

EUROPEAN CONVENTION
ON HUMAN RIGHTS



CONVENTION EUROPÉENNE
DES DROITS DE L'HOMME

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Annual Rule of Law Report - Council of Europe input

Directorate General Human Rights and Rule of Law (DG I)

Denmark

I Justice System

A. Independence

1. Appointment and selection of judges and prosecutors

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

2. Irremovability of judges, including transfers of judges and dismissal

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

3. Promotion of judges and prosecutors

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

4. Allocation of cases in courts

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

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

6. Accountability of judges and prosecutors, including disciplinary regime and ethical rules.

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

7. Remuneration/bonuses for judges and prosecutors

8. Independence/autonomy of the prosecution service

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

9. Independence of the Bar (chamber/association of lawyers)

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

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

4th round: corruption prevention in respect of MPs, judges and prosecutors

3rd round: incrimination and transparency of Party Funding

11. Other - please specify

CPT

Report on the CPT's 2019 visit, [CPT/Inf \(2019\) 35](#), para. 18

The Administration of Justice Act provides for the right of access to a lawyer for criminal suspects upon their deprivation of liberty by the police, including the right to have a lawyer present during questioning (Sections 730 and 745c). Also the right to consult with a lawyer in private and is in principle granted as from the outset of deprivation of liberty ("without undue delay", see Section 3.3. of the Ministry of Justice Circular Letter No. 9155 of 18 March 2010).

The described rights apply also persons deprived of their liberty by the police who are not criminal suspects, e.g. witnesses and persons detained under the Police Act (Section 1.1. of the above-mentioned circular). Regrettably, it is not expressly stated that this includes also migrants detained under the Aliens Act, as the Aliens Act itself does not legally guarantee the right of access to a lawyer as of the outset of their deprivation of liberty. A number of detained persons interviewed by the delegation during the 2019 visit had not been informed of their right of access to a lawyer or their requests to contact a lawyer and have him/her present during police questioning had been ignored. Also, a number of migrants who had been detained under Section 36 of the Aliens Act complained that they had not been placed in a position to consult a lawyer during their detention by the police.

Several detained persons also complained that the first time they had met a lawyer was in court, a few minutes before the decision concerning remand custody. (Further, detained persons' requests to see a lawyer and the action taken by the police in response to such requests were not systematically recorded.)

B. Quality of justice

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

13. Resources of the judiciary (human/financial)

14. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, monitoring, evaluation, surveys among court users or legal professionals)

15. Other - please specify

European Commission for the Efficiency of Justice (CEPEJ)

<https://www.coe.int/fr/web/cepej/country-profiles/denmark>

C. Efficiency of the justice system

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

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16. Length of proceedings

17. Enforcement of judgements

18. Other - please specify

European Court of Human Rights - country profile

https://echr.coe.int/Documents/CP_Denmark_ENG.pdf

Execution of Judgments of the European Court of Human Rights - country factsheets

<https://rm.coe.int/1680709745>

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 that have occurred since these documents were published.

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

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

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19. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Where possible, please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant).

B. Prevention

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

5th round: corruption prevention in respect of central government, including the top executive functions, and law enforcement

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- 20. Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision-making (including public access to information)
- 21. Rules on preventing conflict of interests in the public sector
- 22. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption
- 23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).
- 24. Any other relevant measures to prevent corruption in public and private sector

C. Repressive measures

GRECO

<https://www.coe.int/en/web/greco/evaluations/denmark>

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- 25. Criminalisation of corruption and related offences,
- 26. Overview of application of sanctions (criminal and non-criminal) for corruption offences (including for legal persons)
- 27. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

III Media pluralism

A. Media regulatory authorities and bodies

- 28. Independence, enforcement powers and adequacy of resources of media authorities and bodies

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation Rec \(2000\) 23 of the Committee of Ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector](#)

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

B. Transparency of media ownership and government interference

- 30. The transparent allocation of state advertising (including any rules regulating the matter)
- 31. Public information campaigns on rule of law issues (e.g. on judges and prosecutors, journalists, civil society)
- 32. Rules governing transparency of media ownership

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member States on media pluralism and transparency of media ownership](#)

C. Framework for journalists' protection

33. Rules and practices guaranteeing journalist's independence and safety and protecting journalistic and other media activity from interference by state authorities

34. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Relevant recommendation of the Committee of Ministers of the Council of Europe to member states:

[Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#)

35. Access to information and public documents

36. Other - please specify

Platform to promote the protection of journalism and safety of journalists

<https://www.coe.int/en/web/media-freedom/denmark>

Freedom of expression chapters of the annual reports of the Secretary General of the Council of Europe featuring indicators on media pluralism and transparency of ownership, media independence and safety of journalists as well as country-specific assessments:

2018

<https://rm.coe.int/state-of-democracy-human-rights-and-the-rule-of-law-role-of-institutio/168086c0c5>

2017

<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

2016

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680646af8

2015

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168058e01e

IV Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

37. Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, 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).

38. Regime for constitutional review of laws

B. Independent authorities

39. independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies

C. Accessibility and judicial review of administrative decisions

40. modalities of publication of administrative decisions and scope of judicial review

41. implementation by the public administration and State institutions of final court decisions

D. The enabling framework for civil society

42. Measures regarding the framework for civil society organisations

43. Other - please specify

Expert Council on NGO Law report on criminalisation of NGO activity in relation to migration and a compendium of developments 2017-2019 in NGO law, freedom of association

<https://rm.coe.int/expert-council-conf-exp-2020-1-ngos-developments-in-standards-mechanis/16809ccd3a>

<https://rm.coe.int/expert-council-conf-exp-2019-1-criminal-law-ngo-restrictions-migration/1680996969>

Private Office procedure on human rights defenders interacting with the Council of Europe

https://www.coe.int/en/web/secretary-general/news-2019-thorbjorn-jagland/-/asset_publisher/9j1gCsAwfdMt/content/revised-private-office-procedure-on-human-rights-defenders-interacting-with-the-council-of-europe