



Strasbourg, 24 October 2014

ECRML (2014) 9

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN DENMARK**

**4th monitoring cycle**

**A. Report of the Committee of Experts on the Charter**  
(adopted on 14 May 2014)

**B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Denmark**  
(adopted on 24 October 2014)

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the State in accordance with Article 15, paragraph 2. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

**CONTENTS**

- A. Report of the Committee of Experts on the application of the Charter in Denmark .....4**
- Chapter 1 Background information .....4**
  - 1.1. *The Charter’s ratification by Denmark .....4*
  - 1.2. *The work of the Committee of Experts .....4*
  - 1.3. *General issues arising in the evaluation of the application of the Charter in Denmark .....5*
- Chapter 2 Conclusions of the Committee of Experts on how the Danish authorities reacted to the recommendations of the Committee of Ministers .....6**
- Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter .....7**
  - 3.1. *Evaluation in respect of Part II of the Charter .....7*
  - 3.2. *Evaluation in respect of Part III of the Charter .....11*
- Chapter 4 Findings of the Committee of Experts in the fourth monitoring cycle .....18**
- Appendix I: Instrument of Ratification .....19**
- Appendix II: Comments from the Government of Denmark .....21**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Denmark.....26**

## **A. Report of the Committee of Experts on the application of the Charter in Denmark**

adopted by the Committee of Experts on 14 May 2014  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information**

#### *1.1. The Charter's ratification by Denmark*

1. Denmark signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 5 November 1992. On 24 November 1999, the Danish Minister for Foreign Affairs presented a proposal for a parliamentary resolution on Denmark's ratification of the Charter (motion for resolution No. B 50). On 29 May 2000, the Danish Parliament (the Folketing) gave its approval for ratification. The instrument of ratification was deposited with the Council of Europe on 8 September 2000. The Charter entered into force in Denmark on 1 January 2001.

2. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The Danish authorities presented their fourth periodical report to the Secretary General of the Council of Europe on 11 March 2014.

3. In its previous evaluation report on Denmark, the Committee of Experts outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations, which were addressed to the Danish authorities.

#### *1.2. The work of the Committee of Experts*

4. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of Denmark and through interviews held with representatives of the German speakers as well as the Danish authorities during the on-the-spot visit, which took place on 14 and 15 April 2014. The Committee of Experts also received a statement by the "*Bund deutscher Nordschleswiger*", submitted pursuant to Article 16 (2) of the Charter.

5. On 8 December 2011, a Charter Implementation Roundtable was organised by the Charter Secretariat in Copenhagen to discuss the implementation of the recommendations by the Committee of Experts and the Committee of Ministers contained in the third evaluation report. During the meeting, representatives of the German minority and the Danish authorities discussed practical measures for the implementation of each recommendation. Where appropriate, the results of the roundtable are also taken into account in this evaluation report.

6. The present report focuses on the provisions and issues which were singled out in the third evaluation report as raising particular problems. It evaluates in particular how the Danish authorities have reacted to the issues raised by the Committee of Experts and where relevant, to the recommendations made by the Committee of Ministers. It also aims to highlight new issues detected by the Committee of Experts during the fourth monitoring cycle.

7. The report contains detailed observations that the Danish authorities are encouraged to take into account. The Committee of Experts has, on the basis of its detailed observations, also established a list of proposals for recommendations to be addressed to Denmark by the Committee of Ministers, as provided in Article 16 paragraph 4 of the Charter.

8. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes will be taken into account in the next report of the Committee of Experts concerning Denmark.

9. This report was adopted by the Committee of Experts on 14 May 2014.

### 1.3. General issues arising in the evaluation of the application of the Charter in Denmark

#### 1.3.1 Undertakings under the Charter

10. In the third evaluation report, the Committee of Experts invited the Danish authorities to investigate, in close consultation with the German speakers, whether additional obligations under the Charter could be accepted in the fields of judicial authorities, administrative authorities and media in order to better take account of the situation of the German language.

11. At the Charter Implementation Roundtable, the German minority proposed to the Danish authorities that Denmark should ratify, in accordance with Article 3 (2) of the Charter, eleven additional undertakings, namely Articles 9 (1) aii; 9 (1) aiv; 9 (1) bii; 9 (1) cii; 9 (1) d; 9 (3); 10 (1) aiv; 10 (2) b; 10 (2) g, 11 (1) aiii and 11 (1) fi.

12. The fourth periodical report does not contain any information about this issue. During the on-the-spot visit, representatives of the Danish authorities stated that they would examine the matter.

13. The Committee of Experts remains of the view that the undertakings chosen by Denmark do not adequately reflect the situation of the German language in Denmark. In particular, the fact that Denmark has not chosen any undertakings under Article 10 (2) (local and regional authorities) is regrettable considering the importance of regional and local authorities for the promotion of the German language. Also, the German speakers consider that it would be more realistic to apply one of the options contained in Article 11 (1) a (public service radio and television) to the German language rather than the demanding undertakings that Denmark has chosen but so far not implemented (Articles 11 (1) bi and ci). The Committee of Experts invites the Danish authorities to investigate whether the additional obligations proposed by the German speakers could be accepted pursuant to Article 3 (2) of the Charter in order to better take account of the situation of the German language.

#### 1.3.2 Romani language in Denmark

14. In the third monitoring cycle, the Committee of Ministers recommended that the Danish authorities “**clarify the issue of the traditional presence of the Romani language spoken by Sinti and possibly other indigenous groups in Denmark**”.

15. The fourth periodical report states that the Danish authorities have asked for the examination of historical records in order to determine whether Romani speakers have had a traditional presence in Denmark. According to the findings of this examination, Romani speakers have had only a temporary presence in the country, but no continuous historical presence, as the Romani speakers currently living in Denmark only immigrated during the last decades.

#### 1.3.3 Compliance with reporting obligations

16. Under the terms of its Article 15 (1), each State Party is required to present its first report “within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report”. The Charter entered into force in Denmark on 1 January 2001.

17. In accordance with the aforementioned provision, Denmark was under the obligation to submit its fifth periodical report at the beginning of 2014. However, the Danish authorities submitted their fourth periodical report only on 11 March 2014. This total delay of more than three years is of great concern to the Committee of Experts as it means that Denmark has in effect already missed an entire monitoring cycle. It is evident that such delays have a very negative impact on the monitoring mechanism and application of a Convention whose implementation is monitored at three-yearly intervals. The Committee of Experts therefore encourages the Danish authorities to submit their next periodical report in accordance with the Charter, i.e. at the beginning of 2017.

## **Chapter 2 Conclusions of the Committee of Experts on how the Danish authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 1:**

*“increase the level of radio broadcasting in German and provide TV broadcasts in German in South Jutland, in close cooperation with the German-speakers”*

18. No structured measures have been taken in order to implement the undertakings chosen in the field of radio and television broadcasting. The Danish authorities continue to subsidise annually the production of a short news programme in German broadcast by a private radio station. In addition, there is no provision for TV programmes targeting the German minority in Denmark.

### **Recommendation no. 2:**

*“ensure that the reduction of subsidies for private schools and cuts of the transport allowances will not jeopardize the continued functioning of the German-language schools at the current level”*

19. The Danish authorities acknowledge that the minority schools perform the same role for members of the German minority as the public schools for the majority. The Danish government took steps to ensure that the funding per pupil was raised, so that it now corresponds to 100 percent of the average cost per pupil in the public schools. The appropriation for transportation allowance for students in the German minority schools is maintained unchanged by the Danish authorities.

### **Recommendation no. 3:**

*“clarify the issue of the traditional presence of the Romani language spoken by Sinti and possibly other indigenous groups in Denmark”*

20. The Danish authorities have asked for the examination of historical records in order to determine whether Romani speakers have had a traditional presence in Denmark. According to the findings of this examination, Romani speakers have had only a temporary presence in the country, but no continuous historical presence, as the Romani speakers currently living in Denmark have only immigrated during the last decades.

21. The Committee of Experts takes note of the opinion of the Danish authorities of the traditional presence of the Romani language in Denmark. The Committee of Experts has received no information from Romani speakers living in Denmark contradicting this information. The Committee of Experts reserves the right to return to this issue.

## Chapter 3 The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

### 3.1. Evaluation in respect of Part II of the Charter

22. The Committee of Experts will focus on the provisions of Part II which were singled out in the third report as raising particular problems. It will therefore not comment in the present report on provisions about which no major issues were raised in the first, second, and/or third reports and for which the Committee of Experts has not received any new information requiring it to reassess their implementation. These provisions are as follows:

Article 7, paragraph 1.a, b, e, f, g, h, i;  
Article 7, paragraph 2;  
Article 7, paragraph 5

#### Article 7

##### Paragraph 1

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

*c the need for resolute action to promote regional or minority languages in order to safeguard them;*

23. In the third evaluation report, the Committee of Experts encouraged the Danish authorities to take a more proactive and structured approach in applying Denmark's undertakings ensuing from the Charter.

24. The Committee of Experts notes that very little progress has been made regarding the implementation of those Charter undertakings that were not fully implemented in the last monitoring cycle. In addition, certain undertakings, especially in the field of the media, have never been implemented since the entry into force of the Charter in Denmark.

25. Based on observations by representatives of the German minority, it appears that one of the reasons for this situation is the lack of structured approach to implement each Charter undertaking. In practice, the implementation of the Charter is regarded by the authorities more as a by-product of the protection of the German minority in general rather than as a process in its own right.

26. Against this background, the Committee of Experts reiterates that the undertakings entered into by Denmark under the Charter need to be implemented in practice. This requires that the Danish authorities take positive measures on their own initiative and in co-operation with the representatives of the German speakers. The Committee of Experts considers that the Danish authorities should consult the German minority association as well as the relevant local and regional authorities with a view to drawing up a mid-term strategy on the full implementation of the Charter. Such a strategy should define concrete steps, administrative responsibilities and a time-frame to implement the undertakings which are not yet fulfilled.<sup>1</sup> In addition, there should be clarity as to which authorities are in charge of co-ordinating the measures to implement the undertakings of the Charter.

***The Committee of Experts urges the Danish authorities to adopt a structured approach for the implementation of each undertaking under the Charter, in co-operation with the representatives of the German speakers.***

*d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

27. In the third evaluation report, the Committee of Experts encouraged the Danish authorities to pursue the dialogue with the representatives of the German speakers with a view to further improving the presence of the German language in public life.

<sup>1</sup> See for example 1<sup>st</sup> Report of the Committee of Experts in respect of Romania, paragraph 29; 1<sup>st</sup> Report of the Committee of Experts in respect of Poland, paragraph 24.

28. As far as bilingual signs are concerned, representatives of the German minority underlined, at the 2011 Charter Implementation Round Table, their wish for bilingual place-name signs, pointing out that such signs exist for the Danish minority in Germany. They asked the national authorities to inform the local and regional authorities concerned of the legal possibility to display bilingual place-name signs and to encourage them to make use of it.

29. However, the national authorities have not yet encouraged the local and regional authorities to introduce bilingual place-name signs. The fourth periodical report refers to an application by the German minority to set up a bilingual tourist information sign at the Knivsbjerg/Knivsberg, a location used by the minority for various cultural and educational activities. This application was rejected by the Danish Road Directorate which considered that the Knivsbjerg/Knivsberg lacked the national or international importance required for the setting-up of a tourist signpost. In addition, the periodical report mentions that the branch of the State administration in Aabenraa/Apenrade displays signs in German.

30. In a statement submitted to the Committee of Experts, the “Bund deutscher Nordschleswiger” reiterates its interest in bilingual place-name signs in the municipalities of South Jutland/North Schleswig. However, the association does not want to apply for such signs itself as it is concerned about potentially negative reactions in the majority population. Rather, it prefers that the local authorities concerned take the initiative.

31. The Committee of Experts notes that the use of place-names in a minority language is a promotional measure with a considerable positive effect for the prestige and public awareness of a minority language. This appears to be particularly relevant in the case of the German minority in Denmark (see under Article 7.3). The use of topographic names in a minority language is also required by the Framework Convention for the Protection of National Minorities which has been ratified by Denmark. Therefore, the Committee of Experts encourages the Danish authorities to consult the German minority as regards the question of signage in German in the four municipalities concerned.

***The Committee of Experts urges the Danish authorities to improve the presence of the German language in public.***

32. As far as the use of German by, and in contacts with, the administrative authorities is concerned, the fourth periodical report states that the local branch of the State administration offers translation of correspondence. The municipalities of Aabenraa/Apenrade, Haderslev/Hadersleben, Sønderborg/Sonderburg and Tønder/Tondern offer information in German on their websites. Furthermore, the municipalities of Aabenraa/Apenrade and Haderslev/Hadersleben organise internal German language training for employees.

33. At the Charter Implementation Round Table and during the on-the-spot visit, the representatives of the German minority have pointed out that there is no structured approach regarding the provision of administrative documents and information in German, for example concerning taxes. Access to the main documents relating to the German speakers in German, including those concerning the Charter, is not always possible. The German speakers also suggested identifying German-speaking civil servants on the websites of the local authorities. The Committee of Experts encourages the Danish authorities to develop a common approach regarding the use of German by, and in contacts with, the administrative authorities.

34. According to the fourth periodical report, in 2011 there was another reform of state administration as a result of which a call centre has been established in Bornholm. Its service covers the whole country and a special contact person for communication in German has been designated to provide for the needs of the German minority.

### **Paragraph 3**

***The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.***

35. The Committee of Experts reiterates that “Respect for regional or minority languages and the development of a spirit of tolerance towards them are part of a general concern to develop

understanding for a situation of language plurality within a state. The development of this spirit of tolerance and receptiveness through the educational system and the media is an important factor in the practical preservation of regional or minority languages. The encouragement of the mass media to pursue such objectives is not considered to constitute illegitimate state influence; indeed respect for human rights, tolerance of minorities and avoidance of incitement to hatred are the kinds of objective which most European states do not hesitate to impose as obligations upon the media.[...]”<sup>2</sup>

36. In the third evaluation report, the Committee of Experts asked the Danish authorities to provide specific information on the extent to which the information provided in schools about “the border area” promotes the awareness and understanding of German as a minority language in Denmark or whether this has been accompanied by other measures, such as guidelines for the implementation of the relevant sections of school curricula, the inclusion of this aspect in the monitoring of the Folkeskole or increased attention to this issue in the context of teaching materials and mainstream teacher training. The Committee of Experts further requested the Danish authorities to provide specific information on other measures to promote the awareness and understanding of German as a minority language in Denmark.

37. At the Charter Implementation Round Table, the representatives of the German minority suggested that they be highlighted in any branding of Denmark as a tourist destination. If funding is made available the minority association is willing to organise a course about the German minority and invite teachers to attend.

38. According to the fourth periodical report, the current curriculum does not describe any specific topics for the teaching of the history and culture which is reflected in the German language. In the context of the public school reform it has been decided to bring forward the start of the German classes from the 7<sup>th</sup> to the 5<sup>th</sup> grade, which is expected to lead to the strengthening of students’ mastery of the German language and knowledge of German culture, including German as a minority language.

39. During the on-the-spot visit, representatives of the German minority maintained their impression that the general awareness of the German minority and its language in the majority population is not only weak, but declining. Against this background, the Committee of Experts urges the Danish authorities to take measures promoting the awareness and understanding of German as a minority language in Denmark. Such measures may include guidelines for the implementation of the relevant sections of school curricula, the inclusion of this aspect in the monitoring of the Folkeskole and increased attention to this issue in the context of teaching materials and mainstream teacher training.

40. In the third evaluation report, the Committee of Experts also encouraged the Danish authorities to consider the possibility of including a provision concerning the proportional and balanced reporting about the German minority in the new public service contracts between the Danish state and public broadcasters.

41. However, according to the fourth periodical report, no steps have been taken. The Committee of Experts therefore urges the Danish authorities to include a provision concerning the reporting about the German minority in the public service contracts between the Danish state and public broadcasters.

#### **Paragraph 4**

*In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.*

42. In addition to the general Contact Committee of the German minority and the Danish authorities, the latter have established a special working group to discuss and evaluate measures taken under the Charter and also issues related to the Framework Convention for the Protection of National Minorities. In the third monitoring cycle, the Committee of Experts was informed by the representatives of the German speakers that the working group had met only once before the submission of the state report. The Committee of Experts therefore encouraged the Danish authorities to convene more regular meetings of the working group.

---

<sup>2</sup> See European Charter for Regional or Minority Languages, (ETS No. 148), Explanatory Report, paragraph 74.

43. According to the fourth periodical report, the working group met for the last time in 2011. At the Charter Implementation Round Table and during the on-the-spot visit, representatives of the German speakers stated that the working group should meet at least once a year.

44. In light of the above, the Committee of Experts notes that more frequent meetings of a dedicated working group could make a significant contribution to the implementation of a structured approach to the implementation of all Charter undertakings ratified by Denmark (see Article 7.1.c). In particular, it appears that the mandate and agenda of the Contact Committee are too complex to permit it to deal effectively with specific Charter-related matters. The Committee of Experts therefore urges the Danish authorities to convene regular meetings of the special working group on the Charter.

### 3.2. Evaluation in respect of Part III of the Charter

45. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in the previous reports and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. It reserves, however, the right to evaluate the situation again at a later stage. These provisions are listed below:

Article 8, paragraph 1 aiii, biv, ciii/iv, eii, fii, h, i; paragraph 2;

Article 10, paragraph 1 av, 4.c, paragraph 5;

Article 11, paragraph 1 ei

Article 12, paragraph 1.a, b, d, e, f, paragraph 2;

Article 13, paragraph 1.a, c, d;

Article 14.a, b

#### Article 8 – Education

##### *General issues*

46. In the third monitoring cycle, the Committee of Ministers recommended the Danish authorities to **“ensure that the reduction of subsidies for private schools and cuts of the transport allowances will not jeopardise the continued functioning of the German-language schools at the current level”**.

47. According to the fourth periodical report, the Danish authorities acknowledge that the minority schools perform the same role for members of the German minority as the public schools for the majority. The Danish government took steps to ensure that the funding per pupil was raised, so that it now corresponds to 100 percent of the average cost per pupil in the public schools.

48. The appropriation for transportation allowance for students in the German minority schools remains unchanged.

49. During the on-the-spot visit, the Committee of Experts was informed that a general school reform has been carried out by the Danish government, which has also had an impact on the German minority. The Danish authorities have confirmed that as a result of the school reform, the subsidies for private schools have been increased from 98 percent to 100 percent.

50. The school reform also involves changes in the activities that schools are obliged to provide and the school day has been extended. In light of the information the Committee of Experts received from the German speakers, these changes may potentially have a negative impact on the German minority schools. The Committee of Experts asks the Danish authorities to submit detailed information about the effects of the general school reform on the German minority schools in the next periodical report.

##### **Paragraph 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:***

- 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;***

51. In the third monitoring cycle, the Committee of Experts considered this undertaking fulfilled, but asked the Danish authorities to provide specific information on the teaching of German within technical and vocational education.

52. During the on-the-spot visit, the Committee of Experts was informed by the Danish authorities that the teaching of German is not part of the curriculum of technical and vocational education. The Committee of Experts considers that the lack of teaching of German as part of the curriculum of technical and vocational education jeopardises the continuity of German-language education.

53. In light of the new information received, the Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to adopt a regulation concerning the teaching of German as an integral part of the curriculum in technical and vocational education.

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

54. In the third monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It asked the Danish authorities to provide more specific information in the next periodical report on the extent to which the teaching of history and culture which is reflected by the German language in Denmark is ensured in practice.

55. The fourth periodical report does not contain any information about the teaching of history and culture which is reflected by the German language in any schools in the territory where German is used.

56. The Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It asks the Danish authorities to clarify this issue in the next periodical report.

## **Article 9 – Judicial authorities**

### **Paragraph 1**

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

- b** *in civil proceedings:*

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

- c** *in proceedings before courts concerning administrative matters:*

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

### **Paragraph 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*

57. In the third monitoring cycle, the Committee of Experts encouraged the Danish authorities to clarify the issues concerning difficulties encountered by the German-speakers in submitting legal documents in German. The Committee of Experts also encouraged the Danish authorities to report about the practical or organisational measures taken to improve the implementation of the undertakings chosen in practice.

58. At the Charter Implementation Round Table, the German minority asked for a contact person in the Ministry of Justice, to whom they may refer when problems arise. Furthermore, they asked for a document clarifying the rights related to the use of German before judicial authorities.

59. According to the fourth periodical report, the Land Registration Court which is in charge of registration for the whole country has introduced a procedure whereby documents in German, submitted by members of the German minority, as appropriate, will be translated into Danish by the Land Registration Court without any cost to the person who has filed a document for registration.

60. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Danish authorities that German speakers have the right to translation before judicial authorities. The authorities also stated that they would consider the request of a contact person.

61. As regards practical or organisational measures to improve the implementation of the undertakings under Article 9 in practice, the fourth periodical report contains no information. The

Committee of Experts asks the Danish authorities to submit this information in the next periodical report.

62. The Committee of Experts considers this undertaking fulfilled.

#### **Article 11 – Media**

63. The Committee of Experts observes that since the entry into force of the Charter in Denmark in 2001 no significant developments have occurred in implementing the undertakings chosen by Denmark in the field of private broadcast media. Although the Committee of Experts is aware of the limited role of the state in relation to the private media, it reiterates that the possibility of introducing encouragement or facilitation measures for the media in minority languages exists, for example through financial support or licensing requirements.

64. On the other hand, the Committee of Experts was informed in the present and the previous monitoring cycles that the representatives of the German speakers are interested in regular German-language programmes at the level of the Danish public broadcasters (television, radio, internet). In the third evaluation report, the Committee of Experts encouraged the Danish authorities to include and support German-language programmes in the public broadcasting media. According to the fourth periodical report, however, no measures have been taken in the field of public media either.

65. The Committee of Experts underlines that the undertakings entered into by Denmark under the Charter need to be implemented in practice. This requires that the Danish authorities take positive measures, on their own initiative and in co-operation with the representatives of the German speakers, with a view to broadcasting in German on radio and television. If the implementation of the provisions ratified in the field of private broadcast media appears too demanding, the Danish authorities should overcome the present deadlock by implementing the related provisions concerning public media, namely Article 11 (1) ai or aii and change the instrument of ratification accordingly.

#### **Paragraph 1**

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

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

66. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended the Danish authorities to “**increase the level of radio broadcasting in German [...], in close cooperation with the German-speakers**”.

67. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. During the on-the spot visit, the Committee of Experts was informed by the representatives of the German speakers that no steps have been taken and that there are still only six minutes of broadcasting time per day. The Committee of Experts reiterates that the broadcasting time of six minutes per day is completely insufficient to comply with the undertaking chosen by Denmark.

68. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Danish authorities to take measures, in close co-operation with the German speakers, to substantially increase the level of radio broadcasting in German, including an offer for children.

***The Committee of Experts strongly urges the Danish authorities to take measures, in close co-operation with the German speakers, to substantially increase the level of radio broadcasting in German.***

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

69. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. The Committee of Ministers recommended the Danish authorities to “[...] **provide TV broadcasts in German in South Jutland, in close cooperation with the German-speakers**”. The

Committee of Experts encouraged the Danish authorities to continue to support the cross-border television project involving Aabenraa/Apenrade Lokal TV, as a way to broadcast television programmes in German, as well as other activities aimed at broadcasting TV programmes in German.

70. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. During the on-the spot visit, the Committee of Experts was informed by the representatives of the German speakers that no steps have been taken and that there is no provision for television programmes catering for the German minority in Denmark.

71. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Danish authorities to provide, in close co-operation with the German speakers, television broadcasts in German, including an offer for children.

***The Committee of Experts strongly urges the Danish authorities to provide television broadcasts in German, in close co-operation with the German speakers.***

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

72. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Danish authorities to take measures to encourage and/or facilitate the production and distribution of audio and audiovisual works in German.

73. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. In its statement submitted to the Committee of Experts, the German minority association notes the absence of a financial scheme to support the production and distribution of audio and audiovisual works in German.

74. The Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to facilitate the production and distribution of audio and audiovisual works in German.

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

75. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Danish authorities to apply existing measures for financial assistance also to audiovisual productions in German.

76. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. In its statement submitted to the Committee of Experts, the German minority association notes the absence of a financial scheme to support the production and distribution of audio and audiovisual works in German.

77. The Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to apply existing measures for financial assistance also to audiovisual productions in German.

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

78. In the third evaluation report, the Committee of Experts considered this undertaking fulfilled regarding journalists. However, it asked the Danish authorities to inform about the situation of other media staff.

79. The fourth periodical report does not contain any information about this matter. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the German speakers that there is no training for journalists or other media staff using German. In addition, the Committee of Experts was informed that the German speakers have difficulties in recruiting journalists with a good proficiency in German and that they have to train journalists themselves.

80. The Committee of Experts is not in a position to conclude and asks the authorities to comment on the information received from the German speakers in the next periodical report.

## **Paragraph 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.*

81. In the third monitoring cycle the Committee of Experts considered the undertaking fulfilled, but encouraged the Danish authorities to provide information on the extent to which the reception of radio and TV broadcasting from Germany is possible in South Jutland and on the potential costs for the listeners and viewers.

82. During the on-the-spot visit, the Committee of Experts was informed that in certain areas of South Jutland/North Schleswig it is still not possible to receive radio and television broadcasts from Germany, owing to digitalisation. Receiving radio and television broadcasts from Germany appears to depend on the technical capacity of each television channel and radio station.

83. The Committee of Experts invites the Danish authorities to examine the situation in cooperation with the German minority and return to the issue in the next periodical report.

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

### **Paragraph 1**

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

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

84. In the third evaluation report, the Committee of Experts considered this undertaking still fulfilled. It nevertheless encouraged the Danish authorities to facilitate the running of the German museum in Sønderborg/Sonderburg at a professional level.

85. The fourth periodical report states that the German school museum in Aabenraa/Apenrade has received subsidies from the local authorities of DKK 20 000 (about € 2 700). However, it does not contain information about the German museum in Sønderborg/Sonderburg. During the on-the-spot visit, representatives of the German minority reiterated their need for state support to finance the staff of the German museum in Sønderborg/Sonderburg.

86. The Committee of Experts considers this undertaking fulfilled.

### **Paragraph 3**

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

87. In the third evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Danish authorities to make appropriate provision for the language and culture of the German speakers in South Jutland in pursuing their cultural policy abroad and inform the Committee of Experts about the measures taken.

88. At the Charter Implementation Round Table, the Danish authorities agreed to add information about the German minority on the websites of the embassies. During the on-the spot visit, however, the Committee of Experts was informed that no steps have been taken.

89. The Committee of Experts considers this undertaking not fulfilled. It urges the Danish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the German language and the culture it reflects and to inform the Committee of Experts about the measures taken.

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

### **Paragraph 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;*

90. In the third evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It asked the Danish authorities to provide information in the next periodical report on how information concerning the possibility to use German in relations with the German speakers was disseminated to the German-speaking staff.

91. According to the fourth periodical report, in the healthcare system there are new initiatives in relation to the reception message on the on-call General Practitioner's telephone. When calling the on-call GP's telephone, the initial telephone reception message is also in German. It is indicated in this initial reception message how to proceed. On the Sønderjylland/Nordschleswig Hospital webpage additional information is available in German regarding the fact that patients belonging to the German minority can, where possible, ask in German for information regarding emergency care and patients' rights.

92. During the on-the spot visit, the Committee of Experts was informed by the Danish authorities that the German-speaking staff is not systematically informed of the possibility to use German with patients, let alone encouraged to do so. According to the representatives of the German speakers, it was still not yet clear whether German-speaking doctors could treat patients in German.

93. The fourth periodical report does not contain any information about the use of German in social care facilities, in particular with regard to social care for the elderly. During the on-the spot visit, the Committee of Experts was informed by the representatives of the German speakers that information about the use of German in social care facilities, in particular with regard to social care for the elderly, is sufficient.

94. The Committee of Experts considers this undertaking partly fulfilled. It urges the Danish authorities to strengthen their efforts to ensure that German can actually be used in hospitals, in particular in communication between the German speakers and the German speaking staff.

## **Article 14 – Transfrontier exchanges**

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

95. In the third evaluation report, the Committee of Experts considered these undertakings fulfilled.

96. According to the fourth periodical report, in 2009 the "Professor dr. ABC" won the European Language prize for the promotion of cross-border language learning at kindergartens. In 2011, the Region Office for the German-Danish cross-border region organised a "Professor dr. ABC competition", thanks to which close links between some of the kindergartens have been created and they continue to visit each other.

97. A German-Danish cultural agreement with the German minority in the steering committee was concluded in 2013. The purpose is to support language and culture projects in the region. Activities organised in the framework of this agreement include a Danish-German children's theatre festival.

98. The Committee of Experts considers these undertakings fulfilled.

## Chapter 4 Findings of the Committee of Experts in the fourth monitoring cycle

A. The Committee of Experts appreciates the excellent co-operation it enjoyed with the Danish authorities in the organisation of its on-the-spot visit. The information provided by the authorities and by the representatives of the German speakers allowed the Committee of Experts to obtain a clearer picture of the situation of the German language in Denmark. However, it is regrettable that Denmark has accumulated a total delay of three years in the presentation of its periodical reports.

B. Denmark is to be commended for its continued commitment to the protection and promotion of the German language. The protection of the German language benefits greatly from the good co-operation and the open dialogue between the Danish authorities and the German speakers.

C. It seems that in some cases the state authorities have not informed the responsible regional and local authorities sufficiently about the undertakings under the Charter. There is a need for a more proactive and structured approach in applying Denmark's undertakings ensuing from the Charter. The fact that Denmark has not chosen any undertakings under Article 10 paragraph 2 (local and regional authorities) is regrettable considering the importance of regional and local authorities in the promotion of the German language.

D. The provision of German-medium education through the private schools of the German minority remains exemplary. The Danish authorities have confirmed that as a result of the school reform, the subsidies for private schools have been increased from 98 percent to 100 percent.

E. The presence of the German language in the Danish broadcasting media remains very weak. No steps have been taken by the Danish authorities to further implement the undertakings or to increase the level of radio broadcasting. In addition, there is no provision for TV programmes catering for the German minority in Denmark. It is clear that further efforts are needed for Denmark to implement its Part III undertakings in the field of the media.

F. The Danish Ministry of Culture, as well as the relevant local and regional authorities, actively support the cultural activities of the German speakers' organisation. The German speakers are represented in bodies responsible for organising cultural events, including cross-border cooperation and children's activities.

G. While it remains to a large extent possible to use German in the health and social care sectors, Denmark's undertakings in this field are far-reaching and a more systematic human resources policy is needed in order to ensure that services are generally available in German in social care facilities, including hospitals.

H. Finally, there is still a need to increase awareness and understanding of German as a minority language of Denmark among the Danish population as a whole.

The Danish government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Denmark. At the same time it emphasised the need for the Danish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1210<sup>th</sup> meeting on 24 October 2014, the Committee of Ministers adopted its Recommendation addressed to Denmark, which is set out in Part B of this document.

## Appendix I: Instrument of Ratification

### Denmark

#### **Declaration contained in a Note Verbale from the Permanent Representation of Denmark, handed at the time of deposit of the instrument of ratification on 8 September 2000 - Or. Engl.**

In accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the European Charter for Regional or Minority Languages, Denmark declares that it will apply the following provisions of Part III of the Charter to the German minority language in Southern Jutland:

Article 8, paragraph 1 a iii; b iv, c iii/iv, d iii; e ii, f ii, g; h; i; paragraph 2;  
Article 9, paragraph 1 b iii; c iii; paragraph 2 a/b/c;  
Article 10, paragraph 1 a v; paragraph 4 c; paragraph 5;  
Article 11, paragraph 1 b i/ii, c i/ii; d, e i, f ii; g, paragraph 2;  
Article 12, paragraph 1 a; b; d; e; f; g; paragraph 2; paragraph 3  
Article 13, paragraph 1 a; c; d; paragraph 2 c;  
Article 14, a; b.

The Danish Government considers that Article 9, paragraphs 1 b iii, and 1 c iii, does not preclude that national procedural law may contain rules which require that documents produced in a foreign language before courts as a general rule be accompanied by a translation.

**Period covered: 1/1/2001 -**

The preceding statement concerns Article(s): 2, 3

#### **Declaration contained in a Note Verbale from the Permanent Representation of Denmark, handed at the time of deposit of the instrument of ratification on 8 September 2000 - Or. Eng.**

The Danish Realm comprises Denmark, the Faroe Islands and Greenland.

Section 11 of Act No. 137 of 23 March 1948 on Home Rule of the Faroe Islands states that "Faroese is recognized as the principal language, but Danish is to be learnt well and carefully, and Danish may be used as well as Faroese in public affairs." By virtue of the said Act the Faroese language enjoys a high degree of protection and the provisions of the Charter will therefore not be applicable to the Faroese language, cf. Article 4 (2) of the Charter. For this reason, the Danish Government does not intend to submit periodical reports according to Article 15 of the Charter as far as the Faroese language is concerned.

Denmark's ratification of the Charter does not in any way prejudice the outcome of the negotiations on the future constitutional status of the Faroe Islands.

Section 9 of Act No. 577 of 29 November 1978 on Greenland Home Rule states that:

"(1) Greenlandic shall be the principal language, Danish must be thoroughly taught.  
(2) Either language may be used for official purposes."

By virtue of the said Act the Greenlandic language enjoys a high degree of protection and the provisions of the Charter will therefore not be applicable to the Greenlandic language, cf. Article 4(2) of the Charter. For this reason, the Danish Government does not intend to submit periodical reports according to Article 15 of the Charter as far as the Greenlandic language is concerned.

**Period covered: 1/1/2001 -**

The preceding statement concerns Article(s): 15, 4

#### **Communication contained in a Note Verbale from the Permanent Representation of Denmark, dated 25 August 2000, handed at the time of deposit of the instrument of ratification on 8 September 2000 - Or. Engl.**

Upon instruction the Representation hereby transmits certified translations into English of the Greenland Home Rule Act of 29 November 1978 and the Home Rule Act of the Faroe Islands of 23 March 1948, on the basis of which mandatory consultations were held as part of the ratification process. Attention is drawn to sections 9 and 11 respectively and to the corresponding lists of matters brought under Home Rule.

**[Note by the Secretariat:** The final versions are available on request to the Treaty Office.]

**Period covered: 1/1/2001 -**

The preceding statement concerns Article(s): -

## **Appendix II: Comments from the Government of Denmark**

The Danish Government is pleased to respond to the invitation of the Committee of Experts on the European Charter for Regional or Minority Languages to comment on the fourth periodical report, adopted on 14 May 2014.

These comments have been prepared based on the contributions received from the following ministries: The Ministry of Culture, The Ministry of Children, Gender Equality, Integration and Social Affairs, The Ministry of Education, The Ministry of Foreign Affairs and the municipalities of Tønder, Haderslev, Aabenraa and Sønderborg.

The Danish Government would like to stress its appreciation of the constructive dialogue, which has developed between the committee and the Danish authorities.

As to the specific issues and comments the Danish Government would like to comment on the following.

### **1.3 General issues arising in the evaluation of the application of the Charter in Denmark**

*13. ... Also, the German speakers consider that it would be more realistic to apply one of the options contained in Article 11 (1) a (public service radio and television) to the German language rather than the demanding undertakings that Denmark has chosen but so far not implemented (Articles 11 (1) bi and ci).*

See comments below under Article 11.

## **Chapter 2 Conclusions of the Committee of Experts on how the Danish authorities reacted to the recommendations of the Committee of Ministers**

### **Recommendation no. 2:**

*"ensure that the reduction subsidies for private schools and cuts of the transport allowances will not jeopardize the continued function of the German-language schools at the current level"*

**19. The Danish authorities acknowledge that the minority schools perform the same role for members of the German minority as the public schools for the majority. The Danish Government took steps to ensure that the funding per pupil was raised, so that it now corresponds to 100 pct. of the average cost per pupil in the public schools. The appropriation for transportation allowances for students in the German minority schools is maintained unchanged by the Danish authorities.**

See below under section 48.

The Danish Government would like to point out that the affirmative action regarding private German Day Care is not described in the report. The departmental order number 868 from 24/06/2011 regarding Day Care, § 17 contains rules about funding per child in private German Day Care. The rules ensure that the funding cannot fall below a certain level, even though the funding per child in the majority Day Care is lowered, and the private German Day Care can continue its work unchanged during economic difficult times. Private Day Care is often smaller than the majority Day Care regarding the number of children, and does not have the opportunity to use economies of scale as the majority Day Care has.

### **Article 7**

The Ministry of Education will take action to ensure that the Charter is discussed at the next meeting of the Contact Committee which will take place during the second half of 2014.

Furthermore, a meeting of the special working group will be arranged, also to take place later this year.

### **Article 8 - Education**

The Danish Government would like to comment on the following:

*48. The appropriation for transportation allowances for students in the German minority schools remains unchanged.*

There seems to be a need for clarification on the subject of transportation allowances.

In 2010 the Danish Government decided on a permanent reduction of the appropriations for transportation allowances for students in private schools which was effectuated in 2011. The appropriations for transportation allowances for students in German minority schools were exempted from these reductions. By maintaining the level of appropriations for transportation allowances for students in German minority schools unchanged from 2010, the mobility of these students has not been adversely affected.

The Danish Government would like to comment on the following:

*49. During the on-the-spot visit, the Committee of Experts was informed that a general school reform has been carried out by the Danish Government, which has also had an impact on the German minority. The Danish authorities have confirmed that as a result of the school reform, the subsidies for private schools have been increased from 98 percent to 100 percent.*

The Danish Government recommends the Committee of Experts to delete section 49. It is correct that the subsidies for private schools have been increased from 98 percent to 100 percent. But it is not a result of the school reform, see detailed information on page 4 in the fourth state report.

### **General issues arising in the evaluation of the application of the Charter in Denmark and Article 11 – Media**

*13. ... Also, the German speakers consider that it would be more realistic to apply one of the options contained in Article 11 (1) a (public service radio and television) to the German language rather than the demanding undertakings that Denmark has chosen but so far not implemented (Articles 11 (1) bi and ci).*

*65. The Committee of Experts underlines that the undertakings entered into by Denmark under the Charter need to be implemented in practice. This requires that the Danish authorities take positive measures, on their own initiative and in co-operation with the representatives of the German speakers, with a view to broadcasting in German on radio and television. If the implementation of the provisions ratified in the field of private broadcast media appears too demanding, the Danish authorities should overcome the present deadlock by implementing the related provisions concerning public media, namely Article 11 (1) ai or aii and change the instrument of ratification accordingly.*

Denmark has declared that it will apply b i/ii and c i/ii of the Charter to the German minority language in Southern Jutland.

The Committee of Experts suggests that Denmark in order to overcome the present deadlock apply ai) and aii) which concern radio and television that carry out a public service mission rather than bi/ii) and c i/ii) which concern broadcasting as a purely private sector function.

The German speakers suggests that Denmark apply ai) aii) or aiii) to the German language rather than the – according to the minority – demanding undertakings that Denmark has chosen but — so far not implemented.

Denmark doesn't find it appropriate to change the application of provisions and apply ai), aii) or aiii) rather than bi/ii) and ci/ii) as suggested. Denmark finds it most appropriate to give the German speakers the opportunity to apply for and obtain licenses and support for radio and television broadcasting rather than to oblige or encourage the public service broadcasters to create a radio station and a television channel in German.

Denmark doesn't consider the provisions in bi/ii and ci/ii more demanding than the provisions in ai), aii) and aiii) but the actual creation of radio stations/television channels or provision of programmes under bi/ii) and ci/ii) requires that the German speakers themselves take the initiative and apply for licenses and financial support.

Denmark will encourage the German speakers' organization "Bund Deutscher Nordschleswiger" to subscribe to the news letter from the Danish Agency for Culture as this contains information about upcoming radio and television tenders in which the German speakers have the opportunity to put in an application. It is previewed that there will be a tender for local/regional radio in the autumn of 2015.

Paragraph 1

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

68. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Danish authorities to take measures, in close co-operation with the German speakers, to substantially increase the level of radio broadcasting in German, including an offer for children.

**The Committee of Experts strongly urges the Danish authorities to take measures, in close co-operation with the German speakers, to substantially increase the level of radio broadcasting in German.**

Denmark provides annual subsidies of DKK 250.000 (about 33.500 euro) to the newspaper of the German minority, Der Nordschleswiger, for production and purchasing of broadcasting time for news in German at the South Jutland local radio station Radio Mojn.

Furthermore it is possible for local/regional radio and television broadcasters to obtain subsidies for radio and television broadcasting. In 2014 the Radio and Television Board provides subsidies of DKK 49,3 mio. (about 6,6 mio. euro) to the local/regional radio and television broadcasters.

The Radio and Television Board make public tenders where it is possible to apply for licenses and subsidies for broadcasting of local/regional radio and television. The German speakers have the opportunity to apply for a license and a subsidy. The license and support systems are based on objective, transparent and non-discriminatory criteria. Furthermore versatility must be facilitated in order to provide a diversity of groups including the national minorities an opportunity to obtain licenses and subsidies.

The Radio and Television Board hasn't received any applications to make local/regional radio in German and is due to the lack of applications not able to take the German speakers into consideration when issuing the licenses and giving subsidies.

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

70. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the German speakers that no steps have been taken and that there is no provision for television programmes catering for the German minority in Denmark.

71. The Committee of Experts considers this undertaking not fulfilled. It strongly urges the Danish authorities to provide, in close co-operation with the German speakers, television broadcasts in German, including an offer for children.

**The Committee of Experts strongly urges the Danish authorities to provide television broadcasts in German, in close co-operation with the German speakers.**

See comments above (b i).

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

73. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. In its statement submitted to the Committee of Experts, the German minority association notes the absence of a financial scheme to support the production and distribution of audio and audiovisual works in German.

74. The Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to facilitate the production and distribution of audio and audiovisual works in German.

*F ii* to apply existing measures for financial assistance also to audiovisual production in the regional or minority languages

76. In the fourth periodical report, the Committee of Experts received no information about measures taken in this field. In its statement submitted to the Committee of Experts, the German minority association notes the absence of a financial scheme to support the production and distribution of audio and audiovisual works in German.

77. *The Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to apply existing measures for financial assistance also to audiovisual productions in German.*

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.

Currently two full-length films in German which have received support from the Danish Film Institute are respectively in production and in development. The film in production has received DKK 8,3 mio. (about 1,1 mio. euro) and the film in development has received DKK 100.000 (about 13.000 euro) in support.

This autumn the Danish Film Institute and Filmförderung Hamburg Schleswig-Holstein will sign an agreement to support the development of German-Danish full-length films.

#### *Paragraph 2*

82. *During the on-the-spot visit, the Committee of Experts was informed that in certain areas of South Jutland/north Schleswig it is still not possible to receive radio and television broadcasts from Germany, owing to digitalisation. Receiving radio and television broadcasts from Germany appears to depend on the technical capacity of each television channel and radio station.*

83. *The Committee of Experts invites the Danish authorities to examine the situation in cooperation with the German minority and return to the issue in the next periodical report.*

There are no restrictions on the reception of German radio and television in Denmark and as far as the Ministry of Culture is informed all major distributors of television in Denmark offer at least one German television channel.

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

#### *Paragraph 3*

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

88. *At the Charter Implementation Round Table, the Danish authorities agreed to add information about the German minority on the websites of the embassies. During the on-the spot visit, however, the committee of Experts was informed that no steps have been taken.*

89. *The Committee of Experts considers this undertaking not fulfilled. It urges the Danish authorities to make appropriate provision, in pursuing their cultural policy abroad, for the German language and the culture it reflects and to inform the Committee of Experts about the measures taken.*

The suggestion to add information about the German national minority in Denmark on the websites of the Danish embassies abroad has been considered by the Danish authorities. As informed during the on-site visit, information is provided regarding the Danish national minority in Germany on the webpage of Denmark's embassy in Berlin. It is, however, not common for embassies abroad to provide national country facts in great detail. Embassy webpages contain information regarding mainly travel and residence, the Danish Trade Council, Danish involvement and presence in the host country and brief information about Denmark. Denmark does not plan to provide information regarding the German national minority on the websites of the Danish embassies abroad. However, general information regarding the German national minority in Denmark will be provided on Denmark's official web site – Denmark.dk within the near future.

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

#### *Paragraph 2*

*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*

94. *The Committee of Experts considers this undertaking partly fulfilled. It urges the Danish authorities to strengthen their efforts to ensure that German can actually be used in hospitals, in particular in communication between the German speakers and the German speaking staff.*

Based on the Committee of Experts' recommendation in the third state report, the Ministry of Children, Gender Equality, Integration and Social Affairs contacted the Danish Local Government Association

(KL). KL has subsequently contacted the municipalities in Haderslev, Sønderborg, Tønder and Aabenraa.

It was agreed with KL, that the Ministry of Children, Gender Equality, Integration and Social Affairs informed the municipalities about the Expert Committee's routine follow-up in 2011 and the recommendation on the need to create more attention on the use of the German language in the social sector, especially in the elder care.

The Ministry of Children, Gender Equality, Integration and Social Affairs referred to the Charter and recommended the municipalities to consider how to strengthen the use of the German language in the social sector, particularly in the elder care.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Denmark**

### **Recommendation CM/RecChL(2014)6 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Denmark**

*(Adopted by the Committee of Ministers on 24 October 2014*

*at the 1210th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Denmark on 8 September 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Denmark;

Bearing in mind that this evaluation is based on information submitted by Denmark in its fourth periodical report, supplementary information given by the Danish authorities, information submitted by bodies and associations legally established in Denmark and the information obtained by the Committee of Experts during its on-the-spot visit,

Having taken note of the comments made by the Danish authorities on the contents of the Committee of Experts' report;

Recommends that the Danish authorities take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. apply a structured approach for the implementation of the undertakings chosen under the Charter, in co-operation with the German speakers;
2. increase the level of radio broadcasting and provide television broadcasts in German, in co-operation with the German speakers;
3. take measures to increase awareness and appreciation of German as a minority language of Denmark.