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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN DENMARK

3rd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Denmark**

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 improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its 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's 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's 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 gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. 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.

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.

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

adopted by the Committee of Experts on 28 September 2010 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. The instrument of ratification specifies that the Charter will apply to German in respect of the German minority in Southern Jutland (Sønderjylland). At the time of ratification, the Danish authorities made a declaration concerning the Faeroese language and Greenlandic, stating that the Charter is not applicable to these languages and the government does not intend to submit periodical reports as far as they are concerned. The Committee of Experts interprets the declaration to cover these languages in the Faeroe Islands and Greenland respectively.

3. 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 third periodical report to the Secretary General of the Council of Europe on 14 April 2010.

4. In its previous evaluation report on Denmark (ECRML (2007) 6), the Committee of Experts of the Charter (hereinafter referred to as "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 (RecChL (2007) 6), which were addressed to the Danish authorities.

1.2. The work of the Committee of Experts

5. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of Denmark and through interviews held with representatives of speakers of German, Greenlandic, Faeroese and the Roma, as well as the Danish authorities during the on-the-spot visit, which took place on 14-16 June 2010. The Committee of Experts received a number of comments from bodies and associations legally established in Denmark, submitted pursuant to Article 16 paragraph 2 of the Charter.

6. The present report focuses on the provisions and issues which were singled out in the second 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 at highlighting new issues detected by the Committee of Experts during the third 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 28 September 2010.

1.3. Presentation of the regional or minority language situation in Denmark: up-date

10. A number of legislative acts which have a bearing on the situation of the German-speakers have been passed or entered into force since the Committee of Experts' last evaluation. These have been detailed in Denmark's third periodical report as follows:

- Consolidated Act No. 941 of 1 October 2009 on Social Services
- Consolidated Act No. 1203 of 10 December 2009 on Legal Protection and Administration in Social Matters (as amended)
- Consolidated Act No. 705 of 3 July 2009 on the Private Independent Schools
- 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 Organizations
- 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.

1.4. General issues arising in the evaluation of the application of the Charter in Denmark

The application of the Charter to the German language

11. In the first evaluation report, the Committee of Experts observed that the responsibility for the implementation of the Charter in Denmark rested with the central authorities, despite the fact that German is spoken mainly at the regional and local levels. In many policy areas, local and regional authorities merely receive recommendations from the central State and are otherwise free to take their own decisions.

12. In the light of the information received, the Committee of Experts notes that the situation has not improved. In some cases the information regarding the obligations that arise from the Charter provided by the state to the responsible authorities is insufficient. Also a systematic approach towards promoting German as a minority language is lacking. The Committee of Experts encourages the Danish authorities to take a more proactive and structured approach in applying Denmark's undertakings ensuing from the Charter.

Undertakings under the Charter

13. During the on-the-spot visit and in the statement submitted pursuant to Article 16 paragraph 2 of the Charter, the representatives of the German-speakers pointed out that the undertakings chosen by Denmark in the fields of judicial authorities, administrative authorities and media do not adequately reflect the situation of the German language and that the ratification of the Charter by Denmark should be changed in a more ambitious manner concerning Part III provisions. In particular, 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 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 paragraph 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 paragraph 1 b.i and c.i). The Danish authorities may wish to investigate, in close consultation with the German-speakers, whether additional obligations under the Charter could be accepted in the aforementioned fields.

Greenlandic and Faeroese languages

14. In the second monitoring cycle, the Committee of Experts was informed that after renewed consultation the Faeroese authorities expressed no interest in the possible extension of the application of the Charter to the Faeroe Islands, whereas the Greenland authorities communicated that they would reconsider this issue. The Committee of Experts expressed its hope that Greenland would accept the extension of the Charter to the Greenlandic language.

15. According to the third periodical report, Greenland and the Faeroe Islands were consulted and expressed no change in their position on the question of whether the Charter should apply to Greenlandic and Faeroese. Furthermore, the Act on Greenland Self-Government entered into force on 21 June 2009 and states that Greenlandic is the official language in Greenland.

16. As far as Greenlandic and Faeroese in mainland Denmark are concerned, the Committee of Experts lacked sufficient information in the second monitoring cycle as to whether these languages could qualify as Part II languages. It encouraged the Danish authorities to provide more information on the traditional presence of these languages in mainland Denmark in their next periodical report.

17. During the on-the-spot visit, the Committee of Experts was informed by representatives of the Greenlandic speakers and the authorities that Greenlanders started to arrive in Denmark mainly for educational purposes in the 19th century, but have taken permanent residence there only after 1960. With respect to the Faeroese language, the Committee of Experts was informed that the Faeroese started to arrive in Denmark a few hundred years ago in very small numbers for educational purposes. However, there are no indications that this immigration led to a continuous presence of the Faeroese language in mainland Denmark until the 1960s.

18. Based on the information received, the Committee of Experts considers that the Greenlandic and Faeroese languages are not “traditionally used” in mainland Denmark in conformity with the definition of a “regional or minority language” contained in Article 1 of the Charter.

Romani language in Denmark

19. In the second monitoring cycle, the Committee of Experts was informed that Roma people had been living in Denmark from around the year 1500, but, as they were not considered welcome in the Kingdom, the majority since left the country, leaving only a small group of an estimated number of 200 by the end of the 1960s. The Committee of Experts was of the view that the issue of the traditional and continuous presence of the Romani language in Denmark depended on whether these estimated 200 Roma spoke Romani or were linguistically assimilated. It encouraged the Danish authorities to examine this question thoroughly, if necessary with the help of experts, and to return to it in the next periodical report. Furthermore, the Committee of Ministers recommended that the Danish authorities **clarify the issue of the traditional presence of the Romani language in Denmark.**

20. According to the third periodical report, the Roma population living in Denmark today has no historic or long-lasting continuous presence in Denmark, but is made up of immigrants and refugees. The authorities have informed the Committee of Experts that they have reviewed multiple sources and tried also to obtain information by contacting universities in Scandinavia, but did not find any documentation in support of the traditional presence of the Romani language in Denmark.

21. During the on-the-spot visit, the Committee of Experts met with a representative of the Roma who argued that there are around 5.000 persons still living in Denmark who might be considered, on the basis of their names, descendants of ten Sinti families that came from Schleswig-Holstein in the 19th century. However, there is no accurate information as to whether the persons in question do in fact have a Sinti background or whether they still speak the language.

22. In the view of the Committee of Experts the issue of the traditional presence of the Romani language spoken by Sinti and maybe other indigenous groups in Denmark needs further clarification. It encourages the Danish authorities to extend research on this matter, through a scientific study to clarify the issue.

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:

“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”

23. No structured measures seem to have been taken in order to implement the undertakings chosen in the field of radio and television. The Danish authorities continue to provide yearly subsidies 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. The Danish authorities have maintained their position that insisting that the Danish Broadcasting Cooperation (DR) and TV Syd should broadcast programmes in German would interfere with the independence of the media.

Recommendation no. 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”

24. The Danish authorities state that knowledge about the German minority in Denmark and about German as a minority language is generally sound, but they continue to pay attention to this matter. In 2009, in the new shared goals for all primary and secondary education subjects the issues relating to human rights, globalisation, minorities and the border area were strengthened. It has become mandatory to include the culture, history and language related to the border area in history teaching. A parliamentary conference was also organized in October 2008 about the contribution of the minorities residing on both sides of the Danish-German border to the societies. The Committee of Experts has not been made aware of any other measures, for example in the media.

Recommendation no. 3:

“clarify the issue of the traditional presence of the Romani language in Denmark”

25. The Danish authorities reviewed multiple sources relating to the presence of Roma in Denmark, including the presence of the Romani language. The material collected did not support the traditional presence of the Romani language in Denmark (see also paragraph 20 above). The authorities however expressed their willingness to hear any new information in this respect.

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

26. The Committee of Experts will focus on the provisions of Part II which were singled out in the second 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 and/or second 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 (see paragraph 32 of the first evaluation report)
Article 7, paragraph 1.e (see paragraph 38 of the first evaluation report)
Article 7, paragraph 1.f (see paragraph 39 of the first evaluation report)
Article 7, paragraph 1.g (see paragraph 40 of the first evaluation report)
Article 7, paragraph 1.h (see paragraph 41 of the first evaluation report)
Article 7, paragraph 1.i (see paragraphs 42 of the first evaluation report)
Article 7, paragraph 2 (see paragraph 43 of the first evaluation report)
Article 7, paragraph 5 (see paragraph 49 of the first evaluation report)

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:

...

- b** *the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

27. According to the information received during the on-the-spot visit, the further implementation of the municipal reform is progressing without negative effects for the German-speakers.

28. In 2009 the German minority requested a clarification from the Danish Government regarding the historic and geographic settlement area of the minority in the context of the Local Government Reform, as the County of South Jutland was abolished. The response of the Danish authorities was that the new borders in connection with the reform did not change the legal definition of the settlement area of the German minority and did not have any influence on the definition of the areas in which the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages apply. A letter was also sent by the Danish Minister for the Interior and Social Affairs to the municipalities in the former County of South Jutland and the Region of South Denmark, informing them that the Local Government Reform does not change the settlement area of the German minority and the application of the two conventions.

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

29. The Committee of Experts recalls¹ that “resolute action to promote regional or minority languages in order to safeguard them” covers inter alia the provision of adequate financial resources. During the on-the-spot visit, the Committee of Experts was informed by the representatives of the German-speakers that the Danish and especially the German authorities have announced considerable cuts in their financial support for the German minority in Denmark. According to the German-speakers, these cuts will put the continued provision of the services offered by the German minority (education, media, social services etc.) at serious risk.

¹ See also second evaluation report on Germany, ECRML (2006) 1, paragraph 24

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

30. In the second monitoring cycle, the Committee of Experts welcomed the involvement of the central authorities in providing guidance to local and regional authorities in connection with the municipal reform and the use of German and hoped that this encouragement would lead to concrete results regarding the promotion of German in public life. In connection with the municipal reform, the Committee of Experts expressed its hope that new municipalities would take that opportunity to improve services in German on their territory. The Committee of Experts also noticed the limited use of German in broadcasting media.

31. According to the third periodical report and the information received during the on-the-spot visit, the Regional State Administration for South Denmark has taken practical measures to encourage and facilitate the use of German by informing citizens at the reception desk that German is spoken within the administration. Moreover, in 2008 the local authority of Aabenraa launched an internal German language training of its staff with a view to improving the possibilities of assisting German-speakers. The municipalities of Aabenraa, Haderslev and Sønderborg offer information in German on their websites.

32. However, the Committee of Experts was informed by the representatives of the German-speakers that these measures are inconsistent and that the conditions for using German in public life still needed to be improved. At present, there is no structured approach regarding the use of German as a minority language in administrative authorities and public services. The existing potential of German-speaking administrative staff is not properly exploited. On the websites of national, regional or local authorities, information in German is insufficient or not present at all. Access to the main documents relating to the German-speakers in German, including those concerning the Charter, is not always possible. The Committee of Experts was also informed that a common approach was lacking at the level of the four municipalities in South Jutland with respect to signage. The representatives of the German-speakers expressed their wish for improvement and extension in the use of bilingual signs, including bilingual place-name signs in the four main municipalities in South Jutland, in order to improve the visibility of the German language in public life.

33. The Committee of Experts encourages 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.

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.

34. In the second monitoring cycle, the Committee of Experts was of the view that more efforts were needed to promote awareness of and understanding for German as a minority language in Denmark. It was mentioned that possible measures might include clearer guidelines for the implementation of the relevant sections of school curricula, the inclusion of this aspect in the monitoring of the Folkeskole², as well as an increased attention to this issue in the context of teaching materials and mainstream teacher training, or similar measures of a general nature. It encouraged the Danish authorities to take measures to promote awareness of and understanding for German as a minority language in Denmark. Furthermore, the Committee of Ministers recommended the Danish authorities **to take measures to increase awareness of and understanding for German as a regional or minority language of Denmark among the Danish population at large**.

35. According to the third periodical report, the Danish authorities find that knowledge about the German minority in Denmark and about German as a minority language is generally sound. However, the authorities continue to pay attention to this matter and in the new shared goals set for all primary and secondary education subjects in 2009 issues relating to human rights, globalisation, minorities and the border area have been strengthened. It is mandatory to include the culture, history and language related to the border area in history teaching. A parliamentary conference was also

² Primary and lower secondary schools in Denmark

organized in October 2008 about the contribution of the minorities residing on both sides of the Danish-German border to their societies. During the on-the-spot visit the Committee of Experts was informed that the teaching of subjects related to border area issues refers to the past Danish-German border conflict and the present situation.

36. However, it is not clear to the Committee of Experts to what extent the information provided in schools about “the border area” promotes awareness of and understanding for 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 representatives of the German-speakers informed the Committee of Experts that there is a need for dedicated information campaigns for the population at large, as there is in fact little knowledge about the status of German as a minority language and the history associated with it. The Committee of Experts requests the Danish authorities to provide, in the next periodical report, specific information on these aspects and other measures to promote awareness of and understanding for German as a minority language in Denmark.

37. As far as the mass media is concerned, in the second monitoring cycle, the Committee of Experts received no information about measures taken in this field.

38. According to the third periodical report, 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 and to safeguard traditional cultural and general educational purposes. The government does not decide with respect to the content of the media reports or otherwise impose restrictions on the free press in Denmark.

39. The Committee of Experts recalls 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”³.

40. In the third periodical report and during the on-the-spot visit, the Committee of Experts was informed that TV Syd broadcasts issues related to the German minority, as part of its normal news coverage. However, the representatives of the German-speakers informed the Committee of Experts that coverage of issues related to the minority and the border area at the level of the national Danish TV stations is inadequate. The same applies to radio broadcasters. The German-speakers have sent a letter to the minister for culture asking for the German minority to be included in the upcoming public service contracts concerning the broadcasting media when reporting from the area of South Jutland. The German-speakers have pointed out that in the present public service contracts there is such an obligation concerning the Danish speaking minority living in Germany. In his answer to this request the minister of culture, however, states that DR and TV Syd, under the public service obligations, cover the German speaking minority sufficiently, as the public service providers are obliged to offer programmes that reflect the multitude of cultural interests that exist in the Danish society.

41. As mentioned above, a provision with respect to the Danish minority in Germany is included in the current public service contract between the Danish state and the public broadcaster TV Syd. The Committee of Experts notes that this is not seen as an undue infringement of the independence of the media and encourages 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.

³ Explanatory Report to the Charter, paragraph 74

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. The Danish authorities 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. The Committee of Experts considers this best practice. However, the Committee of Experts was informed by the representatives of the German-speakers that the special working group only met shortly before the submission of the state reports. The German-speakers expressed their hope for a strengthening of the working group, to be achieved by convening regular meetings aimed at implementing the provisions laid down in the Charter. The Committee of Experts encourages the Danish authorities to convene regular meetings of the working group.

3.2. Evaluation in respect of Part III of the Charter

43. The Committee of Experts has examined in detail the protection of the German language, which is the only language identified by Denmark for the purposes of the protection mechanism of Part III of the Charter.

44. 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, b.iv, c.iii/iv, e.ii, f.ii, h, i; paragraph 2;

Article 10, paragraph 1 a.v, 4.c; paragraph 5;

Article 11, paragraph 1.e.i;

Article 12, paragraph 1.a, b ; paragraph 2;

Article 13, paragraph 1.a, c d;

Article 14.a, b

Article 8 – Education

General issues

45. In South Jutland education for the German-speakers takes place almost exclusively in private schools receiving support from the Danish state. The Danish Private Schools Act ensures the educational autonomy and financial security of the German-language schools. However, the Danish authorities have announced a gradual reduction of subsidies for all Danish private schools and cuts of the transport allowances. If these were also applied to the German-language schools, it would have, in the opinion of the representatives of the German-speakers, unpredictable consequences that would almost certainly lead to the closure of some of the schools run by the German organisation. This could lead to non-fulfilment of some of the undertakings under Article 8 listed above.

The Committee of Experts encourages the Danish authorities to 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.

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;***

46. In the previous monitoring cycles, the Committee of Experts has considered this undertaking fulfilled. During the on-the-spot visit however, the Committee of Experts was informed by the representatives of the German-speakers that within technical and vocational education the level of teaching of the German language is not satisfactory.

47. The Committee of Experts requests the Danish authorities to provide specific information on the teaching of German within technical and vocational education in the next periodical report.

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

48. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It was of the view that there was scope for ensuring the teaching of the history and culture of the German-speakers more systematically, notably through measures such as clearer guidelines for the implementation of the relevant sections of school curricula, the inclusion of this aspect in the

monitoring of the Folkeskole, as well as an increased attention to this issue in the context of teaching materials and mainstream teacher training.

49. According to the third periodical report, in 2009, all primary and secondary education subjects were given new common objectives and subjects relating to human rights, globalization, minorities and the border area issues have been strengthened. The culture, history and language related to the border area are mandatory in history teaching, but they can also be included in other subjects.

50. During the on-the-spot visit, the Committee of Experts was informed that the new subjects related to human rights, globalization, minorities and the border area have been accepted by nearly all municipalities in Denmark. The teaching of subjects related to border area issues includes the past Danish-German border conflict and the present situation. However, it is not clear to the Committee of Experts to what extent the information provided in schools about "the border area" ensures the teaching of the history and the culture which is reflected by the German 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 (see also paragraph 36 above).

51. The Committee of Experts considers this undertaking partly fulfilled. It requests the Danish authorities to provide more specific information in the next periodical report on the extent to which the teaching of the history and the culture which is reflected by the German language in Denmark is ensured in practice.

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*

52. In the second monitoring cycle, the Committee of Experts was of the view that dialogue with the judicial authorities should be pursued in order to encourage them to take practical or organisational measures to improve the implementation of these undertakings in practice. Nevertheless, it considered these undertakings fulfilled.

53. In the third monitoring cycle, the Danish authorities did not provide any information about practical or organisational measures taken by judicial authorities to improve the implementation of these undertakings in practice. In addition, the Committee of Experts was informed by the representatives of the German-speakers that the submission of statutes and other legal documents in German often meets with difficulties and that the centralization of the land registry has created even additional problems concerning the processing of legal documents in German. The Committee of Experts encourages the Danish authorities to clarify these issues. The Committee of Experts also encourages the Danish authorities to report in the next periodical report about the practical or organisational measures taken to improve the implementation of the undertakings chosen in practice.

Article 11 – Media

54. The Committee of Experts observes that no significant developments have occurred in implementing the undertakings chosen by Denmark in the field of broadcasting media. Although the Committee of Experts is aware of the limited role of the state in relation to the media, it recalls that the possibility of introducing encouragement or facilitation measures for the media in the regional or minority languages still exists, for example through financial support or licensing requirements.

55. The Committee of Experts was informed that the representatives of the German-speakers are interested in regular German-language programmes at the level of the Danish public broadcasters (TV, radio, internet). The Committee of Experts encourages the Danish authorities to find ways to include and support German-language programmes in the public broadcasting media.

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

56. As underlined by the Committee of Experts in its previous evaluation reports, these two paragraphs are alternative options, which makes paragraph b.ii redundant. However, in view of the ratification, the Committee of Experts has also looked at measures taken to encourage the broadcasting of radio programmes in German.

57. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Danish authorities, in close co-operation with the speakers, to take steps towards the full implementation of this undertaking and to take interim measures to increase the level of radio broadcasting. Furthermore, the Committee of Ministers recommended that the Danish authorities **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.**

58. According to the third periodical report, the Danish authorities continue to provide annual subsidies of DKK 250,000 (about €33.500) 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 (three two-minute German language news programmes a day). The Committee of Experts was informed by the representatives of the German-speakers that they are interested in continuing the broadcasts, making them more attractive and extending them. However, this would require increased funding, also to guarantee training of staff, since current costs for production already reach DKK 400,000 (about €53.000).

59. The Danish authorities have maintained their position that insisting that the Danish Broadcasting Cooperation (DR) and TV Syd should broadcast programmes in German would interfere with the independence of the media. The Committee of Experts notes that the broadcasting time of six

minutes per day is clearly insufficient to comply with any of the undertakings chosen by Denmark in this respect.

60. During the on-the-spot visit the German-speakers expressed their wish for the Danish authorities to take measures to increase substantially the level of radio broadcasting in German.

61. As no steps were taken by the Danish authorities to fully implement the undertaking or to increase the level of radio broadcasting, the Committee of Experts considers this undertaking not fulfilled.

62. On the basis of the wishes of the German-speakers, the Committee of Experts urges the Danish authorities to take measures in order to ensure that the level of radio broadcasting in German is substantially increased.

The Committee of Experts urges the Danish authorities to take measures, in close co-operation with the speakers, to 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; or***
- ii ***to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;***

63. These two paragraphs are alternative options, which makes paragraph c. ii redundant. However, in view of the ratification, the Committee of Experts has also looked at whether any measures were taken to encourage the broadcasting of television programmes in German.

64. In the second monitoring cycle the Committee of Experts considered the undertaking not fulfilled. It encouraged the Danish authorities to take steps towards the implementation of this undertaking in close co-operation with the speakers. Furthermore, the Committee of Ministers recommended that the Danish authorities **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**.

65. The Committee of Experts observes that no significant measures have been taken by the Danish authorities towards the implementation of this undertaking. During the on-the-spot visit, the Committee of Experts was informed about a cross-border television project involving Aabenraa Lokal TV. This project is still being developed, but if successful, it could be one of the ways to broadcast television programmes in German. The Danish authorities allocated DKK 290.405 (about €38.000) to this project in 2010.

66. The Committee of Experts welcomes this new information and encourages the Danish authorities to continue the support for this project and to support also other activities aimed at broadcasting TV programmes in German in South Jutland.

67. Having regard to the undertaking chosen by Denmark, the Committee of Experts must however maintain its previous conclusion that the undertaking is not fulfilled.

The Committee of Experts urges the Danish authorities to find ways to provide TV broadcasts in German in South Jutland, in close cooperation 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;***

68. In the second monitoring cycle, the Committee of Experts considered this undertaking not fulfilled.

69. During the third monitoring cycle, the Committee of Experts was not informed of any measures to encourage and/or facilitate the production and distribution of audio and audiovisual works in German. The authorities refer to the general support under the Danish Film Act and state that no

special funds have been earmarked for the German minority in connection with audio or audiovisual production.

70. The Committee of Experts considers this undertaking not fulfilled. It encourages the Danish authorities to take measures to encourage and/or 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;**

71. In the second monitoring cycle the Committee of Experts considered this undertaking formally fulfilled.

72. The Committee of Experts is not aware of any measures being applied to the audiovisual productions in German. As in the case of the previous undertaking, the authorities refer to the general support under the Danish Film Act and state that no special funds have been earmarked for the German minority in connection with audio or audiovisual production.

73. The Committee of Experts considers the repeated lack of specific information on this undertaking as an indication that no financial assistance is being applied to audiovisual productions in German and 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.**

74. In the second monitoring cycle, the Committee of Experts considered this undertaking fulfilled regarding journalists. However, it lacks information regarding other media staff. The Committee of Experts requests the Danish authorities to inform about this aspect 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.

75. In the second monitoring cycle the Committee of Experts considered the undertaking fulfilled, but drew the attention of the Danish authorities to the fact that this undertaking may require some positive action on the part of the authorities in the future, in the context of increasingly difficult reception in South Jutland of programmes broadcast from Germany, due to digitalisation.

76. According to the third periodical report, a condition under the autumn 2007 tender for broadcasting possibilities for the commercial gatekeeper was to offer a neighbouring country channel in connection with the transition from analogue to digital TV. The winner of the tender is currently offering a German TV channel.

77. During the on-the-spot visit, the representatives of the German-speakers informed the Committee of Experts that direct reception of radio and television broadcasts from Germany is difficult, especially in the northern part of South Jutland (north of Aabenraa). It is important for the German-speakers that reception of digital terrestrial broadcasting and analogue signals from German public television stations is freely accessible throughout South Jutland using the standard receivers currently available, as well as the reception of German stations via cable without having to buy complete packages that include other stations.

78. The Committee of Experts encourages 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.

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:

...

- 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;*

79. In the second monitoring cycle, the Committee of Experts considered these obligations partly fulfilled and indicated that it would welcome information on concrete examples, if they exist, of the participation of the German-speakers in cultural activities in South Jutland in general.

80. According to the third periodical report, the Ministry of Culture and the Cultural Region South Jutland, which comprises the local authorities of Haderslev, Tønder, Sønderborg and Aabenraa have concluded a cultural agreement, aimed at promoting South Jutland culture in the border area as well as mutual understanding between minorities across the Danish-German border. The German minority is represented in the political steering committee for the Cultural Region. The activities organised by the Cultural Region include a Danish-German children's theatre festival, an Organ Festival South Jutland/Schleswig and the creation of a Danish-German academy for brass instrumentalists. The German-speakers continue to be present in the cultural cooperation in the Euroregion South Jutland-Schleswig, where they are represented in the common Danish-German political committees. "Language for children", a seminar about how to motivate children and young people to learn the neighbour's language is planned for October 2010 and the German minority was part of its steering committee. Another project dedicated to the German minority in Denmark, the Danish minority in Germany and life in the border area is "Minority life – when history becomes real", which involves also minority museums.

81. The Committee of Experts considers these undertakings fulfilled.

- 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;*

82. In the previous monitoring cycles, the Committee of Experts considered this undertaking fulfilled.

83. According to the statement submitted by the representatives of the German-speakers, however, the German minority is facing increasing difficulties in running the German museum in Sønderborg and a school museum in Aabenraa with voluntary staff only. In May 2010, the German minority therefore applied for financial support from the Ministry of Culture in order to recruit staff, but the application was rejected. The Committee of Experts notes that the museum in Sønderborg is particularly relevant for this undertaking due to its broad scope of activity. It encourages the Danish authorities to facilitate the running of this museum at a professional level.

84. The Committee of Experts nevertheless considers this undertaking still fulfilled at present.

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.

85. In the second monitoring cycle, the Committee of Experts indicated that it looked forward to receiving more information on the inclusion by the Danish authorities of the language and culture of the German-speakers in South Jutland in pursuing their cultural policy abroad.

86. In the third periodical report, the Danish authorities refer to the cultural cooperation in the Euroregion South Jutland-Schleswig. The Committee of Experts recalls, however, that the concept of the 'cultural policy abroad' not only refers to the state in which the minority language is used, but also obliges the authorities to show the multilingual nature more generally in countries in which their cultural institutions are active⁴.

87. The Committee of Experts considers this undertaking not fulfilled. It encourages 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 in the next periodical report 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;*

88. In the second monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled, but encouraged the Danish authorities to strengthen their efforts to ensure that German could be used in social care facilities, in particular with regard to social care for the elderly. The Committee of Experts emphasized that considering that the undertaking chosen requires the authorities to *ensure* the use of German, a more systematic approach was needed at the level of the municipalities and the new region of South Denmark and a bilingual human resources policy should be an integral component of this approach.

89. With regard to hospitals, the third periodical report states that the use of German when receiving or treating members of the German minority in hospitals in the Region South Denmark depends on the circumstances. Patient advisors in the region can assist patients in German, if requested. Information in German about the hospitals in South Jutland is available on the Internet. In the psychiatric treatment system, German can be used both by patients and relatives in contacts with the hospitals.

90. During the on-the-spot visit the Committee of Experts was informed by the representatives of the German-speakers that it was yet not clear whether German-speaking doctors could treat patients using German, as there is a general recommendation for doctors to use Danish. The relevant authorities informed the Committee of Experts that doctors may use German when treating German-speaking patients and they would further clarify any misunderstanding in this respect. The hospitals in the region have 120 employees from Austria and Germany and on the whole one third of the 3000 employees state that they understand and speak German. Moreover, the website of the hospitals of South Jutland contains information on the Charter and on the possibility for German-speakers to use German when communicating with the hospitals.

⁴ See also third evaluation report in respect of Hungary, ECRML (2007) 5, paragraph 202

91. The Committee of Experts welcomes this initiative. The Committee of Experts asks 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.

92. Regarding social care facilities, the third periodical report states that the local authorities of Haderslev, Sønderborg, Tønder and Aabenraa provide adequate assistance in German to the extent necessary. In the care sector for the elderly, local authorities from Sønderborg and Aabenraa have German-speaking staff and German can be used, should the need arise. In practice, some residents in nursing centres or using home care prefer to speak German, but it is not a problem for the local authority. In Aabenraa and Sønderborg the local authorities have assessed that there is no need for special measures in the area.

93. The Committee of Experts was informed by the German-speakers that the existing potential of German-speaking staff in hospitals and other social facilities has not been fully exploited and there is need for a systematic investigation of the existing bilingualism of employees in institutions and a proactive utilization of these skills.

94. The Committee of Experts maintains its position from the second evaluation report that a more systematic human resources policy is needed on the side of the authorities in order to ensure that German-speaking staff are actually available in social care facilities, including hospitals.

95. The Committee of Experts considers the undertaking partly fulfilled.

The Committee of Experts urges the Danish authorities to strengthen their efforts to ensure that German can actually be used in social care facilities, in particular with regard to social care for the elderly.

Chapter 4 Findings of the Committee of Experts in the third 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 speakers allowed the Committee of Experts to obtain a clearer picture of the situation of the regional or minority languages in Denmark.

B. Denmark is to be commended for its continued commitment to the protection and promotion of the German language in South Jutland. The protection of the German language benefits greatly from the good cooperation and the open dialogue between the Danish authorities and the German-speakers. Danish legislation reflects the Danish authorities’ consciousness of the need to protect and promote German through special measures.

C. The reform of the municipal and administrative structures has now been fully implemented in practice and thanks to the special measures with respect to the German-speakers, the protection of the German language has not been negatively affected by the reform.

D. After renewed deliberations, the Greenlandic and Faeroese authorities have maintained their previous position that they are not interested in the possible application of the Charter to Greenland and the Faeroe Islands. In the opinion of the Committee of Experts this is regrettable, as the inclusion of Greenlandic and Faeroese languages under the Charter would be an asset for the protection of regional or minority languages in Europe.

E. In the light of the information received during the on-the-spot visit, it seems that Greenlanders started to arrive in Denmark mainly for educational purposes in the 19th century, but did not take up permanent residence there until after 1960. Regarding the Faroese, they started to arrive in Denmark a few hundred years ago in very small numbers for educational purposes, but there are no indications that this immigration led to a continuous presence of the Faeroese language in mainland Denmark until the 1960s. Based on this information the Committee of Experts has come to the conclusion that the Greenlandic and Faeroese languages are not “traditionally used” in mainland Denmark and therefore fall outside the definition of a “regional or minority language” contained in Article 1 of the Charter.

F. Romani is today spoken mainly by immigrants arriving in Denmark since the 1960s. Based on information received during the on-the-spot visit, the issue of a traditional presence of the Romani spoken by Sinti and possibly other indigenous groups in Denmark needs further clarification on the part of the authorities.

G. Regarding the German language, 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 for the promotion of the German language.

H. The provision of German-medium education through the private schools of the German minority remains exemplary. However, there is a danger that the state support for the German schools could be reduced. This could have serious consequences and might jeopardize the functioning of the schools run by the German organisation at the current level.

I. The presence of the German language in the Danish broadcasting media remains very weak. No significant steps have been taken by the Danish authorities to further implement the undertakings or to increase the level of radio broadcasting. As regards television, the cross-border television project involving Aabenraa Lokal TV, which is still being developed, could, if successful, be one of the ways to broadcast television programmes in German. It is clear, however, that more decided efforts are needed for Denmark to implement its Part III undertakings in this field.

J. The Danish Ministry of Culture, as well as the relevant local and regional authorities, actively support cultural activities of the German-speakers’ organisation. The German-speakers are

represented in bodies responsible for organising cultural activities in South Jutland, including cross-border cooperation.

K. 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.

L. Finally, there is still a need to increase awareness of and understanding for German as a regional or minority language of Denmark among the Danish population at large.

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 1107th meeting on 2 March 2011, 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 by the Danish authorities

The Danish Government is pleased to respond to the invitation of the Committee of Experts of the European Charter for Regional or Minority Languages to comment on the proposals for recommendations to the Committee of Ministers, as contained in the third report on Denmark. Please find below the Danish comments.

Comment on item 36 in chapter 3 “The Committee of Experts' evaluation in respect of Part II and Part III of the Charter”:

The Committee of Experts continues in its third report to pay attention to the awareness of and understanding for German as a regional or minority language of Denmark among the Danish population at large. In this report as well as in its previous reports, the Committee of Experts encourages the Danish authorities to take measures to increase awareness of and understanding for German as a regional or minority language.

In the third - present - report The Committee of Experts also requests the Danish authorities to provide, in the next periodical report, certain specific information. What is requested is: 1) whether information provided in schools on “the border area” promotes awareness of and understanding for German as a minority language in Denmark and/or 2) whether this awareness has been accompanied by other measures. The Danish authorities would appreciate to engage in a closer dialogue with the Committee of Experts and representatives of the German minority as to how awareness rising could be made more tangible. We can, however, provide you with the following concrete information:

In Denmark we are absolutely aware of the fact that the German minority is covered by the conventions on Minorities and the Language Charter, and that this fact is to be given in an educational context.

The Danish Folkeskoles (primary and lower secondary school) history teaching encompasses relevant mutual, regional history and border developments between Germany and Denmark in its political context as well as the development that led to the partial reunion of South Jutland with Denmark in 1920. The German programmes include intercultural understanding, and a statement of the academic year 2008/2009 shows that 78.5 per cent of the pupils in the Danish Folkeskole are taught German in the (6th) 7th to 9th form.

The objectives of the Danish Folkeskole are to be attained through a decentralised teaching structure. As an overwhelming majority of the Danish municipalities uses the Ministry of Education's curriculum guidelines, it is furthermore expected that especially the pupils of the municipalities of Southern Jutland are well-informed concerning the German minority, also in its historical context.

Comment on the proposal for the recommendation to “increase the level of radio broadcasting in German and provide TV broadcasts in German in South Jutland, in cooperation with the German-speakers”:

The Committee of experts notes in its third report as in the second and the first that the presence of the German language in the Danish broadcasting media remains very weak. The Committee finds that no significant steps have been taken by the Danish authorities to further implement the undertakings or to increase the level of radio broadcasting.

Concerning the issue of radio broadcasting the Ministry of Culture informs that the situation is as follows: Rather than having their own German speaking radio station representatives of the German speaking minority informed the Ministry of Culture several years ago that it prefers having news broadcasts in German on a channel that has many Danish speaking listeners. This possibility is also offered by the Danish legislation and since 2005 an annual support of 250.000 DKK to the German-speaking minority in South Jutland for the purchase of broadcast time for news in German on a local radio station has been provided. The broadcasts have been very successful according to the daily Newspaper Der Nordschleswiger that provides the news for the broadcasts. These have resulted in better information to the Danish/Southern Jutland population on the views of the German minority and it has improved the position of the German language in the public sphere.

Concerning the Committee's recommendation that also TV broadcasts in German should be provided in close cooperation with the German-speakers, the Ministry of Culture would like to refer to and reiterate its previous comments, namely that measures taken are considered adequate and in conformity with obligations of public-service broadcasters taking the principle of independence and autonomy of media into consideration.

The Danish authorities are ready to continue the dialogue with the Committee of Experts and representatives of the German minority on these issues.

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

Recommendation RecChL(2011)1 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 2 March 2011
at the 1107th 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 third 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 of the Committee of Experts and, as a matter of priority:

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;
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;
3. clarify the issue of the traditional presence of the Romani language spoken by Sinti and possibly other indigenous groups in Denmark.