

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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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, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 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 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

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.

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

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## 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, heads of independent authorities included in the scope of the questionnaire[2])

## D) Any other relevant developments

- Respondents 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.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should 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

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\* 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

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

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

500 character(s) maximum

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 add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan

- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☒ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia

- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali

- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia

- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☐ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

**\* 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 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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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 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as



developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[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.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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 covered in contribution [only one choice possible]

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

- ☐ 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

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

5000 character(s) maximum

### 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

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*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 under section 2)*

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

*5000 character(s) maximum*

In early 2023, a research project concluded that access to justice/equality of justice is challenged in Denmark due to issues with translation services at Danish courts. The study was conducted by the Institute for Nordic Studies and Linguistics (NorS) at the University of Copenhagen, and its conclusions and concerns are seconded by Danish judges and lawyers. What is more, a similar study made the same conclusion in 2012 from Aarhus University, and the issue has also been covered in media across the span of years between the two studies. Both studies as well as examples of coverage across the years are presented in the sources below. The issue regards both access to qualified interpretation and the quality of interpretation.

#### Sources:

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](https://policywatch.dk/nyheder/christiansborg/article13609941.ece?utm_source=Feed&utm_medium=latest&t=polwa)

Institut for Menneskerettigheder (2015). Tolkning i retsvæsenet. (Redaktion afsluttet 2015). <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)

*(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*

In 2023, the EU's rule of law report presented the following recommendation to the Danish Government regarding the resources of the judiciary:

"Ensure adequate human and financial resources for the justice system in the next multiannual framework, building on the increases in 2023, taking into account European standards on resources for the justice system."

In 2023 a new political deal was presented which included every single party in parliament. This included new funding to hire more judges and other key staff to both increase capacity and reduce the time of case processing. The association of Danish judges concludes that the new deal is both ambitious and provides the opportunity to reduce case processing time.

Source: Danske Domstole (2023). Bred og ambitiøs aftale om domstolene. <https://domstol.dk/aktuelt/2023/11/bred-og-ambitioes-aftale-om-domstolene/>

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

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, particularly electronic communication 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 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 specialization, 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)*

### Length of proceedings

5000 character(s) maximum

In March of 2023, length of proceedings across different levels of Danish courts in 2022 was assessed by the Danish Courts in their annual report. This report noted that length of proceedings increased especially in criminal proceedings at District Courts (lowest level of courts in Denmark). See above for political developments on this issue following the EC RoL recommendations of last year.

Source: Danmarks Domstole (2022). Fortsat lange sagsbehandlingstider i 2022. Danmarks Domstole.  
<https://domstol.dk/aktuelt/2023/3/fortsat-lange-sagsbehandlingstider-i-2022/>

### Other - please specify

5000 character(s) maximum

An important development on the justice area is the reduced access to appeals and complaints. The critique stems from two related issues, in particular in the field of disabilities. First, Danish municipalities make mistakes in an extremely high share of cases. Between 2014 and 2022, more than 25.000 cases were overturned by the council of appeals. The analysis done by the Institute for Human Rights reveals that more than half of these cases were related to social benefits, which citizens cannot be paid after the overturn of the municipal decision. This includes benefits such as aids, social-pedagogical support or home care. This has grave consequences for some of the most vulnerable groups in Denmark and can in some cases lead to loss of employment, new diagnoses or loss of functional capacity. While these numbers are extremely high, it is important to keep in mind that they most likely are just the tip of the iceberg, as they only cover the cases that make it to the council of appeals. Hence, many rejected requests for benefits may have been flawed, but these vulnerable citizens may not have the resources or knowledge to move it to the council of appeals.

The second, related issue is with the council of appeals itself. Because at this council, the length of proceedings is between six and eight months. Combined with the factors mentioned above, this means that during this period, citizens remain unable to access the benefits that they may be entitled to.

Combined, these two factors cause a big gap in access to justice between citizens. What is worse is, that the municipalities and government actually benefit from the length of proceedings, as this reduces the costs they have to cover for the citizens to receive the benefits they are entitled to. Formerly high-ranking public servants have made it clear that this economic interest that municipalities have in rejecting cases and depending on the long time of proceedings causes a conflict of interest, that leaves citizens worse off.

Sources:

Institute for Human Rights (2023, December). 25.000 FEJL I KLAGESAGER PÅ HANDICAPOMRÅDET. Institute for Human Rights. <https://menneskeret.dk/files/media/document/25.000%20fejl%20i%20klagesager%20p%C3%A5%20handicapomr%C3%A5det.%20Analyse%2C%20december%202023.pdf>

Institute for Human Rights (2023, December 29). Ny analyse: Fejl i over 25.000 klagesager på handicapområdet. Institute for Human Rights. <https://menneskeret.dk/nyheder/ny-analyse-fejl-25000-klagesager-paa-handicapomraadet>

Council of Appeals (2023). <https://ast.dk/arbejdsskade/for-borgere/sagsbehandlingstid-for-arbejdsskadesager>

Møller (2023, January 23). Tidligere chefjurist: Kommunernes interessekonflikt trumfer igen og igen borgernes retssikkerhed. Altinget.dk. <https://www.altinget.dk/artikel/embedsvaerket-politikernes-blinde-tillid-til-at-kommunerne-foelger-loven-er-den-stoerste-trussel-mod-borgerens-retssikkerhed>

Møller (2023, February 28). BLOG: Forråelse og vildledende ledelse på socialområdet. K-News. <https://www.k-news.dk/artikler/blog-forraaelse-og-vildledende-ledelse-paa-socialomraadet>

## II. Anti-Corruption Framework

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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 2023 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 measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*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 and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

*5000 character(s) maximum*

Revolving doors remain an issue in Denmark as of January 2024. No new measures have been taken, while new cases continue to appear of prominent members of parliament or government transfers directly from their public office to lobbying organizations. There are no signs that the current government intends to take action on the matter.

Sources:

Ritzau (2023, July 5). EU-lande lukker svingdøren for ministre - i Danmark er den vidt åben. Finans.dk. <https://finans.dk/politik/ECE16270637/eulande-lukker-svingdoeren-for-ministre-i-danmark-er-den-vidt-aaben/>

Schack (2023). Transparency-formand: En exitstrategi for folkevalgte bør blokere vejen fra politik til lobbyisme. Politiken. <https://politiken.dk/debat/art9310495/Transparency-formand-En-exitstrategi-for-folkevalgte-b%C3%B8r-blokere-vejen-fra-politik-til-lobbyisme>

General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

*5000 character(s) maximum*

Rules and measures to prevent and address 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*

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*5000 character(s) maximum*

Any other relevant measures to prevent corruption in public and private sector

*5000 character(s) maximum*



## C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

*5000 character(s) maximum*

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

*5000 character(s) maximum*

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions 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 non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

*5000 character(s) maximum*

### A. Media authorities and bodies

Measures adopted 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 (including any rules regulating the matter)

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 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, as well as any rules regulating the matter

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*

The Danish Minister of Justice, Peter Hummelgaard, announced that the Danish government is open to reform the Access to Public Administrative Documents Act to strengthen the right to access. However, he states that it will have to wait. Before summer of 2023, some opposition parties requested a parliamentary committee to review the act and put forth a proposal for revision, but this was rejected by the Minister of Justice. The same scenario played out with the last government, leaving other parties and stakeholders with the sense that the government tries to prolong the process. Recommendations for revisions were put forth most recently by the Dybvad-committee which reviewed the dynamics of collaboration between elected officials, public servants, and media.

Source: Ritzau (2023, April 21). Regeringen vil vente med udvalg til at lempe offentlighedsloven. Politiken. <https://politiken.dk/danmark/politik/art9316506/Regeringen-vil-vente-med-udvalg-til-at-lempe-offentlighedsloven>

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*

Other - 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 2023 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 consultation of judiciary and other relevant stakeholders on judicial reforms), 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

Overall, there is a challenge with short deadlines for public hearings in Denmark. In 2021, an association of Danish lawyers pointed out that short hearing deadlines and minimal inclusion of stakeholders and interested parties poses a challenge to the rule of law and the quality of policymaking. Both the length of the hearings is questioned, but also the timing. Data shows that there is an extreme peak in hearings just ahead of the summer vacation and Christmas holiday. This causes issues, as e.g. a four week deadline for a hearing is of no use to organisations and stakeholders, if key employees are out of office for (most of) this period. See in particular the Jarlbæk source below for data on this issue.

Simultaneously, the past years have made clear that the issue of short deadlines and late notices are just as present within parliament and in government, with many policy makers raising concerns about the speed of policy-making causing lower quality of policies as well as increases the risk of serious mistakes. In 2023, this issue was heavily covered by media, as exemplified in the cases in the sources. One of the worst examples of the past years is that the Parliamentary Defence Committee was asked to approve of a decision on purchase of some military equipment with just two hours of notice. Lack of response was to be taken as approval.

Sources:

Beaula (2021, June 10). Korte høringsfrister truer retssikkerheden. K-News. <https://www.k-news.dk/artikler/korte-hoeringsfrister-truer-retssikkerheden>

Jarlbæk (2022, February 22). Morten Jarlbæk: Er du på vej på ferie, så tikker der nok en ny høring ind. Altinget. <https://www.alinget.dk/embedsvaerk/artikel/morten-jarlbæk-er-du-paa-vej-paa-ferie-saa-tikker-der-nok-en-ny-hoering-ind>

Lønstrup & Krog (2023, February 10). Sådan gik det til, da Danmark i al hast købte ind for 1,7 milliarder hos omstridt våbenproducent. <https://www.alinget.dk/artikel/saadan-gik-det-til-da-danmark-i-al-hast-koebte-ind-for-17-milliarder-hos-omstridt-vaabenproducent>

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

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

## 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 of 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*

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

*5000 character(s) maximum*

## 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 and dissolution rules)

*5000 character(s) maximum*

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.

Regarding the administrative burden, one improvement was made in 2023. Many organizations struggle to open a basic bank account. This seriously impedes their ability to function at a basic level and causes great frustration to local volunteers and members. This was made clear at a public hearing, after which government presented new legislation to ensure easier access to opening a bank account. The new legislation made it clear that banks can only deny opening accounts to associations in special cases, such as in cases with suspicion of whitewashing.

Source:

Ballenstedt, Lund-Hansen & Løppenthin (2023, 29 november). Regeringen lancerer model for lettere adgang til foreningskonto. Altinget. <https://www.altinget.dk/civilsamfund/artikel/regeringen-lancerer-model-for-lettere-adgang-til-foreningskonto>

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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

There have been multiple cases of smear campaigns against organizations and activists. This year's annual Copenhagen Pride saw increases in physical, verbal, and online assaults of LGBTQIA+ persons. Similarly, there was an intense anti-trans campaign towards a group of drag artists performing a children's show at a library. Both cases showed a move in Denmark, in which both activists, organizations and individual members of the LGBTQIA+ community are not safe from attacks and verbal and online harassment. LGBTQIA+ organizations report increased threat levels, affecting organizations' work and sense of security. For some, this has led to direct contact lines to security forces and organization leaders needing to have secret addresses. These new security parameters show the sense of threat for these groups.

Another group who continues to experience negative narratives and smear campaigns are ethnic and religious minorities. Two reports documents this. The Danish Institute for Human Rights (DIHR) uncovered challenges with discrimination. They measured across societal spheres – from nightlife to job applications to interaction with police and other authorities. Secondly, the EU's Fundamental Rights Agency published a report investigating levels of racism across European countries, ranking Denmark fourth.

These reports uncover how societal narratives create an environment of discrimination towards ethnic and religious minorities. These narratives also translate into legislation – e.g. the so-called Ghetto law . The law entails criteria on the share of residents in a specific area related to both job/educational/income status, crime convictions and non-western origin. If three of five criteria are fulfilled, the area is deemed a ghetto. If an area is deemed a ghetto for four consecutive years, it is forced to bring down share of social family housing. This leads to forced evictions and demolitions solely for this purpose. The DIHR has pointed to risks of discrimination towards individuals with non-western background.

Denmark also showcases serious challenges with regards to gaining citizenship and permanent visas. Citizenship in Denmark is granted by law, through a parliamentary committee. This year, the leader of this committee had looked up individuals applying for (and having the right to) citizenship on facebook, and based on this investigation, put questions to the responsible minister regarding named applicants questioning their individual right to citizenship. His questions included applicants full name, reference to their social media profile and highlighting select social media posts, for instance messages like "Free Palestine" or a Palestinian flag.

The prime minister has publicly asked the minister of justice to investigate pro-Palestinian demonstrations for encouraging terrorism. Public attention has been paid to an increase in anti-Semitism, and the minister of justice has stated that the safety of Danish Jews and fighting anti-Semitism is of highest priority to the government.

Denmark still has not made a National Action Plan on Racism, as strongly encouraged by the EU commission and by a big group of NGO's and stakeholders.

Sources:

Danish Institute for Human Rights (2023). Oplevet etnisk discrimination i Danmark. <https://menneskeret.dk/files/media/document/Oplevet%20etnisk%20diskrimination%20i%20Danmark.pdf>

European Union Agency for Fundamental Rights (2023). Being Black in the EU – Experiences of People of African Descent. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-being-black\\_in\\_the\\_eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf)

Ritzau (2023, Nov 9). Mette Frederiksen vil have undersøgt, om Gaza-demoer opfordrer til terror. Dr.dk. <https://www.dr.dk/nyheder/politik/mette-frederiksen-vil-have-undersoegt-om-gaza-demoer-opfordrer-til-terror>

Klinge & Uldall (2023, Nov 11). Formanden for indfødsretsudvalg tjekker statsborgerskabsansøgere Facebook-profiler: 'Det er imod almindelige retsstatsprincipper'. Dr.dk. <https://www.dr.dk/nyheder/politik/formanden-indfoedsretsudvalg-tjekker-statsborgerskabsansoegeres-facebook-profiler>

Bollerslev (2018, Nov 22). Folketinget har vedtaget lov om ghettoer. Dr.dk. <https://www.dr.dk/ligetil/indland/folketinget-har-vedtaget-lov-om-ghettoer>

Holck (2021, Oct 16). DEBAT: Ghettoeloven er stadig en barriere for minoriteter og udsatte. Institut for Menneskerettigheder. <https://menneskeret.dk/nyheder/debat-ghettoeloven-stadig-barriere-minoriteter-udsatte>

European Commission (2020). EU Anti-racism Action Plan 2020-2025. [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en)

TV2 (2023, Oct 11) Utrygheden stiger blandt danske jøder – trist og uacceptabelt, siger justitsminister. Utrygheden stiger blandt danske jøder – trist og uacceptabelt,

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*

With regards to financial support, Danish civil society is, comparatively, well off. However, access to public funding is limited and unreliable, causing a sense that it is unwise to depend on this, as it can easily be cut. This year showcased multiple examples of cuts in public funding for civil society organizations working for fundamental rights and freedom from discrimination. The 2023 Financial Bill showed at least one LGBTQIA+ organization's funding was cut. As mentioned above, attacks on this group of minorities is increasing, which makes the rejection of financing of this organisation all the more striking.

In general, public funding for more political, democracy.- and rights-promoting segments of civil society is limited, whereas it is relatively strong to the less political segments of civil society, including local sports clubs, scouts, and such. 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 regarding job stability. Ultimately, this leads the sector to losing qualified employees and limits the ability to compete with the private sector regarding political engagement.

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

*5000 character(s) maximum*

## E. Initiatives to foster a rule of law culture



Measures to foster a rule of law culture (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*

One good example of an initiative to enhance a rule of law culture is a current collaboration between the municipality of Copenhagen and the Danish Institute for Human Rights. Together, they have made a campaign against discrimination, which raises awareness of a Discrimination Hotline. This hotline is open to everyone, and can be contacted by citizens in cases where they experience discrimination. On the hotline, they can access legal aid and information about their rights – for free. The campaign is a part of the municipality of Copenhagen's new action plan on discrimination.

Secondly, Nyt Europa and Global Focus, two members of Danish civil society, have received funding from the EU for a project called Fundamental Rights Initiative. This initiative has multiple goals to enhance a rule of law culture; 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.

Nyt Europa is also currently running a project called Art of Fundamental Rights in which European artists have interpreted each chapter of the Charter of Fundamental Rights, aiming at sparking conversation on democracy and fundamental rights – and making this conversation accessible for new groups. It is particularly successful with youth target groups.

Other - please specify

*5000 character(s) maximum*

An important issue to raise in the Danish system is the access to citizenship and permanent residence. Both have very strict rules that need to be adhered to, to come into consideration. For instance, you cannot have been punished for certain crimes – no matter how long ago. This leads to cases with residents, who have been convicted at a crime decades ago, cannot apply for citizenship. They only have one option: To apply for dispensation with a specific Parliamentary Committee "Indfødsretsudvalget". Here, you need to get an individual member of parliament to raise your case, to ask for dispensation. This happens behind closed doors and with no rules or guidelines to regulate the process. This opens the door for issues regarding equal treatments of similar cases. Former member of the Danish Parliament and of this specific committee, Pernille Skipper, has raised this issue in media. She refers to two completely similar cases: Two individuals had lived in Denmark for a similar period of time, both had a previous prison sentence behind them, for which they applied for dispensation. The only – and defining – difference between these two cases were their heritage. One was Ukrainian, and one was Lebanese. These cases ended up with the Ukrainian getting citizenship, while the Lebanese individual was rejected. This case is of course not possible to validate, as the doors are closed on these meetings, but this is the essence of the issue: there are no checks and balances or rules to regulate this process, creating an untransparent and unequal assessment of applicants.

Sources:

Skipper (2023, March 29). Pernille Skipper om sin tid i Indfødsretsudvalget: "Jeg vidste, at de ville afvise muslimen". Altinget.dk. <https://www.alinget.dk/etik/artikel/ernille-skipper-om-sin-tid-i-indfoedsretsudvalget-jeg-vidste-at-de-ville-afvise-muslimen>

Udlændinge- og Integrationsministeriet (2023). Betingelser. <https://uim.dk/statsborgerskab/udenlandske-statsborgere/betingelser/>

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