



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

**Country: Denmark****National correspondent**

First Name - Last Name: **NIELSEN Rasmus**  
Job title: **International Coordinator**  
Organisation: **The Danish Court Administration**  
E-mail: **ran@domstolsstyrelsen.dk**  
Phone Number : **+ 45 99 68 42 42**

First Name - Last Name: **YADIGER Metin**  
Job title: **Head of Section**  
Organisation: **Danish Court Administration**  
E-mail: **yam@domstolsstyrelsen.dk**  
Phone Number : **+45 99684318**

First Name - Last Name: **RUGAARD Klaus**  
Job title: **Head of Finance and Analysis**  
Organisation: **Danish Court Administration**  
E-mail: **kru@domstolsstyrelsen.dk**  
Phone Number :

## 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 2013)

5 602 628

##### 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 or federal level	69 900 000 000
Regional / federal entity level (total for all regions / federal entities)	NAP

##### 3) Per capita GDP (in €)

43 738

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

51 774

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

746,04

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Statistics Denmark

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

##### 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	243 294 736
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	157 585 434
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	16 162 826
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.	<input checked="" type="checkbox"/> Yes	10 076 344
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	43 388 631
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	2 106 506
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	13 974 995

##### 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:

The total annual budget in question 6 is without the budget of the public prosecution services and without the budget of legal aid.

Other (7): These are costs related to ordinary case management such as postage, office supplies, books, travel and transport, inventory ect.

**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:

Yes, there are exceptions. In some civil cases, you do not pay tax nor fee e.g. in paternity cases and custody cases.

**8.1) Please briefly present the methodology of calculation of courts fees?**

For cases up to 6.709 € there is a tax of 67 € when proceedings are instituted. For cases between 6.709 € and 836.900 € a fee of 1,2 % of the case value over 6.709 €, plus 20 € when proceedings are instituted. The same amount is paid again at the time of the of the oral hearing. For cases more than 836.900 €, there is a tax of 10.063 € when the action is brought and again at the time of the oral hearing.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

The basis fee is 54 €. The surcharge amounts to 40 €.

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

98 520 187

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	83 643 048
12.1 Annual public budget allocated to legal aid for cases brought to court	83 643 048
12.1.1 in criminal law cases	40 251 707
12.1.2 in other than criminal law cases	43 391 341
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

**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 .**

.  Amount 94 400 000

Comment :

The budget allocated to the public prosecution services are included in the overall budget to the police.  
[mail NC 9/7/2014 : The annual budget allocated to the public prosecution service is estimated to 94,4 million €. It is not possible to provide date from 2010 and before since the budget at that time was included in the overall budget for the police]

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

	Preparation or the total court budget	Adoption or the total court budget	management and allocation of the budget among the courts	evaluation or 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
High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

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

The 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

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

Finance Act 2012

[1. 1. 3. Budgetary data concerning the whole justice system](#)

**15) The following data would be useful for information**

**15.1) (Former question 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

2387211425

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	NAP
Constitutional court	NAP
Judicial management body	NA
State advocacy	No
Enforcement services	Yes
Notariat	Yes
Forensic services	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	Yes

Comment :

Other: The Danish Court Administration

## 2. Access to justice

### 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 all necessary costs associated with the proceedings. The court decides which expenses are covered by legal aid.

#### 20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

-----

Please specify in the "comment" box below, when appropriate.

[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	NA
in criminal cases	NA
other than criminal cases	2 917

Comment :

Danish Court Administration. The district courts mark in the court proceeding if legal aid has been granted. The court itself may grant legal aid, but it may also be granted by other government agencies based on income and/or the character of the case.

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Number of cases
NA

Comment :

**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 :

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.

**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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**  
-----

**Please provide in the "comment" box below any information to explain the figures provided.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	39 463	NA

Comment :

Couples living together: € 50 201 (two persons)

The limits are raised by € 6 845 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, unless it is evident that the court will not sustain the applicant's claim.



**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed 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 questions 20 and 23:**

The Danish Court Administration and the 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:**

- |   |   |  |
|---|---|--|
| legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):              | <input checked="" type="checkbox"/> Yes | www.retsinformation.dk   |
| 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 |
| other documents (e.g. downloadable forms, online registration)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.domstol.dk   |

Comment :

Information about the Courts of Denmark.

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

- Yes  
 No  
 Yes only in some specific situations

If yes only in some specific situations, 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. The folders are classified according to various types of crimes and include, inter alia, information on how to file a claim for compensation, on the possibility of assistance from a publicly financed lawyer and on the possibility of receiving further information and support from the police or from the Danish Victim Association ("Offerrådgivningen"). The information is also available on the internet.

**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 sexual violence/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, forced marriage, sexual mutilation)	No	No	No

Comment :

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Individuals below the general age of majority (18 years) may be prosecuted in criminal proceedings if the individual is at least 15 years of age. The holders of custody over unmarried individuals below the general age of majority are entitled to choose a defense lawyer for the individual. In certain cases, a public defense lawyer must be appointed if a defense lawyer has not been chosen.

The court will direct the manner in which and by whom children under the age of 15 are to be examined as a witness. The court may call in a representative of the municipal council or another person suitable to assist during the examination.

Matrimonial and custody are treated slightly differently from ordinary civil proceedings.

If the child is over 12 years of age, the court has an obligation in child custody cases to interview the child. There are usually no minutes from such interviews, so neither mother nor father will be informed what the child has said to the judge. Children under 12 will also be heard depending on their maturity and the circumstances of the case.

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

- Yes  
 No

If yes, for which kind of offences

The procedure, inter alia, concerns all cases where a person has suffered injury due to a violation of the Criminal Code or the Act on Restraining Order, Exclusion Order and Expulsion.

**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 illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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

- Yes  
 No

If yes, please specify:

The police is obliged to inform the victim about the possibility of free assistance from a lawyer. The police or the prosecutor is also obliged to inform the victim about 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?**  
 -----

**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 decision by a judge".**

- Yes  
 No  
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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:

Some of the survey information is available on [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	Yes	No
Surveys at court level	Yes	No

#### 40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling 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
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

Complaints against judges etc. can be submitted to the president of the court concerned or to the Special Court of Indictment

and Revision, which deals with, inter alia, complaints against judges and deputy judges. There is a time limit on 4 weeks from the time when the complainant becomes aware of the cause of the complaint. The Special Court of Indictment and Revision can disregard an exceeding of the time limit under certain circumstances. There is no time limit for dealing with such complaints.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

In 2012 the Danish Court Administration was involved in one case concerning complaints against the courts. The compensation amounted to approximately 14.500 euro.

However, the number of cases against the courts and where compensation is the end result can vary a lot from year to year. Typically, the amount of compensation paid out in a given year is between 130.000 and 270.000 euro.

### 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)	2
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 data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	2
Commercial courts (excluded insolvency courts)	1
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	1

Comment :

The Maritime and Commercial Court has been classified as a commercial court in the form above. However, it also deals to a great extent with insolvency cases (bankruptcies etc.), but not exclusively. So there is an overlap with the category 'Insolvency courts'.

Other: The Land Registration 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:

**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
a debt collection for small claims	24
a dismissal	24
a robbery	24

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

With few exceptions, all cases start at district court level in Denmark. So it does not really matter if a case is a small claims collection, a dismissal or a robbery: it will start at a district court.

When the district court deals with a small claims case in a civil case, the dispute may not exceed 50,000 Danish Kroner to be treated according to the regulation for small claims. If the claim is an enforcement case, the claim may not exceed 100,000 Danish Kroner to be treated as a small claims case.

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

The Danish Court Administration.

## 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012)**

**(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	NAP
Total number of professional judges (1 + 2 + 3)	372	183	189	
1. Number of first instance professional judges	259	111	148	
2. Number of second instance (court of appeal) professional judges	94	59	35	
3. Number of supreme court professional judges	19	14	5	

Comment :

Only permanent appointed judges, not deputy judges.

Mail CN 23/01/14: in 2010, the reported number included 'legal assessors' who carry out some of the same tasks that judges do. But they are not appointed judges. And since we do not include deputy judges (neither in 2010 nor in 2012), it was deemed best to leave out legal assessors, too.

**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	NAP
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 2012).**

-----

**Please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

**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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**

-----

**If such non-professional judges exists in your country, please specify it in the "comment" box below:**

Gross figure

 Yes

12 103

Comment :

The number of non-professional judges reported counts both lay judges and expert judges.

However, it is important to note that it is not possible to give a number excluding jurors. In Denmark you are nominated to serve both as a lay judge and a juror - so the same person may be a lay judge in one case and a juror in the next.

The reason for the big discrepancy to the number reported in 2010 is that the 2010 number reflected the number of times a lay judge/juror appeared in court. However, a nominated lay judge/juror can appear in more than one case.

The 2012 number reflects the actual number of lay judges/jurors nominated.

\*\*\*\*

Q49 : sur la différence avec l'exercice précédent : mail CN 4/4/14 : The reason for this is that the data provided for 2010 showed the number of appearances instead of the actual number of non-professional judges/citizens. The same citizen then may have participated in more than one case.

This time we have registered the number of 'heads' instead of appearances.

**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 district 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 district court trial included such.

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

345

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (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)  Yes (among which women) 1 822

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes (among which women) 221

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  Yes (among which women) 1 0 7 1,7

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)  Yes (among which women) 2 0 0,9

4. Technical staff  Yes (among which women) 67

5. Other non-judge staff  Yes (among which women) 164

Comment :

[YM:Q52.5 : value is 164,4 / a trouble with questionnaire prevents to record entire value]

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



**status and duties:**

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

**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.

**C1 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

Q51 : sur la différence avec l'exercice précédent : mail CN 4/4/14 : The reason for this is that the data provided for 2010 showed the number of appearances instead of the actual number of non-professional judges/citizens. The same citizen then may have participated in more than one case.

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

The Danish Court Administration.

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

**55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	566	186	380	
1. Number of prosecutors at first instance level	421	130	291	
2. Number of prosecutors at second instance (court of appeal) level	98	40	58	
3. Number of prosecutors at supreme court level	47	16	31	

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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	17	11	6	
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	3	2	1	
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

NA

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

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

- Number  NA  
 Among which women  NA

**C2 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.**

Director of Public Prosecution.

**3. 1. 4. Management of the court budget****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 :

Other: The Danish Court Administration

**3. 1. 5. Use of Technologies in courts****62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

Electronic data base of caselaw	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 ?**

-----  
**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

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	100% of courts
Other electronic communication facilities	100% of courts

Comment :

Other: General public encrypted/secure e-mail (mandatory for citizens and companies from 2014)

**65) The use of videoconferencing in the courts (details on question 63).**

-----  
**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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

Two amendments have been implemented in the Danish Administration of Justice Act (Retsplejeloven). They cover two new paragraphs (§ 748a and § 748b) each of which addresses two types of videoconferencing.

§ 748a addresses the fact that a court can allow a suspect/accused to participate in a court hearing by use of videoconferencing if the presence of the suspect/accused in the court is not required.

§ 748b embraces the use of videoconferencing in court actions regarding extensions of remands in custody.

**C3 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

The videoconference system is partially implemented and expected to be countrywide by the end of 2014. The changes in the Danish Administration of Justice Act (Retsplejeloven) § 748a and § 748b have been implemented.

### 3. 2. Monitoring 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:

The Danish Court Administration (in Danish: Domstolsstyrelsen) located at St. Kongensgade 1-3, 1264 Copenhagen K

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

Yes

No, only in an intranet website

No

**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, only in an intranet website

**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:

Goals have been defined for percentiles number of cases that are completed within different time brackets, i.e. 3 months, 6 months etc.

**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

If yes, please specify:

Activity is evaluated on a monthly basis. The district courts have a monitoring system for case flow, pending cases, length of proceeding and timeframes.

**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, Higher Court)
- President of the court
- other

If other, please specify:

Question skipped as a consequence of the answer given to question 72.

**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)
- President of the court
- other

If other, please specify:

The courts and the Danish Court Administration cooperate on defining the collective goals and targets for all courts (district courts and high courts). Within this framework, the individual courts are free to set up sub-targets and are expected to do so to manage their court as well as possible.

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

- Short case processing times
- More consistency when carrying out duties
- Contemporary communication

- Continue to be an attractive workplace

**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 :

The 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

The judges are independent. Therefore measuring is done focusing on case-flows and economic indicators.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**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 lawyer)?**

72

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

- Yes  
 No

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 Danish Ministry of Justice

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Concerning question 84:

Since the 2010-report, the Danish Court System has been changed for minor cases like traffic fines that have not been paid. The percentage of cases In absentia thereby increased markedly. These cases may now be resolved without a hearing if the person receiving the fine submits no protest (within a time limit). In these situations, the district courts resolve the cases by a confirmation of the fine.

### 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 exists in relation to violent cases, cases concerning rape and cases about having illegal weapons brought before the court. It states 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 instructions on 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 done in a way that if the person receiving the fee cannot accept it, he or she has to give notice to the police within 20 days. If notice is given within the 20 days, the police takes the case to court, and a court meeting is held before judgment. If no notice is given to the police within the 20 days, the police takes the case to court, and with no further warning the court will pass a judgment about the fine. No court meeting will be held and the judgment cannot be appealed.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- Yes
- No

**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. Case flow 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 and criminal law cases.**

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r**

	2011	2012	2013	2014
Total of other than criminal law cases (1+2+3+4+5+6+7)*	143 328	2 628 863	2 656 912	120 108
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	26 505	46 213	50 361	22 804
2. General 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)*	2 781	4 436	4 591	2 662
3. Non litigious enforcement cases	73 920	367 464	390 159	54 886

4. Non litigious land registry cases**	1 333	2 071 492	2 070 365	2 460
5. Non litigious business registry cases**	7 136	14 694	15 366	6 852
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	28 748	124 021	125 486	27 580

**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) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	22 332	152 157	158 437	16 051
8. Severe criminal cases	8 727	25 736	27 395	7 068
9. Misdemeanour and / or minor criminal cases	13 605	126 421	131 041	8 983

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

The Danish Court Administration has defined a criminal case different than we did in 2010. In 2010 any case dealt with in the criminal court was included. This is not the case anymore, i.e. we do not include preliminary examination any longer. Severe criminal cases are defined as those cases where a lay assessor participate or cases dealt with by a jury. Also no-contest plea cases (plea guilty) are included as severe criminal cases. Misdemeanour and/or minor criminal cases are typically cases where the maximum sentence is a fee.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

There is almost full consistency in the figures in 94. There is an error of one case that cannot be identified.

The figures in table 90 are not fully consistent. This is caused by several factors: One is that it is possible in the Danish system to re-open a case, and these cases are not included. In addition, The Maritime and Commercial Court only measures incoming and resolved insolvency cases but not pending cases. Therefore vertical and horizontal figures are not totally consistent.

\*\*\*\*\*

Q 94 : mail CN 4/4/14 : One of the factors that explain the decrease in the number of pending cases is that the Courts of Denmark received an extraordinary appropriation in 2009 specifically to bring down backlogs. This effect can be seen in 2012, among other things in the lower number of pending cases.

The increase in the number of misdemeanor and/or minor criminal cases is due to the fact that a high number of cases concerning, especially, traffic fines were handled at court level.

**97) Second instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	2 751	7 805	7 363	3 193
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	2 751	7 805	7 363	3 193
2. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	1 436	6 913	6 631	1 718
8. Severe criminal cases	1 436	6 913	6 631	1 718
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

All criminal cases in 2nd instance are considered severe as they would otherwise not become 2nd instance criminal cases.

**99) Highest instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	352	324	381	293
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General 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)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

1060

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	30	45	64	11
8. Severe criminal cases	30	45	64	11
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

All 3rd instance cases are considered severe. Misdemeanour / minor criminal cases would never reach a 3rd instance court.

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	2 257	5 219	5 497	2 000
Employment dismissal cases	NAP	NAP	NAP	NAP
Insolvency	6 300	8 199	9 024	5 820
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.]**

	% 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	21	0	150	270	NAP	176
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	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):**

In the 21 % above under litigious divorce cases are included as well appeal of a case in full and appeal of a judge's order.

**104) How is the length of proceedings calculated for the five 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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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:

**106.1) Does the public prosecutor also have a role in insolvency 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	180 907	35 799	45 243	90 162

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	NAP

**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)	35 799
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**

mail CN 23/01/14: Q 91 et 101: concerning the horizontal consistency: The technical systems generating the statistics cannot fully show the match between the number of pending cases and processed/resolved cases. This means that at the end of a given month, we do not have access to exact information on the number of pending cases. This explains a minor part of the horizontal incoherence. On top of this, our data from the Maritime and Commercial Court does not provide any information on pending cases. So when we include the data on processed/resolved cases from this court, there will always be a small incoherence.

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

The Danish Court Administration.

Q 107-108 The Director of Public Prosecution.

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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 note 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 Danish Court Administration employs all deputy judges. The prerequisite to become a deputy judge is a university degree in law. It takes approximately 5-6 years to obtain a law degree.

The Danish 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 article 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 always be accepted by the Minister.

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

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

Mail CN 4/4/14 : Law on equal treatment of men and women in regard to access to employment etc. as well as general administrative law principles.

##### 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

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

- Yes  
 No

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

It should be noted that for internal promotions at the court - for example a judge attaining various administrative tasks - the court itself is competent, not the Judicial Appointments Council.

**112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

- Yes  
 No

If "yes", please specify:

Mail CN 4/4/14 : Law on equal treatment of men and women in regard to access to employment etc. as well as general administrative law principles.

**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

If yes, please indicate the frequency

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

- Independent?  
 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 central recruitment board.

The Central Recruitment Board operates under the authority of the Ministry of Justice which is represented there along with other authorities within the jurisdiction of the Ministry of Justice. The board adjourns bi-annually to handle the two annual recruitments as well as on an ad hoc-basis. Typically, there will be four to seven representatives on the board. The authorities appoint their own representatives. The Prosecution Service is usually represented by one staff member from the HR-Centre who may be joined by a Chief Prosecutor from one of the police districts.

The Recruitment Board interviews applicants for all authorities under the jurisdiction of the Ministry of Justice, including for positions as prosecutors. After the interview, the panel decides who is qualified to receive an offer of employment. As the Ministry of Justice are represented on the board, its decisions need no further ministerial approval. The approved candidates are then submitted to the local police commissioners for approval and, if required, for a second interview here. Subject to the police commissioner's approval, the candidate are then offered a position. Only candidates with a law degree (candidates juris) are eligible for employment as prosecutors. Subject to individual scrutiny, the applicants listed references may be contacted prior to employment.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes  
 No

If "yes", please specify:

Law on equal treatment of men and women in regard to acces to employment etc. as well as general administrative law principles.

**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 career, references and recommendations from superiors within the prosecution services and a personal interview.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes  
 No

If "yes", please specify:

Se above Q 117.1

**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)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :

Dismissal on the cause of gross misconduct or lasting physical or mental illness, cf. the Danish Administration of Justice Act § 49a, cf. § 49, is decided by The Special Court of Indictment and Revision.

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons  
 For organisational reasons  
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

A judge cannot be transferred to another court without his or her consent.

A deputy judge, on the other hand, can be transferred to another court without his or her consent for organisational and educational reasons. The same is true if the deputy judge is deemed unsuitable for the position or for health reasons.

**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 the probation period (in years)
Yes	
No	X
NAP	

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

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	X
No	

Comment :

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

	Duration of the probation period (in years)
Yes	
No	X
NAP	

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

NAP

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

NAP

**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 public prosecutors and the main reforms that have been implemented over the last two years

## 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)	No training offered
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	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No training proposed
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**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	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
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 the budget of such institution(s) in the "comment" box below.**

-----

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

	Initial training only	Continuous training	Initial and continuous	2012 budget of the
--	-----------------------	---------------------	------------------------	--------------------

		only	training	institution, in €
One institution for judges	No	No	Yes	Yes
One institution for prosecutors	No	No	No	NAP
One single institution for both judges and prosecutors	No	No	No	NAP

Comment :

One institution for judges: Budget approx. 2.106.500 euro.

Prosecutors:

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 focusing on managerial training.

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

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

Initial training for judges is offered.

**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 public prosecutors and the main reforms that have 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	104 755,02	NA
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)	176 768,68	NA
Public prosecutor at the beginning of his/her career	53 230	NA
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)	88 200	NA

Comment :

**133) Do judges and public prosecutors have 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:**

None - both for judges and public prosecutors.

**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 has been 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 in 2012 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)	0	NA
1. Reprimand	0	NA
2. Suspension	0	NA
3. Removal of cases	0	NA
4. Fine	0	NA
5. Temporary reduction of salary	0	NA
6. Position downgrade	0	NA
7. Transfer to another geographical (court) location	0	NA
8. Resignation	0	NA
9. Other	0	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 public prosecutors and the main reforms that have been implemented over the last two years

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

## 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.**

6 021

**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. 7 000 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:

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

The Danish Bar and Law Society upholds a register of lawyers admitted to the bar.

**F1 Comments for interpreting the data mentioned in this chapter:**

The statistics/numbers mentioned under 146 and 148 do not include assistant attorneys.

**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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

There are a number of cases, for which guiding tables/charts for lawyers' fees have been provided by the courts. For the remaining cases, lawyers' fees are freely negotiated but bound by the Danish Code of Conduct providing that fees should be fair and in good keeping with e.g. the size and importance of the case.

**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?

Pursuant to section 126 (1) of the Administration of Justice Act, a lawyer shall conduct himself in a manner consistent with good conduct for lawyers. Pursuant to section 126 (4) of the Administration of Justice Act, a lawyer shall likewise, outside of his professional legal undertakings, in business matters or in other matters of a financial nature, not display conduct unworthy of a lawyer. A lawyer shall as the client's independent adviser protect the client's interests diligently, conscientiously and in accordance with the requirements of due protection of the client's best interests. The lawyer shall to a reasonable extent keep his client informed as to the progress of the case entrusted to him.

**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:

The Danish Disciplinary Board.

**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.]**

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1 280
1. Breach of professional ethics	725
2. Professional inadequacy	299
3. Criminal offence	NA
4. Other	256

Comment :

The numbers are based on 2012-statistics. The following comments should be made in connection with understanding the numbers above:

- (1) is understood to cover breaches of professional conduct.  
(2) is regarded as breach of the guidelines regarding size of the fee.  
(3) statistics not available.  
(4) regards a category in the Danish statistics covering cases on breach of fee AND conduct.

**162) Sanctions pronounced against lawyers.**

**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)	341
1.Reprimand	47
2. Suspension	NA

3. Removal	4
4. Fine	184
5. Other (e.g. disbarment)	106

Comment :

The Disciplinary Board decided in 2012 on a total number of 1533 cases. Of these, 341 cases resulted in sanction as indicated above.

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
-----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:  
The answer to both options is 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 judicial 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:**

127

**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)	<input checked="" type="checkbox"/> Yes	1 147
1. civil cases	<input checked="" type="checkbox"/> Yes	616
2. family cases	<input checked="" type="checkbox"/> Yes	346
3. administrative cases		NAP
4. employment dismissals cases		NAP
5. criminal cases		NAP

Comment :

Source: The Danish Court Administration

Additional comments:

In the district courts there were 962 mediation cases divided on civil cases and family cases. In addition – included in the total number of cases, the two high courts had 185 mediation cases, but these cases are not divided on category

**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 :

The State Administration offers mediation in cases regarding separation, divorce and parental responsibilities at no cost for the parties concerned.

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 to the courts.

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

- 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

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

The Danish Court Administration.

## 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:

NAP - see answer to question 179.

**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 how the enforcement procedure is conducted by the enforcement agent?**

- 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 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 length of 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 initiated disciplinary proceedings (1+2+3+4)	NAP
1. for breach of professional ethics	NAP
2. for professional inadequacy	NAP
3. for criminal offence	NAP
4. Other	NAP

Comment :

**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 initiated 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	NAP
2. Suspension	NAP



- |              |     |
|--------------|-----|
| 3. Dismissal | NAP |
| 4. Fine      | NAP |
| 5. Other     | NAP |

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 have been implemented over the last two years**

#### Please indicate the sources for answering questions 186, 187 and 188:

The Danish Court Administration.

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

#### 8. 2. 1. Functioning

#### 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 mission of the Prison and Probation Service is to contribute to reducing crime.

The vision of the Prison and Probation Service is bringing people safely to a life free of crime.

The fundamental value is the art of balancing a strict and soft approaches.

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

- Control and security  
The Prison and Probation Service must carry out the control necessary to enforce punishments.
- Support and motivation  
The Prison and Probation Service must 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%
- cannot be estimated

Please indicate the source for answering this question:  
NAP - see answer to question 190.

**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. Statute

#### 9. 1. 1. Functionning

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

- Yes  
 No

**193) Are notaries:**

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**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?	NA
other?	NA

Comment :

The function of a notary is an integrated function of the district 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.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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 a given 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

**Please indicate the sources for answering question 193:**

The Danish Court Administration.

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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's list of interpreters 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 National Police's list of interpreters 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:**

The Danish Court Administration.

## 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?**

-----  
**If no, please specify in the "comments" 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 involved in the court case.

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

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

The Danish Court Administration.

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen 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 at this stage. 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)**
  - 3.1 Access to justice and legal aid**
- 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**
  - 6.1 Personal status**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crim**

There are no major reforms to report.