

2024 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, 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^[1] 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

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

* 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

Danish Bar and Law Society

Main Areas of Work

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

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

500 character(s) maximum

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

Transparency register number

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

446133945285-06

* 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

Ditte

Surname

Lund

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

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

In general, we are concerned with the development observed in recent EU regulations, directives etc. when it comes to the independence of lawyers. The necessity for independence of lawyers as an integral part of the division of powers, which is a foundation for a society based on the rule of law, seems to be increasing difficult to maintain when new suggestions for regulations and directives are developed and debated.

Questions for contribution

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
- ☐ Sweden

I. Justice System

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

In the 2023 Rule of Law report, the case handling times at the Danish courts was once again mentioned as a justice issue. The Danish government has for the finance bills of 2023 and 2024 allocated significantly higher sums to the courts, which we expect will have a positive effect lowering the waiting time. However, on the human resource side, it is expected to take some time to have enough sufficiently trained judges. Another challenge is that the government has also introduced some reforms to cut costs. But in our view, these reforms have significant negative impacts on access to justice while at the same time only very low economic impact. In our view they are unbalanced and problematic. Specifically, three elements are worrying: 1) increased limits to the small claims process, where the amount limit is raised from DKK 50.000 to DKK 100.000. This will make it more difficult for citizens to get assistance from a lawyer and coverage from their legal aid insurance. 2) the appeal limits in civic cases are to be raised from DKK 20.000 to DKK 50.000, also making it difficult for completely justified claims to be tried at more than one level. And 3) in criminal cases, the suggestion is to raise the level for jury trials from cases with a penalty framework of now four years to six years. We have through the latest year seen an increase in jury cases due to political decisions to increase the penalty framework for a number of offenses. Changing the limit on jury trials decreases the access to justice for the defendant.

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

In Denmark, the political interest to give priority to the most serious criminal cases, to ensure short processing time, is still prevalent. In February 2023 we saw a shift in the focus for this prioritization. Where "VVV cases" (violence, rape and weapons) was given highest priority earlier, the new focus was changed to PFK - (crimes dangerous to persons) and PRIO cases (cases which, according to the prosecution's assessment, will lead to an unconditional custodial sentence). The purpose of this is to create a consistent prioritization throughout the chain of criminal proceedings.

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

The courts in Denmark are governed by the Council for the Judiciary (Domstolsstyrelsen), which has the status of an agency under the Ministry of Justice. The Danish Council for the Judiciary is managed by a board of directors and a director. The members of the board, the majority of which are judges and other employees at the courts, is appointed by the Minister of Justice. The Minister of Justice has no instructional powers over the Council for the Judiciary. The director is appointed and dismissed by the board. There is thus a degree of arm's length, although not complete independence in principle, between the Ministry of Justice (the executive branch) and the Council for the Judiciary (the judicial branch).

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

As the Bar and Law Society in Denmark, we in general experience a high degree of independence. We would however like to draw attention to two issues, one regarding training of lawyers and one regarding appointment of lawyers / admission to the bar.

Training of lawyers, which we have also informed about later in this questionnaire, is conducted by the Danish Bar and Law Society in collaboration with the Civil Affairs Agency under the Ministry of Justice through a joint committee, led by the Danish Bar and Law Society.

The appointment of lawyers and subsequently admission to the Bar is done by the Civil Affairs Agency under the Ministry of Justice according to some objective criteria.

It is important to note, that in practice we do not experience any issues with this, but structurally, this is not completely in line with the principles of an independent Bar.

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

5000 character(s) maximum

We have had a few high-profile cases in Denmark within the last year, where principle issues have been handled. We do not have data that suggests, that these has affected the general public's perception of the independence of the judiciary, but we have seen some degree of sceptism in the public with regards to the way the justification for these cases. Particularly, the case relating to the Danish Defence Intelligence Service (DDIS), have sparked debate around several questions of principle when it comes to Rule of Law. The case involved the former Minister of Justice Claus Hjort Frederiksen and the Chief of the Danish Intelligence Agency Lars Findsen, who were both accused of leaking state secrets. One of the questions of principle have been whether the accused in the case have had the opportunity to conduct an independent defence. On the basis of an inquiry from the two defence lawyers to Lars Findsen about the closed nature of the case and the application of the departmental security notice. The Danish Bar Council chose to provide support to the lawyers in order to ensure that the procedural framework for conducting a defence was in accordance with the legal requirements, e.g. that the defence could be conducted completely independently of the state power. In November 2023, the public prosecutor's office dropped the charges against Lars Findsen and Claus Hjort Frederiksen, after the Danish Supreme Court decided that the prosecution would have to make their sources and evidence partly public if they wanted to proceed with a trial. The Danish Bar Council has, in reference to this, requested the cases to be subjected to a thorough investigation into how the authorities have handled it, whether the legislation has been complied with, and whether the necessary and relevant steps (and only these) has been taken by the authorities.

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

The Danish Bar and Law Society is pushing for re-activation of the pre-legislative committee established by the then-government in 2020. The committee was established revise the regulations regarding legal aid and free process. The committee was put on hold due to Corona and set to be revived by Summer 2023. However, at present, the committee is still dormant and results remains to be seen. We find that this poses an Access to Justice issue.

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

More funding has been allocated for the Courts from 2023 and onwards. This is highly welcomed by the Danish Bar and Law Society as well as other stakeholders. A transition period until enough personnel has been recruited and trained is to be expected, before the full impact on lower processing times can be expected.

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

5000 character(s) maximum

The Danish Bar and Law Society offers the initial training of new lawyers. The programme is defined by the Ministry of Justice and The Danish Bar and Law Society together, through a joint Education Committee. The programme is increasingly popular, and in 2023 we have had to offer one extra class. Furthermore, we have introduced reserved places for assistant attorneys/lawyers, as the programme is also sought by law graduates with different careers, e.g. public employees, prosecutor trainees etc. The increased interest in the programme is, we find, a positive development. With regards to continuous training, the Danish Bar and Law Society has in 2023 updated its policy on what is accredited. From May 2023 the criteria include courses that do not primarily have a legal aim and content, but which may nevertheless be of importance to the legal profession. Examples of this include courses in management, project management, business understanding and communication. Due to the Danish opt-out from the EU cooperation in the area of justice, Danish lawyers cannot partake in EU funded training activities regarding the e.g. European courts. This can be seen as a barrier, because European legislation and regulation also to a wide extent applies to Danish citizens and companies.

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

With regards to probate matters: A new electronic probate portal has been introduced, which supports routine tasks digitally and eases the administrative burden. Resources are thus freed up for other tasks, and challenges with waiting times and the risk of not being notified in time for claims are reduced for creditors. The judgment database: electronic in January. 2022, but only with new judgments after this date. This means that history is not included. This presents challenges. Electronic identification: MitID has replaced NemID, and makes it possible in many contexts to identify oneself electronically, which provides better opportunities for technological support in many aspects of the justice system, both in relation to the courts/trials and in relation between lawyer and client, regardless of whether the client is a private person or company. We have actively followed the discussions of the EU's upcoming AI Act, and hope that it will be sufficiently inclusive to provide the necessary opportunities to increase access to justice for many groups in society, both private individuals and companies.

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

In 2022, the Danish Court Database was launched. The database increases transparency, even though it does not presently offer statistics or other forms of quantifiable data. The database does, however, not include all judgements passed, and primarily from 2022 onwards.

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

We have seen average processing time for the main legal proceedings in jury cases up to about 8.5 months, 7.7 months for the main legal proceedings in cases with lay judges, and 7.5 months for the main legal proceeding in cases without lay judges.

The processing time for main legal proceedings in general, civic cases has been up to 20.6 months and 14.5 months for small claims cases.

We have reached the highest processing times in ten years.

Other - 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 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

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

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

(Cf. Article 30 of Directive 2018/1808)

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

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

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

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

5000 character(s) maximum

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

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

The Danish Bar and Law Society (DBLS) would like to highlight the following thematic areas regarding the Rule of Law in Denmark.

Pre-trial detention

Denmark remands far more than comparable countries. In terms of legal certainty this is a challenge, as remand prisoners have not been sentenced and are held under far more restricted conditions compared to post-conviction inmates.

According to statistics from the Council of Europe's annual report on the prison population, 38 percent of all inmates in Denmark are held in pre-trial detention.

We hear from legal experts and defence council, that the prison conditions under which pre-trial detainees are held, are not taken seriously enough into account when the courts decide to prolong pre-trial detention. We see examples where no or very little progress has been made in the investigations since the last court hearing. We see examples, where pre-trial detention is being upheld, even when the investigative steps it was based on, has been concluded. The DBLS finds it difficult to understand why we in Denmark is less inclined than our neighbouring countries to investigate a crime when the charged/indicted is not detained. It is stated in the Administration of Justice Act that pre-trial detention cannot be used 'if the deprivation of liberty will be disproportionate to the resulting disruption to the accused's relationship, the importance of the case and the legal consequences that can be expected if the accused is found guilty'

The increasingly long waiting times in the Danish courts and lengthy investigations, should lead to the courts paying more attention to how intrusive custody is for charged persons, even though we acknowledge, that such cases are given priority. If a person has been charged, and the trial date has been set, they can be held in pre-trial detention until then, without further consideration. From this follow, that the prolonged case handling times does in some cases lead to charged persons being held in pre-trial detention for very long periods of time. Even though the Danish Criminal Act (straffeloven) section 765 makes it possible to use less intrusive measures than detention, it is not used often.

Legal Aid

In Denmark, work on a reform of the legal aid system has dragged on, which means that legal aid functions far from optimally. In 2020, the then government set up a legislative committee to review the rules on legal aid and free process. The work was put on stand-by due to Corona, and extended until the summer of 2023. But at this time, there is still no result of the work and the committee seems inactive. The DBLS finds it problematic that such important work is not given a higher priority.

Reform of the judicial framework for the Courts

Referring to our input in Section I regarding the Justice System, the DBLS would like to express, that we are pleased to see an increased budget for the Danish courts in line with our analysis "Danish Courts on the heels".

However, with the recent political agreement on "simplifying the administration of justice", increased funding was coupled with initiatives to reduce costs. We are concerned that the initiatives aimed at simplifying and cost-reduction will lead to a lower degree of access to justice for Danish citizens.

These new initiatives introduced with the political agreement are problematic, because they harm citizens' legal certainty. We are concerned by the extension of the so-called small claims process for civil cases, where the amount limit is doubled with the agreement.

In the small claims process it is implied that no legal assistance is needed during the pre-trial phase of the case. Awarded costs in the small claims process may only cover the hearing, based on an hourly rate. Legal assistance in the pre-trial phase must be covered by oneself. Therefore, it will be expensive to get

assistance from a lawyer, since also legal aid and legal aid insurance coverage follows the court's decision on awarded costs.

Furthermore, the amount limit for the right to appeal is increased, which means that citizens and small businesses will lose the opportunity to have cases tried at the high court. Completely justified claims that are of decisive importance to them, for example in connection with employment law disputes, may thus no longer be tried twice.

With regards to criminal cases, the limit for jury trials is raised from minimum four to six years' imprisonment. A number of cases will therefore in future only be assessed by one legal judge rather than by three and by fewer lay judges. The change must be seen in the light of the fact that more jury trials are being held today because the politicians have increased penalties in a number of areas. Instead of raising the limit for when a case must be treated as a jury trial, one could also politically let the money follow the austerity.

Contact

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