

Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law

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1 Civic space developments in 2021

1.1 Finance Act 2021	
Area	Financing Framework
Topic	Funding landscape
Impact	Minor

On 19 November 2021, a wide range of government parties entered into a political agreement to distribute DKK 860.5 million (115,64 EUR) from the financial reserve of the Finance Act, into the social, health and labor market area, which has replaced the Governments previous social investment fund (*Satspuljen*)¹.

Where organizations and civil societies used to apply for funding from the previous investment fund, fixed amounts are now distributed. This makes some organizations worried about whether they will be allocated sufficient funds².

The political agreement launched on 19 November 2021 includes a Civil Society Strategy (2022-2025), that focuses on strengthened cooperation with civil societies in relation to the development of social welfare e.g. by supporting volunteer organizations³.

The funding will include initiatives such as combatting loneliness, due process and trust in the field of disability, contesting homelessness and a strengthened effort in the field of child and adolescent psychiatry⁴.

¹ Denmark, Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), Press release on the Danish Parliament's distribution of DKK 860,5 million "*Folketingets partier enige om at fordele 860,5 millioner kroner*", Available in Danish at: <https://sm.dk/nyheder/nyhedsarkiv/2021/nov/folketingets-partier-enige-om-at-fordele-8605-millioner-kroner-til-aeldre-patienter-og-udsatte-borgere>, 19/11/2021

²Denmark, Altinget, article on the new financial reserve, available in Danish at: <https://www.altinget.dk/artikel/s-begraver-de-sidste-rester-af-satspuljen>, 23/05/2019

³ Denmark, The Danish Government, Agreement on the distribution of the financial reserve, Available in Danish at: <https://sm.dk/Media/637729211092471415/Aftale%20om%20udm%C3%B8ntning%20af%20reserven%20til%20foranstaltninger%20p%C3%A5%20social-,%20sundheds-%20og%20arbejdsmarkedsomr%C3%A5det%202022-2025.pdf>

⁴Danmark, The Ministry of Employment (*Beskæftigelsesministeriet*), press release on the distribution on the financial reserve, available in Danish at: <https://bm.dk/nyheder-presse/pressemeddelelser/2021/11/folketingets-partier-enige-om-at-fordele-860-5-millioner-kroner-til-aeldre-patienter-og-udsatte-borgere/>, 19/11/2021

1.2 Cooperation with civil society organisations	
Area	Participation and cooperation with authorities
Topic	Access to consultations/Participation in decision – making
Impact	Minor

The Danish National Board of Social Services (*Socialstyrelsen*) is responsible for the Danish social service area, with a special focus on Children and Youth, Handicap and Vulnerable groups.⁵

The National Board of Social Services (*Socialstyrelsen*) is in charge of allocating funds to various civil society organisations (CSOs)⁶. In 2021 the Board implemented a strategy for 2021, where the inclusion of CSOs and NGOs plays an important role in regard to solving the tasks of the National Board of Social Services⁷.

One example of the Boards of Social Services' cooperation with CSOs is the publication of a national guide, in relation to assessing and selecting suppliers of initiatives in the field of auxiliary aids for children, young people and adults with visual impairments. The guide has been prepared in collaboration with CSOs such as the Danish Society for the Blind (*Dansk Blindesamfund*) and the Danish Institution of Speech, Hearing and Vision (*Danske Tale- Høre- og Synsinstitutioner*)⁸.

⁵Denmark, The Danish National Board of Social Services (*Socialstyrelsen*), "About us" (*Om os*), Available in Danish at: <https://socialstyrelsen.dk/om-os>, 31/08 2021

⁶ Denmark, The Danish National Board of Social Services (*Socialstyrelsen*), "Company Instructions" (*Virksomhedsinstruks*), Available in Danish at: <https://socialstyrelsen.dk/filer/tvaergaende/om-os-1/mal-og-resultater/socialstyrelsen-resultatplan-2021.pdf>, 01/05 2021

⁷Denmark, The Danish National Board of Social Services(*Socialstyrelsen*), "Strategy 2021" (*Vision*), Available in Danish at: <https://socialstyrelsen.dk/filer/tvaergaende/om-os-1/mal-og-resultater/socialstyrelsens-strategi-2021-a3.pdf>

⁸ Denmark, The Danish National Board of Social Services (*Socialstyrelsen*), "guide on "Children, young people and adults with visual impairments" (Børn, unge og voksne med synsnedsaettelse), Available in Danish at: <https://socialstyrelsen.dk/udgivelser/born-unge-og-voksne-med-synsnedsaettelse>, June 2021

1.3 Involvement of CSO's in the legislative process	
Area	Participation and cooperation with authorities
Topic	Access to consultations/Participation in decision-making
Impact	Minor

When the Danish Parliament launched the "Security for all Danes" (*Tryghed for alle danskere*) package in October 2020⁹, civil society organisations voiced their concerns about the fact that the proposal would affect the citizens' basic freedoms such as the right to free movement, peaceful demonstration, right to privacy and judicial guarantees.

The "Safety-creating assembly ban" would not only affect the "insecurity-creating individuals" but would in fact apply to all citizens who wished to stay in the area¹⁰. The proposal would thus give the police powers to forbid individuals to be present in a specific public place, i.e., a square, a part of a street etc. to keep an area safe from a group of persons likely to make residents or other persons in the area unsafe.

The bill was heavily criticised for the impact it would have on the citizens' basic freedoms and the vagueness and severe risk of arbitrariness regarding the decisions that the police would have to make.

Members of the Danish civil society alliance Global Focus (*Globalt Fokus*)¹¹: New Europe (*Nyt Europa*), Action Aid Denmark (*Mellempfolkeligt Samvirke*) and Amnesty International Denmark raised general critique of the Government in their joint consultation response, and advised "that the Government and Government officials in the future to a greater extent should enter into dialogue and consult and with Civic societies, to ensure transparency and accountability in relation to the legislative process"¹².

⁹ Denmark, Ministry of Justice (Justitsministeriet), publication on "Security for all Danes", available in Danish: [Publikation-Tryghed-for-alle-danskere-8-oktober-2020.pdf \(justitsministeriet.dk\)](https://www.justitsministeriet.dk/tryghed-for-alle-danskere-8-oktober-2020), October 2020.

¹⁰ Denmark, Draft bill on the "Safety-creating assembly ban", available in Danish: [L 189 - 2020-21 \(som fremsat\): Forslag til lov om ændring af straffeloven, lov om politiets virksomhed, retsplejeloven og udlændingeloven. \(Forbud mod deltagelse i nattelivet, tryghedsskabende opholdsforbud, udvidet adgang til beslaglæggelse af værdigenstande og udvisning af udlændinge dømt for vanvidskørsel m.v.\). / Folketinget \(ft.dk\)](https://www.ft.dk/indhold/2020/21/189/189-2020-21-som-fremsat)

¹¹ Denmark, "About Global Focus", available in English: <https://globaltfokus.dk/in-english/organisation>

¹² Denmark, Consultation response from Amnesty International, New Europe and Action Aid Denmark, 11/02/2021, available in Danish at: [Microsoft Word - AI, MS, NE Fælles høringssvar til forslag til Lov om ændring af straffeloven lov om politiets virksomhed og retsplejeloven.docx \(amnesty.dk\)](https://www.amnesty.dk/indhold/2021/02/11/microsoft-word-ai-ms-ne-felles-horingssvar-til-forslag-til-lov-om-aendring-af-straffeloven-lov-om-politiets-virksomhed-og-retsplejeloven.docx)

2 Examples of civil society contributions to the rule of law

2.1 Civil societies' advocacy in law making	
Topic	Contributing to law and policy making (including involvement in public consultations)

On 14 January 2021 the Ministry of Justice (*Justitsministeriet*) sent a draft bill on a proposed amendment to the Danish Criminal Code, the Danish Police Act and the Danish Administration of Justice Act (*Safety-creating assembly ban, ban on participation in the nightlife and extended access to seizing valuables*) for public consultation¹³. After the first draft bill was sent for public consultation, the actual bill was separated into two draft bills, where one part (L 189 A) contained a proposed amendment to the Danish Criminal Code, the Danish Police Act, the Aliens Act and the Danish Administration of Justice Act¹⁴, was passed. The second part of the draft (L 189 B) bill contained the proposal for the Safety-creating assembly ban. There were strong advocacy efforts from various civil societies, such as New Europe (*Nyt Europa*), Action Aid Denmark (*Mellemfolkeligt Samvirke*) and Amnesty international Denmark, calling for the rejection of the bill¹⁵. The bill was rejected by the Parliament on 3 June 2021¹⁶.

¹³ Denmark, Draft bill, available in Danish at: [L 189 - 2020-21 \(2. behandling\): Forslag til lov om ændring af straffeloven, lov om politiets virksomhed, retsplejeloven og udlændingeloven. \(Forbud mod deltagelse i nattelivet, tryghedsskabende opholdsforbud, udvidet adgang til beslaglæggelse af værdigenstande og udvisning af udlændinge dømt for vanvidskørsel m.v.\). / Folketinget \(ft.dk\)](#)

¹⁴Denmark, Draft bill, available in Danish at: [L 189a - 2020-21 \(oversigt\): Forslag til lov om ændring af straffeloven, lov om politiets virksomhed, retsplejeloven og udlændingeloven. \(Forbud mod deltagelse i nattelivet, udvidet adgang til beslaglæggelse af værdigenstande og udvisning af udlændinge dømt for vanvidskørsel m.v.\). / Folketinget \(ft.dk\)](#)

¹⁵ Denmark, Altinget, article on the proposed draft bill *"The Governments safety-bill makes us unsafe"*. "Available in Danish at: [Civilsamfundsledere: Regeringens tryghedspakke gør os utrygge - Altinget: Civilsamfund](#) published in Berlingske, 23/03/2021

¹⁶Denmark, Draft bill, available in Danish at: [L 189b - 2020-21 \(afstemninger\): Forslag til lov om politiets virksomhed. \(Tryghedsskabende opholdsforbud\). / Folketinget \(ft.dk\)](#)

2.2 Triggering the judicial review of practices

Topic	Strategic litigation
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In 2021, the Danish Government initiated a major construction project in the form of a coastal island by the name *Lynetteholmen*. The constructed coastal island will have two primary functions. Firstly, the island will work as a coastal defence and flood protection of Copenhagen. Secondly, the vision for the island is that it will be able to house around 35.000 citizens and some businesses spaces¹⁷.

A climate activist group called the Climate Movement (*Klimabevægelsen*) has filed a lawsuit against the Ministry of Transport (*Transportministeriet*), as they believe that the mandatory environmental assessment of the project that was made prior to the construction of the island was deficient¹⁸.

The reason why the Climate Movement considers the construction project's environmental assessment to be in violation of the law is that it hasn't been subject to an overall assessment of the entire project – instead, different separate parts of the project have been subject to individual assessments¹⁹.

The Department of Civil Affairs (*Civilstyrelsen*) has granted the Climate Movement free legal aid²⁰.

¹⁷ Denmark, Denmarks Radio (DR), News about Lynetteholmen, Available in Danish: <https://www.dr.dk/nyheder/indland/klimabevaegelse-sagsoeger-staten-oen-lynetteholm-vi-er-bange-man-ikke-kan-traekke-i> 22/10/2021

¹⁸ Denmark, Politiken, article on the lawsuit against Lynetteholmen, Available in Danish at: [Klimabevægelse sagsøger staten for at stoppe gigantbyggeri – og den har »en usædvanlig god sag«, siger professor - politiken.dk](https://www.politiken.dk/nyheder/indland/klimabevaegelse-sagsoeger-staten-oen-lynetteholm-vi-er-bange-man-ikke-kan-traekke-i) 21/10/2021

¹⁹ Denmark, Denmarks Radio (DR), News about Lynetteholmen, Available in Danish: <https://www.dr.dk/nyheder/indland/klimabevaegelse-sagsoeger-staten-oen-lynetteholm-vi-er-bange-man-ikke-kan-traekke-i> 22/10/2021

²⁰ Denmark, Berlingske, News about Lynetteholmen, Available in Danish: <https://www.berlingske.dk/politik/klimabevaegelse-faar-fri-proces-i-sag-mod-lynetteholm> 21/10/2021