

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Nyt Europa

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Checks and Balances
- ☒ Other

If "Other", please specify

Civic space & fundamental rights

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.nyteuropa.dk/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

853288293883-30

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☒ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Surname

Email Address of the organisation

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could

be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Two horizontal developments are important to highlight in 2024, all of which build on trends identified in earlier years as well.

CIVIC SPACE & FUNDAMENTAL RIGHTS RESTRAINS ON PRO-PALESTINIAN PROTESTS AND ACTIVISTS

Firstly, civic space and fundamental has been restrained across Europe in relation to pro-Palestinian demonstrations and activists performing peaceful demonstrations. This has been confirmed by multiple reports and international organizations, as can be seen in the following links. In particular, demonstrations and activists advocating for ceasefire between Hamas and Israel and against the war actions including civilian casualties from the Israeli government and military are accused of anti-Semitism, and are met with the use of counterterrorism legislation, policies and measures, misused to target individuals. The misuse of these legislations, policies and measures not only restricts the fundamental rights of individuals, but restricts civic space as such, because it poses an underlying threat of sanctions for participating in assemblies and demonstrations or exercising the freedom of expression. This all builds on developments from 2023, which have now escalated further, as the reports below highlight.

<https://peoplesdispatch.org/2024/08/11/pro-palestine-activists-are-under-attack-in-europe/>

<https://www.ihrc.org.uk/wp-content/uploads/2024/01/Final-Report-to-UN-FV-5-Digital.pdf>

https://res.cloudinary.com/elsc/images/v1685978238/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP/The-Practice-of-Suppressing-Palestinian-Rights-Advocacy-FINAL-PP.pdf?_i=AA

<https://www.amnesty.de/sites/default/files/2024-07/Amnesty-Bericht-Europa-friedlicher-Protest-Einschraenkung-Unterdrueckung-Juli-2024.pdf>

DEFUNDING OF CIVIL SOCIETY

Over the past years, cases of de-funding and the widespread inaccessibility of funding for civil society has posed a threat to civic space across Europe.

At the EU level, the ‘foreign funding’ directive, part of the European Commissions Defence of Democracy package, poses a threat to European civil society. The law would introduce ‘transparency and accountability standards’ for civil society organisations, requiring them to disclose funding from outside the EU and creating a register of organisations that receive such funding. While at first glance this doesn’t seem so threatening, the proposal echoes other proposed ‘foreign influence legislation’ that has had negative consequences, narrowing space for civil society to perform its functions and silencing critical voices.

Furthermore, this directive is similar to legislation that the EU has itself opposed in the past, undermining the EU’s credibility to speak out against attacks on democracy abroad.

Read the full impact analysis elaborating the concerns and issues by the European Civic Forum here:

<https://civic-forum.eu/wp-content/uploads/2024/01/Defence-of-Democracy-an-analysis-of-the-foreign-funding-directive.pdf>

Beyond the concerns at the EU level, we have seen the (threat of) defunding of civil society organizations across the continent, including in Denmark. This will be expanded below, in the country-specific questions.

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always

include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☒ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

In the 2024 Rule of Law report on the European Commission recommended “a complete review of the legal aid system, taking into account European standards on legal aid”. This was not done in 2024.

The last official report was done in 2016: <https://www.ft.dk/samling/20161/almdel/reu/bilag/124/1712324.pdf>

Since then, Justitia has conducted their own report in 2019: https://justitia-int.org/wp-content/uploads/2019/01/Retshj%C3%A6lp%20b%C3%B8g-_Endelig-udgave.pdf

Further, we recommend reviewing the report by Justitia on the overall challenges in the Danish legislative process which covers challenges relevant to the entire chapter I of the RoL report: https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to ‘judges’ concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

In 2024, a documentary series by the name of Den Sorte Svane ("The Black Swan") produced by TV 2, Wingman Media og NRK was published. This documentary uncovered extensive criminal actions and the interrelation between the criminal underworld of gangs and rocker groups and the above-board world of lawyers and businesses. In this, multiple lawyers played essential roles in helping criminals in their endeavors. See more extensive explanation in the following question.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

In 2024, a documentary series by the name of Den Sorte Svane ("The Black Swan") produced by TV 2, Wingman Media og NRK was published. This documentary uncovered extensive criminal actions and the interrelation between the criminal underworld of gangs and rocker groups and the above-board world of lawyers and businesses. The documentary caused major public debate as it made clear that the current system has significant loopholes ready for criminals to exploit, and that trusted instances such as lawyers were key enablers, helping the criminal underworld in their endeavors.

Multiple high-profile lawyers were seen participating in criminal activities such as money laundering, tax evasion, etc. In the aftermath of the documentary, the Danish Bar Council has initiated supervisory investigations of at least two lawyers:

- * The now former Horten lawyer Nicolai Dyhr was fired before the documentary came out. The Bar Council has also initiated a supervisory investigation of him.

- * The Danish Bar Council has initiated a supervisory investigation of lawyer Lise Roulund. The council subsequently reported her to the police for possible complicity in money laundering and passing on confidential information in a criminal case, as well as abuse of position.

The Danish Bar and Law Society has stated that it will review and tighten oversight regarding money laundering and misuse of client accounts. These revisions were already planned ahead of the documentary, but the Association is looking into increasing sanctions such as fines, reducing the bar for suspensions and additional changes in collaboration with the Ministry for Justice and other actors. The full statement of the Bar and Law society can be read below. We recommend reaching out to this organization for full details of the implications of the revelations of the documentary.

<https://nordictimes.com/the-nordics/the-black-swan-controversial-documentary-exposing-organized-crime-in-denmark-premieres-in-sweden/>

<https://www.advokatsamfundet.dk/nyheder-medier/nyheder/2024/den-sorter-svane-kraever-kloge-og-kontante-modsvar/>

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

As mentioned in the 2024 RoL report, a new multi-year deal on financing of the courts was presented. This was put into practice from June 2024, and will run until 2025. This should reduce the length of proceedings. However, it does not consider some of the other significant issues in the Danish judicial system, as highlighted in last year's report. Therefore, we would like to reiterate the concern on access to justice /equality of justice as regards to issues with translation services at Danish Courts. The issue regards both access to qualified interpretation and the quality of interpretation. As documented last year (sources repeated below), this has been an ongoing challenge in the Danish judicial system, seriously putting at risk individuals' access to justice.

Sources on access to translation services:

Elsøe & Jensen (2024, January 12). Dårlig tolkning skaber problemer for retssikkerheden, advarer ny forskning. Finans.dk. <https://finans.dk/erhverv/ECE14867956/daarlig-tolkning-skaber-problemer-for-retssikkerheden-advarer-ny-forskning/>

Schmidt (2022, January 4). To år efter tolkekaos i retssystemet er der fortsat problemer. PolicyWatch. https://policywatch.dk/nyheder/christiansborg/article13609941.ece?utm_source=Feed&utm_medium=latest&t=polwa

Institut for Menneskerettigheder (2015). Tolkning i retsvæsenet. <http://menneskeret.dk/udgivelser/tolkning-retsvaesenet>

Hvilsom (2014, May 10). Dårlige tolke truer retssikkerheden. Politiken. <https://politiken.dk/danmark/art5515149/D%C3%A5rlige-tolke-truer-retssikkerhed>

Christensen (2012, February 10). Retssikkerheden udfordres af dårlig tolkning. Aarhus University. <https://pure.au.dk/portal/en/clippings/retssikkerheden-udfordres-af-d%C3%A5rlig-tolkning-2>

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

As mentioned in the 2024 RoL report, a new multi-year deal on financing of the courts was presented. This was put to practice from June 2024 and will run until 2025. This should reduce the length of proceedings. As a result of this deal, over 100 changes of legislation have come into effect as of June 2024. Most of them seek to reduce the time of case processing, which is positive with regards to access to justice. However, the specific changes also pose risks of challenging the legal basis and access to the courts, as many of the changes include limiting appeals, increasing the threshold of using lay judges, etc. We refer to the public consultation response from the Danish Bar and Law Society, highlighting their concerns with the proposed legislation: <https://www.advokatsamfundet.dk/om-advokatsamfundet/advokatradet/horingssvar-liste/2024/2023-3972-strafferets-og-procesretsudvalget/>

An overview of the changed legislation can be found here: <https://www.domstol.dk/aktuelt/2024/6/nye-reglerforenkler-retsplejen/>

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Denmark is a highly (and increasingly) digitalized society. This includes the court- and legal system, which is also under digitalization. In 2024, forced cases regarding liquidations of companies were included in “Skifteportalen”, meaning that these cases will from now on be processed digitally. According to the Danish Courts, this reduces the potential for human error and should help improve the time of proceedings. Of course, digitalization always poses a threat of increasing the barrier for access for individuals not familiar with digital means. However, this change is mostly relevant on the side of the processing of cases, not for citizens, to the best of our knowledge. Other organizations including Justitia may have deeper insights into this potential issue.

Source: <https://www.domstol.dk/aktuelt/2024/6/10000-tvangsoploesninger-digitaliseres/>

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

There is currently a large debate in Denmark about the forced removal of Greenlandic children from their parents in Denmark due to the use of heavily criticized standardized testing. This use has been criticized by multiple human rights bodies including the Danish Institute for Human Rights. As of January 2025, the use of these tests has been stopped.

https://www.theguardian.com/world/2024/nov/25/danish-parenting-tests-baby-removed-from-greenlandic-mother?CMP=Share_AndroidApp_Other

<https://www.dr.dk/nyheder/politik/regeringen-stopper-kontroversielle-test-af-groenlandske-foraeldre>

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

In 2024, the Danish Courts also published the overview of the caseload in the judicial system with new numbers from 2023. This concludes that while many cases were finalized in 2023, even more new cases were added. The overall activity level of lower courts increased by 4 %. The overview also reveals that the case processing time increased for “Domsmandssager” (procedure if the accused claim innocence and prosecution demand prison time of more than 30 days or the deprivation of certain rights), but decreasing for “nævningesager” (procedure if the prosecution demands prison time of four years or higher).

For English overview of the legal system, see here: <https://www.domstol.dk/media/mmxnidch/a-closer-look-at-the-courts-of-denmark.pdf>

Source: <https://www.domstol.dk/aktuelt/2024/3/hoej-aktivitet-ved-retterne-i-2023/>

Any other developments related to the justice system - please specify

5000 character(s) maximum

Following up on our input from last year regarding the reduced access to appeals and complaints in the field of disabilities. See the report by the Danish Institute for Human Rights here: <https://menneskeret.dk/files/media/document/25.000%20fejlf%20i%20klagesager%20p%C3%A5%20handicapomr%C3%A5det.%20Analyse%2C%20december%202023.pdf>

There have not been any legislative changes to the issue, nor any reason to believe that the issue has been reduced in practice. However, there has been significant political attention on the issue, both from governing and opposition parties. The then Social- and Housing Minister, Pernille Rosenkrantz-Theil spoke on the issue by request of the opposition on February 8th at an open consultation with the Parliamentary Social Committee. In her remarks, she stated that she agreed with the issue. She did not present specific legislative amendments but noted that there has been appointed a committee "Sammen om Handicap" ("Together about Disability"), which will be deliberating on the issue. The minister also noted that she agreed that the issue was a matter of equality of justice/rule of law and pointed to existing resources allocated to ensure the rule of law and equality of the law on this issue. She also said that the overall organization of this legal area should be changed, as the way it is currently organized entails too great risk for error, as is evident by the issue highlighted by the Danish Institute for Human Rights.

Hence, the issue is unchanged as of 2024, but we expect proposals for change in legislation in the semi-near future.

For the full remarks by the minister, see here: <https://www.ft.dk/samling/20231/almdel/sou/spm/215/svar/2021659/2823542/index.htm>

Following out input last year regarding unequal access to citizenship due to an untransparent process, there have also been a worrying development in which three potential new citizens are called before the parliamentary committee responsible, to question them regarding their views and evaluate the "danishness" of their mindset. Multiple legal scholars and experts have expressed great concern, as there is no legal regulation on this practice, and it can lead to arbitrary rejections of applications for citizenship. This also raises concerns of compliance with article 8 of the European Convention on Human Rights regarding the right to privacy.

<https://www.information.dk/indland/2024/11/ekspert-statsborgerskab-saa-langt-troede-aldrig-komme?kupon=eyJpYXQiOiJl6lJlQ3MDAwNjo4MjU3MzkifQ.DULEJaoIRpLJxzTVYWCRaw>
<https://www.information.dk/indland/2024/11/ekspert-statsborgerskab-saa-langt-troede-aldrig-komme>
<https://www.altinget.dk/artikel/lektor-er-det-demokratisk-naar-politikere-kraever-at-nye-medborgere-tilslutter-sig-demokratiske-vaerdier>

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

In the 2024 Rule of Law report, the European Commission once again recommended that the Danish government and parliament introduce rules to manage the revolving door issue. No new initiatives have been taken since. In the meantime, the issues remain unresolved, with continued criticism from CSO's working specifically with this matter such as Transparency International Denmark.

Multiple articles have uncovered the scope of the issue. See for instance this article from September 2024: <https://arbejderen.dk/indland/den-forgyldte-svingdoer/>

Further, in 2023 the newspaper Politiken uncovered and mapped the issue specifically in the military- and defense sector, where the weapons industry has been recruiting former high-ranking officials from the Danish Defense: https://politiken.dk/danmark/art9372358/%C2%BBForsvaret-kan-lige-nu-risikere-at-blive-udsat-for-den-perfekte-storm%C2%AB?srltid=AfmBOopcCCQxgsr4lBYL9TLTr20dO7u8_-9jW0PVtMWONlzB4t5kUczE

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

In the 2024 Rule of Law report, the European Commission recommended the following to the Danish government:

“Advance with the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.”

While an amendment to the existing legislation has passed, this does not change the access to documents for the press or academia. The amendment to the legislation seeks to protect public servants against harassment by increasing public authorities’ ability to reject requests for access with harassment as the reasoning, and by rejecting access to documents related to personnel cases if there are serious considerations regarding the employees personal (sense of) security.

See the changes to legislation here: <https://www.retsinformation.dk/eli/ft/202312L00116>

Regarding the overall recommendation, the most recent developments on the public access to administrative documents is described further in section III.C, question 3.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Building on the response to the first question of section III, following up on the recommendation from the 2024 rule of law report, this response focuses on the most recent development on the government's position on changing the Access to Public Administrative Documents Act.

In last year's response, we noted the request from opposition parties' for a parliamentary committee to review the act and put forth a proposal for revision, which was in 2023 rejected by the Minister of Justice. In January of 2024, however, the government agreed with three other parties to create a committee to make recommendations for changes of the Act . In the end of February, this committee was named, and included members of the press/media, academia, legal experts, and think tanks and associations, as well as representatives of different ministries, including the ministry of finance and the ministry of justice. The task of the committee is to suggest changes which will increase access to information. No recommendations have been presented yet, to the best of our understanding. We recommend reaching out to Transparency International Denmark, who may have further insights.

Sources:

Political agreement on establishing the committee: <https://www.justitsministeriet.dk/wp-content/uploads/2024/01/Aftale-om-nedsaettelse-af-et-lovforberedende-udvalg-om-aendring-af-offentlighedsloven.pdf>

Altinget article on committee members: <https://www.altinget.dk/navnenyt/navnene-er-paa-plads-her-er-udvalget-der-skal-gentaenke-udskaeldt-offentlighedslov>

Terms of reference for the committee: <https://www.justitsministeriet.dk/wp-content/uploads/2024/01/Kommissorium-for-udvalg-om-aendring-af-offentlighedsloven.pdf>

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

As the political parliamentary situation in Denmark is unchanged from last year with a (slim) majority government, the structures for policymaking incl. evidence-based policy-making, stakeholder and public consultations, transparency and quality of the legislative process are similar to last year. Hence, we reiterate the issue of short deadlines for public hearings. While the issue is regularly raised, and there seems to be a broad agreement on the challenge, we have no reason to believe that there have been made major changes in practice. In January of 2024, the think tank CEPOS concluded that the issue remained over the current governments first year: <https://cepos.dk/artikler/svm-regeringens-forste-ar-stadig-problemer-med-korte-horingsfrister/>

In 2024, the independent judicial think tank Justitia also published a report on challenges in the legislative process. We recommend considering the report in its entirety and stand by the points made in the full report as seen here but will also highlight key issues we find appropriate throughout the following questions where relevant. See the full report here: https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf

For instance, the report covers the continued issue of short consultation periods on page 117-132, supporting the conclusion that many consultation periods are below the recommended minimum of 4 weeks.

The report also points to challenges in the quality of the legislative process due to lack of resources of members of the parliament (see from p. 147-153). This results in the risk of lower quality policy and issues with parliamentary control with the government, according to the report. In particular, the issue seems to be that the individual member of parliament has limited time and resources to gather and critically review information on proposed legislation from the government, hence needing to rely primarily or exclusively on information and analyses put forth by the government and ministries. This issue is relatively bigger for members of parliament from smaller parties, as these have to cover more speakerships across more policy areas than members from larger parties.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

One of the overarching issues that the report points to is the challenge of speed and urgency in the legislative process. The report documents how the average processing time of legislation has fallen over the past two decades, which corresponds to MP's impression that "everything is urgent". Similarly, on page 155, the report documents how the amount of fast-tracked legislation has risen since 2018. While the government has expressed concern with this issue and stated that it will attempt to reduce the amount of legislation proposed to reduce urgency and ensure legislative quality, this has not shown itself in practice yet.

It is also important to note that this issue does not only affect the legislative branch, but also the professionals in the ministries. The digital media Zetland has uncovered an extreme loss of employees in different ministries due to the extreme workload and urgency. This same issue has also been raised by DJØF, which is the primary union for these employees. Beyond the loss of staff, the workload and urgency also causes more mistakes and lower quality work feeding the following legislative process.

Sources:

<https://www.altinget.dk/artikel/svm-haster-rekordmange-love-igennem-lovkvaliteten-er-preset>

<https://www.altinget.dk/artikel/djoef-formand-er-bekymret-embedsvaerket-kan-ikke-foelge-med-det-politiske-hastvaerk>

<https://www.zetland.dk/historie/s8aaL4nW-aekdaa3R-ddc12>

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

Regarding the legality of laws and policies, there have been some discourse on how Danish legislation approaches and sometimes crosses the borders set by international treaties and commitments. This is especially so on the issue of immigration, where there have been multiple conflicts between the Danish legislation (and practice) and international law.

In late 2023, Natasia Nielsen, who has worked in multiple immigration authorities raised the issue, stating that she had on multiple occasions experienced that Denmark had passed legislation in conflict with international law. One example was the decision that asylum seekers who had received asylum with reference to the general conditions in their homeland had to wait three years before they were granted the right to family reunification. That decision was later condemned by the state at the European Court of Human Rights, but before this, public officials had to enforce this practice despite knowing that it was illegal.

Hence, there is room for improvement on the constitutional review of laws in Denmark, as to avoid legislation that conflict with international law.

<https://politiken.dk/debat/debatindlaeg/art9593714/Jeg-ved-godt-at-den-kritik-jeg-nu-vil-frems%C3%A6tte-kan-f%C3%A5-store-konsekvenser-for-mig-professionelt>

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

Sources:

ECHR (2024, November 12). CASE OF SHARAFANE v. DENMARK. [https://hudoc.echr.coe.int/#/{%22itemid%22:\[%22001-237958%22\]}](https://hudoc.echr.coe.int/#/{%22itemid%22:[%22001-237958%22]})

On the legal framework, we repeat the overall framework from our input last year:

The overall legal framework for Danish civil society and human rights defenders is governed by Article 78 concerning Freedom of Association in the Danish Constitution. The only legal limitation on this freedom is that activities must be lawful. Further, there are some formal requirements if organizations should wish to hire staff or receive grants, including a requirement for more than two members and that organizations need to be formally established in a documented founding meeting. Moreover, there is a requirement for organizations to have official statutes. Overall, the legal framework for civil society organizations and human rights defenders does not limit organizations or activists. However, there is a relatively great administrative burden and some barriers to tackle in this regard.

There have been multiple cases in 2024 highlighting concerns regarding civic space and human rights defenders. In the last report, we noted concerns of de-funding of civil society organizations as well as self-censorship as a result of this. While it at that point was quite anecdotal, this issue has developed significantly in the last year. More details on this development below.

In the light of the conflict between Israel and Hamas, municipalities have prohibited expressions of foreign policies in Cultural Centers in Copenhagen. Per Paludan Hansen, the leader of Dansk Folkeoplysnings Samråd, representing 38 nationwide educational organizations, raises concerns that it has already have consequences for several associations. This leads to restrictions on the democratic debate as well as freedom of speech, that according to Per Paludan Hansen, results in self-censorship. As a thrilling effect, other sorts of arrangements or political discussions on what's occurring globally might be closed down. Professor in Law, Sten Schaumburg-Müller, points out that it contradicts with the Constitution of Denmark. According to Sten Schaumburg-Müller, the municipality is required to remain neutral but is allowed to provide space for politically engaged associations.

<https://politiken.dk/kultur/art10205041/Juraprofessor-K%C3%B8benhavn-Kommune-agerer-%C2%BBbizart%C2%AB>

<https://politiken.dk/kultur/art10183984/K%C3%B8benhavn-Kommune-f%C3%A5r-h%C3%A5rd-kritik-for-%C2%BBmystisk%C2%AB-brev-til-kulturhuse>

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

The response to the question above clearly show that smear-campaigns from politicians as well as public figures and media leaders are an issue in the Danish landscape. Not only have we seen the smear campaign against ActionAid Denmark (see more below) and the general LGBT+ cause, but we have seen subsequent talk or threat of de-funding, whether related or not. This is highly restrictive to civic space and freedom of expression, as it causes fear and self-censorship within civil society organizations.

We also wish to reiterate the concerns on the so-called ghetto law mentioned in last year's review. This year, the ECRI published a report monitoring progress made on recommendations from the European Commission to member states regarding action on anti-racism and discrimination. In its report from 2022, the ECRI recommended that Danish authorities should introduce a national action plan against racism, as we have also mentioned in our previous RoL input. Multiple opposition parties have pushed for action on this in the past year, but no plan has been published. In August, the minister on the issue were asked by fellow MP on a status on this, as the plan should have been ready in the summer of 2024. To this question, the

minister responded that it was regrettably not yet ready, but negotiations were underway. While funding has been allocated, the ECRI notes that no plan has been adopted, nor has the government shared details of the plan it intended to develop. Hence, the ECRI states that it considers that its recommendations have not been implemented.

The ECRI review also points to the Ghetto Law, noting that these evictions are currently being reviewed by the Court of Justice of The European Union:

“The implementation of the relevant legislation and policy has inevitably resulted in forced evictions, which constitute a means mentioned in the explanatory memorandum to Bill No. 138 L of 3 October 2018 (containing the relevant so-called “ghetto legislation”). Decisions on such evictions have been challenged in Danish courts. However, pending an interpretation by the Court of Justice of the European Union as to whether inter alia the Danish legislation using “nonwesterners” as a central concept is in breach of the European Union Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, no decision about the evictions has yet been taken by Danish courts.” (Citation from the ECRI review, p. 4-5).

Minister response to question of anti-racism action plan: <https://www.altinget.dk/etik/ministersvar/114825>

ECRI review: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680b1e952>

More info: <https://www.justiceinitiative.org/litigation/tenants-of-mjolnerparken-v-danish-ministry-of-transport-and-housing#:~:text=Mj%C3%B8lnerparken%20was%20categorized%20as%20a,percent%20by%20the%20year%202030>

Another issue is regarding activists’ and organizations’ freedom of assembly. In relation to protests on climate action, activists were confined by police in Copenhagen in 2022. In 2024, 121 persons filed a lawsuit against the Copenhagen Police Department for illegal confinement, too lengthy confinement or otherwise exceeding the legal limits to confinement of activists. The lawsuit was addressed by the court in October and November of 2024, and the court found that in 19 of the 121 cases, the court ruled in favor of the activists.

News article on the lawsuit: <https://www.tv2kosmopol.dk/koebenhavn/klimaaktivister-anlaegger-sag-mod-politiet-for-ulovlig-frihedsberoevelse>

News article on the ruling: <https://www.berlingske.dk/indland/demonstranter-blev-ulovligt-noegenvisiteret-af-politiet>

Activists from the climate movement report that police practices are increasingly rough, which has a chilling effect on participation in activism. This was also uncovered in a report published by NOAH, which found that activists experienced increasingly harsh treatment from police, with minorities being particularly targeted. In general, activists report fear of repercussions when it comes to participating in peaceful and legal protests or other types of physical or digital activism, particularly for activists with minority backgrounds – both in terms of ethnicity, religion, gender etc.

See the full report here: <https://noah.dk/materialer/under-pressure-repression-environmental-activism-denmark-2019-2024>

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

There have been multiple cases in 2024 highlighting concerns regarding civic space and human rights defenders. In the last report, we noted concern of de-funding of civil society organizations as well of self-censorship as a result of this. While it at that point was quite anecdotal, this issue has developed significantly

in the last year.

The clearest case is the case of ActionAid Denmark and political attempts of defunding them due to their political activism. ActionAid Denmark is a partially publicly funded organization with an annual public contribution to of 129 million DKK. In September, multiple media figures including editorials published pieces criticizing the public funding for the organization, stating that “taxpayers’ money are spend on left-wing propaganda” (see source 1). This was particularly in relation to ActionAid Denmark’s activistic campaigns on the war in Gaza, but also pointed to their efforts to make Danish citizenship more accessible etc. Following these editorials, multiple politicians got involved in the discourse, with for instance Danish Peoples Party’s (DPP) Mikkel Bjørn (MP) stated that the DPP would not support this year’s Financial Bill unless the support to ActionAid Denmark was removed from the bill. Subsequently, DPP also stated that other organizations should have their funding removed, including Oxfam Danmark (source 2). The ideas of removing funding were also applauded by several other MP’s.

Responding to these statements, a broad coalition of CSO’s wrote a piece (source 3) highlighting the importance of the principle that public funding must never become a muzzle for civil society, and the danger that this poses to an independent civil society. The organizations in question as well as civil society in general live up to all the rules, guidelines, auditing etc. that they are required to, but as self-owned and independent organizations, are entitled to their own visions, missions and agenda, independently of the public funding they may receive. This is a core principle of arm’s length between government and civil society. They further stated that political activism is conducted and financed from the organization’s other sources of funding, e.g. private foundations, private donors etc. For now, the case was somewhat closed, when the minister of foreign affairs, Lars Løkke Rasmussen, rejected the idea of defunding (source 4).

When the government presented their proposal for the 2025 Financial Bill, the organization LGBT+ Danmark saw their operational grant reduced by 62%. This happened shortly after the organization responded (source 6) to a statement from the Minister of Gender Equality, Marie Bjerre in which the minister spoke against “woke-ism”, particularly regarding transgendered people’s rights (source 7). While it is impossible with certainty to say or document that there was an interlinkage between these two events, this can easily be perceived as such and causes members and leaders of civil society to consider whether they should speak as freely as they would like, in fear of losing their financing (source 5).

The Sector-organization for Civil Society in Denmark has problematized the general way in which public funding is allocated to civil society, wishing for a new model. The government has announced that it will propose a new model, but no details have emerged (source 5).

Beyond these new cases which highlight the issues with public funding of civil society in Denmark, we want to reiterate our general concerns on funding of civil society from last year’s report:

Public funding is perceived as limited and unreliable, causing a sense that it is unwise to depend on this, as it can easily be cut. This speaks to a general challenge for civil society, which is lack of access to core funding. Without this, organizations are forced to rely on project-based funding. This limits the ability to engage in long term strategizing and planning and puts staff in more precarious situations. Ultimately, this causes the sector to lose qualified employees and limits the ability to compete with the private sector regarding political engagement.

(1) <https://www.berlingske.dk/ledere/berlingske-mener-sagen-om-mellemfolkeligt-samvirke-peget-paa-et-generelt>

(2) <https://radio4.dk/nyheder/df-i-flaeskete-paa-ngoer-oxfam-danmark-burde-ogsaa-miste-stoette-OseXWqoQQnCQDy1adKLK>

(3) <https://handicap.dk/nyheder/statsstoette-maa-ikke-blive-mundkurv>

- (4) <https://radio4.dk/nyheder/lars-loekke-afviser-blankt-at-traekke-ngo-i-stoette-q2RJIOSCuqLcabTfNoJN>
- (5) <https://dm.dk/akademikerbladet/aktuelt/hvordan-hjaelper-vi-dem-der-hjaelper-andre/forening-kaemper-med-oekonomien-efter-voldsom-koensdebat/>
- (6) <https://www.altinget.dk/artikel/lgbt-danmark-chef-til-marie-bjerre-det-var-noget-af-en-mavepuster-jeg-fik-faktisk-kvalme>
- (7) <https://jyllands-posten.dk/debat/kronik/ECE17337761/ibippi-har-faaet-mine-oejne-op-for-hvor-problematisk-juridisk-koensskifte-er/>

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Currently, there are no government- or parliament-led initiatives to foster a rule of law culture as such, to the extent of our knowledge. Generally, our understanding of the concept of rule of law is not something particularly familiar within most Danes' political vocabulary.

However, civil society is increasingly engaged with the agenda, and one example of this is a conference held by Nyt Europa and Globalt Focus, hosted in the Danish Parliament's building, Christiansborg Castle in December of 2024. The conference seeks to put spotlight on the current status of rule of law in Denmark as well as pointing to the EC's annual rule of law cycle, thereby seeking to increase knowledge and engagement in this issue.

The conference is another highlight in the EU-funded project Fundamental Rights Initiative also mentioned in our input last year, which seeks to enhance a rule of law culture through capacity building and building networks in Danish civil society around rights-related themes, raising awareness, expanding the use of and contribution to rule of law monitoring and distributing funding to other rights-related projects.

See the conference program (in Danish) here: <https://nyteuropa.nemtilmeld.dk/309/>

For more information about the Fundamental Rights Initiative: <https://www.nyteuropa.dk/fundamental-rights-initiative>

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

In June of 2024, the government and eight opposition parties presented a new political agreement to strengthen efforts against antisemitism. While the effort to fight antisemitism was welcomed broadly, one concern of freedom of expression was noted by ActionAid Denmark: the political agreement includes passages which define "the new antisemitism", where antisemitism is generated from a contempt for the State of Israel" (authors translation). This raises the concern that this definition restricts legitimate criticism of a state and government, as it conflates it with discrimination against the Jewish people. Hence, ActionAid Denmark calls for the use of the definition of antisemitism made in the Jerusalem declaration to ensure the continued legality of criticism of the state of Israel.

Following this political agreement, government has presented a proposal for amendment to legislation which entail that punishment can be increased by 50% if a crime is founded in other people's beliefs, ethnicities, sexuality etc. Further, it enables police to enforce a general increased penalty time period across the entire country, if crimes are related to beliefs, ethnicity, sexuality etc. Finally, it enables police to order any provider

to remove so-called “terror-related” content on their pages, including social media, websites, news media etc. without a court order. These initiatives are aimed at targeting antisemitism, and while they include all sorts of hate crimes, but the Ministry of Justice only provide one example of a use-case; the period after Hamas’ October 7 attack on Israel, in which police monitored potential developments of hate crimes with an antisemitic motive. As it is only up to the police to decide to enforce the increased penalty period, and with the broad definition of antisemitism which includes general contempt for the state of Israel mentioned above, this puts the solidarity movement for Palestine at risk of being particularly targeted by these proposed changes to the legislation. Similarly, the by-pas of the courts in deciding whether online content should be removed based on the same definition of antisemitism cases concern for the freedom of expression, which has also been pointed out as a concern by the trade organisation Danish Media. The minister has proposed that this legislation be fast-tracked, to be implemented as of February 1st 2025.

Activist also report concern that with this new legislation and the general discourse, focus has been moved from right-wing extremists to muslims and “non-western citizens”, through a focus on e.g. social housing and “ghetto areas” (see also concerns on the “Ghetto law”, which this builds upon).

In line with the concerns regarding pro-Palestine activists, these were deepened, as the newspaper Politiken uncovered how the Prime Minister and Minister of Justice have applied pressure to both the public prosecutor and police to apply criminal law to prosecute “approval of terrorism”. Politiken uncovered specific cases in which police departments were ready to drop a case but were asked by the public prosecutor to continue the investigation. In this specific case, the woman in question was found not guilty. There is also an ongoing investigation of the police in a case in which a protester with a Palestinian flag was removed (but later admitted) from a specific location.

Sources:

Justitsministeriet (2024, June 25). Aftale om en styrket indsats mod antisemitisme. Justitsministeriet.

<https://www.justitsministeriet.dk/wp-content/uploads/2024/06/Aftaletekst.pdf>

Whyte (2024, September 4). Tim Whyte: Ny aftale om bekæmpelse af antisemitisme skaber censur. Altinget.

<https://www.altinget.dk/etik/artikel/tim-whyte-ny-aftale-om-bekaempelse-af-antisemitisme-skaber-censur>

Ministry of Justice (2024, October 4). UDKAST Forslag til Lov om ændring af straffeloven, lov om politiets virksomhed og lov om supplerende bestemmelser til forordning om håndtering af udbredelsen af terrorrelateret indhold online (Gennemførelse af dele af aftale om en styrket indsats mod antisemitisme).

Ministry of Justice. <https://arbejderen.dk/wp-content/uploads/2024/10/Udkast-til-forslag-til-lov-om-aendring-af-straffeloven-mv.-Gennemfoerelse-af-dele-af-aftale-om-en-styrket-indsats-mod-antisemitisme.pdf>

Arbejderen (2024, October 11). Skærper straffe og indfører censur uden dommerkendelse mod Gaza-solidaritet. Arbejderen. <https://arbejderen.dk/indland/skaerper-straffe-og-indfoerer-censur-uden-dommerkendelse-mod-gaza-solidaritet/>

On ministers involvement in cases against pro-palestine activists: <https://politiken.dk/danmark/art10154625/Fyns-Politi-blev-preset-til-at-rejse-sag-om-terrorbilligelse>

<https://www.bt.dk/samfund/nu-skal-politiet-undersoege-sig-selv-greb-ind-overfor-palaestina-flag-under>

Supporting document upload

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Contact

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