



Civic Space Report 2024

DENMARK

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bæredygtigt og inkluderende



About the author

Nyt Europa is a Danish organisation founded in 1998 with the overall objective to promote civic engagement on a Danish and European level. The organisation works for a more sustainable and inclusive Europe, across themes such as green transition, economic transformation, democracy, fundamental rights, and youth empowerment. The work spans across the national and the European level seeking to build networks and alliances across borders.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

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Key trends

- 🔍 **Some CSOs defending fundamental rights face cuts in public funding while others face challenges with core funding.**
- 🔍 **Increase in verbal, physical and online attacks on activists and organisations fighting for non-discrimination and the rights of religious, ethnic, gender and sexual minorities.**
- 🔍 **Strict policies and harsh rhetoric from the highest political levels towards migrants, refugees and asylum seekers remain.**

Summary

Civic space is rated as open in Denmark.¹ Danish civil society is generally resilient and diverse, continuously fighting for the preservation and expansion of fundamental rights. However, many issues related to civil society funding and attacks, harassment and assaults of civic actors, human rights and environmental defenders and marginalised communities remain. There were no recommendations on civic space in the EU Commission's Rule of Law report 2023.

There are some concerns related to peaceful assembly as pro-Palestinian and climate activists experienced harsher measures by the police. Marginalised groups, particularly LGBTIQ+ and racialised communities, as well as CSOs and activists protecting and advocating for the rights of these groups, were increasingly targeted by verbal, physical and online attacks, assaults and harassment. These developments led to further polarisation in Danish society and a higher sense of threat and insecurity within the marginalised groups. Freedom of expression has been a hot topic in the public debate due to the public Qur'an burnings and led to the Parliament drawing up new legislation prohibiting the degradation of religious texts.

¹ <https://monitor.civicus.org/country/denmark/>

The recent Bill of Finance proposed by the current Danish majority government included unpredictable cuts in public funding for civil society resulting in an increasingly precarious situation for the sector. Civil society organisations working with human rights, minorities and marginalised groups have been specifically targeted by the lack of funding. Self-censorship and depoliticisation have been observed among civic actors, due to fear of funding cuts. The policy-making approach of the new majority government has also led to a decrease in public participation in the political processes as discussions are held and decisions are made internally without meaningful civil dialogue or consultation.

Institutional, political and socio-economic landscape

Overall, Denmark has a safe and beneficial institutional, political and socio-economic landscape. The justice system is generally well-functioning, there is a pluralistic media landscape, academic freedom, and separation of powers. However, some challenges and worrying trends remain and need to be addressed to ensure continually functioning democracy and the rule of law and the legitimacy of Danish development cooperation and foreign policy at the EU and global levels.

In 2023 a new political deal was presented which included every single party in the Parliament. The deal included new funding to e.g. hire extra judges and other key staff to increase capacity and reduce the time of court case processing. The association of Danish judges concludes that the new deal is both ambitious and provides an opportunity to reduce case processing time.²

² Danske Domstole (2023). Bred og ambitiøs aftale om domstolene.

<https://domstol.dk/aktuelt/2023/11/bred-og-ambitioes-aftale-om-domstolene/>

Civic freedoms: regulatory environment and implementation

Freedom of association in Denmark is protected by Article 78 of the Danish Constitution, with the only limitation that activities must be lawful. While Denmark does not have a law on associations, there are certain formal requirements to e.g. receive grants or employ staff. This includes the requirement for organisations to have more than two members, to have been formally established in a documented founding meeting, and to have official statutes. However, there are no rules on what these statutes must cover. There is a requirement for a management committee as an authorising entity, and that each association has its own defined finances including budget and accounts. One administrative improvement to the functioning of associations was presented in 2023. After it became clear during a public hearing that many associations struggle to open a basic bank account, impeding their ability to function and causing many frustrations for local volunteers and members, the government presented new legislation to ensure easier access to opening a bank account. Banks can only deny associations from opening bank accounts in special cases, such as in cases of suspicion of money laundering.³

Freedom of peaceful assembly is regulated by Article 79 of the Danish constitution. Since the end of the COVID-19 pandemic, restrictions on peaceful assembly have been lifted, and presently, the laws regulating this are in line with international standards. Generally, freedom of peaceful assembly was respected. However, some activists at protests on particular themes or methods experienced different treatment compared to others. For instance, pro-Palestine protesters faced less forthcoming police responses compared to pro-Ukraine protests. Police breached the principle of proportionality when responding to climate activists staging peaceful civil disobedience experienced.

³ Ballenstedt, Lund-Hansen & Løppenthin (2023, 29 november). Regeringen lancerer model for lettere adgang til foreningskonto. *Altinget*. <https://www.alinget.dk/civilsamfund/artikel/regeringen-lancerer-model-for-lettere-adgang-til-foreningskonto>

These are cases that have been reported by individual organisations or activists but have not been systematically covered.

Freedom of expression is protected by Article 77 of the Danish constitution. This right is widely acknowledged and respected. In 2023, however, freedom of expression has been widely debated.

Firstly, the debate on freedom of expression began when right-wing activist and party leader Rasmus Paludan sought to attend the annual Danish democracy festival at Bornholm. This event attracts thousands of politicians, stakeholders, NGOs and citizens annually. Paludan and his party have participated in the event for several years. Paludan is an extremely controversial figure in Danish politics mainly because of his anti-Islamic rhetoric and actions, such as the burning of the Qur'an, and has police protection at all the events he attends. This year, however, local police announced that they would be unable to allocate the necessary resources to ensure his safe participation, which prevented him from participating. The director of the Danish Institute for Human Rights, among others, spoke about how this reflected a partial restriction on Paludan's freedom of expression.⁴

Paludan remained an important character in the political debate on freedom of expression. This comes after he (and several of his followers) led a series of Qur'an burnings in front of mosques, embassies and other public places in Denmark and Sweden which caused a diplomatic crisis, resulting in an increased terror threat level in the summer of 2023. This led the Danish government to propose a new law prohibiting the burning or otherwise degradation of religious objects including books. The proposal sparked great debate, reflecting a sharp turn in the Danish position on freedom of expression, as it would limit (non-verbal) criticism of religions. The proposal was particularly criticised by Amnesty International as being an "unprecise limitation" of freedom of expression, which risks criminalising criticism of beliefs and religions. Similarly, associations of judges and lawyers criticised the proposal for being too far-reaching and lacking precision, leaving too much room for interpretation by both police and judges. The same criticism was repeated by the Danish Police Union. Other critics included a large group of artists, who expressed concern that their works would be criminalised.⁵ By December, an amended version of the proposal was passed in the Parliament by a majority of 94 against 77 votes. According to polls, a majority of Danes support the legislation.⁶ The amended version is slightly more precise and less broad, although the general scope and content is the same. The amendment limits the types of religious objects to only cover religious writings. While

⁴ Holck (2023, June 11). Paludan-sag rejser spørgsmål om ytringsfrihed. *Dansk Institut for Menneskerettigheder*. <https://menneskeret.dk/nyheder/paludan-sag-rejser-spoergsmaal-ytringsfrihed>

⁵ Meesenburg (2023, September 22). OVERBLIK: Kommende koranlov 'indskrænker ytringsfriheden', er 'upræcis' og 'tvetydig'. Dr.dk. <https://www.dr.dk/nyheder/politik/overblik-kommende-koranlov-indskraenker-ytringsfriheden-er-upraecis-og-tvetydig>

⁶ Mønster (2023, August 8). På i hvert fald ét felt er de fleste danskere enige med regeringen: Få stoppet de koranafbrændinger, gerne ved lov. *Avisen Danmark*. <https://avisendanmark.dk/danmark/paa-i-hvert-fald-et-felt-er-de-fleste-danskere-enige-med-regeringen-faa-stoppet-de-koranafbraendinger-gerne-ved-lov>

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this proposal and new legislation do limit freedom of expression and sparked great debate in Denmark, the law is not dissimilar to the legislation in other European democracies. For instance, Paludan was arrested and expelled from France for Qur'an burnings and banned from entering the UK.⁷

Several Danish rights related CSOs lost funding in local or national finance bills. For this reason, several other NGOs confidentially reported that they apply self-censorship and refrain from expressing criticism towards decision-makers during the financial bill negotiations. This is because they do not wish to "provoke" right-wing parties who may attempt to remove them from the bill, create attention around their work, and to prevent risk of public attacks in fear of losing funding. While this is not documented at a large or systematic scale, it is important to pay attention to such reports, as they pose early warnings of shrinking civic space and show how organisations' freedom of expression is restricted by self-censorship.

Regarding freedom of expression online, there have been multiple accounts of the content of online activists being dramatically reduced in views (i.e. shadow banning) when posting about the escalating violence in Israel-Palestine.⁸ In one example, the very popular activist account "Deltidsaraber", posted content regarding issues related to racism and discrimination. The account reported that their Instagram stories went from typically receiving over 1,000 views within the first half hour to receiving below 20.⁹ Many followers commented that the content of the account did not appear in their feed. This is supported by a recent report from Human Rights Watch, documenting systemic censorship of pro-Palestine content on Instagram and Facebook, which includes cases from Denmark.¹⁰

⁷ Meesenberg (2023, July 31). Sådan er reglerne om Koranafbrændinger i andre lande. *Dr.dk*.

<https://www.dr.dk/nyheder/politik/saadan-er-reglerne-om-koranaftaendinger-i-andre-lande>

⁸ Lorentzen (2023). Cyberrormer #19: Palæstina, censur og shadowbans. *Cybernauterne*.

<https://cybernauterne.dk/podcast/cyberrormer-19/>

⁹ Deltidsaraber (2023). Instagram post from November 9th.

https://www.instagram.com/p/Czb1T7yM6ru/?utm_source=ig_web_copy_link

¹⁰ Human Rights Watch (2023). Meta's Broken Promises. *Human Rights Watch*. p. 7.

https://www.hrw.org/sites/default/files/media_2023/12/ip_meta1223%20web.pdf

Safe space

Most groups can exercise their rights and freedoms in offline and online spaces. However, for certain groups, such as the LGBTQI+ persons, verbal, physical and online attacks have increased in 2023. They have experienced self-regulation and self-censorship due to safety and social concerns as a result of an increasingly hateful (mostly online) environment. For instance, the annual pride in Copenhagen saw an increase in physical, verbal, and online assaults of members of the LGBTQI+ community.¹¹ In addition, a strong anti-transgender campaign was organised towards a group of drag artists who had a children's show at a local library¹², as well as an online hate campaign towards the group "Normstormerne". In the case of the drag artists, both national and local politicians and other stakeholders publicly expressed their strong support for the artists. Many even came out physically to support the artists outside the library, as a counter demonstration by a small group of individuals took place against the show. In the campaign against the "Normstormerne" group, official responses were limited, and certain elected members of local government participated in harsh criticism of the group.

This was also reported by the Danish LGBTQI+ organisations surveyed for this report. LGBTQI+ organisations reported an increased sense of fear, affecting their work and sense of security. For some organisations, this has led to leaders having secret addresses and for organisations to have direct contact lines to security forces. These incidents and threats showcase an increasingly polarised environment, where the safety and protection from attacks and verbal and online harassment is not guaranteed for members of the LGBTQI+ community or CSOs working for the rights of the communities in Denmark.

Similarly, 2023 has been another year of continuing online, verbal, and physical harassment of people of colour in Denmark. A large study of perceived ethnic discrimination produced by the Danish Institute for Human Rights¹³ uncovered massive challenges with discrimination across different societal spheres, from nightlife to job applications to interactions with law enforcement and other

¹¹ Broe (2023, november 16). To knytnæveslag i ansigtet indprentede mig behovet for en stærk indsats mod hadforbrydelser. *Information*. <https://www.information.dk/debat/2023/11/to-knytnaevslag-ansigtet-indprentede-behovet-staerk-indsats-hadforbrydelser>

¹² Højer Rømeling (2023, march 17). Bibliotek holder fast i dragshow for børn trods hidsig debat. *dr.dk*. <https://www.dr.dk/nyheder/regionale/hovedstadsomraadet/bibliotek-holder-fast-i-dragshow-boern-trods-hidsig-debat>

¹³ Danish Institute for Human Rights (2023). Oplevet etnisk discrimination I Danmark. <https://menneskeret.dk/files/media/document/Oplevet%20etnisk%20diskrimination%20i%20Danmark.pdf>

authorities. The report follows a recent study from the EU's Fundamental Rights Agency, ranking Denmark as the fourth most racist country in Europe.¹⁴

Regarding new initiatives on fundamental rights from public officials, one example is a collaboration between the municipality of Copenhagen and the National Institute for Human Rights, who have launched a joint campaign against discrimination and a "Discrimination Hotline", that people can contact in cases of discrimination to receive legal aid and information about their rights free of charge.¹⁵ The campaign is part of the municipality's new action plan on discrimination. This is a stark contrast to the national level, as a large group of NGOs and other stakeholders have been campaigning for years for a national action plan on racism – as also strongly encouraged by the EU Commission.¹⁶ While both the former and current government have committed to delivering the plan, action is yet to be seen.

Funding for civil society

Danish civil society is, comparatively, well off in economic and financial terms. However, access to public funding is limited, and there is a strong sense that it is dangerous to depend too much on this, as it can easily be cut. As we saw with the most recent Bill of Finance, civil society organisations' funding was cut without warning, leaving organisations, their employees, volunteers, and target group in very precarious conditions. Hence, many seek out private national and international funds as well as EU funds.

The year 2023 showcased multiple examples of cuts in public funding for civil society organisations working for fundamental rights and anti-discrimination. The annual Finance Bill demonstrates

¹⁴ European Union Agency for Fundamental Rights (2023). Being Black in the EU – Experiences of People of African Descent. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf

¹⁵ Communication from Danish Institute for Human Rights on collaboration with Municipality of Copenhagen. https://www.linkedin.com/posts/humanrights_diskriminationslinjen-i-k%C3%B8benhavn-k%C3%B8benhavns-activity-7142461102298218497-BEoc?utm_source=share&utm_medium=member_desktop

¹⁶ European Commission (2020). EU Anti-racism Action Plan 2020-2025. *European Commission*. https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en

political and governmental support for restrictions on civil society. The 2023 Bill showed that the funding of at least one LGBTQI+ organisation was cut. Given the increased attacks against the LGBTQI+ communities, the reluctance to support these organisations is striking. Furthermore, in the municipality of Copenhagen, the organisation Normstormerne, offering educational processes on gender identity, norms, and LGBTQI+ rights, did not receive an extension of its grant in next year's municipal budget¹⁷. This decision follows a major public debate on the role of Normstormerne in education, with accusations of "gender-activist propaganda" and "indoctrination"¹⁸. The municipal government justifies the decision to end the funding by arguing it is due to low demand for the educational courses from local schools.

In general, public funding is relatively strong for the less political segments of civil society, including local sports clubs, scouts, etc. The more directly political democracy- and rights-promoting segments of civil society, including groups defending the rights of ethnic, religious and sexual minorities, have less access to public funding, and the funding they do have access to is typically project-based.

While there are few regulatory boundaries to applying and receiving funding, the application processes and different application systems are costly, and the work that goes into applying is rarely funded. This reflects a more general barrier, which is the lack of access to core funding. Without (public) core funding, many organisations depend on project funding, which pushes staff in more precarious positions regarding job stability, as well as limits the sector's overall ability to plan and implement long-term strategies. Ultimately, this puts the sector at a disadvantage, particularly compared to other stakeholders competing for the same political influence.

¹⁷ Ritzau (2023, September 18). Københavns Kommunes bevilling til Normstormerne forlænges ikke. *Kosmopol*. <https://www.tv2kosmopol.dk/koebenhavn/koebenhavns-kommunes-bevilling-til-normstormerne-forlaenges-ikke>

¹⁸ From Lyng (2023, January 24). Trods beskyldninger om "kønsaktivistisk propaganda": Normstormerne rykker ind i de yngste klasser. *Kristeligt Dagblad*. <https://www.kristeligt-dagblad.dk/danmark/trods-beskyldninger-om-koensaktivistisk-propaganda-normstormerne-rykker-ind-i-de-yngste>

Civil dialogue and the right to participation

Comparatively, there is good access to dialogue between the sector and governing bodies in Denmark. However, some relevant challenges remain. Firstly, since the end of 2022, a new majority government has been in place in Denmark. Majority governments are extremely rare in Danish politics, which historically has meant that political decisions were made in dialogue with parties outside of government. This dynamic has led to opportunities for stakeholders to make their voices heard. However, with the current majority government, many decisions are made internally in the government, before opening negotiations with other parties. This limits the window for input from stakeholders and reduces access to key decision-makers.

Secondly, the short deadlines for public hearings on policy making remains a challenge for the participation of civil society. While there is not much recent systematic analysis, no improvements have been detected since the debate was raised in 2020, when a very steep increase of short consultation deadlines was noted.¹⁹ The current government has, as late as 2023, been criticised for the use of short consultation deadlines.²⁰

Despite the recommendation to advance the process to reform the Access to Public Administrative Documents Act, in order to strengthen the right to access documents, made by the EU Commission to Denmark, the act was not reformed. The Danish Minister of Justice, Peter Hummelgaard, has announced that while the Danish government is open to reforming the act and strengthening the right to access, it will have to wait. Before the summer of 2023, some opposition parties requested a parliamentary committee to review the act and make a proposal for revision, but this was rejected by the Minister of Justice.²¹ The same scenario played out recently, leaving other parties and civil society with the sense that the government is deliberately trying to prolong the process.

¹⁹ Lund (2020, October 30). Positiv formkurve knækket: Ministerier giver kortere høringsfrister. *Altinget*. <https://www.alinget.dk/embedsvaerk/artikel/efter%C2%A0fleraarig%C2%A0positiv-formkurve%C2%A0ministerier%C2%A0udsender-stoerre-andel-hoeringer-med-korte-frister>

²⁰ Corfixen (2023, January 13). »Det er jo fuldstændig grotesk«: Kort høringsfrist får partier til at anklage regeringen for magtfuldkommenhed. *Politiken*. <https://politiken.dk/danmark/politik/art9167510/Kort-h%C3%B8ringsfrist-f%C3%A5r-partier-til-at-anklage-regeringen-for-magtfuldkommenhed>

²¹ Ritzau (2023, April 21). Regeringen vil vente med udvalg til at lempe offentlighedsloven. *Politiken*. <https://politiken.dk/danmark/politik/art9316506/Regeringen-vil-vente-med-udvalg-til-at-lempe-offentlighedsloven>

Recommendations for revisions were put forth most recently by the Dybvad Committee which reviewed the dynamics of collaboration between elected officials, public servants, and media.

In 2022, a new Democracy and Power Study was announced. The multi-year research project led by top-tier political scientists analyses the state of Danish democracy. The first (and last) version of this study was published in 2003. In 2023, the involved persons and selected themes were publicised. Civil society is somewhat represented in a following group and is included on the list of themes that the project will cover through questions such as “What political power will actors outside of the formal political system in the 21st century, such as unions, civil society organisations, think tanks and lobbyists, have?” and “How does citizens participate in democratic processes and civil society in the 21st century?”.

Civil society resilience

In Denmark, there is a high level of trust in civil society, with relatively strong networks and continuous, although varied levels of coalition building. However, there are significant obstacles as well. Networks and coalitions have great potential to be expanded internally and between civil society and other sectors. Collaboration is often dispersed and on an ad-hoc basis due to funding difficulties and hence no organisation has the resources to take on personnel, organisational or administrative costs for regular meetings, communications etc.

One attempt to address the issue is Nyt Europa’s Fundamental Rights Initiative, funded by the European Union, which both includes a grant to civil society organisations, as well as funding for network and capacity building and external cooperation. From the first year of work on this project, it is evident that there is a great potential and willingness to collaborate, and the need for collaboration with external partners such as academia has also been clear. However, this example also showcases that civil society capacity, network and coalition building is rarely funded nationally. To conclude, Danish civil society is comparatively still very resilient to challenges to democracy, the rule of law and fundamental rights, but this continued resilience depends on regular capacity and network building, which is increasingly dependent on funding from external donors.

Recommendations

Targeted recommendation:

🔍 Take urgent steps to protect excluded groups, in particular LGBTQI+ groups and ethnic and religious minorities from discrimination, hate speech, attacks, harassment and assaults online and offline to the highest standard.

- 🔍 **Ensure adequate and sustainable public core funding for civil society organisations, especially those working with minorities, marginalised groups and targeted communities, to enable them to plan and implement their work in the long-term.**
- 🔍 **Safeguard the right to public participation in policy processes by ensuring transparent, meaningful and diverse structured civil dialogue with civil society and by ensuring adequate time for stakeholders to contribute.**
- 🔍 **Reform the Access to Public Administrative Documents Act, in order to strengthen the right to access documents.**
- 🔍 **Respect the right to peaceful assembly as per international standards and refrain from discriminatory law enforcement on the basis of the content/issue of the protest .**



About European Civic Forum

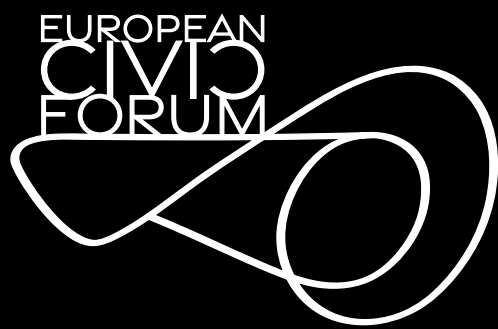
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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