



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

## Country: Denmark

### National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2011)

5 560 628

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

|  | Amount         |
|--|----------------|
| State level  | 88 814 453 050 |
| Regional / federal entity level (total for all regions / federal entities) | NA             |

##### 3) Per capita GDP (in €)

42 446

##### 4) Average gross annual salary (in €)

49 882

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

745,31

#### A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Statistics Denmark

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

|  |   |             |
|--|---|-------------|
| TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)  | <input checked="" type="checkbox"/> Yes | 216 795 693 |
| 1. Annual public budget allocated to (gross) salaries  | <input checked="" type="checkbox"/> Yes | 148 501 965 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance)   | <input checked="" type="checkbox"/> Yes | 17 053 306  |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties. |   | NAP         |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs)  | <input checked="" type="checkbox"/> Yes | 33 408 917  |
| 5. Annual public budget allocated to investments in new (court) buildings  |   | NA          |
| 6. Annual public budget allocated to training and education  | <input checked="" type="checkbox"/> Yes | 2 012 585   |
| 7. Other (please specify):   | <input checked="" type="checkbox"/> Yes | 15 818 920  |

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

Other: Ordinary costs related to normal case management like postage, books, representation etc.

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Court tax or fee in civil cases.

**9) Annual income of court taxes or fees received by the State (in €)**

95 933 236

**10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA

2 086 000 000

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

|  |     |
|--|-----|
| Court system                           | Yes |
| Legal aid                              | Yes |
| Public prosecution services            | Yes |
| Prison system                          | Yes |
| Probation services                     | Yes |
| Council of the judiciary               | Yes |
| Judicial protection of juveniles       | No  |
| Functioning of the Ministry of Justice | Yes |
| Refugees and asylum seekers services   | No  |
| Other                                  | No  |

Comment :

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|               | Total annual approved public budget allocated to legal aid (12.1 + 12.2) | 12.1 Annual public budget allocated to legal aid in criminal law cases | 12.2 Annual public budget allocated to legal aid in non criminal law cases |
|---------------|--|--|--|
| Amount (in €) | 87896311   | 46276311   | 41620000   |

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

NAP

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

---

|                     | Preparation of the total court budget | Adoption of the total court budget | Management and allocation of the budget among the individual courts | Evaluation of the use of the budget at a national level |
|---------------------|---------------------------------------|------------------------------------|---|---|
| Ministry of Justice | Yes                                   | No                                 | No  | No  |
| Other ministry      | No                                    | No                                 | No  | No  |
| Parliament          | No                                    | Yes                                | No  | No  |
| Supreme Court       | No                                    | No                                 | No  | No  |
| Judicial Council    | No                                    | No                                 | No  | No  |
| Courts              | No                                    | No                                 | No  | No  |
| Inspection body     | No                                    | No                                 | No  | No  |
| Other               | Yes                                   | No                                 | Yes   | Yes   |

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

Danish Court Administration

**A.2**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q6#2#3: The increase of 20.44% in the annual approved budget of the courts allocated to computerization between 2008 and 2010 is mainly due to increased investments new technology, fx a new legal case management systems.

Q6#2#8: The increase of 46.92% of other matters of the annual public budget between 2008 and 2010 is mainly due to increased expenditures in connection to courts moving into new buildings.

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Finance Act 2010

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

|                         | Criminal cases | Other than criminal cases |
|-------------------------|----------------|---------------------------|
| Representation in court | Yes            | Yes                       |
| Legal advice            | Yes            | Yes                       |

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

If a party is granted legal aid in a case before the court, the party is inter alia exempt from paying court fees.

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

Legal aid can be granted for the fees that are related to cases before the bailiff's court.

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

|  | Criminal cases | Other than criminal cases |
|--|----------------|---------------------------|
|  | NA             | Yes                       |

Comment :

Other than criminal cases: Legal aid can be granted for alle necessary costs associated with proceedings. The court decides which expenses are covered by legal aid.

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

|                           | Number |
|---------------------------|--------|
| Total                     | N/A    |
| in criminal cases         | NA     |
| other than criminal cases | NA     |

Comment :

This question concerns only the annual number of cases for which legal aid has been granted to those filing a case to a court. It does not concern legal advice for cases that are not brought before the court.

#### 21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of

**charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

|                     |     |
|---------------------|-----|
| Accused individuals | Yes |
| Victims             | Yes |

Comment :

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

|                                | amount of annual income (if possible for one person) in € | amount of assets in € |
|--------------------------------|---|-----------------------|
| for criminal cases             | NAP   | NAP                   |
| for other than criminal cases? | 37584   | NAP                   |

Comment :

Couples living together: 47785 € (two persons)

The limits are raised by 6577 € for each child.

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

If yes, please explain the exact criteria for denying legal aid:

The following, inter alia, is taken into account when deciding to grant or refuse legal aid:

- The importance of the case to the applicant
- The prospects of the court sustaining the applicant's claim
- The value of the case
- The estimated legal costs, and
- The possibility of referring the case to a private complaints board

However, in family cases - where the decision for granting or refusing legal aid is taken by the court - legal aid is granted in all cases, if the parties meet the income requirements, see question 26, unless it is evident that the court will not sustain the applicant's claim.

**25) Is the decision to grant or refuse legal aid taken by :**

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Most private insurances cover legal expenses.

Legal aid cannot be granted to persons, who have an insurance (for instance a legal aid insurance) that covers the costs of the case concerned. The insurance company decides whether the insurance covers the costs of the case concerned.

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

|                            |     |
|----------------------------|-----|
| criminal cases?            | Yes |
| other than criminal cases? | Yes |

### B.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Re criminal cases: A council for the defence can be appointed in all criminal cases. The Government will pay the fee to the council. However, if a person accused of a crime is convicted, the state has a recourse claim against the convicted person.

Re other than criminal cases:

In general, the losing party bears the legal costs. However, the court can decide that each party bears his or her own costs partly or entirely.

**Please indicate the sources for answering the questions 20 and 23**

The answer to question 26 is provided by the Danish Ministry of Justice

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.retsinformation.dk   |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | www.hoejesteret.dk<br>www.vestrelandsret.dk<br>www.oestrelandsret.dk |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)?          | <input checked="" type="checkbox"/> Yes | domstol.dk   |

Comment :

Information about the Danish Courts

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- Yes  
 No

If yes, please specify:

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes

No

If yes, please specify:

Every person filing a report of crime to the police receives a folder describing rights and obligations. This information includes information on how to file a claim for compensation, on the possibility of being represented by a lawyer during court proceedings and on the possibility of receiving further information and support from the police or from the Danish Victim Association ("Offerrådsvingningen"). The folder can also be found on the internet. Furthermore the Director of Public Prosecutions will soon launch new folders which are classified according to the various types of crimes. These folders will also be available on the Director of Public Prosecutions' website.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

|   | Information mechanism | Special arrangements in court hearings | Other |
|---|-----------------------|--|-------|
| Victims of rape                           | Yes                   | Yes                                    | No    |
| Victims of terrorism                      | No                    | No                                     | No    |
| Children (witnesses or victims)           | Yes                   | Yes                                    | No    |
| Victims of domestic violence              | Yes                   | No                                     | No    |
| Ethnic minorities                         | No                    | No                                     | No    |
| Disabled persons                          | No                    | Yes                                    | No    |
| Juvenile offenders                        | Yes                   | Yes                                    | No    |
| Other (e.g. victims of human trafficking) | No                    | No                                     | No    |

Comment :

**32) Does your country allocate compensation for victims of crime?**

Yes

No

If yes, for which kind of offences

The procedure concerns all cases where a person has suffered injury due to a violation of the Danish Criminal Code.

**33) If yes, does this compensation consist in:**

a public fund?

damages to be paid by the responsible person (decided by a court decision)?

a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

According to the annual report from The Criminal Injuries Compensation Board the recovery rate was 2 % in 2010.

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

Yes

No

If yes, please specify:

In cases of serious crimes victims have a right to free assistance from a lawyer. The police are obliged to inform the victim about the possibility of having a lawyer. The police or the prosecutor are also obliged to inform the victim of certain decisions in the procedure, e.g. when the trial will take place. If a victim is expected to be heard during the trial, the victim also has the right to a special contact at the police or at the prosecution service. The prosecutor must show considerations to the victim.

**36) Do victims of crime have the right to dispute a public prosecutor’s decision to discontinue a case?**  
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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

Yes

No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

The victim may appeal the prosecutor’s decision to the Regional Public Prosecutor.

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

**37) Is there a system for compensating users in the following circumstances:**

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

The Director of Public Prosecution determines the compensation tariffs in criminal cases.

Court decisions are always executed if the conditions therefore are met.

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

(Satisfaction) surveys aimed at judges

(Satisfaction) surveys aimed at court staff

(Satisfaction) surveys aimed at public prosecutors

(Satisfaction) surveys aimed at lawyers

(Satisfaction) surveys aimed at the parties

(Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

(Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Comment: Some of the report on the surveys can be found on the webpage [www.domstol.dk](http://www.domstol.dk)

**39) If possible, please specify:**

|                           | Surveys at a regular interval (for example annual) | Occasional surveys |
|---------------------------|--|--------------------|
| Surveys at national level | No   | No                 |
| Surveys at court level    | No   | No                 |

**40) Is there a national or local procedure for making complaints about the functioning of the judicial**

system(for example the treatment of a case by a judge or the duration of a proceeding)?

Yes

No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

|  | Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.) | Time limit for dealing with the complaint | No time limits |
|--|--|---|----------------|
| Court concerned                        | No   | No  | No             |
| Higher court                           | No   | No  | No             |
| Ministry of Justice                    | No   | No  | No             |
| High Council of the Judiciary          | No   | No  | No             |
| Other external bodies (e.g. Ombudsman) | No   | No  | No             |

Comment :

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Total number |
|---|--------------|
| 42.1 First instance courts of general jurisdiction (legal entities)   | 24           |
| 42.2 First instance specialised Courts (legal entities)   | 1            |
| 42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts) | 29           |

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  |     |
|--|-----|
| Total (must be the same as the data given under question 42.2) | 1   |
| Commercial courts  | NAP |
| Labour courts  | NAP |
| Family courts  | NAP |
| Rent and tenancies courts                                      | NAP |
| Enforcement of criminal sanctions courts                       | NAP |
| Administrative courts  | NAP |
| Insurance and / or social welfare courts                       | NAP |
| Military courts  | NAP |
| Other specialised 1st instance courts                          | NAP |

Comment :

First of January 2007 82 District Courts were replaced with 24 Districts (city) Courts. The 31st of August 2009 all land registration stopped at District Courts. Instead of the Land Registration Court took over all land registration.

The Land Registration Court – in Danish: Tinglysningsretten - is the only really specialized court.

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

If yes, please specify:

First of January 2007 82 District Courts were replaced with 24 Districts (city) Courts. The 31st of August 2009 all land registration stopped at District Courts. Instead of the Land Registration Court took over all land registration.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not**

available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

|                                    | Number of courts |
|------------------------------------|------------------|
| a debt collection for small claims | NAP              |
| a dismissal                        | NAP              |
| a robbery                          | NAP              |

Please give the definition for small claims and indicate the monetary value of a small claim:

Please indicate the sources for answering questions 42, 43 and 45:

Danish Court Administration

### 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Please provide in the "comment" box below any useful comment for interpreting the data above.

\*\*\*\*\*

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

|  | Total | Males | Females |
|--|-------|-------|---------|
| Total number of professional judges (1 + 2 + 3)                    | 501   | NA    | NA      |
| 1. Number of first instance professional judges                    | 367   | NA    | NA      |
| 2. Number of second instance (court of appeal) professional judges | 115   | NA    | NA      |
| 3. Number of supreme court professional judges                     | 19    | NA    | NA      |

Comment :

\* The Danish Administration of Justice Act §§ 2, 5, 9 and 14 indicate the amount of professional judges respectively at the Supreme Court, the High Courts, the Municipal Courts and the Maritime and Commerce Court.

The data above includes only judges and 'legal assessors' and therefore not deputy judges who are however included in the answer for question 55.

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Total | Males | Females |
|---|-------|-------|---------|
| Total number of court presidents (1 + 2 + 3)                    | 29    | 21    | 8       |
| 1. Number of first instance court presidents                    | 26    | 18    | 8       |
| 2. Number of second instance (court of appeal) court presidents | 2     | 2     | 0       |
| 3. Number of supreme court presidents                           | 1     | 1     | 0       |

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if**

**possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

|                                      |    |
|--------------------------------------|----|
| Gross figure                         | NA |
| If possible, in full-time equivalent | NA |

Comment :

No such a position exists within the Danish Courts.

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

|              |   |        |
|--------------|---|--------|
| Gross figure | <input checked="" type="checkbox"/> Yes | 33 572 |
|--------------|---|--------|

**50) Does your judicial system include trial by jury with the participation of citizens?**

- Yes  
 No

If yes, for which type of case(s)?

At the Municipal Courts penal cases include trial by jury if the district attorney claims as a minimum a sentence of four years of prison. At the High Courts appeal cases include trial by jury if the municipal trial included such.

**51) Number of citizens who were involved in such juries for the year of reference:**

1 284

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

|   |     |
|---|-----|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)   | NA  |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal <input checked="" type="checkbox"/> Yes  | 275 |
| 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars  | NA  |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | NA  |
| 4. Technical staff  | NA  |
| 5. Other non-judge staff  | NA  |

Comment :

1. Rechtspfleger: The position of 'Rechtspfleger' as described above appears similar to the position of deputy judge at the Danish courts.

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:**

1. Rechtspfleger: The position of 'Rechtspfleger' as described above appears similar to the position of deputy judge at the

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes No

If yes, please specify:

Some IT Services, cleaning and other services are maintained by private providers.

**C.1****You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q47: The number of first instance court presidents includes The Land Registration Court and The Maritime and Commercial Court.

Q 49: In 2010 lay judges appeared in 16.786 penal cases. Two lay judges appeared in each case which means that a total of 33.572 lay judges appeared in cases in 2010. Notice however that the same lay judge appears in approximately three or four cases per year.

Q 51: In 2010 juries appeared in 130 cases at the Municipal Courts and in 56 cases at the High Courts. In Municipal Court cases six jurors appear whereas in High Court cases nine jurors appear. Notice that the same jurors appear in several different cases per year.

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Danish Court Administration

## 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

|   | Total | Males | Females |
|---|-------|-------|---------|
| Total number of prosecutors (1 + 2 + 3)                             | 748   | 273   | 475     |
| 1. Number of prosecutors at first instance level                    | 549   | 186   | 363     |
| 2. Number of prosecutors at second instance (court of appeal) level | 140   | 65    | 75      |
| 3. Number of prosecutors at supreme court level                     | 59    | 22    | 37      |

Comment :

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

|  | Total | Males | Females |
|--|-------|-------|---------|
| Total number of heads of prosecution offices (1 + 2 + 3)                             | 22    | 12    | 10      |
| 1. Number of heads of prosecution offices at first instance level                    | 12    | 7     | 5       |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 8     | 3     | 5       |
| 3. Number of heads of prosecution offices at supreme court level                     | 2     | 2     | 0       |

Comment :

**57) Do other persons have similar duties to public prosecutors?**

Yes No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

Some police officers conduct cases pertaining to minor offences in court, but they carry out this function on behalf of the prosecution service.

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?** Yes No**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

NA

**C.2****You can indicate below:****- any useful comments for interpreting the data mentioned in this chapter****- the characteristics of your judicial system and the main reforms that have been implemented over the last two years****Please indicate the sources for answering questions 55, 56 and 60**

The Director of public prosecutions

**3. 1. 4. Court budget and new technologies****61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

|                                | Preparation of the budget | Arbitration and allocation | Day to day management of the budget | Evaluation and control of the use of the budget |
|--------------------------------|---------------------------|----------------------------|-------------------------------------|---|
| Management Board               | No                        | No                         | No                                  | No  |
| Court President                | No                        | No                         | Yes                                 | Yes   |
| Court administrative director  | No                        | No                         | Yes                                 | Yes   |
| Head of the court clerk office | No                        | No                         | Yes                                 | Yes   |
| Other                          | Yes                       | Yes                        | No                                  | Yes   |

Comment :

Danish Court Administration

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

|                                       |                |
|---------------------------------------|----------------|
| Word processing                       | 100% of courts |
| Electronic data base of jurisprudence | 100% of courts |
| Electronic files                      | 100% of courts |
| E-mail                                | 100% of courts |
| Internet connection                   | 100% of courts |

**63) For administration and management, what are the computer facilities used within the courts?**

|                                     |                |
|-------------------------------------|----------------|
| Case registration system            | 100% of courts |
| Court management information system | 100% of courts |
| Financial information system        | 100% of courts |
| Videoconferencing                   | 100% of courts |

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

|   |                |
|---|----------------|
| Electronic web forms                              | 0 % of courts  |
| Website   | 100% of courts |
| Follow-up of cases online                         | 0 % of courts  |
| Electronic registers                              | 0 % of courts  |
| Electronic processing of small claims             | 0 % of courts  |
| Electronic processing of undisputed debt recovery | 0 % of courts  |
| Electronic submission of claims                   | 0 % of courts  |
| Videoconferencing                                 | 0 % of courts  |
| Other electronic communication facilities         | 0 % of courts  |

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

|  |   |   |   |  |
|--|---|---|---|--|
|  | 65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses? | 65.2 Can such court hearing be held in the police station and/or in the prison? | 65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence? | 65.4 Is videoconferencing used in other than criminal cases? |
|  | Yes   | Yes   | Yes   | No   |

Comment :

**C.3**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

Q64: EElectronic web forms is only available at the Land Registration Court.

### 3. 2. Performance and evaluation

#### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

Yes

No

If yes, please indicate the name and the address of this institution:

Danish Court Administration

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes No**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----

**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).** number of incoming cases? number of decisions delivered? number of postponed cases? length of proceedings (timeframes)? other?

If other, please specify:

The Danish Court Administration produces an annual report concerning cases that involve violent behaviour and rape.

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----

**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).** Yes No

Please specify:

The individual courts are measured by an annual report.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)** Yes No**71) Please select the 4 main performance and quality indicators that have been defined:** incoming cases length of proceedings (timeframes) closed cases pending cases and backlogs productivity of judges and court staff percentage of cases that are processed by a single sitting judge enforcement of penal decisions satisfaction of court staff satisfaction of users (regarding the services delivered by the courts) judicial quality and organisational quality of the courts costs of the judicial procedures other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?** Yes

No

**73) Who is responsible for setting the targets for each judge?**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

The court presidents together with the Danish Court Administration.

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes
- No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

The Danish Court Administration

**76) Please specify the main targets applied to the courts:**

The main targets applied to the courts concerns case processing time for civil cases, criminal cases and enforcement cases.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

Danish Court Administration

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes
- No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes
- No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases
- in criminal law cases
- in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes
- No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**  
-----

**This question does not concern the specific evaluation of performance indicators.**

- Yes
- No

Please specify the frequency of the evaluation:

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- Yes
- No

If yes, please give further details:

**C.4**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

38

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

|   | Cases declared inadmissible by the Court | Friendly settlements | Judgements establishing a violation | Judgements establishing a non violation |
|---|--|----------------------|-------------------------------------|---|
| Civil proceedings - Article 6§1 (duration)      | 0  | 0                    | 0                                   | 0                                       |
| Civil proceedings - Article 6§1 (non-execution) | 0  | 0                    | 0                                   | 0                                       |
| Criminal proceedings - Article 6§1 (duration)   | 0  | 0                    | 0                                   | 0                                       |

**Please indicate the sources:**

The Ministry of Justice

### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Q84: In 2010 (26.6 %) 41078 cases were settled as non-appearance judgements. Only one of these were not fine notice case

cf.11/07 (Q84) : 37.9%

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

In Denmark a political dictate exist in relation to violent cases and cases concerning rape and cases about having illegal weapons brought before the courts that these cases should be resolved within 37 days from the day the courts receive the case. The Danish Court Administration does not give precise instruction though HOW this should be done but it is expected that the courts have procedures to meet these demands.

**88) Are there simplified procedures for:**

civil cases (small disputes)?

- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

In relation to petty cases (DKK 50.000, about 6709 €) it is the duty of the courts to instruct the parts how the cases proceed. The whole idea is that the cases can be dealt with without the presence of lawyers.

In small criminal offences – fees – the procedure is so, that if the person receiving the fine can accept the fine, he or she does not have to show up in court.

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If 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 of the hearing.

4. 2. 2. Caseflow management and timeframes of judicial proceedings

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**

**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.**

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)*   | 250 702                     | 2 747 822      | 2 798 651      | 205 410                      |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | 33 566                      | 63 428         | 64 657         | 32 981                       |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)* | 2 883                       | 4 448          | 4 894          | 2 482                        |
| 3. Enforcement cases  | 110 859                     | 425 647        | 435 624        | 105 215                      |
| 4. Land registry cases**  | 66 296                      | 2 118 153      | 2 157 581      | 26 868                       |
| 5. Business register cases**  | 7 175                       | 11 312         | 10 724         | 7 817                        |
| 6. Administrative law cases (litigious and  | NA                          | NA             | NA             | NA                           |

|   |        |         |         |        |
|---|--------|---------|---------|--------|
| non-litigious)                                  |        |         |         |        |
| 7. Other cases (e.g. insolvency registry cases) | 29 923 | 124 834 | 125 171 | 30 047 |

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

Paternity, adoption, guardianship and others in the same category; cases under inquisitorial procedures.

**93) If "other cases", please indicate the case categories included:**

Estate of deceased persons, notary, insolvency cases not included under 5) above

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total criminal cases (8+9)                    | 40 050                      | 114 124        | 121 285        | 32 888                       |
| 8. Criminal cases (severe criminal offences)  | 12 598                      | 27 312         | 29 550         | 10 359                       |
| 9. Misdemeanour and / or minor offences cases | 27 452                      | 86 812         | 91 735         | 22 529                       |

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

-----  
**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

The division line is that misdemeanour and / or minor criminal cases are set so that those cases defined as court cases without use or participation of lay assessor are categorized as misdemeanour and / or minor criminal cases. Severe criminal cases are then all other criminal cases.

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

Horizontally there is not necessarily consistency as some cases are re-opened and that in itself gives a difference.

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)  | 2 059                       | 6 499          | 6 198          | 2 360                        |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | 2 059                       | 6 499          | 6 198          | 2 360                        |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without | NA                          | NA             | NA             | NA                           |

|   |    |    |    |    |
|---|----|----|----|----|
| enforcement cases, registration cases and other cases, see categories 3-7)* |    |    |    |    |
| 3. Enforcement cases  | NA | NA | NA | NA |
| 4. Land registry cases  | NA | NA | NA | NA |
| 5. Business register cases  | NA | NA | NA | NA |
| 6. Administrative law cases (litigious and non-litigious)                   | NA | NA | NA | NA |
| 7. Other cases (e.g. insolvency registry cases)                             | NA | NA | NA | NA |

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total criminal cases (8+9)                   | 1 034                       | 6 786          | 6 496          | 1 324                        |
| 8. Criminal cases (Severe criminal offences) | 1 034                       | 6 786          | 6 496          | 1 324                        |
| 9. Misdemeanour and/or minor offences cases  | NA                          | NA             | NA             | NA                           |

Comment :

Cases in 2nd courts are all cases at the two high courts. All civil cases are (considered) litigious. All criminal cases are (considered) severe. There might be a few cases in 3rd court (Supreme Court) that are 2nd court but they can't be excluded.

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

|  | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)   | NA                          | 310            | 344            | NA                           |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)   | NA                          | 209            | 283            | NA                           |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7) | NA                          | NA             | NA             | NA                           |
| 3. Enforcement cases   | NA                          | NA             | NA             | NA                           |
| 4. Land registry cases   | NA                          | NA             | NA             | NA                           |
| 5. Business register cases   | NA                          | NA             | NA             | NA                           |
| 6. Administrative law cases (litigious and non-litigious)  | NA                          | 34             | NA             | NA                           |
| 7. Other cases (e.g. insolvency registry cases)  | NA                          | 67             | 61             | NA                           |

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total criminal cases (8+9)                   | NA                          | 66             | 48             | NA                           |
| 8. Criminal cases (severe criminal offences) | NA                          | 66             | 48             | NA                           |
| 9. Misdemeanour cases (minor offences)       | NA                          | NA             | NA             | NA                           |

## Comment :

Civil case: We do not have a precise picture of pending cases. In relation to Administrative cases, we only know number of cases received. The number for resolved civil (and commercial) litigious cases is for the same reason too big as the number of resolved administrative cases is not deducted from the sum of resolved litigious cases. All criminal cases are (considered) severe.

We know the total number of pending cases at the Supreme Court in 2010. That is 413. However, we do not know the division on civil and criminal cases.

All figures are from the annual report 2010 of the Supreme Court put on the Internet.

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|                            | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Jan. '10 |
|----------------------------|-----------------------------|----------------|----------------|------------------------------|
| Litigious divorce cases    | 2 472                       | 5 116          | 5 376          | 2 241                        |
| Employment dismissal cases | NA                          | NA             | NA             | NA                           |
| Robbery cases              | NA                          | NA             | NA             | NA                           |
| Intentional homicide       | NA                          | NA             | NA             | NA                           |

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

|                            | % of decisions subject to appeal | % pending cases more than 3 years | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) |
|----------------------------|----------------------------------|-----------------------------------|--|--|--|---|
| Litigious divorce cases    | 15,96 %                          | 0                                 | 172                                      | 274                                      | NA                                       | 189   |
| Employment dismissal cases | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |
| Robbery cases              | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |
| Intentional homicide       | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

Statistically we can't differentiate between litigious and non-litigious divorce cases, so all divorce cases are considered litigious. The statistics do not enable us to show employment dismissal, robbery and intentional homicide.

**104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

Divorce cases: 1st instance is one weighted average figure from the district courts. Similarly is average length in 2nd instance the weighted average figure of the two high courts and thereto is added the weighted average figure of the district courts. The average total length is the weighted average figure of the district courts multiplied with the percentage of these cases that is resolved within the district courts added with the weighted average figure of the two high courts multiplied with the percentage these cases is of the number of finished cases in the district courts.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure

- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

If yes, please specify:

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Received by the public prosecutor | Cases discontinued by the public prosecutor (see 108 below) | Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases charged by the public prosecutor before the courts |
|---|-----------------------------------|---|--|--|
| Total number of 1st instance criminal cases | 169 752                           | 25 130  | 54 415   | 91 607   |

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  | Number |
|--|--------|
| Total cases which were discontinued by the public prosecutor (1+2+3)   | 25 130 |
| 1. Discontinued by the public prosecutor because the offender could not be identified                            | NAP    |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | NAP    |
| 3. Discontinued by the public prosecutor for reasons of opportunity  | NAP    |

**109) Do the figures include traffic offence cases?**

- Yes
- No

**D.2**

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Question 91 : I can see that it is the total sum of pending cases on the 1st Of January 2008 compared to the 1st of January 2010 that gives an increase in pending cases amounting to 138,79 %. As can be seen comparing the 2008 figures with the 2010 figures, pending cases for land registry cases are not provided in 2008 but included in 2010 following the emergence of the digital Land Registry Court from September 2009 (Tinglysningstretten). That explains quite some of the increase. Data about pending land registry cases were not available in 2008 as we also explained then. 1st of January 2010 there were 66,296 pending land registry cases.

The development of enforcement cases – as can be seen from the figures from 2008 to 2010 - explains also a lot of the difference. Following the so-called Financial Crisis there has been a marked increase in the number of enforcement cases in Denmark and this development also meant that there were more pending enforcement cases in the court

system.

Finally it should also be mentioned that in 2008 pending cases for "others" were not registered at that time but they are so in 2010. Among others "others" include insolvency cases and cases in relation to deceased persons (heritage etc.). In 2010 29,923 such cases were pending but the figure was not part of the statistical calculation system in 2008. When these three improvements in the statistics from 2008 to 2010 are taken into account, the difference is explained.

**Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Question nr. 100 the Director of Public Prosecutions

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

It is important to notice that the Danish Court system includes both deputy judges and judges. Deputy judges are recruited on a combination of competitive exam and working experience. Judges are also recruited on such grounds; however the internal evaluation from their position as deputy judge and 'acting judge' at the High Court also plays a significant role.

The Court Administration employs all deputy judges. The pre-requisite to become a deputy judge is a university degree in law. It takes approximately 5-6 years to obtain a law degree.

The Court Administration reviews the qualifications of the applicants to become deputy judges on the basis of an interview, university diplomas and relevant information about work experience, references from former employers, courses taken abroad, etc. There is no formal entrance test or examination in Denmark.

According to art 27 of the Danish Constitution, judges are appointed by the Queen and according to the civil procedure Code, the Queen acts on a submission from the Minister of Justice. The broadly composed independent Judicial Appointments Council makes recommendations to the Minister of Justice on the appointment of all judges. The recommendations are made public and will normally be accepted by the Minister.

The Judicial Appointment Council was established July 1st 1999 and is expected to facilitate that judges are recruited from all branches of the legal professions, inter alia deputy judges, civil servants, academics and practising lawyers. The Judicial Appointment Council is composed of one Supreme Court Judge, one High Court Judge, one County Court Judge, one practising lawyer and two members appointed by organisations representing a broad spectre of interests in the Danish society. It is envisaged, as mentioned above, that the recommendations made by the Judicial Appointment Council will be followed by the Minister of Justice.

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Judicial Appointments Council (JAC).

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

For promotions internally at the Court, in example a judge attaining various administrative tasks, the court itself is competent, not the JAC.

**113) Which procedures and criteria are used for promoting judges? Please specify.**

NA

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

**115) Is the status of prosecution services:**

- Indépendant?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:****[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?  
 An authority composed of non-public prosecutors only?  
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The Ministry of Justice and the Director of Public Prosecution are both represented in a recruitment board.

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes  
 No

If no, please specify which authority is competent for promoting public prosecutors:

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Qualifications, experience, former carrier, references and recommendations from superiors within the prosecution services and a personal interview.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes  
 No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes  
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:  
 Dismissal on the cause of gross misconduct or lasting physical or mental illness, cf. the Danish Administration of Justice Act § 49a, cf. § 49, which is decided by the Special Court of Final Appeal

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

|  |   |
|--|---|
|  | Duration of probation period (in years) |
|  | NAP                                     |

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes  
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

|  |   |
|--|---|
|  | Duration of the probation period (in years) |
|  | NAP   |

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

- Yes  
 No

Please indicate the length of the mandate in years:

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

- Yes  
 No

Please indicate the length of the mandate (in years)

## E.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

Q122: 3 months - This is only the case for the Supreme Court.

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

|   |            |
|---|------------|
| Initial training (e.g. attend a judicial school, traineeship in the court)                                | Compulsory |
| General in-service training   | Optional   |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Optional   |
| In-service training for management functions of the court (e.g. court president)                          | Optional   |
| In-service training for the use of computer facilities in courts  | Optional   |

**128) Frequency of the in-service training of judges:**

|   |                               |
|---|-------------------------------|
| General in-service training   | Regular (e.g. every 3 months) |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Regular (e.g. every 3 months) |
| In-service training for management functions of the court (e.g. court president)                          | Regular (e.g. every 3 months) |
| In-service training for the use of computer facilities in courts  | Regular (e.g. every 3 months) |

**129) Training of public prosecutors**

|   |            |
|---|------------|
| Initial training  | Compulsory |
| General in-service training   | Optional   |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Optional   |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager)  | Compulsory |
| In-service training for the use of computer facilities in office                                      | Optional   |

**130) Frequency of the in-service training of public prosecutors**

|   |                               |
|---|-------------------------------|
| General in-service training   | Regular (e.g. every 3 months) |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Regular (e.g. every 3 months) |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager)  | Annual                        |
| In-service training for the use of computer facilities in office                                      | Occasional (e.g. at times)    |

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

|  |                       |                          |                                 |
|--|-----------------------|--------------------------|---------------------------------|
|  | Initial training only | Continuous training only | Initial and continuous training |
|  |                       |                          |                                 |

|  |    |    |     |
|--|----|----|-----|
| One institution for judges                             | No | No | Yes |
| One institution for prosecutors                        | No | No | NAP |
| One single institution for both judges and prosecutors | No | No | No  |

Comment :

One institution for judges: 2010-budget of the institution: Approximately 2.250.000

After completion of the 3-year initial training programme, the majority of prosecutorial training (incl. managerial training) is voluntary and can be undertaken by the prosecutor as and when needed.

The Director of Public Prosecutions offers a catalogue of some 25 different short-term courses covering a wide range of topics ranging from rhetorics and media-training to tax evasion and human rights in a criminal justice perspective.

External training is also offered – mainly focussing on managerial training.

On average the intent is that each prosecutor should engage in training activities for 5 days a year.

## E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

|   | Gross annual salary in €, on 31 December 2010 | Net annual salary in €, on 31 December 2010 |
|---|---|---|
| First instance professional judge at the beginning of his/her career  | 104 098                                       |   |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)                                      | 172 738                                       |   |
| Public prosecutor at the beginning of his/her career  | 50 540  |   |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General) | 85 460  |   |

Comment :

Gross annual salary as shown above is not including pensions.

#### 133) Do judges and public prosecutors have the following additional benefits?

|                         | Judges | Public prosecutors |
|-------------------------|--------|--------------------|
| Reduced taxation        | No     | No                 |
| Special pension         | No     | No                 |
| Housing                 | No     | No                 |
| Other financial benefit | No     | No                 |

**134) If other financial benefit, please specify:**

**135) Can judges combine their work with any of the following other functions ?**

|                          | With remuneration | Without remuneration |
|--------------------------|-------------------|----------------------|
| Teaching                 | Yes               | No                   |
| Research and publication | Yes               | No                   |
| Arbitrator               | No                | No                   |
| Consultant               | No                | No                   |
| Cultural function        | No                | Yes                  |
| Political function       | No                | No                   |
| Other function           | No                | No                   |

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

It reads from the Danish Administration of Justice Act § 47a that judges can combine their work with other functions so long as it is prescribed by law that the specific function must be done by a judge or if the specific function is approved by the External Activity Review Board.

**137) Can public prosecutors combine their work with any of the following other functions ?**

|                          | With remuneration | Without remuneration |
|--------------------------|-------------------|----------------------|
| Teaching                 | Yes               | No                   |
| Research and publication | Yes               | No                   |
| Arbitrator               | Yes               | No                   |
| Consultant               | Yes               | No                   |
| Cultural function        | Yes               | No                   |
| Political function       | Yes               | No                   |
| Other function           | Yes               | No                   |

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

Prosecutors can in general combine their work with any other function that does not compromise the esteem and integrity deriving from their role as prosecutors.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

Yes

No

If yes, please specify the conditions and possibly the amounts:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

Citizens

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

The Minister of Justice has an option to ask the Director of Public Prosecutions to present a case before The Special Court of Indictment and Revision. Citizens have an option to complain against a judge which can lead to disciplinary proceedings.

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

The Ministry of Justice

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

The Ministry of Justice

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

|                                  | Judges | Public prosecutors |
|----------------------------------|--------|--------------------|
| Total number (1+2+3+4)           | NA     | NA                 |
| 1. Breach of professional ethics | NA     | NA                 |
| 2. Professional inadequacy       | NA     | NA                 |
| 3. Criminal offence              | NA     | NA                 |
| 4. Other                         | NA     | NA                 |

Comment :

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

|  | Judges | Public prosecutors |
|--|--------|--------------------|
| Total number (total 1 to 9)                          | NA     | NA                 |
| 1. Reprimand   | NA     | NA                 |
| 2. Suspension  | NA     | NA                 |
| 3. Removal of cases                                  | NA     | NA                 |
| 4. Fine  | NA     | NA                 |
| 5. Temporary reduction of salary                     | NA     | NA                 |
| 6. Position downgrade                                | NA     | NA                 |
| 7. Transfer to another geographical (court) location | NA     | NA                 |
| 8. Resignation                                       | NA     | NA                 |
| 9. Other   | NA     | NA                 |

Comment :

### E.3

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering questions 144 and 145**

The Director of Public Prosecutions

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

5 814

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes

No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Regarding civil cases:

Family members and others can under certain circumstances represent, cf. Section 260 of the Danish Administration of Justice Act. From 1st 2008 anyone can represent in cases under app. 7000 euro.

Regarding administrative cases:

There is no special court for administrative cases in Denmark. Anyone can represent a client vis a vis the authorities.

**150) Is the lawyer profession organised through? (multiple options possible)**

a national bar?

a regional bar?

a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific**

**diploma or specific authorisations?** Yes No

If yes, please specify:

**F.1****Please indicate the sources for answering questions 146 and 148:**

-----

**Comments for interpreting the data mentioned in this chapter:**

The Danish Bar and Law Society

**6. 2. Practising the profession****6. 2. 1. Practising the profession****154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?** Yes No**155) Are lawyers' fees freely negotiated?** Yes No**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?** Yes laws provide rules Yes standards of the bar association provide rules No, neither laws nor bar association standards provide rules**F.2****Useful comments for interpreting the data mentioned in this chapter:****6. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?** Yes No

If yes, what are the quality criteria used?

**158) If yes, who is responsible for formulating these quality standards:** the bar association? the Parliament? other?

If "other", please specify:

**159) Is it possible to file a complaint about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

The Disciplinary Board of the Danish Bar and Law Society. The Lawyer can submit a ruling from the Disciplinary Board before the courts.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

|        | Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 1. Breach of professional ethics | 2. Professional inadequacy | 3. Criminal offence | 4. Other |
|--------|--|----------------------------------|----------------------------|---------------------|----------|
| Number | NA   | NA                               | NA                         | NA                  | NA       |

Comment :

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

|        | Total number of sanctions (1 + 2 + 3 + 4 + 5) | 1.Reprimand | 2. Suspension | 3. Removal | 4. Fine | 5. Other (e.g. disbarment) |
|--------|---|-------------|---------------|------------|---------|----------------------------|
| Number | 309   | 17          | NA            | 6          | 145     | NA                         |

Comment :

A total of 1384 complaints were received by the Disciplinary Board in 2010.

**F.3**

You can indicate below any useful comments for interpreting the data mentioned in this chapter

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----

**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes  
 No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

|                                | Court annexed mediation | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|--------------------------------|-------------------------|------------------|---|-------|-------------------|
| Civil and commercial cases     | Yes                     | No               | No                                      | Yes   | No                |
| Family law cases (ex. Divorce) | Yes                     | No               | Yes                                     | Yes   | No                |
| Administrative cases           | No                      | No               | No                                      | No    | No                |
| Employment dismissals          | No                      | No               | No                                      | No    | No                |
| Criminal cases                 | No                      | No               | No                                      | No    | No                |

**165) Is there a possibility to receive legal aid for mediation procedures?**

- Yes  
 No

If yes, please specify:

Mediation procedures offered by the courts are free of charge.

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

|   |     |
|---|-----|
| Total number of cases (total 1+2+3+4+5) | NA  |
| 1. civil cases                          | NAP |
| 2. family cases                         | NA  |
| 3. administrative cases                 | NAP |
| 4. employment dismissals cases          | NAP |
| 5. criminal cases                       | NAP |

Comment :

The Danish Ministry of Justice and the Department of Family Affairs

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

|  |     |
|--|-----|
| Mediation other than judicial mediation? | Yes |
| Arbitration?                             | Yes |

|                                       |     |
|---------------------------------------|-----|
| Conciliation?                         | No  |
| Other alternative dispute resolution? | Yes |

**Comment :**

A consumer may choose to bring a case before the Consumer Complaints Board or another relevant complaints body approved by the Minister of Business and Growth instead of or before bringing it for the courts.

**G.1**

**- any useful comments for interpreting the data mentioned in this chapter**

**- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

Q163: Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

**Please indicate the source for answering question 166:**

The Ministry of Justice

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

NA

**171) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

The enforcement agents are clerks and deputy judges. Their powers are regulated in the Courts Act. They have the power to collect debts.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

- Yes  
 No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- Yes  
 No

**Please indicate the source for answering question 170:**

#### 8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes  
 No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

The district court presidents are responsible for supervising and monitoring enforcement agents.

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all?  
 non execution of court decisions against public authorities?

- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

If other, please specify:

**184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes
- No

If yes, please specify:

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?
- for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings  
(1+2+3+4)

NAP

1. for breach of professional ethics  number:
2. for professional inadequacy  number:
3. for criminal offence  number:
4. Other  number:

Comment :

If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)

NAP

1. Reprimand  number:

2. Suspension  number:
3. Dismissal  number:
4. Fine  number:
5. Other  number:

Comment :

### H.1

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

**Please indicate the source for answering the questions 186, 187 and 188:**

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions in criminal matters

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Prison and Probation Service is entrusted with the enforcement of judgments.

The mission of the Prison and Probation Service is to contribute to reducing criminality..

The primary task of the Prison and Probation Service is to enforce (implement) sanctions:

- Custodial sentences, that is, prison sentences served in state and local prisons
- Supervision activities in connection with release on parole and suspended sentences, including community service orders and electronic tagging, undertaken by the Probation Service.

Based on the above requirements of how to attain the mission, the dual primary task can be worded as follows:

- Control and security
- Support and motivation.

The Prison and Probation Service must carry out the control necessary to enforce the punishments and motivate offenders to become law-abiding citizens.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes
- No

**191) If yes, what is the recovery rate?**

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

**H.2**

**You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

|  |                                 |
|--|---------------------------------|
| private professionals (without control from public authorities)?           | NA                              |
| private professionals under the authority (control) of public authorities? | NA                              |
| public agents?   | <input type="checkbox"/> number |
| other?   | <input type="checkbox"/> number |

Comment :

The function of a notary is an integrated function of the city courts.

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

Most of the work of the notary public relates to signing of wills. The purpose is for the notary to confirm the identity of the person signing the will. The notary also guarantees that the person signing the will understands the meaning of making a will. other notarial business may relate to the notary confirming the identity and powers of a person signing a certain document, for instance, in connection with enterprises entering into contracts with companies abroad.

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

The president of the specific court has the overall responsibility for the operation of the court.

### I.1

**You can indicate below:**

**- any useful comments for interpreting the data mentioned in this chapter**

**- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

The administration of justice act § 11, section 2, litra 4, and the statutory order on the business of notaries, § 1

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

Yes

No

**198) Is the function of court interpreters regulated by legal norms?**

Yes

No

**199) Number of accredited or registered court interpreters:**

NA

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

If yes, please specify (e.g. having passed a specific exam):

According to the Administration of justice act, § 149, the court should, whenever possible, select a state-authorized translator and interpreter. In situations, where this proves not to be possible, the court can appoint non-authorized translators.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

Yes  for recruitment and/or appointment for a specific term of office

Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

-  No

Comment :

State authorized translators and other applicants with a prolonged, continuous language training in a foreign language may be admitted to the National Police interpret summary as an interpreter in that language. Furthermore, candidates who have completed training and passed the test as state-certified interpreter, can be admitted to the interpret summary in the relevant foreign language.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- Yes
- No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

NA

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

**207) Are the courts responsible for selecting judicial experts?**

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**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :  
The parties

#### **K.1**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crime and prison system**

**10. Other**

1) NA

2) NA

3) NA

4) NA

5) NA

6) NA

7) NA

8) NA

9) The criminal minimum age will be raised from age 14 to age 15. The criminal minimum aged of 14 were decided by the previous government and has been in force for a little over a year.