

# **Legal environment and space of civil society organisations in supporting fundamental rights**

## **Denmark**

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# 1 Five most significant civic space developments in 2020

## 1.1 Legislative proposals and resolutions

In February 2020, members of parliament from the Danish party 'Venstre' proposed a resolution to support and strengthen associations and the voluntary sector in civil society through various actions, including reducing bureaucracy by using the derogation clause in the Data Protection Directive and investigate tax exemptions for associations.<sup>1</sup> The resolution is still pending.

A bill presented to parliament in November 2020 by the Minister of Immigration and Integration to safeguard the democracy is currently being discussed. The proposal aims at hindering natural or legal persons who work against or attempts to undermine democracy and fundamental human rights and freedoms through donations.<sup>2</sup> The proposal includes a public list of banned natural or legal persons, in particular foreign state authorities or state-controlled organisations or companies. A receiver of a donation from a natural or legal person of this list will be fined equivalent to 30% of the donation.

The Council for Ethnic Minorities (*Rådet for Etniske Minoriteter*) has expressed concern that the proposal will give rise to more stigmatising and "them-and-us" language.<sup>3</sup> In line with the Danish Islamic Community (*Dansk Islamisk Trossamfund*), the Jewish Community in Denmark (*Det Jødiske Samfund i Danmark*) and Free Church Network (*FrikirkeNet*), the Danish Institute for Human Rights found the wording of what constitutes "undermining the democracy" to be (too) vague and open for interpretation. The Institute has, among other things, noted the risk of the law being arbitrary and giving rise to legal uncertainty and has recommended specifying on which grounds a natural or legal person can be included on the list of banned persons.<sup>4</sup>

The National Agency for Education and Quality (*Styrelsen for Undervisning og Kvalitet (STUK)*) has the past years reinforced their supervision with independent

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<sup>1</sup> Denmark, the Danish Parliament (*Folketinget*), Proposal for resolution B139 (*beslutningsforslag B139*), 28 February 2020, available in Danish at: <https://www.ft.dk/samling/20191/beslutningsforslag/b139/index.htm>

<sup>2</sup> Denmark, the Danish Parliament (*Folketinget*), bill L81 (*Forslag til lov om forbud mod modtagelse af donationer fra visse fysiske og juridiske personer*) by the Minister of Immigration and Integration, 11 November 2020, available in Danish at: [https://www.ft.dk/samling/20201/lovforslag/l81/20201\\_l81\\_som\\_fremsat.htm](https://www.ft.dk/samling/20201/lovforslag/l81/20201_l81_som_fremsat.htm)

<sup>3</sup> Denmark, the Danish Parliament website (*Folketinget*), public consultation responses (*høringssvar*) to proposal L81, available in Danish at: <https://www.ft.dk/samling/20201/lovforslag/l81/bilag.htm>

<sup>4</sup> Ibid.

private schools (*friskoler*) in Denmark.<sup>5</sup> This has led to a withdrawing of government subsidies from several schools based on Islamic values and consequently the closure of seven schools. The Danish Ombudsman has in 2020 intervened after receiving complaints. Lawyers and associations involved in the case have accused the intensified supervision of being politicised and lack legal certainty.<sup>6</sup> The Ombudsman has by letter of 20 September 2020 raised question as to whether STUK has breached the schools' right to be heard before the decision to withdraw and reimburse government subsidies and withdraw the status of the schools as a private school (*friskole*).<sup>7</sup>

## 1.2 Developments related to the outbreak of the COVID-19 pandemic

Additional funds have been allocated to civil society during the COVID-19 pandemic.<sup>8</sup> The Institute has collected a sample of the initiatives:

### 1.2.1 Social organisations

The government and the political parties in Parliament has during the pandemic agreed to transfer additional resources to the civil society as well as establish partnerships across authorities, civil society, cultural institutions, private actors and the public sector. The additional funds and partnerships are especially targeted organisations which undertake social tasks for vulnerable and marginalized citizens in Denmark. These funds have been allocated as part of "the reopening" of Denmark in spring 2020<sup>9</sup>, to answer the organisations capacity challenges due to a higher demand for their services<sup>10</sup> and to compensate the organisations that have experienced a decrease in income in the period 1 March

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<sup>5</sup> Denmark, article at the Danish media "Information": Several islamic shoos have had their government subsidies withdrawn – the Danish Ombudsman goes into the matter ("*Flere muslimske friskoler har fået frataget statstilskud – nu går Ombudsmanden ind i sagen*"), 12 October 2020, available on the website in Danish:

<https://www.information.dk/indland/2020/10/flere-muslimske-friskoler-faaet-frataget-statstilskud-gaar-ombudsmanden-sagen>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Denmark, Ministry of Social Affairs and Interior (*Social- og Indenrigsministeriet*), Act nr. 318, 24 September 2020, available in Danish at:

[https://www.ft.dk/RIPdf/samling/20191/aktstykke/aktstk318/20191\\_aktstk\\_afgjort318.pdf](https://www.ft.dk/RIPdf/samling/20191/aktstykke/aktstk318/20191_aktstk_afgjort318.pdf)

<sup>9</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), political agreement on Initiatives on vulnerable groups in relation to COVID-19, 17 April 2020, available in Danish at:

[https://www.regeringen.dk/media/9823/aftale\\_om\\_initiativer\\_for\\_saarbare\\_og\\_udsatte\\_grupper\\_apr2020.pdf](https://www.regeringen.dk/media/9823/aftale_om_initiativer_for_saarbare_og_udsatte_grupper_apr2020.pdf)

<sup>10</sup> Denmark, Social Affairs and Interior (*Social- og Indenrigsministeriet*), press release, 7 April 2020, available in Danish at:

<https://sim.dk/nyheder/nyhedsarkiv/2020/apr/bredt-politisk-flertal-enige-om-hjaelpespaakke-til-sociale-organisationer/>

2020-12 October 2020.<sup>11</sup> The latter compensation was established as a pooling of funds in the fall of 2020 consisting of DKK 48.5 million (app. € 6.5 million).

### 1.2.2 Culture, sport and associations

As regard to the cultural life, sport and associations, the support has primarily been managed at local level by the municipalities.<sup>12</sup> Larger funds to support culture, sport and associations have also been established, including a pooling of fund consisting of DKK 300 million (app. € 40 million) for the cultural life.<sup>13</sup> Due to the second wave of the pandemic, the government and a large majority of Danish political parties have agreed to extend the recovery actions, which have been divided into four categories with different amounts of compensation<sup>14</sup>:

- Restarting culture and sports activities: DKK 50 million (app. € 6.7 million).
- Cinema: DKK 15 million (app. € 2 million).
- Granting of bursaries to professional artist: DKK 25 million (app. € 3.3 million).
- Compensation mechanism to evening classes (*aftenskoler*), day college (*daghøjskoler*) and popular universities (*folkeuniversiteter*): DKK 60 million (app. € 8 million).

## 2 Example(s) of promising practice

A handbook for municipalities was published in the spring 2020: "Involvement of civil society in municipalities prevention of extremism – potentials and tools".<sup>15</sup> Due to the municipalities responsibilities set out in the Danish acts on social services (*ServiceLOVEN*) and primary schools (*FolkeskoleLOVEN*), the municipalities are central actors in taking preventative measures through strategic approaches towards extremism. The handbook aims at highlighting untapped potentials by including the civil society in preventative initiatives through specific tools. The handbook has been developed by the National Centre for Prevention of Extremism

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<sup>11</sup> Denmark, the Danish Welfare Authority (*Socialstyrelsen*), available in Danish at: <https://socialstyrelsen.dk/puljer-og-tilskud/puljer/alle-puljer/15.11.40.26>.

<sup>12</sup> Denmark, article at the Danish media "TV2 Lorry" (*Kommune støtter corona-ramt kultur- og fritidsliv med millioner - flere overvejer løsninger*), 26 March 2020, available in Danish at: <https://www.tv2lorry.dk/koebenhavn/kommune-stoetter-corona-ramt-kultur-og-fritidsliv-med-millioner-flere-overvejer>

<sup>13</sup> Denmark, the Ministry of Culture, list of rescue measures to the culture life (*Hjælpepakker til kulturlivet*), available in Danish at: <https://kum.dk/aktuelt/covid-19/hjaelpepakker-og-initiativer>

<sup>14</sup> Denmark, press release (*Politisk aftale sikre mere hjælp til kulturen, idrætten og foreningslivet*), 27 October 2020, available in Danish at: <https://kum.dk/aktuelt/nyheder/politisk-aftale-sikrer-mere-hjaelp-til-kulturen-idraetten-og-foreningslivet>

<sup>15</sup> Denmark, Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), Handbook, 30 April 2020, available in Danish at: <https://www.ft.dk/samling/20191/almdel/uui/bilag/109/index.htm> & <https://www.ft.dk/samling/20191/almdel/UUI/bilag/109/2183711.pdf>

(*Nationalt Center for Forebyggelse af Ekstremisme*) and Centre for Voluntary Social Work (*Center for Frivilligt Socialt Arbejde*).

### **3 Any other developments**

#### **3.1 Danish NGOs' work outside of Denmark**

##### *Neighbourhood Programme*

Neighbourhood Programme (*Naboskabsprogrammet*) of February 2020 is established to promote active participation of Ukrainian youth in society through Ukrainian-Danish youth partnerships. The objective is to contribute to a peaceful and stable Europe with freedom and prosperity by fostering the development of democratic societies with responsible authorities, an active civil society, and free and functioning markets. Of the current budget for 2017-2021 at 860 million DKK (app. € 115 million), approximately 70% is allocated to measures in Ukraine.<sup>16</sup>

##### *Neighbourhood Programme*

In the same vein as the Neighbourhood Programme (*Demokratifond*), the Ministry of Foreign Affairs (*Udenrigsministeriet*) has appointed a consortium consisting of organisations to create civil society partnerships to promote democratic organisations of civil society, exchange of experience and regional cooperation between Denmark and Eastern European neighbourhoods. The democratic fund has a 50 million DKK (app. € 6.7 million) budget to establish civil society partnerships in Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan. The work will focus on six thematic priorities; youth, media, culture, organising of labour market, climate and gender.<sup>17</sup>

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<sup>16</sup> Denmark, Ministry of Foreign Affairs (*Udenrigsministeriet*), "Naboskabsprogrammet", February 2020 available in Danish at:

<file:///C:/Users/kahu/Downloads/DANEP%20Ungepulje%20Retningslinjer.pdf>

<sup>17</sup> Denmark, The Danish Cultural Institute (*Dansk Kulturinstitut*), 23 December 2020, available in English at:

<https://www.danishculture.com/new-democracy-funds-rapid-response-now-open-application/>