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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Third periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

DENMARK

Denmark's third report under the European Charter for Regional or Minority Languages
April 2010
Ministry of the Interior and Health

Introductory part

Introduction

On 8 September 2000, Denmark ratified the European Charter for Regional or Minority Languages of 5 November 1992 (the Language Charter), which subsequently entered into force for Denmark on 1 January 2001. In connection with its ratification, Denmark identified German as a minority language in the sense of the Language Charter and declared that the Language Charter should apply to German with respect to the German minority in South Jutland.

On 3 December 2002, Denmark submitted its first state report under the Language Charter. Next, on 21 November 2003, the Committee of Experts submitted its report on Denmark's compliance with its obligations under the Language Charter, and the Committee of Ministers published its resolution on Denmark on 19 May 2004.

On 26 April 2006, Denmark submitted its second state report under the Language Charter. Next, on 28 March 2007, the Committee of Experts submitted its report on Denmark's compliance with its obligations under the Language Charter, and the Committee of Ministers published its resolution on Denmark on 26 September 2007.

As part of the monitoring mechanisms of the Language Charter, Denmark hereby submits its third state report. In Denmark's view, the monitoring process of the Language Charter is a significant tool in a continuous dialogue with the Council of Europe, and the Danish government welcomes this opportunity to continue the constructive cooperation.

The report has been prepared in accordance with the guidelines adopted by the Committee of Ministers of the Council of Europe on 7 February 2002 on the preparation of reports under the Language Charter and the questions of the Committee of Experts for Denmark in connection with the preparation of Denmark's third state report under the Language Charter. Hence, the individual provisions of the Language Charter are thus not commented on to the extent the Committee of Experts – in its reports of 21 November 2003 and 28 March 2007 – indicated that Denmark complies with the provisions in question, unless new developments have been seen in the area.

Background information

1. Please provide the necessary background information such as relevant information about historical developments in the country, an overview of the demographic situation with reference to fundamental economic data for the regions as well as information about the constitutional and administrative structure of the country.

Demographic information – updated figures

Denmark has a population of 5.51 million people. Danes account for 94.2% of the population, and the vast majority speak Danish as their mother tongue.

In 2008, Denmark's GDP was DKK 1,733.5 billion. The net value of foreign debt stood at DKK 153.0 billion in 2008, or 8.8% of GDP. The 2008 rate of inflation was 3.6%. Average income per capita was DKK 321,342 in 2008.

Statistics Denmark is charged with compiling statistical information about society in Denmark. Statistics Denmark does not register information about minorities other than foreign nationals and people born outside Denmark. Since affiliation with the German minority is a matter of the individual's free choice in pursuance of the Copenhagen Declaration of 1955, etc., such affiliation cannot be registered anywhere.

This being the case, there are no official figures of the size of the German minority in Denmark, but according to the minority itself, the figure is about 12,000-15,000.

The minority, who speak both German and Danish, mainly live in the southern and eastern parts of South Jutland where the minority account for 5-10% of the population in some local authority areas. Moreover, members from the German minority live across other parts of South Jutland.

As members of the German minority practically all speak German, the members of the German minority are defined as “people who speak regional or minority languages”.

Historical developments

The existence of a German-minded population group in South Jutland is the result of a historical development, which meant that the area has been under alternating Danish and German rules. The Duchy of Schleswig was founded in the 12th century and throughout its changing history it belonged to Denmark until the defeat of Denmark by Prussia and Austria in the Danish-German war in 1864. The result was that South Jutland along with the German-speaking, but Danish duchies of Holstein and Lauenburg were annexed to Prussia. In 1919, after the end of World War 1, the allied victors and Germany laid down in the Versailles Treaty, for instance, that referendums were to be held in northern and central Schleswig. These referendums were held in February and March 1920, respectively. The result was that Schleswig was divided and that North Schleswig was surrendered by Germany and thus reunited with Denmark in the summer of 1920. In this way, the present national minorities in the Danish-German border area came into existence: the Danish minority in Germany and the German minority in Denmark. After 1920, the German population group demanded a revision of the border. Until 1933, the German minority demanded that the parts of North Schleswig where there had been a German majority at the referendum in March 1920 should be reunited with Germany. After the Nazis came into power in Germany in 1933, the German minority demanded that all of North Schleswig should become part of Germany.

After the Second World War, the newly organised German minority submitted a declaration of loyalty to Denmark and at the same time acknowledged the border laid down in 1920. The present detente was established in 1955 through the Copenhagen-Bonn Declarations. In these parallel and almost identical declarations, which remain in force, the Danish government established the rights of the German minority in Denmark while the government of West Germany established the rights of the Danish minority in the Federal Republic of Germany.

Constitutional and administrative structure

Denmark has three administrative levels: the state, regional and local levels.

As described in Denmark's second state report, the Danish Parliament passed a reform of the public sector (the Local Government Reform) in 2005. When the reform entered into force on 1 January 2007, five regions and 98 local authority areas were established. Local and regional authorities are bound by law, and their decisions may be brought before a state authority or are subject to state supervision. Reference is made to Denmark's second state report.

All Danish authorities, including Parliament, the courts and administrative authorities are under obligation, when carrying out their tasks, to secure compliance with the norms and principles of human rights contained in the Danish Constitution.

Parliament is subject to control by the judiciary. Danish courts have the competence to declare that an act passed by Parliament is unconstitutional.

Administrative authorities are subject to control by the judiciary. The courts are responsible for the administration of justice. The independence and impartiality of the courts are laid down in the Constitution, the Administration of Justice Act and in the human rights instruments ratified by Denmark, including especially Article 6 of the European Convention on Human Rights and Article 14 of the UN Convention on Civil and Political Rights.

The courts have powers to try the legitimacy of decisions and provisions of the administrative authorities. The extent of these powers depends on the circumstances and on the acts and administrative provisions relevant to a given case.

The Ombudsman is an independent authority appointed by the Danish Parliament with powers to look into all matters relating to the state's civil and military administration as well as local administration. The Ombudsman may decide to examine a case either on the basis of a complaint submitted, for instance, by a

citizen who is affected by a certain administrative issue or on his own initiative. The Ombudsman has no powers to make a binding decision in respect of a complaint. The means at the disposal of the Ombudsman are to return the case to the authority from where it originates, the issuing of recommendations and communication of information on unlawful activity to the relevant authority. In this connection, it may be mentioned that the Ombudsman is required to inform Parliament if his examination of a given case indicates that it may be assumed that public authorities have committed errors or shown negligence of some significance.

Regional languages and minority languages

2. Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Language Charter, which exist within your state's territory. Indicate also the parts of the territory of your state where the speakers of such language(s) reside.

In connection with its ratification, Denmark identified German as the only language to be a minority language in the sense of the Language Charter and declared that the Language Charter should apply to German with respect to the German minority in South Jutland.

3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "speaker of regional or minority language" that your state has retained for this purpose.

German

In the view of the Danish government, a national minority is characterised by being a minority population group that above all has a long historical and firm affiliation with the relevant state.

Against this background, Denmark, in connection with its ratification, declared that the Language Charter should apply to German with respect to the German minority in South Jutland.

German is spoken by some 12,000-15,000 people, who are members of the German minority in South Jutland. For further information, reference is made to the demographic information provided under the answers to question 1.

Faroese and Greenlandic

Please provide information on whether there have been further discussions on a possible extension of the application of the Charter by the Greenlandic authorities to Greenlandic (Committee of Experts' question in point 24).

Please provide more information regarding the traditional presence of the Greenlandic and Faroese languages in mainland Denmark in order to enable the Committee of Experts to assess whether these languages should be considered Part II languages in mainland Denmark or not (Committee of Experts' question in point 25).

The Greenlandic and Faroese authorities were heard in connection with the ratification of the Language Charter and both the Greenlandic and Faroese authorities were then of the opinion that Greenlandic and Faroese were sufficiently protected under the respective home rule regulations. Against this backdrop, the Greenlandic and Faroese authorities did not want Greenlandic and Faroese to fall within the scope of application of the Language Charter. Moreover, the government points out that the Committee of Experts has previously said that the protection enjoyed by Greenlandic and Faroese under the respective home rule regulations is in keeping with the protection ensured by the Language Charter¹. Furthermore, Greenlandic became the official language in Greenland pursuant to the Act on the Greenland Self-Government, which entered into force on 21 June 2009. Danish can still be used in public matters.

With reference to question 25 of the Committee of Experts, the government points out that, in its first report on Denmark, the Committee of Experts stated that it had been informed by the Faroese representation in

¹ Ref. MIN-LANG/PR (2006) 2, p. 5 ("The Committee of Experts finds that the protection enjoyed under the respective home rule regulations is in accordance with the special protection secured by the Charter")

Denmark that there are some 12,000 Faroese-speaking people in Denmark and by the Greenlandic representation in Denmark that there are some 10,000 Greenlandic-speaking people in Denmark.

When preparing its third state report, the government consulted the representations of Greenland and the Faroe Islands requesting their comments to the questions about Greenland and the Faroe Islands raised by the Committee of Experts. The representation of the Faroe Islands informed the government that the number of people in Denmark speaking Faroese is about 17,000. In their consultation responses, Greenland and the Faroe Islands expressed no change in their position on the question of whether the Language Charter should apply to Greenlandic and Faroese. The government does not have any additional information about the traditional prevalence of Greenlandic and Faroese in Denmark.

Roma population

Following the information on Roma people living in Denmark, the Committee of Experts would appreciate more details on the traditional and continuous presence of the Romani language in Denmark (Committee of Experts' question in point 29).

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

Based on the recommendations of the Committee of Experts and the Committee of Ministers, the government has launched a retrieval of sources relating to the presence of Roma in Denmark, including the presence of Roma languages.

The Ministry of Foreign Affairs, the Ministry of Refugee, Immigration and Integration Affairs and the Ministry of the Interior and Health have thus reviewed a large number of sources relating to the presence of Roma in Denmark over time. When retrieving the sources, the ministries used a list of such sources provided by the Romano association.

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

In addition, the Ministry of Foreign Affairs has also in vain attempted to obtain the wanted information about the historic presence of Roma languages in Denmark, e.g. by contacting universities in Denmark, Sweden and Norway.

This was communicated to the Romano association in a letter dated 11 March 2010. The letter also said that the ministries involved are prepared to convene a meeting should the Romano association be interested in holding a meeting where the association can present any new information in this respect.

As appears from the second state report, the government points out that all people living in Denmark are entitled to speak the language of their choice. The fact that a language falls outside the scope of application of the Language Charter only means that the language in question is not comprised by the special provisions for the promotion of the language under the Language Charter.

Furthermore, all population groups in Denmark, including the Roma population, have the opportunity to establish private schools or day care facilities and provide private child care with grants from the state and the local authorities, respectively, if the conditions laid down in the Act on the Private Independent Schools, etc., and the Act on Social Services are met. The Roma have not used the opportunity to establish private schools. The government is not aware of whether the Roma have made use of the opportunity to establish private day care facilities or offer private child care as this area belongs to the individual local authorities.

Idiom of the island of Bornholm

The Committee of Experts had been informed of various issues relating to the Danish island of Bornholm, amongst them the wish for the idiom spoken on Bornholm to be defined as a separate language. Have the

Danish authorities pursued this issue? Please provide more information on the idiom spoken on the island of Bornholm (Committee of Experts' question in point 6)

The government has presented the question of the status of the Bornholm idiom to the Danish Language Council. In that connection, the council obtained an expert opinion from Dialectology, the Department of Scandinavian Research, University of Copenhagen.

The opinion states that the Bornholm idiom is generally regarded as a dialect, not a minority language. Danish linguists thus do not regard the idiom of Bornholm as an independent language, but as a Nordic dialect. Moreover, the opinion states that Denmark regards traditional dialects in Scania and Bornholm as east-Danish dialects and that Sweden regards the dialects in Scania, Halland and Blekinge as south-Swedish dialects.

According to the opinion, both parties are in a sense correct as the idioms of Bornholm and Scania belong to a dialect continuum between Danish and Swedish dialects. The two idioms share features with Swedish and Danish.

Hence, there seems to be no single Bornholm feature, which might justify considering the Bornholm idiom an independent language. This being the case, the Danish government finds that the idiom of Bornholm cannot be regarded as a minority language, and that it is a dialect.

4. Please indicate the non-territorial languages, as defined in paragraph c of Article 1 of the Language Charter, used within your state's territory and provide statistical data concerning speakers.

No such languages exist in Denmark.

5. Please provide recent general statements on the policy of your state concerning the protection of regional or minority languages where these may be of use to supplement the above four points.

No such statements seem to have been made.

Part I

Legislation, etc., with a view to implementing the Language Charter

1. Please state the main act(s) and/or provisions that you consider essential for the implementation of the European Charter for Regional or Minority Languages in your country. Please provide:

-copies of these acts and/or provisions, in English or French, should your country not have done so in relation to the first or second report

-details and copies of new legislation or policy documents of relevance to the regional or minority languages

-details of case law or other legal or administrative developments in this field

As mentioned in Denmark's first and second state reports, solutions for the German language had been found long before Denmark's ratification of the Language Charter, which complied with its principles of protection of regional or minority languages. Current Danish legislation and administrative practice were and are thus in keeping with the principles of the Language Charter so Denmark has not amended legislation or taken special measures to implement these principles.

When submitting its first and second reports, Denmark provided information about legislation of special importance to the German minority in South Jutland. That legislation is still in force, apart from the following:

Act No. 400 of 1 June 2005 on Amendments to the Act on Social Services and the Act on Legal Protection and Administration in Social Matters. The act has been replaced by Consolidated Act No. 941 of 1 October 2009 on Social Services and Consolidated Act No. 1203 of 10 December 2009 on Legal Protection and Administration in Social Matters (as amended).

Act No. 1426 of 21 December 2005 on Amendments to the Act on the Private Independent Schools, etc. The act was replaced by Consolidated Act No. 705 of 3 July 2009 on the Private Independent Schools, etc. (as amended).

Order No. 828 of 29 August 2005 on Local Subsidies to Day Care for Children, Parents' Own Payment and Special Grants etc.

Order No. 1439 of 15 December 2005 on Local Radio and Television Broadcasting.

Since Denmark submitted its second state report, the following acts and orders of importance to the minority have been passed/entered into force. The legal provisions in question are appended to this report (in Danish).

Consolidated Act No. 705 of 3 July 2009 on the Private Independent Schools, etc.

Consolidated Act No. 387 of 27 May 2008 on the Act on the Board of Equal Treatment.

Order No. 207 of 8 March 2007 on Regional Cooperation with Adjacent Countries' Authorities and Organisations.

Order No. 881 of 17 September 2009 on Local Radio Broadcasting.

Order No. 1082 of 20 November 2009 on Guaranteed Day-Care Availability, Local-Authority Subsidies for Day-Care, After-School and Club Facilities, Parents' Own Payment and Obtaining Children's Certifications, etc.

When submitting its second state report, Denmark explained the amendments to acts in connection with the Local Government Reform. Where amendments were made in the areas, the amendments appear from the individual points below.

Harmonisation of rules for transport grants for pupils in private independent schools

Effective from the 2006/2007 school year, the rules for transport grants for pupils choosing a school other than the district school were harmonised. On that occasion, the German minority specified that such harmonisation would have consequences for the school children of the German minority as they often travel over greater distances to attend school.

The government recognised that German minority families should not incur disproportionately larger costs than other families due to their longer transport to school. Therefore, an agreement was made in the budget talks to the effect that an actual payment ceiling was imposed per child per month and per family per month for German minority schools.

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

Amendment of the principles for distribution of running cost grants to the individual private independent schools

Act No. 1426 of 21 December 2005 on Amendments to the Act on the Private Independent Schools, etc. introduced with effect from 1 January 2007 an amendment of the principles for distribution of running cost grants to the individual private independent schools. In connection with the amendment to the act, it was ensured that the schools of the German minority were not to be affected by the adverse economic consequences of the proposal.

In connection with subsequent simplification of the provisions on grants to Denmark's private schools, a permanent compensation for the schools of the German minority of presently DKK 2.6 million a year was introduced.

Bodies and organisations legally established in the country which further the protection and development of regional and minority languages

2. Please indicate the bodies and organisations legally established in the country which further the protection and development of regional and minority languages. Please list the names and addresses of such organisations.

As mentioned in Denmark's first and second reports, there are no bodies or organisations established on the basis of legal provisions which as such further the protection and development of regional and minority languages.

The following organisations, which further the protection and development of regional and minority languages, may, however, be mentioned:

- The European Bureau for Lesser Used Languages (EBLUL), which is an independent pan-European organisation established in 1982 and previously financially supported by the EU, aims to further access to the use of minority languages in EU member states. EBLUL cooperates with a range of European minority organisations, including Bund Deutscher Nordschleswiger. In Denmark, EBLUL covers only the German minority in South Jutland. Through this cooperation, EBLUL contributes to furthering the interests of the German minority, including the German language, in South Jutland. The German minority has stated that the organisation is being closed down. The German minority has also stated that it is still not certain that the national committee in Denmark will continue in existence.
- Verein für Deutsche Kulturbeziehungen im Ausland (VDA) aims to secure that the German minorities all over the world can maintain contact to Germany and its language and culture. VDA supports, for instance, German media outside Germany and organises lectures and seminars for members of German minorities. The German minority has a local branch of VDA.

The following people from the German minority can be contacted concerning EBLUL and VDA:

EBLUL: Gösta Toft, Det tyske Generalsekretariat, Vestergade 30, DK-6200 Aabenraa, telephone: (0045) 74 62 38 33, e-mail: toft.sp@bdn.dk.

VDA: Leif Nielsen, Styrtom Bygade 51, Styrtom, DK-6200 Aabenraa, telephone: (0045) 74 63 06 45

Measures with a view to implementing the recommendations of the Committee of Ministers and disseminating knowledge of the Language Charter

3. Please indicate if any body or organisation has been consulted about the preparation of this periodical report or about the implementation of the recommendations of the Committee of Ministers addressed to your state. In the case of an affirmative answer, specify which one(s).

The report has been prepared on the basis of contributions received from a number of ministries and other authorities comprised by the provisions of the Language Charter. The ministries and authorities are the Ministry of Employment, Ministry of the Interior and Health, Ministry of Justice, Ministry of Culture, Ministry of Refugee, Immigration and Integration Affairs, Ministry of Social Affairs, Ministry of Transport, Ministry of Education, Ministry of Foreign Affairs, Ministry of Economic and Business Affairs, Region South Denmark, the State Administration for South Denmark and the local authorities of Haderslev, Sønderborg, Tønder and Aabenraa. Moreover, the German minority was heard in connection with the preparation of the report.

Consisting of representatives of all the parties represented in the Danish Parliament and the German minority, the Liaison Committee concerning the German Minority regularly discusses issues about the Language Charter at its meetings. The Liaison Committee thus discussed the results of the second monitoring cycle in connection with meetings in continuation of Denmark's second state report. The Language Charter is also regularly discussed at meetings in connection with specific issues, most recently at the Liaison Committee meetings in April 2008 and April 2009 where the use of the German language in primary and secondary education was discussed.

Christoph Bergner, the German Minister for the Interior, was invited to the meeting of the Liaison Committee in April 2008, the purpose being to meet the members of the committee and open a dialogue on the Danish-German cooperation on the national minority. The meeting was held in a positive atmosphere, and the minority was satisfied that it was possible to gather representatives from the two countries with a view to such discussion.

Moreover, the issue has been discussed in the special working group appointed, as previously mentioned in Denmark's state reports. The working group is an informal forum composed of various ministries and the German minority, which has been established to discuss and evaluate the measures taken under chapter III of the Language Charter, including in the educational field, on a regular basis. In addition to the above-mentioned issues, the working group may also discuss other issues of interest to the German minority, including issues related to the Framework Convention. The forum is thus broadly based, has a wide perspective and holds the competencies to discuss practically all matters relating to the German minority in South Jutland.

The meetings have included discussions on broadening the knowledge of the Language Charter at local and regional levels. The most recent working group meeting was held in January 2010 at which the participants discussed a host of questions about the use of the German language in education and contacts to the public authorities.

In addition to the meetings in the working groups mentioned, the Ministry of the Interior and Health is, in its capacity as secretariat of the Liaison Committee concerning the German minority, maintaining a regular dialogue with the secretariat of the German minority in Copenhagen, and regularly holds meetings with representatives of the German minority to discuss issues proposed by the German minority, including questions related to the Language Charter.

4. Please indicate the measures taken (in accordance with Article 6 of the Language Charter) to make better known the rights and the duties deriving from the application of the Language Charter.

The website of the Ministry of the Interior and Health, at www.ism.dk, has a separate page named *national minorities*. Moreover, the ministry regularly updates its website with new information about the Language Charter.

The website www.ism.dk also includes a news function. This allows everyone to receive information by e-mail whenever the ministry publishes news on the website. In this connection, people can also receive information when the ministry publishes new information about minorities and the Language Charter on its website.

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

In connection with the reorganisation of ministries, the Ministry of the Interior and Health aims at ensuring that the information is accessible on the website of the new ministry once the website has been established.

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

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

5. It is understood that full details of the measures taken to implement the recommendations of the Committee of Ministers will appear in the body of the report. Nevertheless, please summarise those measures for each recommendation.

The Committee of Ministers issued the following recommendations (RecChL (2007)6) in connection with the second monitoring process concerning Denmark:

1. take steps towards the full implementation of Denmark's undertakings in the field of radio and television, in close co-operation with the German speakers.
2. take measures to increase awareness of and understanding for German as a regional or minority language of Denmark among the Danish population at large.
3. clarify the issue of the traditional presence of the Romani language in Denmark.

Re 1

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

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

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

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

Denmark has also denied requiring that the regional TV 2 cooperation, TV Syd, broadcasts programmes in German. However, the government wants to point out that the board of representatives of TV Syd seats a representative of the German minority, and that as a natural part of covering its area, TV Syd features the German minority's events.

Re 2

The Danish government finds that knowledge of the German minority in Denmark and German as a minority language is generally sound, one reason being the historic context, described in the introduction, of which the minority forms part and which still occupies much of the Danish population.

The government continues focusing on this, the focus being reflected in the new shared goals set for all primary and secondary education subjects in 2009 – as mentioned under Part III, Article 8 – in which, for instance, subjects relating to human rights, globalisation, minorities and – seen in relation to the German minority – the border area issue have been strengthened.

It has thus become mandatory that the culture, history and language related to the border area are included in history teaching.

Other specific measures worth mentioning include the parliamentary conference in October 2008 about the contribution of the minorities residing on both sides of the Danish-German border to the societies as a locality factor and the minorities' contribution to developments in the societies.

In addition to the Danish and German minorities, a number of Danish and German politicians attended the conference. The conference was based on a competence analysis prepared for the state parliament of Schleswig-Holstein by the Institute for Minority Rights of the European Academy in Bolzano (EURAC) in cooperation with the Institute for Regional Development and Local Management (IRDELM), the European Academy and the European Institute of Public Administration (EIPA).

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

Re 3

As mentioned in point 3 in the introduction to Roma, the Ministry of Foreign Affairs, the Ministry of Refugee, Immigration and Integration Affairs and the Ministry of the Interior and Health have launched a study of Roma presence in Denmark.

In addition, the Ministry of Foreign Affairs has also in vain attempted to obtain the wanted information about the historic presence of Roma languages in Denmark, e.g. by contacting universities in Denmark, Sweden and Norway.

Reference is also made to the answers regarding Roma in point 3 in the section on regional and minority languages (page 6-7)

6. Indicate what steps your country has taken to inform the following of the recommendations:

- **all levels of government (national, federal, local and regional authorities or administrations)**
- **judicial authorities**
- **legally established bodies and associations**

Question 6 is answered along with question 7.

7. Please explain how your state has involved the above in implementing the recommendations. The relevant national authorities were informed of the recommendations immediately when they were received from the Committee of Experts and from the Committee of Ministers.

In June 2006, the then Minister for Interior Affairs and Health sent a letter to the merger committees of the local authorities in the former County of South Jutland. In the letter, the government urged the discussions about local citizens services to include an assessment of how to launch initiatives to meet the need for German-speaking citizens services personnel, e.g. in the form of information about which desk staff members speak German and the possibilities in connection with local authority websites.

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

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

Furthermore, the Language Charter, Denmark's first and second reports, the reports from the Committee of Experts and the statements from the Committee of Ministers are accessible on the website of the Ministry of the Interior and Health in which way the courts, etc., have been informed of the recommendations

Part II

Denmark's application of Article 7 of the Language Charter

1. Please indicate what measures your state has taken to apply Article 7 of the Language Charter to the regional or minority languages referred to in paragraphs 1 and 3 of Part I above, specifying the different levels of government responsible.

2. If appropriate, state any further measures which are envisaged in your country.

General measures for the elimination of differentiation and for the furthering of common understanding among all language groups in Denmark

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

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

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

As a consequence of section 14 of the Act on the Board of Equal Treatment (Act No. 387 of 27 May 2008), the Board of Equal Treatment was set up effective as of 1 January 2009. As a consequence of section 16 of the Act, the above Act No. 374 of 28 May 2003 on Ethnic Equal Treatment was amended to substitute the following for

s. 10(2-4):

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

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

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

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

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

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

presentation of evidence, the complaint must be dismissed. The Board of Equal Treatment must also dismiss cases deemed better suited for court hearing.

Decisions by the Board of Equal Treatment cannot be brought before any other administrative authority.

Once the Board has decided a complaint, the parties can bring the case before the courts. In the event that the Board's decisions and settlements made before the Board are not observed, the Board is required, at the request and on behalf of the claimant, to bring the matter before the courts of law.

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

General measures regarding the German minority in South Jutland

The Liaison Committee concerning the German minority:

With a view to continued attention to the interests of the German minority vis-à-vis the Danish Parliament and the Danish government, the Liaison Committee for the German Minority was established in 1965 as mentioned in Denmark's first reports.

In this committee, representatives of the German minority together with the government and members of the political parties represented in Parliament negotiate matters of interior policy relevant to the minority. The committee was established by way of compensation for the fact that the German minority was no longer represented in the Danish Parliament, and since it was established it has proved to be of great value as a practical tool for solving the minority's problems.

The Liaison Committee normally meets once a year. The agenda is set in cooperation with the German minority.

The latest meeting of the committee was held on 20 April 2009 to discuss the scope of application of the Language Charter and the Framework Convention, etc.

The secretariat of the German minority in Copenhagen:

As mentioned also in Denmark's previous reports, a special secretariat for the German minority with an office in Copenhagen was established in 1983. The secretariat's operating costs are financed through a grant from the Danish government, but the secretariat does not belong under a ministry. The manager of the secretariat is appointed by the German minority.

Contacts between the secretariat manager and the ministries in specific cases are ongoing and successful, and the German minority has expressed its satisfaction with the cooperation.

The special working group:

The special working group is an informal forum established with a view to regular discussions and evaluation of the measures taken under Part III of the Language Charter, including in the area of education and under the provisions of the Framework Convention. The forum is thus broadly based, has a wide perspective and holds the competences to discuss practically all matters relating to the German minority in South Jutland.

The latest meeting was held on 28 January 2010, and the participants particularly discussed the issue of using German in the local authorities in South Jutland and in the German nursery schools and ordinary schools.

Special arrangements for the German minority in South Jutland in connection with the Local Government Reform

Denmark's second report explained a number of special arrangements given to the German minority in connection with the Local Government Reform, which entered into force in 2007.

The following reviews developments in the individual areas. Reference is made to Denmark's second report with respect to the background to the arrangements.

Political representation at local level:

The detailed rules on political representation at local level have not been amended since their adoption, so reference is made to Denmark's second report for a review of them.

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

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

Political representation at regional level:

Reference is made to the answers regarding the regions in connection with Article 7.

Securing the economic grants of the German minority:

As regards subsidies to German minority institutions and in addition to what appeared from Denmark's second state report, it is stated that, in connection with the Local Government Reform, a special rule was made for subsidies to those of the minority's independent day-care centres selecting to convert into private day-care centres. This rule is to compensate the minority's day-care centres for any reduced subsidy following the centre's decision to convert into a private day-care centre.

The background was concern that the Local Government Reform would have negative consequences for the minority's day-care centres if the local authorities choose to convert the structure of their day-care facilities involving termination of the operating agreements with the day-care centres in connection with a reform. In these cases, the minority would be able to turn into a private day-care centre with the risk of receiving a reduced subsidy compared with the existing subsidy received as an independent day-care centre. The risk could materialise due to the rules for subsidies to private day-care centres, which stipulate an average subsidy, and because the day-care centres are typically small and relatively unprofitable.

The special rule has been laid down in the Day-Care Facilities Order (Order No. 1082 of 20 November 2009) and stipulates as follows:

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

In 2005, before the Local Government Reform, the German minority had a total of 22 day-care centres established as follows: 17 independent day-care centres, 4 pool scheme institutions and 1 private day-care centre.

In 2009, the German minority had a total of 21 day-care centres established as follows: 16 independent day-care centres, 4 pool scheme institutions and 1 private day-care centre.

With a view to facilitating the reading of the report, the separate questions of the Committee of Experts about Denmark's use of Article 7 of the Language Charter have been reproduced below where such questions appear from the report of the Committee of Experts.

The Committee of Experts has been informed that in June 2006 the Minister for the Interior and Health sent letters to the four committees responsible for establishing the new local authorities in South Jutland and the County of South Jutland, encouraging them to make provision for the use of the German language in the context of the municipal reform and in accordance with the Denmark's international obligations. Please provide information on the results of this measure regarding the promotion of German in public life (Committee of Experts' question in point 37).

Local level

The local authorities of Haderslev, Sønderborg, Tønder and Aabenraa have all stated that, when the need arises, they call in German-speaking staff or interpreters.

The local authorities of Haderslev, Sønderborg and Aabenraa all have websites with easy access to information in German about a host of subjects.

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

Regional level

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

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

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

A regional assembly has been established under the agreement on Region South Jutland-Schleswig.

Region South Denmark will finance the majority of the Danish part of the organisation's operating expenses.

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

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

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

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

The German minority has expressed its satisfaction with the scheme.

Regional state administration for South Denmark

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

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

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

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

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

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

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

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

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

State administration website

Denmark's state administrations share a common website; www.statsforvaltning.dk on the Internet. From the front page, visitors can click to the website of the individual state administrations.

The front page of the common website displays a small flag that enables selection of an English version of the front page with key subpages displayed and selectable from the English front page.

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

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

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

*What measures have been taken to promote awareness of and understanding for German as a minority language in Denmark among the Danish population at large?
(Committee of Experts' question in point 44).*

Reference is made to the answers concerning the Committee of Ministers' second recommendation (page 14-15) and response to point 4 of part I (page 13).

*Please provide information on how the Danish authorities encourage the mass media to pursue the objective of promoting respect, understanding and tolerance in relation to the regional or minority languages
(Committee of Experts' question in point 45).*

The press in Denmark is free and can independently report what takes place in the country.

The main objectives of the media policy are to maintain and strengthen the democratic debate in society and to safeguard traditional cultural and general educational purposes. One of the conditions for meeting these two main objectives that the arms-length principle is upheld. This means that the government does not decide – nor want to decide – what the press reports or otherwise impose restrictions on the free press in Denmark.

In this respect, it should be noted that DKK 37.9 million was allocated to newspapers in the border area (Flensborg Avis and Der Nordschleswiger), of which DKK 15.9 million came from the German government. The total subsidies for these newspapers should include DKK 3.2 million from the Newspaper pool of the distribution subsidy scheme.

The Committee of Experts received information suggesting that, among the languages that is looked at, speakers of Greenlandic and Romani suffer from negative prejudices and a degree of stigmatisation. What specific measures have been taken to solve this problem? (Committee of Experts' question in point 46).

In 2003, the government issued a white paper on socially disadvantaged Greenlanders in Denmark. To follow up the white paper, the 2004 rate adjustment pool agreement earmarked DKK 20 million over a period of four years for initiatives targeting socially disadvantaged Greenlanders.

Under the rate adjustment pool agreement, focus should be targeted at the following areas:

- Increasing information and supervision aimed at staff working with the target group
- Increasing focus on reintegration possibilities that take the special needs of the target group into account. This should particularly be taken into consideration in connection with completion of misuse treatment or projects.
- Giving local authorities and counties with many Greenlandic citizens more and qualified consultancy assistance from a person with more extensive knowledge of Greenlandic conditions compared with current knowledge.
- Offering language training in Danish at a level and in a context that ensure that the target group benefits the most from the offer.
- Visualising and increasing the possibilities of interpretation assistance for Greenlanders, who due to language obstacles are unaware of the social services and assistance measures to which they are entitled.
- Considering socially disadvantaged Greenlanders to an increasing extent than before when shared housing arrangements and house communities are created.

The funds earmarked were put into an application pool to finance activities in the following three areas:

1) Relief of homelessness, reintegration possibilities, particularly in connection with the completion of misuse treatment or projects.

2) Interpretation assistance. The Greenlandic houses may apply for subsidies to cover any expenses for interpretation assistance for private and independent institutions (e.g. shelters, private shelters, misuse treatment facilities, etc.) in connection with the institution's work to help socially disadvantaged Greenlanders.

3) Consultancy to local authorities and counties with many socially disadvantaged Greenlanders, and supervision of employees in local authorities, Greenlandic houses, social janitors.

In addition, part of the pool funds has been earmarked for two additional offers. They are:

4) An offer concerning communication of knowledge and development of the effort aimed at socially disadvantaged Greenlanders.

5) An offer concerning Danish classes for socially disadvantaged Greenlanders.

Subsequent rate adjustment pool agreements (2007-2010) have earmarked a total of DKK 24 million for e.g. a 24-hour shelter for socially disadvantaged Greenlanders, tests involving permanent contacts and preventive efforts vis-à-vis the group.

In early 2010, Denmark expects to make public an update of the 2003 government action plan to promote equal treatment and combat racism. The action plan consists of multipronged, coordinated and targeted activities, which comprise both ongoing and new initiatives aimed at combating unequal treatment due to

race or ethnic origin, promote diversity and equal opportunities while also preserving Denmark as an open society showing respect for individuals and leaving room for diversity.

Part III

For each regional or minority language chosen at the moment of ratification, as follows from paragraph 2 Article 2 of the Language Charter, please indicate in which way the paragraphs and/or subparagraphs have been implemented.

With a view to facilitating the reading of the report, the separate questions of the Committee of Experts about Denmark's use of Articles 8-14 of the Language Charter have been reproduced where such questions appear from the report of the Committee of Experts.

In accordance with Article 3(1) of the Language Charter, Denmark has identified German as a minority language to which the provisions identified in Article 2(2) of the Language Charter apply following the entry into force of the Language Charter 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.

Note the following in respect of Denmark's compliance with the individual provisions of Article 8

a iii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

b iv) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

c iii/iv) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

d iii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

e ii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

f ii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

g) The Committee of Experts has indicated that this obligation is considered to be partially fulfilled.

Please indicate what measures have been taken to develop a systematic teaching of German history and culture (Committee of Experts' question in point 65).

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

In respect of textbooks publishing, Denmark has a longstanding tradition of Danish textbooks reflecting the content of the curricula laid down by the Ministry of Education. This has particularly been the case in the past years where the objective, intermediate objectives and final objectives of the subjects have become binding on the local authorities. In addition, except for very few cases, the Ministry's curricula are also accepted as binding by the local authorities.

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

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

h) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

ii) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

2. The Committee of Experts has indicated that this obligation is considered to be fulfilled.

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 mentioned in the present paragraph is not considered by the judge to prevent 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;

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 third parties who are not users of these languages on condition that the contents of the documents are made known to them by the person(s) invoking them; or

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

Note the following in respect of Denmark's compliance with the individual provisions of Article 9

The Committee of Experts found that the obligations under the above provisions were formally fulfilled, but also found that the dialogue with the judicial authorities should be followed up with a view to encouraging them to take practical or organisational measures to improve the implementation of the obligations in practice.

Very few documents are submitted in German before courts. According to the judge in Aabenraa, this is partly due to a lack of German competence among the court staff and partly to a lack of demand. Has Denmark taken any specific steps to tackle the lack of German language competence with the civil servants? (Committee of Experts' question in point 69).

Please provide information on the practical or organisational measures taken to improve the implementation of the following undertakings (Committee of Experts' question in point 71).

-Article 9.1.b iii

-Article 9.1.c iii

-Article 9.2.a/b/c

The President of the Court of Sønderborg has stated that the procedure chosen by the Court is for pleadings and documents submitted in German in civil proceedings

(i.e. civil proceedings and proceedings concerning administrative matters heard by the Court) to be translated, and that this is done without expense to parties belonging to the German minority. The Court President has explained that the reason for this is that not all Court staff command German at a level that allows translations to be dispensed with.

Moreover, it should be noted that section 149(2) of the Administration of Justice Act still applies and that the need for judges and other court staff who command German is limited.

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 use 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) 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 the persons concerned.

Note the following in respect of Denmark's compliance with the individual provisions of Article 10

The Committee of Experts has indicated that this obligation is considered to be fulfilled.

Reference is made to the statement under Article 7 concerning the State Administration for South Denmark.

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 the 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.

Note the following in respect of Denmark's compliance with the individual provisions of Article 11

1)

b.i and b.ii. The Committee of Experts has indicated that (i) and (ii) are alternative options. The Committee of Experts points out that there is still no German-language radio station in Denmark. The Committee of Experts therefore maintains that the obligation under these provisions has not been fulfilled. The Committee of Experts encourages the Danish authorities to take steps to fully implement this obligation and take preliminary measures to increase the scope of transmitted radio in close cooperation with German speakers.

The Committee of Experts notes that a radio project has been started with support from the Ministry of Culture, which – though the Committee of Experts finds it limited – is considered a good start by the German speakers. The Committee of Experts encourages the Danish authorities to maintain and increase support of radio broadcasts in German.

c.i and c.ii) The Committee of Experts does not consider these provisions as fulfilled and encourages the Danish authorities to take steps to implement this obligation in close cooperation with the German speakers.

Please indicate what measures have been taken to increase the level of radio broadcasting in German in close co-operation with the German speakers (Committee of Experts' question in point 83).

Please provide information on whether the Danish authorities have taken any measures to encourage and/or facilitate the broadcasting of television programmes in German (Committee of Experts' question in point 87).

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

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

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

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

Denmark has also denied requiring that the regional TV 2 cooperation, TV Syd, broadcasts programmes in German. However, the government wants to point out that the board of representatives of TV Syd seats a representative of the German minority, and that as a natural part of covering its area, TV Syd features the German minority's events.

d) The Committee of Experts does not consider this provision fulfilled and notes that the provision cannot be considered fulfilled by referring to general activity-promoting measures. The Committee of Experts finds that the provision calls for proactive measures on the part of the authorities such as technical assistance or direct or indirect financial support.

f ii) The Committee of Experts does not find that reference to the support scheme under the Danish Film Act alone provides any evidence that the existing schemes for financial support have been devised so that programmes in German would qualify for support in practice. Moreover, according to the Danish Film Institute, no special funds have been earmarked for the German minority. The German minority also informed the Committee of Experts that the existing schemes for financial support had not been applied to audiovisual productions in German. The Committee of Experts therefore only considers this provision as formally observed.

Have the Danish authorities taken any pro-active measures to encourage and (or facilitate the production and distribution of audio and audiovisual works in German (Committee of Experts' question in point 91).

Please clarify whether existing measures for financial assistance have been applied to audiovisual productions in German (Committee of Experts' question in point 93).

The German minority can apply for support under the Danish Film Act. The support options under the act comprise development, production and distribution of motion pictures, documentaries, etc. Support is provided by the Danish Film Institute following a specific assessment of applications. The assessment includes elements such as versatility, quality, audience appeal, etc.

Special funds have therefore not been earmarked for the German minority in connection with movie, audio or audiovisual products.

g) The Committee of Experts considers this provision observed as concerns journalists.

2)

The Committee of Experts considers the obligation fulfilled, but informs the Danish authorities that this obligation may require an active effort on the part of the authorities in the future.

The Committee of Experts has been informed by the German speakers that it is becoming increasingly difficult in South Jutland to receive programmes broadcast from Germany, due to digitalisation. Have the Danish authorities envisaged any positive action regarding the issue? (Committee of Experts' question in point 98).

In respect of the question about reception of German television in South Jutland, it should be noted that it was a condition under the autumn 2007 tender for broadcasting possibilities for the commercial gatekeeper that the gatekeeper offers a neighbouring country channel in connection with the transition from analogue to digital TV. Boxer, which won the tender, is thus offering a German TV channel today.

Article 12 – Cultural activities and facilities

Denmark has specified that the following provisions on 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 territories in which such languages are used and to the extent that the public authorities are competent, have the 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 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 copies of and presenting or publishing works produced in 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 provisions in pursuing their cultural policy abroad for regional or minority languages and the cultures they reflect.

Note the following in respect of Denmark's compliance with the individual provisions of Article 12

1)

a) The Committee of Experts considers this obligation fulfilled.

b) The Committee of Experts has not commented on this obligation.

d, e and f) The Committee of Experts considers these obligations partially fulfilled for now. The Committee of Experts has stated that the information submitted in Denmark's second report mainly refers to the direct financial support from central and local authorities to German cultural organisations in South Jutland but not the German speakers' participation in cultural activities in South Jutland in general. According to the German speakers, the German minority is insufficiently represented in bodies that organise cultural activities. Although they organise their own activities, they are rarely involved in broader cultural events.

g) The Committee of Experts has indicated that this provision is considered to be observed.

2)

The Committee of Experts has indicated that this provision is considered to be observed.

3)

The Committee of Experts has stated that it looks forward to further information about the Danish authorities' inclusion of the language and culture of the German-speaking South Jutland population in pursuing foreign cultural policies.

According to the German-speakers, the representation of the German minority in bodies organising cultural activities, especially broader cultural events, was not sufficient. Please provide information on concrete examples, if they exist, of the participation of German-speakers in cultural activities in South Jutland in general (Committee of Experts' question in point 101).

Please provide more information in the inclusion by the Danish authorities of the language and culture of the German-speakers in South Jutland in pursuing their cultural policy abroad (Committee of Experts' question in point 104).

Initially, it should be noted that under section 17(1) of the Danish Act on Library Services, subsidies are granted to the German minority library service. Subsidy is granted on the basis of the Copenhagen-Bonn Declaration from 1955 on securing the rights of minorities on both sides of the Danish-German border. In 2009, the subsidy totalled DKK 3.7 million.

The German minority library service consists of a central library in Aabenraa, *Deutsche Büchereizentrale und Zentralbücherei Apenrade*, and four branches in Tinglev, Sønderborg, Haderslev and Tønder, respectively, two book buses and 15 school libraries, which are also assisted by the central library.

The central library has approx. 230,000 material units, approx. 8,000 active borrowers and lends some 350,000 units annually. The library service provides items for Danbib/bibliotek.dk and is thus an active participant in the general lending cooperation in Denmark.

A cultural agreement has been concluded between the Ministry of Culture and Cultural Region South Jutland (www.kulturfokus.dk) for the period 2008-2011. The cultural region comprises Haderslev, Sønderborg, Tønder and Aabenraa local authorities. The object of the agreement is to maintain and develop South Jutland culture in the border area and create mutual understanding between minorities across the Danish-German border. Applications, letters, etc. can be submitted to the cultural region in either German or Danish, and meetings can be conducted in both languages. The agreement stipulates:

"The cultural region supports the German minority's active cultural life, which in the past years has developed rewarding cooperation and created networks with Danish cultural life. Similarly, support is provided for the Danish minority south of the border, by including them as partners in various cross-border Danish-German projects on a par with the German minority. Cultural region South Jutland integrates the minorities and their resources and competences into the strategies and projects determined by the minorities".

Quite uniquely, Cultural Region South Jutland wants to extend Danish-German cooperation to include North German areas such as Kreis Schleswig-Flensburg, Stadt Flensburg and Kreis Nordfriesland and thus work towards a Cultural Region South Jutland-Schleswig.

The German minority is represented in the political steering committee for the cultural region making the overall decisions about launching cultural projects in the cultural region. For instance, the cultural region has

launched a Danish-German children's theatre festival, a returning Organ Festival South Jutland/Schleswig and created a Danish-German academy for brass instrumentalists.

In addition to cooperation in the cultural region, the region also has well-established cultural cooperation in Euroregion South Jutland-Schleswig (www.region.dk/www.region.de), where South Jutland local authorities cooperate with the North German area. All meeting invitations, minutes, information, etc. are published in both Danish and German. The common Danish-German political committees include representatives of the German minority in Denmark. In October 2010, the Danish-German committee for language and intercultural understanding will hold a seminar "Language for children" about how to motivate children and young people to learn the neighbour language. The German minority was part of the seminar steering committee.

Other examples from South Jutland include Museum Sønderjylland, which is lead partner on the "Minority life -when history becomes real", a cooperation between minority museums, Sønderborg Castle, etc., via the EU-subsidised Interreg 4A. For further information see: <http://www.interreg4a.dk/wm281685>.

Article 13 – Economic and social life

Denmark has specified that the following provisions in the economic and social area 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 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.

Note the following in respect of Denmark's compliance with the individual provisions of Article 13

- 1)
 - a and d) The Committee of Experts has indicated that these provisions are considered to be observed.
 - c) The Committee of Experts has indicated that these provisions are considered to be observed for the time being.
- 2)
 - c) The Committee of Experts has indicated that this provision is considered to be partially observed.

The Committee of Experts has stated that this obligation requires that the authorities ensure the use of German and finds that a more systematic approach to this issue is needed at local-authority and regional level. The Committee of Experts refers to the policy pursued by the Government Office of the County of South Jutland (now State Administration for South Denmark). The Committee of Experts encourages the authorities to boost efforts to ensure that German can be used in institutions in the social sector, particularly in care for the elderly.

Have steps been taken to systematically ensure that German can be used in places of social care especially in hospitals? (Committee of Experts' question in point 110).

Have the Danish authorities clarified with the hospitals whether it is possible for German-speaking doctors to treat patients in German? (Committee of Experts' question in point 110).

As mentioned in connection with Denmark's first and second reports, the hospitals in Region South Denmark receive and treat members of the German minority using German depending on the circumstances. In addition, it should be noted that patient advisors in the region can assist patients in German, if requested.

South Jutland hospitals are not experiencing unsolvable language difficulties in connection with the treatment of members of the German minority.

Some information about the hospitals in South Jutland has already been made available in German on the Internet. As of 1 October 2009, information and contact data on emergency assistance also became available in German.

In the long run, the region is planning to extend this to include more information about the offers at South Jutland hospitals, including overviews of units, contact information of German-speaking patients and lists of the most common examinations and treatments.

In the psychiatric treatment system, both patients and relatives can use German in the contact and treatment phases. Since the minority or other German speakers receive assistance in German, the region has not experienced a specific need to improve these possibilities.

However, Region South Denmark will consider whether to formalise the rights of the minority to use German in the psychiatric treatment system in Region South Denmark.

Has Denmark developed a more structured policy in order to ensure the use of German in social care facilities, in particular with regard to social care for the elderly? (Committee of Experts' question in point 112).

According to members of the German minority, the minority speaks Danish fluently.

Haderslev, Sønderborg, Tønder and Aabenraa local authorities have all stated that assistance in German is provided to the extent necessary.

In respect of the care sector for the elderly, local authority of Sønderborg has stated that it has a number of German-speaking staff, so that, should the need arise, the local authority can use German-speaking staff.

The local authority of Aabenraa has stated that some of its residents living at nursing centres and using home care prefer to speak German. Since many of those employed by the local authority of Aabenraa speak German, this does not pose a problem for the local authority to assist these citizens in German.

Aabenraa and Sønderborg local authorities have thus assessed that there is no need for special measures in the area.

Moreover, the government has no knowledge of any specific issues being raised in this respect.

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 Language 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 cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Note the following in respect of Denmark's compliance with the individual provisions of Article 14

a) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

b) The Committee of Experts has indicated that this obligation is considered to be fulfilled.

In respect of the issue of transfrontier exchange, it should be noted that "Addendum to regional partnership agreement on growth and industrial development between the government and Growth Forum for Region South Denmark" specifies the following:

Cross-border cooperation

Cross-border cooperation has been strengthened economically between 2007 and 2013. From 2007 to 2013, the EU has earmarked DKK 104 million a year via the structural funds for cross-border and cross-national cooperation, constituting a significant increase compared with 2000-2006. The regional growth forums are included in the cross-national steering committees and make recommendations for possible co-financing of the regional development funds.

The Parties agree to maintain strong cooperation in respect of neighbouring regions.

In June 2007, Region South Denmark and Schleswig-Holstein concluded a Danish-German partnership agreement to develop the area from a border into a growth region. In this connection, Region South Denmark, the state government and Region South Jutland-Schleswig will prepare a new strategy for cross-border cooperation to develop common positions of strength and dismantle barriers.

The Danish government will continue its contribution to visualise and implement the visions of the border region as part of the ongoing negotiations with the German government and state government, and the Danish government will still be prepared to discuss the possibilities of the individual cross-border cooperation.

Data base

Moreover, the Parties agree to identify the possibilities of cooperating to ensure a better data basis for joint development in South Denmark and Schleswig-Holstein.

The government will emphasise that, where relevant, the development of cross-border data should take place in cooperation between Region Zealand and Region South Denmark and the relevant German authorities.

Information for border commuters

The Parties agree that relevant information can be furnished for aliens applying for work in Denmark, including commuters in the Danish-German border region.

The government has taken a number initiatives in this respect. The government's job plan from February 2008 resulted in the creation of three Workindenmark centres in autumn 2008 which must assist companies in Denmark and alien job seekers. Workindenmark South is located in Odense and also covers South Jutland.

With the launch of the www.workindenmark.dk portal in autumn 2008, a single point of access was created offering all relevant information related to working and living in Denmark, including tax matters, etc. to all types of Danish companies and alien job seekers, including German job seekers. The website was subsequently extended with a German version.

Alien job seekers are offered extended assistance – particularly German employees – via the Eures Cross-border cooperation, South Jutland-Schleswig, and in the job centres in South Jutland, particularly in Aabenraa, Tønder and Sønderborg. Cross-border cooperation has its own website, www.eures-kompas.eu,

providing information and advisory services to employees and employers in South Jutland-Schleswig about job possibilities, search for labour and working and living conditions, etc. across the Danish-German border.

If the growth forum wants to establish a regional portal for border commuters, the government will contribute relevant government information. For instance, CIRIUS can provide background knowledge about German educational qualifications and its assessment standard for German education programmes.

As Region South Denmark, the state of Schleswig-Holstein and Region South Jutland-Schleswig implement the new strategy and identify barriers to growth and cross-border relations, the growth forum will take the initiative to conduct a dialogue with the state to clarify how to break down these barriers and how to provide information about solutions on a Danish-German portal for border commuters and companies. This applies specifically to questions about tax assessment, health insurance and pension and recognition of education.

Mobility in the border region

The Parties have taken note of the agreement on “A green transport policy” concluded between the government, the Social Democratic Party, the Danish People's Party, the Danish Social-Liberal Party, the Socialist People's Party and Liberal Alliance. The transport agreement comprises a number of projects in Region South Denmark and, within the scope of the agreement, the parties intend to find a model for discussing the possibility of extending cross-border cooperation. The following initiatives should be considered:

-to expand the line section between Vojens and Vamdrup to a double track, the perspective being that the entire section between Lunderskov and Padborg should be fully expanded to double tracks in the long run.

List of appendices:

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

1. Consolidated Act No. 941 of 1 October 2009 on Social Services (as amended)
2. Consolidated Act No. 1203 of 10 December 2009 on Legal Protection and Administration in Social Matters (as amended)
3. Consolidated Act No. 705 of 3 July 2009 on the Private Independent Schools, etc. (as amended)
4. Act No. 387 of 27 May 2008 on the Board of Equal Treatment
5. Consolidated Act No. 1349 on 16 December 2008 on Prohibition of Differential Treatment in the Labour Market, etc.
6. Order No. 207 of 8 March 2007 on Regional Cooperation with Adjacent Countries' Authorities and Organisations
7. Order No. 881 of 17 September 2009 on Local Radio Broadcasting
8. Order No. 1082 of 20 November 2009 on Guaranteed Day-Care Availability, Local-Authority Subsidies for Day-Care, After-School and Club Facilities, Parents' Own Payment and Obtaining Children's Certifications (as amended)
9. Letter of 9 June 2006 to the four municipalities responsible for establishing the new municipalities in the County of South Jutland
10. Letter of 25 November 2009 to the local authorities of South Jutland and Region South Denmark
11. Letter of 25 November 2009 to the German minority