

2026 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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.**

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Justitia

Main Areas of Work

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

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

500 character(s) maximum

Founded in August 2014, Justitia is Denmark's first judicial think tank. Justitia aims to promote the rule of law and fundamental human rights and freedom rights both within Denmark and abroad by educating and influencing policy experts, decision-makers, and the public. In so doing, Justitia offers legal insight and analysis on a range of contemporary issues.

Website: <https://justitia-int.org/>

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

* 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

info@justitia-int.org

* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

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 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 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 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

Last year's report had the following recommendation: "Step up efforts to complete the review of the legal aid system, taking into account European standards on legal aid". The background to this recommendation was that in 2020 a committee to review the legal aid system was founded. However, the committee's work was postponed due to the situation concerning covid (<https://justitia-int.org/tidslinje-lovforberedende-udvalg-om-retshjaelp-og-fri-proces-er-udsat-igen/>). The next few years, the work in the committee was postponed several times and on the 5th of December 2024 the committee was decommissioned and the task to review the legal aid system was handed over to the Judicial Council (Retsplejerådet) (<https://www.ft.dk/samling/20241/almindel/REU/bilag/83/2950296.pdf>, p. 2). This Council has not yet delivered any recommendations, so there has been no substantial progress concerning this recommendation. The Council is expected to present their findings during 2026.

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

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

5000 character(s) maximum

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

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

[single market relevance] 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

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

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

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial 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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

In early 2025, an inquiry committee was appointed, in order to conduct analysis of how the judicial system can be futureproofed, as well as making recommendations on how this can be done, both organizationally and structurally (https://www.domstol.dk/media/3wlf0qjz/kommissorium-for-strukturudvalg-for-domstolene_april-2025.pdf).

The job of the committee is to look at:

- Court structure and organization
- Specialization and consolidation of tasks at the courts
- Court building portfolio

20 people have been appointed to the committee, among others, the CEO of Justitia, Birgitte Arent Eiriksson. Justitia, as an organization, can report back that the work in the committee is proceeding as scheduled. We expect to be able to provide more information later, e.g. during the Commissions country visit later this spring.

In last year's country report, a central concern was the case handling times. The Danish Court Administration, has posted their half year statistics on case handling times and in this regard, Justitia can report back on following changes:

- The average case processing time for criminal cases at the district courts ("Domsmandssager") has increased from 10,7 months in 2024 (as was reported in last year's report) to 10,9 months in the first half year of 2025 (<https://www.domstol.dk/media/xygc33f4/straffesager-1-halvaar-2025.pdf>, p. 5).
- The average case processing time for civil cases with a main hearing at the district courts has increased from 22,9 months in 2024 (as was reported in last year's report) to 23,1 months in the first half year of 2025 (<https://www.domstol.dk/media/mk0nci02/civile-sager-1-halvaar-2025.pdf>, p. 8).

The numbers show that the average case processing time at the courts has not improved since the last Country report.

In relation to the increasing processing time at the courts, Justitia would like to highlight how this has an impact on the issues related to pre-trial detention. In Justitia's report "Retsikkerhed før dom", (published together with The Danish Bar and Law Society) it is documented how, the processing time at the courts, has an effect on the length of pre-trial detention, which creates fundamental legal rights issues (https://justitia-int.org/wp-content/uploads/2025/10/Rapport_varetaegtsfaengsling-retssikkerhed-foer-dom_web.pdf).

As shown in the report, from 2018 to 2024, the average length of a pre-trial detention has changed from approximately 3 months to approximately 6 months, and the number of pre-trial detentions lasting more than 2 years has changed from only 18 in 2018 to 107 in 2024, a sixfold increase over six years. Thus, the structural problems at the courts have very real consequences for individuals.

Any other developments related to the justice system - please specify

5000 character(s) maximum

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

Last year's report had the following recommendation: "Introduce rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions". Justitia is not aware of any progress in relation to this recommendation.

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/specialised 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 in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

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 if available to you**, 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

[single market relevance] 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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

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 2025 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Last year's report had the following recommendation: "Continue to 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”.

In 2024 the government established a legislative preparatory committee to revise the Access to Public Administrative Documents Acts (Offentlighedsloven), in which Justitia is also represented. Justitia can report that the work in the committee is delayed but we expect news from the committee soon. We expect to be able to provide more information later, e.g. during the Commissions country visit later this spring.

On the 28th of January 2025, Justitia published a comprehensive report concerning the Access to Public Administrative Documents Act (Offentlighedsloven) (<https://justitia-int.org/rapport-offentlighedslov-og-aktindsigt-brug-for-mere-aabenhed/>). The report documents how the public's access to information has been severely underprioritized for years and how long case processing times at public authorities create significant problems for e.g. journalists trying to uncover a case. Denmark is the only Nordic country to not have joined The Council of Europe Convention on Access to Official Documents. The report finds that journalists generally distrust that the public authorities follow the law, since there are no direct consequences for public authorities when they delay giving access to documents or make wrong decisions under the law.

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

The 9th of December 2025, the Danish government entered into an agreement concerning the establishment of an independent “Medieombudsmand”. The agreement concerns the rules on monitoring both traditional and alternative media actors, like influencers, and regulating their responsibilities and the sanctions they can be met with if they e.g. publish wrong information. The agreement focuses especially on the protection of children and the youth in general, when facing a new media reality (<https://kum.dk/aktuelt/nyheder/kulturminister-nedsaetter-medieansvarsudvalg>).

The agreement is the product of a longer process, which started back in 2022, when the government decided to establish a “Media Responsibility Committee”. The 28th of January 2025, the Committee provided a reporting including their recommendations and, among other things, the establishment of a “Medieombudsmand”.

Following the statement from the “Media Responsibility Committee”, Justitia announced the 3rd of October, that we intended to initiate a screening/examination on the decision to establish a “Medieombudsmand”.

The original proposal to establish a “Medieombudsmand” from January the 28th 2025, was the subject of widespread criticism in public debate. Several Nordic and European media organizations and journalist associations warned that the proposal could risk undermining Denmark's high ranking on the international press freedom index. The Media organizations even filed an official warning about the Danish government's plans through the Media Rapid Response mechanism (MFRR). The partners in the MFRR later on published a statement in which they joined Danish media and journalist organization in opposing the proposal and warned that instead of strengthening the existing framework for media regulation, it will weaken the role of the Press Council and risk creating new opportunities for unjustified or politicized interference in a healthy media ecosystem (<https://journalisten.dk/europaeisk-opraab-dansk-medieombudsmand-viltrue-pressefriheden/> - <https://www.rcmediafreedom.eu/News/Denmark-MFRR-partners-oppose-introduction-of-new-state-funded-media-Ombudsperson>).

In the final proposal, which were put forward December 9th 2025, many of the original proposals that were subject of criticism, were withdrawn. Currently Justitia is in the process of examining the final proposal. We expect our conclusions to be published at the end of February/beginning of March. Thus, we expect to be able to provide more information on the proposal and its consequences for media freedom later, e.g. during the Commissions country visit later this spring.

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

[single market relevance] 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
- **[single market relevance]** 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

[single market relevance] 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

Another concerning measure that went into force the 1st of September 2025, is new regulation concerning the access to information on Beneficial Owners (reelle ejere) in the Danish Business Register, CVR (<https://erhvervsstyrelsen.dk/adgang-til-oplysninger-om-reelle-ejere-begraenses>). This is the result of the implementation of the 6th Anti-Money Laundering Directive.

The new rules mean that information about beneficial owners may not be published in the CVR register, which was previously fully accessible to the public, but must now be restricted so that access is only available to "[...] competent authorities, obliged entities and persons and companies with a legitimate interest."

The new rules have been widely criticized, also by Justitia's director, Birgitte Arent Eiriksson, since the law means that journalists become dependent on state registration to gain access to corporate information, which

may contribute to creating a barrier to critical journalism (<https://politiken.dk/debat/debatindlaeg/art10569512/>»
Sådan-er-Danmark-jo-ikke«-siger-politikerne-men-pas-på-deres-trylleord).

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 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

* This includes also the consultation of social partners

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

5000 character(s) maximum

The 11th of November 2025, the Western High Court of Denmark upheld a previous decision from the City district Court in Kolding, finding that lack of digital skills, should be a part of the assessment of whether a citizen should be granted an exemption for exceeding a deadline during case processing by public authorities.

Justitia, as well as the trade union 3F, intervened, in support of the plaintiff.

The case specifically concerned a sickness benefit case, in which a citizen lost 10 day's worth of sickness benefit, due to missing a deadline for answering a mail in his digital mailbox (E-boks). The citizen lacked digital skills and would normally receive help from his wife in digital matters. However, his wife was away at the time when the municipality sent the letter to the citizen's digital mailbox with a notification deadline of 8 days to fill out a questionnaire. This was the first time that the digital mailbox had given rise to problems for the man. In addition, the instructions had also been sent digitally, the deadline was only exceeded by 2 days, and the person met the official conditions in Danish law for being exempted from having to use the digital mailbox.

It is the first time, that digital vulnerability has been tried by the Danish courts. This may have an impact on a broad group of citizens who cannot navigate digital self-service systems, but who are still trying to manage digitally – including older citizens, citizens with disabilities and citizens without digital experience. (<https://justitia-int.org/principiel-dom-styrker-retssikkerheden-for-digitalt-udsatte-borgere/>)

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

5000 character(s) maximum

On 9th of September 2025 a new bill was adopted concerning construction projects and operational activities with essential national defence purposes or essential civil emergency purposes. Through the bill, the government will be able to deviate from legislation and legal guarantees without parliamentary control and democratic control, in order to implement military construction projects that serve essential national defence purposes or essential civil emergency purposes" (<https://www.ft.dk/samling/20241/lovforslag/l222/index.htm>).

Thus, if the government finds a new military construction project important enough, they have a very wide mandate to deviate from current legislation. This allows them to ignore other societal interests, including the rights of e.g. neighbours to the construction site.

Justitia noted in the hearing to the draft, that the draft itself, is a part of a worrying trend, in which central legal guarantees and principles on rule of law are being restricted, with reference to necessity and security. Justitia finds it particularly worrying, that the bill contains significant restrictions on access to administrative appeal,

since this is a fundamental principle of legal certainty and that the individual citizens must have access to an independent review of whether their rights have been respected.

Regime for constitutional review of laws

5000 character(s) maximum

A new development in the area concerning implementation of supranational judgements, such as decisions from the European Court of Human Rights, was presented in the New Year speech from the Danish Prime Minister. In her New Year speech, the Danish Prime Minister announced that the government will make new rules ensuring that a foreigner receiving a prison sentence of a year or more will be deported — even if the person has family or other strong connections in Denmark (<https://stm.dk/statsministeren/taler/statsminister-mette-frederiksens-nytaarstale-1-januar-2026/>).

This goes against current case law from ECHR, but the government's expectation is that ECHR will change their practice due to pressure from the Member States (27 countries, led by Denmark, adopted a statement in December stating that member states should have better opportunities to deport criminal foreigners, even if they have established families in the country they are guests in). Thus, the Danish government is planning to implement legislation that contradicts current ECHR case law, under the expectation that when these cases reach ECHR, their case law will have changed. The government has stated that they are aware that there is a "procedural risk", i.e. that Denmark might be found to have violated the convention, if the ECHR upholds their current case law (or does not change it as much as the Danish government hopes).

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) 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

In the wake of three different cases concerning inhuman and degrading treatment by the Danish police force regarding the use of strip search, the Danish Police Complaints Authority, has been the object of widespread criticism. In all three cases, the police were convicted of violating the rights of the victims to not be subjected to inhumane and degrading treatment, cf. art. 3 ECHR (Decision from the High Court: <https://www.domstol.dk/hoejesteret/aktuelt/2025/5/noegenvisitation-i-forbindelse-med-detentionsanbringelse-var-ikke-lovlig/> - link to article concerning all three decisions: <https://politiken.dk/danmark/art10631791/> »Politiklagemyndigheden er ubrugelig«).

In all the cases, there had been lodged a complaint to the Danish Police Complaints Authority and in all cases, the authority found no reason to investigate the incidents further. Following these cases, the Minister of Justice stated that these cases weren't satisfactory and stated that the police had not been following the law (<https://www.ft.dk/samling/20251/almdel/reu/spm/182/svar/2191771/3117789.pdf>, pf. 2). Furthermore, the minister has asked The Danish National Police and the Attorney General, with the possible involvement of the Danish Police Complaints Authority, to conduct an inquiry to clarify the framework for the processing of complaints about strip searches in the Danish Police Complaints Authority (<https://www.ft.dk/samling/20251/almdel/reu/spm/182/svar/2191771/3117789.pdf>, pf. 2).

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] 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

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 character(s) maximum

Justitia can report on a general trend on increased surveillance. On the 14th of February, Justitia published a report on how the increased usage of surveillance is challenging rule of law (<https://justitia-int.org/rapport-oeget-overvaagning-udfordrer-retsstaten/>). The report documents how public space is being monitored significantly more than before. A significant problem is that new laws on surveillance are often very vague, giving public authorities a very broad mandate to collect and assess citizen's personal information e.g. to "promote security" or for other purposes with no further definition of what is meant by these terms, and with no documentation of preventing the crime that is stated as the reason for monitoring. Thus, it is often left to the authorities themselves to define which information they deem necessary to gather for such broad purposes. It is Justitia's opinion, that this raises doubts about the legitimacy of the monitoring and also makes it difficult to assess (for NGO's, courts and the public authorities themselves), whether such measures are necessary, effective and thereby proportional.

During 2025, a specific proposal received significant debate (referred to in Denmark as the Act on PET). The purpose of the bill, was to give the Danish Security and Intelligence Service (PET) the ability to carry out data and analysis-based intelligence activities. The rationale for expanding PET's surveillance powers, according to the bill, was that this would improve PET's ability to carry out its tasks effectively in a complex threat landscape, using larger coherent data sets. Justitia expressed critique of the proposal, which was rushed through the legislative process, for not having a sufficiently thorough consultation process prior to the presentation of the bill. Further, the bill would have given PET a very broad mandate to collect a lot of data (including online activity, health information etc.) on all citizens in Denmark (regardless of whether the individual person was of any interest to PET) to use for data analysis. The legislation therefore had a very broad scope for authorization of mass surveillance. Based on the opposition to the bill by, among others, Justitia and several other organizations, the Minister of Justice chose to postpone the bill on 8th of May 2025. The bill is expected to be altered and re-proposed during February 2026. Thus, Justitia expects to be able to provide more information on the new proposal later, e.g. during the Commission's country visit later this spring.

Justitia has during the year especially emphasized the consequences of a “chilling effect”, that increased surveillance has on citizens as well as the risk of self-censorship. Overall, the development calls for increased attention to proportionality, necessity, purpose limitation, transparency, etc., so that legitimate considerations of safety, security and efficiency do not displace the fundamental guarantees of the rule of law.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

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 government and a majority of parties in Parliament are in the process of adopting a penal reform (“Strafreform”). One of the measures being adopted as a result of the new penal reform, is an expansion of the scope of section 119 in the Danish Penal Code, which provides special protection for persons who perform public functions. The new scope adopted ensures that appointed defense lawyers and lawyers who are appointed in family law cases will be included in the protected group of people in Section 119 of the Penal Code (<https://www.justitsministeriet.dk/wp-content/uploads/2025/06/Aftale-om-strafreform-og-kriminalforsorgens-oekonomi-2026-2030-1.pdf>, p. 12). This is an important step towards strengthening the general protection of central public actors in the legal system.

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

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

A positive development in regard to fostering a rule of law culture has been made, when the Danish parliament in unity agreed on the decision to adopt the proposal of a Commission on the Right to Respect for Private life ("Privatlivskommission") the 19th of December 2025 (<https://www.ft.dk/samling/20251/beslutningsforslag/B4/BEH2-32/forhandling.htm>). The establishment of such a Commission had first been proposed by Justitia in our report on how the increased usage of surveillance is challenging rule of law (<https://justitia-int.org/rapport-oeget-overvaagning-udfordrer-retsstaten/>). Justitia's proposal received widespread support from other NGO's. A wide range of organizations, experts and civil society actors sent an open letter to the Danish Parliament, initiated by IDA and Justitia, on May 6th 2025 with an appeal to restore the balance between security and the right to privacy (<https://justitia-int.org/wp-content/uploads/2025/05/Aabent-brev-Nedsaet-en-privatlivskommission-og-stop-hastebehandling-af-PET-loven-1.pdf>).

The open letter proposed the establishment of a privacy commission in the form of an independent body that can map the development of the surveillance of society, analyze the legal and technological implications and make proposals on how we, as a society, can re-establish and ensure a sustainable balance between security, safety and the right to private life. As mentioned, the Danish Parliament ultimately followed this recommendation and has decided to establish this Commission. This has the potential to be a significant step towards ensuring the right of private life in Denmark in the coming years, where new legislation on surveillance and new technological advancements is expected to challenge the right to private life further.

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

5000 character(s) maximum

In regard to the furthering of freedom of speech in Denmark, the parliament adopted a new legislation May 20th 2025, which purpose was to further the freedom of speech among public servants. The purpose of the new law, was to codify already existing rules on public servants rights as well as sending a strong signal to public servants, that there is political support for them to use their freedom of speech and contribute to the public debate without them having to fear that this may have consequences in regard to their employment (https://www.ft.dk/ripdf/samling/20241/lovforslag/1144/20241_1144_som_fremsat.pdf, p. 3).

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report,

including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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