Civic space in the EU: Mapping of national approaches to civic space monitoring, participation and protection

Denmark

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Contractor: The Danish Institute for Human Rights

Authors: Anne-Sofie Füssel and Anne Arvidsen

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Table of Contents

1. MONITORING AND REPORTING ON CIVIC SPACE 3
1.1. Monitoring initiative from the side of the State 3
1.2. Other monitoring initiatives..... 4

2. PARTICIPATION 6
2.1. Rules on participation..... 6
2.2. Consultative/participatory bodies..... 6
2.3. Awareness raising and capacity building on participation..... 7

3. ENABLING ENVIRONMENT AND PROTECTION 8
3.1. Civil society strategy..... 8
3.2. Protecting an enabling environment 9
3.3. Law on recognition and protection of defenders 9
3.4. Support and funding for protection of defenders 10

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1. MONITORING AND REPORTING ON CIVIC SPACE

1.1. Monitoring initiative from the side of the State

Has there been any initiative from the side of the State (government/parliament) to observe/monitor the restrictions/challenges/threats for civic space actors in your country in the last three years?

There is no dedicated monitoring of civic space overall.

Due to increasing challenges with harassment, threats and abuse directed at journalists, the Danish Ministry of Justice presented an action plan on 22 June 2022 to monitor challenges and increasing safety measures for Danish journalists.[1] The action plan ensures that Denmark implements the UN´s action plan on the safety of journalists and media.

The focus of the plan is a proactive approach in Denmark to create a safer environment for journalists. At the same time, the action plan is intended to send a clear signal to other countries both in Europe and globally.

The plan contains four specific actions points based on the Council of Europe´s recommendation for protection of journalists and the media as well as the UN´s action plan for the safety of journalists; monitoring, follow-up on individual reports, ongoing dialogue and exchange of experiences with other countries. Furthermore, Danish Journalist Association and Danish Media will inform UNESCO about the ongoing work.

[1] Denmark, The Ministry of Justice *(Justitsministeriet)* (2022), press release from the Ministry of Justice on action plan for securing the safety of journalist, *(Ny fælles dansk handlingsplan for sikkerhed for journalister)*.

1.2. Other monitoring initiatives

Has there been any other actor/body/mechanism that has observed/monitored civic space restrictions/ challenges/threats in your country in the last three years?

- The Danish Institute for Human Rights (Institut for Menneskerettigheder)[2]
- Global Focus (Globalt Fokus)[3]
- New Europe (Nyt Europa)[4]
- Justitia[5]
- Frivillighed.dk [6]
- Socialmonitor[7]
- Mellemfolkeligt Samvirke[8]

The Danish institute for Human Rights, which is established by law, aims at promoting coordination of and assistance to the work of civil society organizations within human rights. The Danish institute for Human Rights must, according to the law[9], monitor and report on the human rights situation in Denmark and carry out analysis and research in the field of human rights. Institute of Human Rights monitors and maps the most significant developments 20 different human rights areas on an ongoing basis. The Danish Institute of Human Rights reports of the most significant developments for example freedom of speech, access to justice. This includes an overview of the most significant legal measures, possible restrictions, and human rights challenges as well as other societal and structural developments within the specific area in the foregoing year(s).

In 2024, the Danish Institute for Human Rights released a report on freedom of expression and self-censorship examining the general state of freedom of expression

[2] Denmark, webpage of the Danish Institute of Human Rights.

[3] Denmark, webpage of Global Focus.

[4] Denmark, webpage of New Europe.

[5] Denmark, webpage of Justitia.

[6] Denmark, webpage of Frivillighed.dk.

[7] Denmark, webpage of Socialmonitor.

[8] Denmark, webpage of Mellemfolkeligt Samvirke.

[9] Act no. 553 of 18 June 2012 on the Institute of Human Rights – Denmark's National Human Rights Organisation *(Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution).*

in Denmark.[10] The report focuses on the use of freedom of expression to demonstrate and participate in the public debate and examines the extent of self-censorship due to a fear of negative consequences from other private individuals, public authorities and private companies.

[10] Denmark, the Danish Institute for Human Rights (2024), Freedom of Speech and self-censorship *(Ytringsfrihed og selvcensur).*

2. PARTICIPATION

2.1. Rules on participation

Are there any binding rules in place in your country for the participation/consultation of civil society organisations for developing/implementing/monitoring laws and policies?

Danish law-making tradition implies a public consultation procedure in which the government invites comments to draft legislation from a range of stakeholders. A guideline for the procedure determines that, as a rule, legislative proposals must be consulted with relevant organizations prior to adoption of the regulation.[11]

All documents sent into public consultation are published on the web portal for public consultation procedures *(Høringsportalen)* [12] and sent directly to subject-relevant stakeholders usually with a deadline of four weeks, though sometimes this period is shortened. This gives NGO's and other civil society organisations an opportunity to express their opinions.

It also follows from an Administrative Order that the representatives of the civil society organisations are also by application entitled to audience before the different parliament committees. The representatives will orally be able to present their point of view to the committee in question.

Public consultation with the relevant organisations is usually completed before the proposal is presented to the Danish Parliament.

2.2.Consultative/participatory bodies

Are there any consultative/participatory bodies in your country that ensure the participation of civil society in developing/implementing/monitoring laws and policies?

There are several bodies in Denmark that ensure the involvement of civil society in developing, implementing, and monitoring laws and policies in various areas organised as councils appointed by the relevant ministries in order to advise the ministry on relevant topics and ensuring participation by civil society. Below are examples of these bodies, however we note that the listing is not exhaustive.

- Ethnic and religious minorities

[11] Denmark, the Ministry of Justice *(Justitsministeriet)* (2024), guidance of administrative regulations, *(Vejledning om administrative forskrifter)* page 116.

[12] Denmark, webpage for publication of consultation hearings *(Høringsportalen).*

The Council for Ethnic minorities *(Det Danske Integrationsråd)* is a Danish governmental institution that advises the government on issues regarding immigration, refuges, and integration. The council submits consultation responses when relevant legislative proposals are presented and provides ongoing guidance to the Minister of Integration and Immigration. Furthermore, the council, among others, involves citizens and civil society organizations in the democratic debate about issues regarding ethnic minorities and integration (participatory and advisory).[13]

- Children and young people

The Council for Youth and Climate (*Ungeklimarådet)* is a Danish governmental institution consisting of youth advisors that advises the government on issues related to climate change and climate politics (advisory).[14]

- Persons with disabilities

The Central Council for Disabilities (*Det Centrale Handicapråd*) is a Danish governmental institution advising politicians, public authorities and other actors on how to improve conditions for people with disabilities. Furthermore, the council assesses developments in Denmark in the light of the UN Declaration on the Rights of Disabled Persons.[15]

2.3.Awareness raising and capacity building on participation

Does your Member State fund or carry out meaningful awareness raising and/or capacity building to support participation in your country?

It follows from the General Education Act[16] that municipalities are required to ensure that children, youth and adults can establish and take part in the general education work that is found in the municipality. Furthermore, municipalities are required to support associations with a subsidy and also by providing premises for activities. The aim of the act is amongst others to support the access to participate in democratic processes.

[13] Denmark, general information about the Council for Ethnic Minorities.

[14] Denmark, general information about the Council for Youth and Climate.

[15] Denmark, general information about the Central Council for Disabilities.

[16] Denmark, Act No. 584 of 11 July 2011 on General Education, (*Bekendtgørelse af lov om støtte til folkeoplysende voksenundervisning, frivilligt folkeoplysende foreningsarbejde og daghøjskoler samt om Folkeuniversitetet) (folkeoplysningsloven)*.

3. ENABLING ENVIRONMENT AND PROTECTION

3.1. Civil society strategy

Does your country have a general civil society strategy / civil society development strategy in place?

In November 2021 the Government and Parliament launched a new civil society strategy for the years 2022-2025 that supports the involvement of civil society in relation to the general civil society as well as specific measures combating challenges in the social, health and elderly area.[17] The aim of the strategy is to support civil society with infrastructure and knowledge and through new partnerships secure a stronger focus on the development of welfare and communities in a broad range of social and welfare areas. The strategy is implemented over a 4-year period between 2022-2025. The strategy especially focusses on strengthened cooperation between civil society and policy makers in developments on welfare. The strategy also ensures the maintenance on the existing infrastructure that supports civil society.

The implementation of the strategy is overseen by Danish Ministry of Social Affairs and is financed with a budget of 860,5 million DKK (approximately 115 million EUR).

Through participation of civil society, the strategy implements initiatives in the following areas:

- Combating loneliness.
- Initiatives for people with disabilities, including initiatives to ensure better legal certainty for people with disabilities, developments on campaigns on prejudice against people with disabilities.
- Initiatives for vulnerable children and adults, including homeless people, adults and children exposed to domestic violence and people with a substance abuse.
- Elderly people.
- Initiatives for LGTB + people, including strengthening legal guidance and advise on family formation.
- Initiatives to strengthening suicide prevention.
- Initiatives to help victims of human trafficking.
- Initiatives to strengthening and expand the existing knowledge of civil society through the continuation of The Danish Council of Volunteering *(Frivillighedsrådet)*.

[17] Denmark, Ministry of Social Affairs *(Social- og Ældreministeriet)*, Resolution from the Danish Parliament on better framework for civil society 2022-2025 *(Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025)*.

3.2. Protecting an enabling environment

Is there a dedicated policy/framework (or support measures) in place in your country to enhance and protect an enabling environment for civil society to work on fundamental rights?

In November 2024 the Government adopted a resolution from Parliament to ensure a better and more transparent framework for civil society.[18] The resolution states that the funding for the civil society organizations should be distributed in a more predictable and transparent manner. The purpose is to strengthen civil society organization's ability to plan long-term efforts. The resolution covers all areas of civil society and is not specified to certain types of rights or groups.

- The resolution covers the general framework for civil society organizations and seeks to ensure proper infrastructure, knowledge and focus on development of communities.
- Responsible for the strategy is the Ministry of Social Affairs *(Social- og Ældreministeriet.*
- There is a dedicated budget of 89,9 million DKK (approximately 12 million EUR).

3.3. Law on recognition and protection of defenders

Is there a dedicated law (and/or guidelines) in your country dealing specifically with the recognition and/or protection of human rights defenders?

There is no law or guidelines dealing specifically with the recognition or protection of human right defenders in Denmark.

[18] Denmark, Parliament (2024), *(Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025).*

3.4.Support and funding for protection of defenders

Is there any dedicated support/funding by the State for the protection of (individual) human rights defenders in your country?

There is no funding dedicated directly for individual human right defenders in Denmark.

Danish Administration of Justice act guarantees the right to legal aid in general.[19] The administration of Justice Act regulates that legal aid can be provided in a number of more specifically regulated situations.

In addition, legal aid can be provided in other administrative cases and criminal cases under certain circumstances. If the applicant is deemed to have reasonable grounds for proceedings legal aid can be provided in criminal and administrative cases. In the assessment on whether the applicant have reasonable grounds for the proceedings, among others, the importance of the case to the applicant, the applicant's prospect for succeeding in the proceedings and the importance of the matter of the proceedings.

Furthermore, upon application, the Minister of Justice can grant legal aid when special reasons justify it. This applies, in particular, in cases of principle matters.

[19] Denmark, Act no. 1160 of 5 November 2024 on the Administration of Justice *(Retsplejeloven)*, subsection 31, paragraph 325-328.