Holstein.

a) The Danish Ministry of Cultural Affairs grants a special amount of DKK 50,000 per year from the football pools to the German minority’s cultural activities. Moreover, under section 17(1) of the Libraries Act, the ministry contributes a special annual grant of about DKK 2.5 million to the German minority’s libraries in South Jutland. In addition, Sønderjylland County provides an annual grant of DKK 398,688 (2000) to the Germany central library in Aabenraa, and most of the local authorities in the county also make funding available to the German library service in South Jutland. This combined funding amounted to DKK 344,104 in 2000.

b) The provision is considered to have been applied in the sense that a considerable number of works are generally translated etc. from German into Danish. This is for instance done in connection with the broadcasting of German-language programmes on DR and TV 2.

d) The provision is considered to have been applied in the sense that the German minority participates in the ordinary cultural activities etc. in the region.

e) The bodies in South Jutland responsible for organising or supporting cultural activities will generally have persons at their disposal who have a full command of both Danish and German, and no special initiatives have therefore been taken in connection with the ratification of this provision.

f) The provision has been applied as the German minority is usually requested to participate in the cultural activities of the region.

g) The provision is considered to have been applied through the activities undertaken today by the German library service, including the central library in Aabenraa, and the Danish public libraries, including the Regional Library of Aabenraa, see the comments on sub-paragraph a above in respect of the funding of the German library service in South Jutland.

2. The provision is found to be of no relevance in relation to the German minority since German is exclusively spoken by the German minority in South Jutland.

The German minority is allowed and able to initiate cultural activities in all parts of Denmark. The minority’s musical society, “Nordschleswigsche Musikvereinigung”, has thus organised concerts in Copenhagen, Ribe and Viborg.

Allowance is made for the minority’s culture in other ways, for instance via the possibility of borrowing German-language literature at Danish libraries, also outside South Jutland.

3. Denmark will mainly be able to fulfil this provision through the Ministry of Cultural Affairs’ and the Ministry of Foreign Affairs’ exchange activities with other countries, which are handled through the Danish Secretariat for International Cultural Relations and which will make appropriate provision for the German minority’s language and culture. No concrete activities were carried out in 2001, but the Danish Secretariat for International Cultural Relations and the German minority have agreed to discuss the possibilities in more detail.

## **Article 13 – Economic and social life**

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

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

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

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

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

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

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

The provisions Denmark has specified from among the provisions on economic and social life set out in Article 13 of the Minority Languages Charter have been implemented as described below:

1.

*a) The Danish Act on the Employer's Duty to Inform the Employee of the Terms of Employment (see Consolidating Act No. 385 of 11 May 1994) does not specify the language in which the contract of employment should be written. The most common language of a contract of employment is Danish, but there is no provision prohibiting a contract of employment in German.*

Furthermore, Danish legislation contains no provisions contravening Article 13(1), sub-paragraph a. In the experience of the Danish Ministry of Economic and Business Affairs, manufacturers and users have a common interest in ensuring that information in instructions for the use of products or installations are written in a language the user understands. The requirement in certain cases that such information should be available in Danish does in no way prevent the manufacturer from providing the information in German, as well.

*c) The provision is considered to have been implemented in compliance with the Copenhagen Declaration of 1955 and in relation to the measures described elsewhere in this report, in particular the measures set out in Articles 9, 10, 11 and 12.*

There are no Danish laws or regulations that contravene the provision.

d) Considerable government subsidies are made available to the German minority's associations, sports clubs, etc., contributing to encouraging the use of the minority language. The German minority thus receives financial assistance from the Danish State and the local authorities for its organisations, including the agricultural organisation Landwirtschaftlicher Hauptverein für Nordschleswig, which advises the minority's farmers on technical and financial matters.

2.

c) The hospitals in Sønderjylland County receive and treat, according to circumstances, the members of the German minority in German. The county has stated that it will in most cases be possible to find persons who understand and speak German, including physicians who have grown up and studied in Germany.

With regard to local government retirement homes and home-help services provided in people's own homes, the Association of Local Authorities in South Jutland has reported that most of the local authorities have not adopted special regulations on these matters. It is natural for the parties to communicate without difficulty, either because the user from the minority understands Danish, or because the local government official speaks German. It must therefore be assumed that the Danish care and nursing staff serving the citizens from the German minority are fully capable of communicating with these citizens in Danish or, if required, in German.

Some of the local authorities are also engaged in cooperation with the organisation "Sozialdienst Nordschleswig", which assists in providing certain care and nursing tasks.

Sozialdienst Nordschleswig, which is the minority's social organisation, has for some years received financial assistance for social activities from, among other sources, the Ministry of Social Affairs' Grant Programme for Special Social Purposes. For 2001/02, the ministry has thus allocated a total of DKK 90,000 from the Grant Programme for Development of Voluntary Social Work and from the football pools and Lotto funds to projects like "Haus Quickborn", which is the setting for a substantial part of the activities undertaken by Sozialdienst Nordschleswig. These activities include recreational stays, holidays and courses in the house.

#### **Article 14 – Transfrontier exchanges**

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

The Parties undertake:

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

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

The provisions Denmark has specified from among the provisions on transfrontier exchanges set out in Article 14 of the Minority Languages Charter have been implemented as described below:

*a) The provision has been applied through the practical application of the Copenhagen-Bonn Declaration of 1955 and the European Council Framework Convention for the Protection of National Minorities, which is in force between Denmark and Germany. Denmark and Germany have also signed a bilateral cultural agreement of 18 June 1974, under which a number of scholarships are granted annually to Danish and German students etc. enrolled in educational programmes in Germany and Denmark, respectively.*

*b) Both Denmark and Germany are States Parties to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities of 21 May 1980. Moreover, reference can be made to the German minority's participation in the cooperation in Region South Jutland-Schleswig, which was set up as a transfrontier cooperation body in 1997. Region South Jutland-Schleswig comprises Sønderjylland County on the Danish side and Stadt Flensburg, Kreis Schleswig-Flensburg and Kreis Nordfriesland on the German side. The German minority is directly represented in the regional council, appointed by the South Jutland County Council.*

## **APPENDICES<sup>1</sup>**

Appendix 1: Pamphlet issued by the Danish Ministry of Foreign Affairs on 40 years of cooperation in the borderland.

Appendix 2: The Constitutional Act of the Kingdom of Denmark of 5 June 1953.

Appendix 3: Pamphlet issued by the Danish Ministry of Foreign Affairs on the European Charter for Regional or Minority Languages.

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<sup>1</sup> The appendices are available for consultation at the Secretariat of the European Charter for Regional or Minority Languages