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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

DENMARK/DANEMARK



Strasbourg, 24 June 2005

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting
(Strasbourg, 15 – 17 June 2005)**

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DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

Denmark

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I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** **5.397.640 (2004)**
Source **Statistics Denmark**
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level **DKK 29.071.000.000**
Regional / entity level
Source **Statistics Denmark**
3. **Per capita GDP** **N/A**
Source **Statistics Denmark**
4. **Average gross annual salary** **N/A**
Source **Statistics Denmark**

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** **€ 158,2 millions**
Source **Danish Courts Administration**

Please specify:

--

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?		€ 121 millions
▪ IT?		€ 10 millions
▪ Justice expenses borne by the State?		€ app. 53 millions
(inclusive free legal aid (the state pays to bring the case before the court) + allowance payment to plaintiff)		

Source *Danish Courts Administration*

7. Annual public budget spent on legal aid € (see no. 8 below)

Source *Danish Courts Administration*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases		€ N/A
▪ the annual public budget spent on legal aid in other court cases (cases)		€ 3,2 millions (only civil)

Source *Danish Courts Administration*

9. Annual public budget spent on prosecution system € N/A

Danish National Police

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes	No	Yes	No
Other ministry. Please specify	No	No	No	No
Parliament	No	No	No	No
Supreme Court	No	No	No	No
Judicial Council	Yes	Yes	Yes	Yes
Courts	No	No	No	No
Inspection body. Please specify.	No	No	No	Yes
Other. Please specify				

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	No	Yes
Legal advice (Yes/No)	No	Yes
Other (Yes/No). Please specify	No	No

12. Number of legal aid cases:

- total 17.316
- criminal cases N/A
- other than criminal cases N/A

Source Civil Affairs Agency

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|----------------------------------|-----|--|
| ▪ for criminal cases? | N/A | |
| ▪ for other than criminal cases? | | Yes (2004)/231.000 DKK for single persons and 291.000 DKK for cohabitant couples |

Source Civil Affairs Agency

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by: Yes

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Yes	No
▪ for criminal cases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ for other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, are there exceptions? Please specify:

If the litigant is granted legal aid court fees are waived.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

Most private insurances covers legal expenses.

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes	No
▪ criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.retsinfo.dk | | |
| ▪ case-law of the higher court/s? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | | |
| www.hoejesteret.dk , www.vestrelandsret.dk , www.oestrelandsret.dk | | |
| ▪ other documents (for examples legal forms)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.domstol.dk | | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	
Victims of terrorism	No	No	No	
Child/Witness/Victim	Yes	Yes	Yes	
Victims of domestic violence	Yes	Yes	Yes	
Ethnic minorities	No	No	No	

Disabled persons	No	No	No	
Juvenile offenders	Yes	Yes	Yes	
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- a public fund?
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

The State awards compensation and damages for personal injury inflicted by violation of the Criminal Code. Compensation is further awarded for damage to clothing and some other usual personal property, including minor amounts in cash that the victim was carrying when the personal injury was inflicted.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No
 Yes Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- excessive length of proceedings? Yes No
- wrongful arrest? Yes No
- wrongful condemnation? Yes No

If yes, please specify (fund, daily tariff):

The Director of Public Prosecution establishes tariffs concerning compensation.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials,

etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

www.domstol.dk (Domstolenes brugerundersøgelser)

User Survey 2005 (Brugerundersøgelse 2005)

User Survey 2001 (Brugerundersøgelse 2001)

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	No	No
Surveys at court level	Yes	No

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of Justice	No	No
Other external organisations (e.g. Ombudsman)	No	No

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction 82

Source Danish Courts Administration

- specialised first instance courts 1

Source Danish Courts Administration

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Maritime and Commercial Court

34. Total number of courts (geographic locations) 86 (+ the court system in Greenland and the Faroe Islands in the North Atlantic). The Supreme Court, the Maritime and Commercial Court and Eastern High Court are all located in Copenhagen. Western High Court is located in Viborg and the city courts are decentralized.

Source Danish Courts Administration

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 82

Please specify what is meant by small claims in your country:

Any claims are equally dealt with but law procedure differs if the claim is less than DKK 50.000

- a dismissal 82 courts
- a robbery 82 courts

36. Number of professional judges sitting in courts 368 professional judges.
Further there are 254 deputy judges.

(present the information in full time equivalent and for permanent posts)

Source Danish Courts Administration

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such: 0

- gross figure
- if possible, in full time equivalent

Source Danish Courts Administration

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs

Source *Danish Courts Administration*

Please specify:

There is no data as it is decentralized. It is a public duty to assist in a court case if one is appointed for this duty. Locally – and in the High Courts – lists of persons that may be appointed to assist in a case always exist. These lists exceed the actual number of people who are in fact appointed to actual cases.

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes For which type of case(s)?

In criminal cases. The use of trial by jury is decided based on the sentence the prosecuting authority demands.

If possible, number of citizens who were involved in such juries for the year 2004?

N/A

40. Number of non-judge staff who are working in courts
(present the information in full time equivalent and for permanent posts)

Source *Danish Courts Administration*

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: *The staffs at the courts have several duties.*
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):
- technical staff:

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff: The Danish Courts Administration has no exact figure as the staffs are generally flexible and have many different duties depending on where they are most needed at any time. Any City Court has though at least one bailiff entrusted with judicial tasks and autonomous competence. There are 82 City Courts and the larger ones have more than one person.

43. **Number of public prosecutors** 564

(present the information in full time equivalent and for permanent posts)

Source

44. **Do you have persons who have similar duties as public prosecutors?**

No

Yes **Please specify:**

Some police officers conduct cases pertaining to minor offences in court.

45. **Is the status of prosecutors:**

- independent within the judiciary? Yes
- independent from the judiciary? X
- under the authority of the Ministry of Justice? X

46. **Number of staff (non prosecutors) attached to the public prosecution service** N/A

(present the information in full time equivalent and for permanent posts)

Source

47. **Who is entrusted with the individual court budget?**

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	Danish Courts Administration	Danish Courts Administration	Done locally, but still with the Danish Courts Administration being overall responsible	Partly done locally, but still with the Danish Courts Administration being overall responsible
Court President	No	No	X (up to them)	X (up to them)
Court administrative director	No	No	X (up to them)	X (up to them)

Head of the court clerk office	No	No	X (up to them)	X (up to them)
Other. Please specify	No	No	X (up to them)	X (up to them)

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	x			
	Electronic data base of jurisprudence	x			
	Electronic files	x			
	E-mail	x			
	Internet connection	x			
Administration and management	Case registration system	x			
	Court management information system	x			
	Financial information system			X*	
Communication between the court and the parties	Electronic forms	x			
	Special Website	x			
	Other electronic communication facilities				

* Only those courts that administrate wages independently.

Source [Danish Courts Administration](#)

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No Yes Please specify the name and the address of this institution:

Danish Courts Administration (Domstolsstyrelsen)
St. Kongensgade 1-3
1264 Copenhagen K

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes No

52. Do you have a regular monitoring system of court activities concerning the:

	Yes	No
▪ number of incoming cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ number of decisions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ number of postponed cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ length of proceedings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please specify:

Danish Courts Administration produces an annual report on the length of proceedings in cases involving violent behaviour and now also rape that exceed 37 days in the court system as well as cases where the persons under charge are sentenced imprisonment.

53. Do you have a regular evaluation system of the performance of the court?

No
 Yes **Please specify:**

Quantitative measures. The individual courts are measured by an annual report for each court.

54. Concerning court activities, have you defined:

▪ performance indicators? Yes *but only quantitative measures.* No

Please specify the 4 main indicators for a proper functioning of justice:

1. Number of cases received and number of decisions
 2. Divided on the different types of cases, the time it took to reach a decision (measured from the day the courts received a case)

- targets? Yes No

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power?
- judicial power?
- other? Please specify:

Please specify the main objectives applied:

The executive judge (the President of the individual court) normally formulates an action plan for the court in cooperation with his or her staff. The Danish Courts Administration informs the courts where to focus in their action plan.

Source **Danish Courts Administration**

55. Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary? Yes
- the Ministry of justice?
- an Inspection body?
- the Supreme Court?
- an external audit body?
- other? Please specify: The Danish Courts Administration

56. Does the evaluation system include quality standards concerning judicial decisions?

- No X, it doesn't but in recent years some experimental trials of quality evaluation have been attempted.
- Yes Please specify:

Source **Danish Courts Administration**

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:
Yes No

- civil cases?
- criminal cases?
- administrative cases?

58. Do you have a way of analysing queuing time during court procedures?

No
 Yes

Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No
 Yes

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your court monitoring and evaluation system*

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
 Yes No
- the right to have reasons given for all prisons sentences?
 Yes No
- for all cases, an effective remedy to a superior jurisdiction?
 Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? Approx. 30 %. It is almost exclusively unpaid fines/tickets issued by the police that go to the court system to be collected. It is stated in the notice from the court that the person under charge does not have to appear in court if he/she can accept the claim.

Source **Danish Courts Administration**

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No

Yes If possible, number of successful challenges (in a year): **N/A**

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)	0	0	0	1*	0	0	0	0	0	0
	Article 6§1 (duration)	3	1	0	2	0	0	0	0	1	2
	Article 6§2	0	0	0	1*	0	0	0	0	0	0
	Article 6§3a	0	0	0	0	0	0	0	0	0	0
	Article 6§3b	0	0	0	0	0	0	0	0	0	0
	Article 6§3c	0	0	0	0	0	0	0	0	0	0
	Article 6§3d	0	0	0	0	0	0	0	0	0	0
Article 6§3e	0	0	0	0	0	0	0	0	0	0	
Civil proceedings	Article 6§1 (equity)	0	0	0	0	0	0	0	0	0	0
	Article 6§1 (duration)	0	3	0	0	0	1	0	0	0	0
	Article 6§1 (non execution only)	0	0	0	0	0	0	0	0	0	0

Source **Ministry of Justice**

*Same case

IV.B. Timeframes of proceedings

IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- | | | |
|-------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ civil cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

65. Are there simplified procedures for:

- | | | |
|------------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ civil cases (small claims)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases (petty offences)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

66. Is it possible for a second instance court to send back a case to a first instance court for a

new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No
Yes Please specify:

The court can conclude agreements with the parties during the preliminary hearing concerning the further processing of the case. Furthermore, the court can appoint the time and date for the hearing.
In Criminal cases, the court can decide to deny the presentation of evidence, if this has no relevance to the case.

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious):

Please specify the main types of cases:

City Courts: 133.509
High Courts: 7.307
Supreme Court: 250
The Maritime and Commercial Court: 420
Totally: 141.486 (2004)

Source *Danish Courts Administration*

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)**	Incoming cases	126.696	N/A	6.813	N/A
	Decisions on the merits	N/A	N/A	N/A	N/A
	Percentage of decisions subject to appeal in a higher court	2 %	N/A	12 %	N/A
	Pending cases by 1 January 2005	35.308	N/A	1690	N/A
	Percentage of pending cases of more than 3 years	N/A	N/A	N/A	N/A
Average length (from date of	1st instance decisions	113 days	N/A	100 days	N/A
	2nd instance	App. 12	N/A	***	N/A

lodging of court proceedings*)	decisions	months			
	Total procedure	N/A	N/A	N/A	N/A

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

** Only figures from the city courts are used to describe 1st instance cases. Some cases begin at one of the two High Courts.

*** here is only considered cases with financial claims.

Where appropriate, please specify the specific procedure as regards divorce:

Source Danish Courts Administration

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to conduct investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to charge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other significant powers?	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes Please specify:

When a person claims damages following wrongful criminal charges, the prosecutor handles the case administratively. If the plaintiff is not satisfied with the administrative decision, he can bring the case before a court law, in which case the prosecutor conducts the case in court.

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		892.288
	In general	N/A
	Because the offender could not be identified	N/A
	Due to the lack of an established offence or a specific legal situation	N/A
Concluded by a penalty, imposed or negotiated by the public prosecutor		N/A
Charged by the public prosecutor before the courts		(194.926)

Source [Statistics Denmark](#)

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	134.647 (City Courts)	N/A	N/A
	Judicial decisions	131.298 (City Courts)		
	Convicted persons	131.298 (City Courts)		
	Acquitted persons	N/A		
	Percentage of decisions subject to appeal in a higher court	App. 3%		
	Pending cases by 1 January 2005	42.780 (City Courts)		
	Percentage of pending cases of more than 3 years	N/A		
Average length*(from the date of official charging)	1st instance decision	66 days (counted from the day the court receives the case). Only data from city courts are included here.		
	2nd instance decision	5,1 months measured as the time from the High Court receives the case and until the first meeting in the court takes place.		
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source **Danish Courts Administration**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:
- | | | |
|---|--|-------------------------------------|
| | | Yes |
| ▪ | a body composed of members of the judiciary? | <input checked="" type="checkbox"/> |
| ▪ | a body composed of members external to the judiciary? | <input type="checkbox"/> |
| ▪ | a body composed of members of the judiciary and external to the judiciary? | <input checked="" type="checkbox"/> |
75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- | | | |
|---|--|-------------------------------------|
| | | Yes |
| ▪ | a body composed of members of the prosecution system? | <input checked="" type="checkbox"/> |
| ▪ | a body composed of members external to the prosecution system? | <input type="checkbox"/> |
| ▪ | a body composed of members of the prosecution system and external to the prosecution system? | <input type="checkbox"/> |
76. Is the mandate given for an undetermined period for:
- | | | | |
|---|--------------|-------------------------------------|--------------------------|
| | | Yes | No |
| ▪ | judges? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ | prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

Is it renewable?

- of judges? Yes No
- of prosecutors? Yes No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes, mandatory for 3 years	
	Highly recommended			
	Optional			
General in-service training	Compulsory	No	Annual	No
	Highly recommended	Yes	Regular	Yes
	Optional	No	Occasional	No
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	No	Annual	No
	Highly recommended	Yes	Regular	Yes
	Optional	No	Occasional	No
In-service training for specific functions (e.g. head of court)	Compulsory	No	Annual	No
	Highly recommended	Yes	Regular	Yes
	Optional	(Yes)	Occasional	(Yes)

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes	
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly		Regular	

		recommended			
		Optional	Yes	Occasional	Yes
Specialised in-service training	in-	Compulsory		Annual	
		Highly recommended		Regular	
		Optional	Yes	Occasional	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career
€ 83.000

Source Danish Courts Administration

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
€ 118.000 (App. € 91.000 in case that the case is appealed to a High Court for the lowest paid permanent judge).

Source Danish Courts Administration

81. Gross annual salary of a public prosecutor at the beginning of his/her career
DK 300.000

Source Danish National Police

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court
DK 600.000-1.100.000

Source Danish National Police

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			Yes		
Research and publication	Yes			Yes		
Arbitrator	Yes			Yes		
Consultant	Yes			Yes		
Cultural function	Yes			Yes		
Other function to specify	Yes			Yes		

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
		Total number	1
Reasons for disciplinary procedures	Breach of professional ethics (Yes/No) If yes, please specify the number		
	Professional inadequacy (Yes/No) If yes, please specify the number		
	Criminal offence (Yes/No) If yes, please specify the number	1	
	Other (Yes/No) If yes, please specify		
	Total number		0
Types of sanctions	Reprimand (Yes/No) If yes, please specify the number	1	
	Suspension (Yes/No) If yes, please specify the		

number		
Dismissal (Yes/No) If yes, please specify the number		
Fine (Yes/No) If yes, please specify the number		
Other (Yes/No) If yes, please specify		

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

VI. Lawyers

87. Number of lawyers practising in your country 4.635 (2004)

Source *National Bar Association*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	No		Member of family	Yes
			Trade Union	(No)
			NGO	(No)
			Other	Yes
Criminal cases*	Defendant		Member of family	
			Trade Union	
			NGO	
			Other	
			Member of family	
		Trade Union		

Administrative cases*	No	Victim	NGO	
			Other	
			Member of family	
			Trade Union	
			NGO	
			Other	

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar? Yes
- a regional bar?
- a local bar?

Please specify:

All lawyers must enrol in the National Bar Association, which is a national organisation that supervises the conduct and protects the interests of lawyers.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No
Yes Please specify:

According to the ethical guidelines established by the disciplinary committee, lawyers may not undertake assignments for which they are not properly qualified.

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law? Yes (Freely negotiated, but the law states, that a lawyer may only claim a reasonable fee)
- regulated by Bar association?
- freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes
- the legislature?
- other? Please specify:

The General Council of the Bar determines certain rules and guidelines for lawyers to apply in their work.

98. Is it possible to complain about :

- the performance of lawyers? No
Yes Please specify:

Clients can complain about the performance of lawyers to the disciplinary committee under the National Bar Association.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	Yes
	Other	
Type of sanctions	Reprimand	Yes
	Suspension	Yes
	Removal	Yes
	Fine	Yes
	Other	

100. Who is the authority responsible for the disciplinary procedures:

- a professional body? Yes
 Please specify:

The disciplinary committee under the National Bar Association processes any complaints about lawyers, and decides the outcome of the complaint.

- the judge?
- the Ministry of justice?
- other? Please specify:

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You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

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VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

The Ministry of Justice, the Danish Court Administration and the Danish Bar Association have from 2003-2004 launched a trial scheme offering mediation in civil cases involving 4 City Courts and 1 high Court. The trial scheme has in 2005 been prolonged. The experiences from these trial periods will form basis for the future considerations on a more formalised mediation system in connection with the Judicial system.

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
Family cases	Compulsory stage in court proceedings		Judge	
			Prosecutor	
			Ordered by judge in certain cases	
Administrative cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	

			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

102. Can you provide information about accredited mediators?

See above question 101.

103. Can you provide information about the total number of mediation procedure concerning:

N/A See above question 101.

- civil cases?
- family cases?
- administrative cases?
- employment dismissals?
- criminal cases?

Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

The Danish Arbitration Act 2005 (Act no. 553 of 24 June 2005 on Arbitration) is based on

the UNCITRAL Model Law on International Commercial Arbitration (1985). There is no data concerning the total number of cases involving arbitration.

There is in addition to this a number of different tribunals concerning alternative dispute resolution, e.g. the Labour Court.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- | | |
|---|---|
| ▪ judges? | Yes <input checked="" type="checkbox"/> |
| ▪ bailiff practising as private profession ruled by public authorities? | <input type="checkbox"/> |
| ▪ bailiff working in a public institution? | Yes <input checked="" type="checkbox"/> |
| ▪ other enforcement agents? | <input type="checkbox"/> |

Please specify their status:

106. Number of enforcement agents
Source

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108. Is the profession of enforcement agent organised by?

- | | |
|--------------------|---|
| ▪ a national body? | Yes <input checked="" type="checkbox"/> |
| ▪ a regional body? | <input type="checkbox"/> |

- a local body?

109. Can users establish easily what the fees of the enforcement agents will be?

Yes, however, fees are not a genuine fee but a duty to the court according to the regulations following the law. Further, expenses to the lawyer may be added and can be difficult to estimate in advance.

110. Are enforcement fees:

- regulated by law? Yes
- freely negotiated?

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No
 Yes Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body? Yes
 - the judge?
 - the Ministry of justice?
 - the prosecutor?
 - other?
- Please specify:

112. Have quality standards been formulated for enforcement agents?

No
 Yes Who is responsible for formulating these quality standards?

The Parliament, the Danish Courts Administration and the local judge (Court President)

Source *Danish Courts Administration*

113. What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?	<input type="checkbox"/>	<input type="checkbox"/>
▪ lack of information?	<input type="checkbox"/>	<input type="checkbox"/>
▪ excessive length?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ unlawful practices?	<input type="checkbox"/>	<input type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input type="checkbox"/>
▪ excessive cost?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input type="checkbox"/>

Source *Danish Courts Administration*

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
 Yes **Please specify:**

The court procedure has been simplified if the claim does not exceed DKK 50.000

115. Is there a system measuring the timeframes of the enforcement of decisions :

- | | | |
|-----------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ for civil cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- | | |
|--------------------------|-------------------------------------|
| | Yes |
| ▪ between 1 and 5 days | <input checked="" type="checkbox"/> |
| ▪ between 6 and 10 days | <input type="checkbox"/> |
| ▪ between 11 and 30 days | <input type="checkbox"/> |
| ▪ more: please specify | <input type="checkbox"/> |

Source

117. Disciplinary proceedings and sanctions against enforcement agents:

Generally the answer to the question is no. The categories below can not be completed. The president of the Court may always take personal action. Executing enforcement are always liable to the law. The President may always distribute the work differently internally if he/she is of the opinion that a staff should not work with enforcement.

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	N/A
	Professional inadequacy	N/A
	Criminal offence	N/A
	Other	N/A
Sanctions	Reprimand	N/A
	Suspension	N/A
	Dismissal	N/A
	Fine	N/A
	Other	N/A

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes	Number
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please specify:

The duty is done by a civil servant (not a judge) that also has other duties.

Source Danish Courts Administration

121. Do notaries have duties:

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ within the framework of civil procedure? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ in the field of legal advice? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ to authenticate legal deeds? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify:

The role of the notaries is, basically, to verify the signature on legal documents.

122. Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

Which authority is responsible for the supervision and the control of the notaries:

- | | Yes |
|----------------------------|-------------------------------------|
| ▪ a professional body? | <input type="checkbox"/> |
| ▪ the judge? | <input checked="" type="checkbox"/> |
| ▪ the Ministry of justice? | <input type="checkbox"/> |
| ▪ the prosecutor? | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> |
- Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

The Minister of Justice has just recently proposed a bill to reform the justice system in Denmark to the Parliament. The 82 city courts are proposed reduced to only 22 courts.

The administration of justice act will undergo major changes. Included in the reform is changed procedure of processing of small claims, mediation, use of juries, increased use of expert judges, the role of the Maritime and Commercial Court and in particular all civil cases thereafter begin in the city courts. Finally, the law regulating registration of title to land and property will according to this bill be changed as well. Currently registration is decentralized at the 82 city courts. The idea is to have only one centralized body for registration and for the registration to be transformed from actual paper documents to electronic form for the majority of the documents.

The reform of the justice system will also bring changes to the organisation of the police force. The number of police districts will be reduced from 54 to 12, to establish more solid and effective districts that are able to handle any given assignment. In connection with this, a great deal of the administrative assignments will be moved from the Commissioner of Police to the individual districts, thereby creating a decentralization of the decision-making process. Finally, a number of assignments that have formerly been maintained by the police, but which lie outside the traditional police work, will be moved to other authorities, to secure that the police resources are used as effectively as possible.