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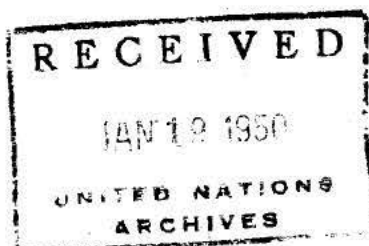
Memorandum on the German minority in Denmark

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/The German minority

## THE GERMAN MINORITY IN DENMARK

### Danish Schleswig: Area, population, industry, language and religion

The northern part of Schleswig, or South Jutland, which was reincorporated in Denmark in 1920 after the plebiscite provided for in the Treaty of Versailles (Article 109), covers 3,382 square kilometres. According to the 1945 census, the total population of Schleswig amounted to 200,012, or 4.9 per cent of the total population of Denmark.

The main industry of the province is agriculture. The four principal towns -- Haderslev, Sønderborg, Aabenraa and Tønder -- live mainly on the trade with the neighbouring countryside. Haderslev has 17,500 inhabitants, Sønderborg 14,000, Aabenraa 12,000 and Tønder 7,500.

The principal language of the province has been Danish from time immemorial.

According to a German source, the German minority was estimated at approximately 30,000 persons, less than 10,000 of whom spoke German. That minority represents less than 5 per cent of the total population of the province of Southern Jutland.

At the time of the plebiscite, 75,000 persons voted for the return of the province to Denmark and approximately 25,000 for the continuation of German rule.

There is no division on religious lines since the German minority, like most of the population of Denmark, belongs to the Evangelical-Lutheran Church.

### Incorporation

The incorporation of the restored land of South Jutland in the Danish State dates from 15 June 1920, when the frontier was established officially.

### Danish and German nationality

Act No. 474 of 5 September 1920 provides that persons habitually resident in the province of South Jutland on 15 June 1920 who had until then been German nationals would become Danish subjects, with the exception of those settling there after 1 October 1918. The persons thus eligible for Danish nationality could, before 15 June 1922, opt for German nationality provided they settled in Germany within one year after exercising the option. The time limit for opting was extended to 31 December 1922 by special agreement between Denmark and Germany.

/Elections

### Elections

The first elections in which the population of that area participated were those held on 21 September 1920 for the Chamber of Deputies (Folketinget) and on 1 October 1920 for the Senate (Landstinget).

### Participation in elections

In the 1939 elections for the Chamber of Deputies 70,419 electors voted for the Danish lists and 15,016 for the German lists. In 1947, 23,471 electors voted for the Danish lists and 7,464 for the German lists. The number of registered electors was 102,721 in 1939 and 110,250 in 1947. The percentage of voters was 91.9 per cent in 1939 and 84.7 per cent in 1947. The number of votes cast for the German lists represented 0.36 per cent of the total number of voters throughout the country in 1947.

### Economy

The German population of South Jutland is treated on exactly the same footing as the Danes in economic matters. The various credit institutions set up by the Danish Government to help the population during the economic crisis are administered without any preference based on national considerations.

### Introduction of Danish Law into South Jutland

When the question of the annexation of the northern part of Schleswig to Denmark was raised after the First World War at the Peace Conference early in 1919, the Danish representatives pointed out that the extremely liberal law of Denmark would apply to all the inhabitants of the restored territory, irrespective of their language or disposition, and that law, which ensured freedom of education, would provide the necessary guarantees (see annex below).

The liberal principles of Danish law are embodied in the Constitution Act, which guarantees to Danish subjects freedom of education (paragraph 83), freedom of religion (paragraphs 74 and 77), freedom of the press (paragraph 84), freedom of association (paragraph 85), freedom of assembly (paragraph 86), the inviolability of the home and of property (paragraphs 79 and 80) and protects them against arbitrary actions by the executive power (paragraph 78).

Furthermore, the absolute equality of all Danish citizens in political matters is a fundamental principle of the Danish law governing elections to the legislature and others.

/Proportional representation

Proportional representation, which is applicable in all elections, gives each minority, such as a national minority, the widest possible opportunity of obtaining a fair representation.

There is nothing in Danish law to deprive Danish citizens belonging to a linguistic or national minority of any rights enjoyed by the other citizens of the country. They are all equal before the law and possess the same civic and political rights, regardless of their national sentiments.

The explanations submitted by Denmark to the Peace Conference were approved.

Denmark is not bound by any treaty concerning the German minority; Denmark, on its own initiative, established the laws and regulations ensuring the protection of the German minority in the province of South Jutland.

#### Minority legislation

Since the minority does not differ from the remainder of the population either in race or in religion but only in language, Danish legislation and administration had to concentrate exclusively or almost exclusively on the minority's right to education in and to the use of the German language and, hence, on its participation in German culture.

The relevant regulations are not contained in special legislation relating to the minority, but in the statutes and decrees which introduced Danish legislation into that province: this legislation has occasionally been supplemented and amended. When practical experience revealed deficiencies, the legislature or the administration adopted fresh provisions to correct them.

As a result of the recovery of part of the territory lost after the war of 1864, special legislation that had until then been unknown in Denmark had to be set up in order to regulate the position of the German minority in certain respects.

As a general rule, the laws concerning the country as a whole also apply to the minority; still, the language used in education, by the official authorities, in and by the courts and also by the Church has been dealt with in special legislation, the purpose of which is to protect the legitimate interests of the German minority without prejudicing the principle of the unity of the Danish State.

#### Language of education

Under Act No. 407 of 30 June 1920 concerning the establishment of State schools, including secondary schools (of which there are now four in South Jutland), the language of education in these schools is Danish. Nevertheless, the

/Minister of Public

Minister of Public Education was empowered to decide that pupils could, on their parents' request, receive tuition in German during the transition years following the restoration of the province to the Danish State.

Between 1920 and 1945 there were public and private German schools in South Jutland. German public schools were abolished in 1946. Private schools received 50 crowns per pupil as a State grant. In 1935, there were 52 German private schools with 1,803 pupils and 32 public communal schools with 2,317 pupils. In 1949, there were 5 private German schools, but that number will probably be increased to 13 in the near future.

### Purposes and spirit of education

With regard to the purposes and spirit of education, the Ministry of Public Education admits the principle that German-language schools, apart from teaching the language, are based upon German culture.

### Cost of education

The rules in force in the other parts of the country concerning the cost of education in elementary public schools also apply to South Jutland. The communes of the province are entitled to receive State subsidies for the schools; they may also obtain reimbursement from the State for part of the cost involved in the division of schools into Danish and German sides.

With regard to higher education, Danish and German schools are on an equal footing.

### Local inspection of schools

Local inspection of Danish and German primary schools is carried out by a joint committee, the Danish and German members of which are elected by a proportional ballot, so that the minority is always represented.

### Private schools

There is nothing to prevent the establishment of German private schools. They may obtain State subsidies under the same conditions as other private schools in the country. German high schools authorized to grant school-leaving certificates receive State subsidies under the same conditions as the corresponding Danish schools.

The Education Act for South Jutland provides: "The rules of the general legislation with respect to education, under which children in receipt of adequate tuition at home or in private schools are exempt from attendance at public elementary schools, apply to the provinces of South Jutland".

Pursuant to Act No. 412 of 12 July 1946 concerning private schools using the German language and home-tuition in German etc., private schools using this language as the medium of instruction in South Jutland may continue to exist and new schools may be established. It is not necessary to obtain a permit to establish these schools and parents may send their children to them freely.

Under the Elementary Schools Act of 13 May 1937, parents may give a declaration to the effect that they will themselves arrange for the home-tuition of their children in German. The Minister of Public Education prescribes to what extent and in what circumstances other children may also take part in this home-tuition.

/Private schools



Private schools are subject to public inspection (Act of 12 July 1946, paragraph 3). Paragraph 1 provides that in these schools, Danish shall be taught satisfactorily, and adequate instruction given in Danish civics, as well as history and geography. The choice of teachers, the text-books and the curriculum require the approval of the competent authorities.

The material used for home-tuition requires the approval of the Schools Commission.

The schools in South Jutland which use German for teaching purposes are, under the Free Schools Act No. 416 of 12 July 1946, eligible for the same State subsidies as the other free schools in Denmark. In no case may a school receive a subsidy exceeding 80 per cent of its total expenditure. The result of this system as a whole is a large increase in State contributions to German private schools.

#### Official language

In principle, under Act No. 288 of 28 June 1920, Danish is the official language.

Under this Act, which does not refer to the language of the courts or of the church, the use of German is admitted in dealings with private individuals; where the use of the Danish language would involve considerable difficulties, petitions written in German may be taken into consideration and the German language may be used in communal meetings and on local committees and councils.

#### Language of the courts

Under Act No. 260 of 28 June 1920, Danish jurisdiction was introduced in South Jutland and accordingly, Danish was declared the language of the courts. Yet, persons who can prove that they are resident in South Jutland and who state that they do not know Danish, may use German before the courts either in writing or orally. The services of an interpreter are used unless the court and the persons taking part in the proceedings state that they have a sufficient knowledge of German. These rules refer to the applications and documents submitted to the court.

The records of the courts are drawn up in Danish. But a court may, in its discretion or at the request of one of the parties, require statements made in court in German to be likewise reproduced in German. The parties to the case or other parties interested who, being resident in South Jutland and having no knowledge of Danish, are entitled to obtain extracts from the court records,

/may require

may require that these extracts be accompanied by a translation into German. The expenses of interpretation or translation are defrayed out of public funds.

#### Language of the church

Act No. 283 of 28 June 1920 provides that the Ministry of Church Affairs may, at the request of the community and after consultation with the provost and the bishop, and having due regard to the interests of the minority, decide if and to what extent the language of the church in each community shall be Danish or German and take the necessary steps so that the minority shall be ministered to in its own language.

Under Decree No. 391 of 3 August 1921, Danish is, in principle, the language of the church.

Act No. 341 of 28 June 1920 authorizes the Minister of Church Affairs to appoint the necessary number of clergy to minister to those members of the community who cannot receive the ministrations of the regular incumbent of the parish in their own language. The State pays a subsidy towards emoluments of these clergy.

Act No. 285/1922, paragraph 5, establishes as a requisite for appointment as a pastor in South Jutland, where religious services are held in Danish or in German, an adequate knowledge of both languages and of religious life in Germany. For this purpose scholarships for study courses in Germany may be granted to Danish theologians.

#### Religious services for the German minority in South Jutland

This question is governed by the Decree of 30 March 1925. The expenses of the ministry among the German minority are defrayed by the National Church and by the Treasury.

Under the Decree of 3 March 1938, the four pastors of the German parishes in the four towns of South Jutland are to continue in their posts, but when these become vacant, the question of their continuation is to be re-examined.

In the towns and in the rural areas of South Jutland the German pastors are entitled without special permission to use German for religious services.

In the rural parishes, members of the German minority may have the services held in German, either in the framework of the National Church, or in special congregations. The latter are financed by their own members, but they are allowed to use the church building for a very small fee.

/Some German



Some German parishes in rural areas have made arrangements for the German pastors in the towns also to conduct religious services in the country. In other cases, a former pastor with German training has obtained permission to use German for the services and religious ceremonies in the buildings of the National Church.

As an indication it may be mentioned that in 1938 there were 55 representatives of the German minority out of 700 members elected to the councils of congregations, and that in 1945 only 21 members out of 733 elected represented the German minority.

#### Activities against the Danish State

Certain persons belonging to the German minority in South Jutland were sentenced after the Second World War for activities against the Danish State because they had collaborated, either in political or economic matters, with the German troops during the occupation of Denmark from 1940 to 1945. These persons have been treated with less severity than other Danish citizens, as the accused's attachment to Germany was taken into consideration. For this purpose the Ministry of Justice frequently reminded prosecutors that during proceedings they ought to emphasize the reasons for mitigating the penalties to which the members of the German minority were liable. (See the report of the Ministry of Foreign Affairs of 8 February 1949.)

### A N N E X

#### Statement on the subject of the German minorities

made by the Danish Minister in Paris on 6 March 1919 to the Peace Conference Commission on the problems of Schleswig:

"In answer to a question from the Chairman of the Commission, the Danish delegates have the honour to reply as follows:

"The delegates agree that the reunion of Danish Schleswig with the Kingdom should be brought about in such a manner that the future citizens of the Danish State will be treated according to the same liberal and democratic principles and will enjoy the same rights. This means, of course, that the natural right of the minorities to use their German language will be respected. The delegates point out particularly that the principle of free schools has always been part of the law of Denmark."