



CCJE-BU(2021)1

Strasbourg, 21 January 2021

## Answers from DENMARK

### CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):

**“Evolution of the Councils for the Judiciary  
and their role for independent and impartial judicial systems”**

*Please in your answers do not send extracts of your legislation  
but describe the situation in brief and concise manner.*

#### General

|  |            |
|--|------------|
| 1. Is there a Council for the Judiciary in your judicial system? | X yes O no |
|--|------------|

2. What is the exact title/denomination of this body? **Domstolsstyrelsens bestyrelse (The board of the Danish Court Administration)**

3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.

|  |   |
|--|---|
| Defending and fostering the independence of judges and the judiciary/the rule of law | <input checked="" type="checkbox"/> HJC<br><input checked="" type="checkbox"/> MoJ<br><input checked="" type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input checked="" type="checkbox"/> Association of Judges<br><input checked="" type="checkbox"/> The Special Court of Indictment and Revision |
|--|---|

|   |   |
|---|---|
| Defending judges/the judiciary against public attacks | <input checked="" type="checkbox"/> HJC<br><input checked="" type="checkbox"/> MoJ<br><input checked="" type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input checked="" type="checkbox"/> Association of Judges<br><input type="checkbox"/> other, please specify                     |
| Administration of the judiciary                       | <input checked="" type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input checked="" type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input type="checkbox"/> Association of Judges<br><input type="checkbox"/> other, please specify   |
| Selection of new judges                               | <input type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input type="checkbox"/> Parliament<br><input type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input checked="" type="checkbox"/> A special Judicial Appointment Body<br><input type="checkbox"/> other, please specify |
| Selection of judges for promotion                     | <input type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input type="checkbox"/> Parliament<br><input type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input checked="" type="checkbox"/> A special Judicial Appointment Body<br><input type="checkbox"/> other, please specify |
| Evaluation of judges                                  | <input type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input type="checkbox"/> Parliament<br><input type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input type="checkbox"/> Association of Judges<br><input type="checkbox"/> other, please specify                          |
| Evaluation of court performance                       | <input type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input type="checkbox"/> Parliament<br><input type="checkbox"/> Court Presidents<br><input type="checkbox"/> bodies within individual courts<br><input type="checkbox"/> Judicial Administration Board<br><input type="checkbox"/> Association of Judges<br><input type="checkbox"/> other, please specify                          |
| Conducting disciplinary procedures                    | <input type="checkbox"/> HJC<br><input type="checkbox"/> MoJ<br><input type="checkbox"/> Parliament   |

|  |  |
|--|--|
|  | <input type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input type="radio"/> Association of Judges<br><input checked="" type="radio"/> The Special Court of Indictment and Revision   |
| Drafting and enforcing a code of ethics  | <input type="radio"/> HJC<br><input type="radio"/> MoJ<br><input type="radio"/> Parliament<br><input type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input checked="" type="radio"/> Association of Judges<br><input type="radio"/> other, please specify  |
| Public relations/media coverage for the judiciary, or individual courts            | <input checked="" type="radio"/> HJC<br><input checked="" type="radio"/> MoJ<br><input type="radio"/> Parliament<br><input checked="" type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input checked="" type="radio"/> Association of Judges<br><input checked="" type="radio"/> A judge in each court appointed to be press spokesperson |
| Providing input on legislative projects  | <input checked="" type="radio"/> HJC<br><input checked="" type="radio"/> MoJ<br><input checked="" type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input checked="" type="radio"/> Association of Judges<br><input type="radio"/> other, please specify   |
| Training of judges   | <input checked="" type="radio"/> HJC<br><input type="radio"/> MoJ<br><input type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input type="radio"/> Association of Judges<br><input type="radio"/> other, please specify  |
| IT, including digitalisation of the judiciary and online hearings                  | <input checked="" type="radio"/> HJC<br><input type="radio"/> MoJ<br><input type="radio"/> Parliament<br><input type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input type="radio"/> other, please specify   |
| The allocation of financial resources to the judiciary including individual courts | <input checked="" type="radio"/> HJC<br><input checked="" type="radio"/> MoJ<br><input checked="" type="radio"/> Parliament<br><input type="radio"/> Court Presidents<br><input type="radio"/> bodies within individual courts   |

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|--------------------|--|
|                    | <input type="radio"/> Judicial Administration Board<br><input type="radio"/> other, please specify   |
| Salaries of judges | <input type="radio"/> HJC<br><input type="radio"/> MoJ<br><input type="radio"/> Parliament<br><input type="radio"/> Court Presidents<br><input type="radio"/> Bodies within individual courts<br><input type="radio"/> Judicial Administration Board<br><input checked="" type="radio"/> Ministry of Finance |

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? **Yes, a digital database of court decisions shall be established and maintained.**
- Is it in a position to appoint or remove presidents of courts to and from the office? **No**
- Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country? **Please see:** [https://www.encj.eu/images/stories/pdf/factsheets/domstolsstyrelsen\\_denmark.pdf](https://www.encj.eu/images/stories/pdf/factsheets/domstolsstyrelsen_denmark.pdf)
- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country? **N/A**

### Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

|   |   |
|---|---|
| Existence of a Council for the Judiciary                        | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |
| Composition   | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |
| Selection of members including tenure and removal during tenure | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |
| Tasks   | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |
| Resources, funding, administration                              | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |
| Independence  | <input type="radio"/> Constitution<br><input checked="" type="radio"/> Law<br><input type="radio"/> other, please specify |

- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country? **No**

### Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? **11 members**
  - Are there ex-officio members? **No**
  - How many members must be judges? **5 members**. Do they need specific qualifications or experiences, must they come from different court systems or instances? **Please see below**
  - Can/must non-judges be members of the Council? **Yes** Please specify (number, qualification/specific functions) **Please see below**
6. Please describe the procedure of appointment:
- Who nominates the members? (judges or other institutions or authorities – please specify)
    - 1 judge is nominated by the Supreme Court**
    - 1 judge is nominated by the Eastern High Court**
    - 1 judge is nominated by the Western High Court**
    - 2 judges are nominated by the Association of Danish Judges**
    - 1 member is nominated by the Deputy Judges' Union (Dommerfuldmægtigforeningen)**
    - 2 members are nominated by the trade unions of non-judicial court staff**
    - 1 member is nominated by the Council of the Danish Bar and Law Society (Advokatsamfundet)**
    - 1 member is nominated by The Danish Agency for Labour Market and Recruitment (Beskæftigelsesrådet)**
    - 1 member is nominated by Universities Denmark (Rektorkollegiet)**
  - Please describe the appointment system. The above organisations nominate only the stipulated number of members. **The minister of justice appoints the members by following the nominations given.**
  - If members are elected by Parliament, are these members elected with a simple or qualified majority? **N/A**
7. How is integrity and independence of members ensured in the selection process and during their time on the Council? **No member can hold political office**
8. How is the President and/or Vice-President of the Council selected and appointed? **They are elected by the members of the council from among themselves**
9. What is the term of office for a member of the Council? **Four years – reappointment may take place**
10. May a member be removed from office against his/her will and, if so, under what circumstances? **Yes. Only by decision of The Court of Indictment and Revision and only following a request from the Council or the minister of justice.**

### Resources and management

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| 11. Which body provides funding for the Council for the Judiciary? | <input type="radio"/> MoJ<br><input checked="" type="radio"/> Parliament<br><input type="radio"/> other, if so specify |
|--|--|

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|---|------------|
| 12. Is the administration of the Council for the Judiciary independent from other branches of government? | X yes O no |
|---|------------|

### Relations within the Council for the Judiciary and within the judiciary

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? **No**. If yes, what was the character of these conflicts and have they been solved? **N/A**
14. Have there been conflicts between the Council for the Judiciary and the judiciary? **No**. Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved? **N/A**

### Relations with other branches of government, governmental bodies, civil society and media

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? **No**. If yes, what was the character of these conflicts and have they been solved? **N/A**
16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed? **By negotiation**.
17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies? **By negotiation and transparency**.
18. How does the Council for the Judiciary in your judicial system interact with NGOs? **By negotiation and transparency**.
19. How does the Council for the Judiciary in your judicial system interact with associations of judges? **Through the chairman of the Association and through the Council members appointed by the Association**.
20. How does the Council for the Judiciary in your judicial system interact with media? **Through its Head of Communications**
21. What, if any, is the role of the Council for the Judiciary in the vetting of judges? **N/A**

### Challenges, developments

22. Does the Council for the Judiciary in your judiciary face particular challenges? **No**. If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.
23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? **No**. If so, how?
24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? **No**. If so, what were the objectives of these reforms and have they been successful?

25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced? **N/A**