



COUNCIL    CONSEIL  
OF EUROPE    DE L'EUROPE

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

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**





## II. Access to Justice and to all courts

### II. A. Legal aid/cost of justice

#### 4. Annual public budget spent on legal aid

Annual budget: 294.400.000 DKK (2003) / 289.200.000 DKK (2002) Year : 2002/2003

Source : Annual State Budget (The figures cover free legal aid (in court cases) and other legal aid by a lawyer. They do not include certain family law cases, cases before the bailiff's court and Criminal cases)

#### 5. If possible, specify

##### - the annual public budget spent on legal aid in criminal cases

Annual budget: N/A Year : .....

Source : .....

##### - annual public budget spent on legal aid in other court cases

Annual budget: N/A Year : .....

Source : .....

#### 6. Total number of legal aid cases (in a year)

Number of cases: About 16.000 Year : Annually

Source : The Civil Law Directorate

#### 7. If possible, specify:

##### - the total number of legal aid cases in criminal matters (in a year)

Number of cases: N/A Year : .....

Source : .....

##### - the total number of legal aid cases in other court cases (in a year)

Number of cases: N/A Year : .....

Source : .....

8. Does your country have an income and asset test for granting legal aid?

Yes / No: Y

Even if the income of the applicant is above the threshold, legal aid can be granted under special circumstances. This is in particular the case, when the proceedings concern a matter of principle or of general public interest or are essential for the applicant.

9. If yes, what is the maximum income level for granting legal aid?

Income level:	Year:
231.000 DKK for single persons	2004
293.000 DKK for cohabitant couples	

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: Y

If yes, is the decision taken by :     - the court  
  - **a body external to the court**  
(please indicate the right answer)     - a mixed decision-making body (court and external)  
  - other:

What factors are taken into account ?

Factors:  
The competent authority must estimate that the litigation is based on reasonable grounds.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Y

If yes, is this true for:             - criminal cases? Yes / **No** N Except for private prosecution  
  - other than criminal cases? Yes / No Y

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: Y

13. Do judicial decisions have an impact on who bears legal costs, which are paid by the parties during the procedure?

Yes / No / Otherwise: Y

If yes, is this true for:             - criminal cases ? Yes / **No**  
  - other than criminal cases? Yes / No

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / **No** N  
 - the State? Yes / **No** N

If yes, please indicate the references of these studies published in the year 2002 or 2003:  
 (Author / instance) (Title) (Type of courts or costs reported on):

.....  
 .....  
 .....

**II. B. Users of the courts and victims**

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? **Yes** / No Y  
 internet address: [www.retsinfo.dk](http://www.retsinfo.dk)  
[www.folketinget.dk](http://www.folketinget.dk)

- to the case-law of the higher court/s? **Yes** / No Y  
 internet address: [www.domstol.dk](http://www.domstol.dk) [www.hoejesteret.dk](http://www.hoejesteret.dk)  
[www.oestrelandsret.dk](http://www.oestrelandsret.dk) [www.vestrelandsret.dk](http://www.vestrelandsret.dk)

- to other documents (for examples legal forms)? **Yes** / No Y  
 internet address: [www.domstol.dk](http://www.domstol.dk)

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? **Yes** / No Y

Comments: On the website [www.erstatningsnaevnet.dk](http://www.erstatningsnaevnet.dk) there is information available about the rules on public economic compensation for victims of crime.

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / **No** N

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? **Yes** / No Y

Comments: For further information [www.erstatningsnaevnet.dk](http://www.erstatningsnaevnet.dk)

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?  
Yes / No

If yes, are these surveys

- at national level Yes / No
- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No

Please specify:

- at court level/internal procedure Yes / No Y
- at court level/external procedure Yes / No
- at national level/internal procedure Yes / No
- at national level/external procedure Yes / No Y

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No N
- time limit for dealing with the complaint: Yes / No N

### **III. Functioning of courts and efficiency of justice**

#### **III. A. Functioning**

22. Total number of courts

Number of courts:  
86

23. Number of general jurisdiction first instance courts

Number of courts:  
82 district courts

#### 24. Number of specialised first instance courts

*Please specify the different areas of specialisation*

(area of specialisation) (number of courts)

The Maritime and Commercial Court of Copenhagen 1

#### 25. Number of professional judges sitting in courts

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

Judges in the Supreme Court: 19 (2002)  
Judges in the two High Courts: 139 (2002)  
Judges in the District Courts: 210 (2002)

Source : Danish Court Administration

#### 26. Number of non-professional judges sitting in courts

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

Number of judges:             fte             Year :  
                                N/A

Source :  
.....

**Please give details:** Non-professional judges (lay judges) are used in criminal cases together with professional judges. Non-professional judges are also used in a number of cases involving disputes over the amount of rent of real estate.

#### 27. Number of non-judge administrative staff who are working in courts

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

Number of staff:             fte             Year :  
Judicial officers:             295<sup>1</sup>             2002  
Other court staff:             1.906<sup>2</sup>             2002

Source : Danish Court Administration

#### 28. Annual budget allocated to all courts

Annual budget:   Year :  
                                1.211.200.000 DKK             2003  
                                160.000.000 EUR

Source : Danish Court Administration

#### 29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget:   Year :

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<sup>1</sup> Full year's work for one person.  
<sup>2</sup> Full year's work for one person.



53.700.000 DKK

2003

Source : Danish Court Administration

30. Has the budget for justice increased during the last 5 years? Yes / No  
What are the figures?

Budget	Year	
1.211.200.000 DKK		2003
Budget	Year	
1.182.500.00 DKK		2002
Budget	Year	
1.087.700.000 DKK		2001

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No
- the Government Yes / No
- the Parliament Yes / No
- the Judicial Council Yes / No
- the Courts Yes / No
- other:

.....

32. Who manages the budget of the courts?

- the President of the Court Yes / No
- the person administratively responsible for the court Yes / No
- other:

The Danish Court Administration does generally manage the budget of the courts.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: .....
- in other than criminal cases the court / public prosecutor / lawyer / other: .....

### **III. B. Efficiency**

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 114.095 Year : 2002  
Source : Statistics Denmark

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 22.564 Year : 2002  
Source : Statistics Denmark

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: N/A Year :  
Source :

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: 82.512 Year : 2002  
Source : Statistics Denmark

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 127.548 Year : 2003  
Source : Danish Court Administration

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: N/A Year : .....  
Source : .....

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: N/A Year : .....  
Source : .....

*Please indicate, if possible:*

Number of convicted persons: ..... % of convicted persons: .....  
Number of acquitted persons: ..... % of acquitted persons: .....

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year : .....  
Source : .....

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: N/A Year : .....  
Source : .....

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: N/A Year : .....  
Source : .....

*Please indicate also if possible:*

Number of convicted persons: ..... % of convicted persons: .....  
Number of acquitted persons: ..... % of acquitted persons: .....

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year : .....  
Source : .....

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 128.513 Year : 2003  
Source : Danish Court Administration

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: 129.568 Year : 2003  
Source : Danish Court Administration

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year : .....  
Source : .....

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 6.339 Year : 2003

Source : Danish Court Administration

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 6.547 Year : 2003

Source : Danish Court Administration

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year : .....

Source : .....

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: N/A Year : .....

Source : .....

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: N/A Year : .....

Source : .....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: N/A Year : .....

Source : .....

## IV. Use of Information Technology in the court

### 53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: App. 70.000.000 DKK Year : 2003  
Source : Danish Court Administration

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

- for judges **Yes** / No Y
- for non-judges court staff **Yes** / No Y

### 55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? **Yes** / No Y

If yes, please specify the name and the address of this institution

The Danish Court Administration St. Kongensgade 1-3 1264 Copenhagen K Denmark  
.....

### 56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone **Yes** / No Y
- Mail **Yes** / No Y
- Fax **Yes** / No Y
- E-mail **Yes** / No Y
- Internet Yes / **No** N

### 57. Is there an electronic form to carry out certain procedural steps? Yes / **No** N

## V. Fair trial

### 58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: N/A Year :  
.....  
Source :  
.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No Y

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No Y

61. Are reasons given for all prison sentences? Yes / No Y

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length:            days            Year :  
                                  N/A                                    .....

Source :  
.....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length:            days            Year :  
                                  N/A                                    .....

Source :  
.....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length:            days            Year :  
                                  114                                    2002

Source :  
                                  Danish Court Administration

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length:            days            Year :  
                                  App. 100                                    2003

Source :  
                                  Danish Court Administration

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length:            days            Year :  
                                  N/A                                    .....



72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No Y

If yes, please specify:

The Danish Act on Administration of Justice contains rules on the management of subsidiary jobs/professions for judges, including a provision on the obligation for a judge to report on the jobs and the income hereof once a year to the President of the court

73. Are judges recruited and nominated by an independent institution? Yes / No Y

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes/ No
- a mixture of the two categories referred to above Yes / No Y

Is the process of selection and nomination of judges carried out according to pre-established procedures ? Yes / No Y

74. Is there a system of induction I and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory

1. Deputy judges:

During the first three years of employment deputy judges complete a basic training, which normally takes place at larger district courts, designated as courts for legal training. The training is both practical and theoretical and the district court in question must work out a training programme for each individual deputy judge. The content and topics of the theoretical training are decided by a permanent committee consisting of representatives from the employee organisations (The Association of Judges and the Association of deputy Judges) and the Court Administration.

Every year the judge must interview the deputy judge and evaluate his or her skills. The judge must then make a written statement about this and submit it to the Court Administration.

During the first three years of training the deputy judge is obliged to participate in ten courses, lasting each from two to four days. These courses primarily focus on subjects such as land registration law, law on enforcement, administration of probate court cases and bankruptcy. The three-year basic education of deputy judges ends up with a formal examination.

2. Appointed judges:

No training is acquired. But theoretical courses are also provided for judges. Apart from the courses held on strictly legal topics, many courses and seminars focus on other aspects related to the work as a judge, such as verbal and non-verbal communication in court and courses in management.

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes / No N

If yes, please specify:

.....

76. Is there in your country a system of temporary judges? Yes / No Y

If yes, are these temporary judges paid on the basis of their activity? Yes / No N

If yes, please specify:

.....



77. Annual number of disciplinary proceedings against judges

Number of proceedings: 57 Year: 2003

Source : Danish Court Administration

78. Annual number of sanctions against judges

Number of sanctions: N/A Year : 2003

Source : .....

**VII. Public prosecutors**

79. Annual budget for the public prosecution

Annual budget: 5.725.000.000 DK (For the Police and Prosecution) Year: 2002

Source : National Commissioner of Police/Ministry of Justice

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 564 Year : 2002

Source : The annual report of the police 2002

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

Annual salary : 267.590,54 DK Year : 2002

Source : Ministry of Justice

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

Annual salary : 458.887,63 - 948.038,54 DK (min.-max.) Year : 2002

Source : Ministry of Justice

83. Can public prosecutors combine their work with other professions? Yes / **No** N (unless the Ministry of Justice has given consent hereto in the specific case)



89. Number of lawyers practising in your country

Number of lawyers: 4.400 Year : 2003

Source : The National Bar Association

90. Is there a national bar association? Yes / No Y

91. Have quality standards been formulated for lawyers? Yes / No

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No Y (Code of conduct for lawyers)
- the legislature Yes / No
- other Yes / No

92. Can disciplinary proceedings be instituted against lawyers? Yes / No Y

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 851 Year : 2002

Source : The Disciplinary Committee

94. Annual number of sanctions against lawyers

Number of sanctions: 171 Year : 2002

Source : The Disciplinary Committee

95. Is it possible to complain about the performance of lawyers? Yes / No Y

If yes, please specify:

- Complaints about the fee can be sent to the Committee in the district of lawyers where the lawyer` office is domiciled
- Disciplinary cases can be sent to the Disciplinary Committee

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: Year : - The amount is set by the court based on an estimate in each case.
Source :

## IX. Mediators and mediation proceedings

### 97. Number of accredited or registered mediators

Number of mediators: The Ministry of Justice, Year:  
the Danish Court Administration and the Danish Bar Association has in 2003 launched a trial scheme offering mediation in civil cases involving 4 City Courts and 1 High Court running until the End of 2004. The experiences from the trial period will form basis for the future considerations on a more formalised mediation system in connection with the Judicial system

Source :  
.....

### 98. How much public budget is devoted to mediation?

Amount: See above question 97 Year :  
.....

Source :  
.....

### 99. Number of incoming mediation cases (in a year)

Number of cases: N/A (see above question 97) Year :  
.....

Source :  
.....

### 100. Number of cases solved through mediation (in a year)

Number of cases: N/A (see above question 97) Year :  
.....

Source :  
.....

If possible, please specify:

- number of criminal cases solved through mediation:

- number of cases other than criminal solved through mediation:

### 101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / **No** N

- in other than criminal cases? **Yes** / No Y

Year : 2003                      Source : Danish Court Administration

<b>X. Enforcement agents and execution of court decisions</b>
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102. Number and types of enforcement agents

- in criminal cases:

(Type)    (Number)    (Year)    (Source)

In criminal cases enforcement is carried out by the police

- in other than criminal cases:

In other cases enforcement can be carried out by the city court (bailiff's court)

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / **(No)**N

If yes, please specify:

.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings:    Year :

Source :    N/A    .....

.....

105. Annual number of sanctioned enforcements agents

Number of agents:    Year :

Source :    N/A    .....

.....

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify: Complaints can be filed against both court and personnel police in capacity of enforcement agents

107. Does the court play a role in the execution of court decisions? Yes / No Y

If yes, please specify:

In other cases than criminal cases enforcement can be carried out by the city court (bailiff's court)

108. Are the courts competent to decide against public authorities? Yes / No Y

Are the courts involved in executing decisions against public authorities? Yes / No Y