



A CLOSER LOOK AT THE COURTS OF DENMARK



FACTS ABOUT THE COURTS OF DENMARK

The Courts of Denmark

The Supreme Court

Two high courts

24 district courts

Two specialised courts: the Maritime and Commercial High Court and the Land Registration Court

The Court of the Faroe Islands and the Courts of Greenland

The Appeals Permission Board, the Special Court of Revision and Indictment, the External Activity Review Board, the Judicial Appointments Council and the Danish Court Administration

Employees

The Courts of Denmark employ roughly 2,400 employees, including some 380 judges.

Any case will have a presiding judge, but the number of judges will vary according to the size of the district and the district population.

The courts do not only employ judges: they also employ administrative officers and jurists who prepare and process cases, plan hearings, answer questions from citizens, perform the function of court registrar and handle many other tasks. The courts also employ court attendants to be in charge of security and service.

Budget

The Folketing determines the annual budget for the Courts of Denmark. The budget for 2014 was DKK 1.8 billion. About one-third of the budget goes to salaries and the remainder to buildings, IT, development, training and education, and administration.

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THE INDEPENDENT POWER OF THE STATE

Since the adoption of the Danish constitution in 1849, the decision-making power in Denmark has been divided into the legislative, executive and judicial branches. The principle of a three-way separation of power and the independence of the courts of law help ensure democracy and the legal rights of the country's citizens.

The Danish parliament (the Folketing) has the power to legislate: it enacts laws and lays down minimum and maximum penalties for violating the law. The Government has the executive power and ensures that the law is enforced in cooperation with the public administration. The courts of law are the judicial branch and have the power to determine how the law should be interpreted in individual cases.

Within the framework of the law

The independence of the courts of law means that the judges may not allow themselves to be influenced by political or other irrelevant interests when passing judgment. They are to follow the law exclusively and adjudicate within the framework of the law. If the Government and Folketing want to make sentencing

stricter or more lenient, it requires a change of law. Not until then do judges change their legal practice, i.e. the way in which they adjudicate individual cases.

To ensure the independence of the courts, the constitution protects judges from being fired or transferred to a different job. This serves to prevent the Folketing or the Government from dictating or influencing the decisions made by a judge.

One of the tasks of the courts is to ensure that the other two branches of government obey the law. The courts must ensure that the legislation enacted by the Folketing is in accordance with the constitution and the international law that Denmark has undertaken to observe. The courts may thus declare a

All rise when the judge reads out the verdict in court.



statute enacted by the Folketing invalid if it is contrary to the constitution or any EU legislation. The courts may also conclude that a decision made by a public authority, e.g. a ministry, is invalid.

Due process of law and equality before the law

Due process of law concerns the personal and political rights you have as a citizen. These rights are described in the law, and the responsibility of the courts is to protect each citizen against any abuse of power on the part of the authorities. If you believe that an authority has acted contrary to the law, you can bring the matter before a court of law, which will then make a decision in the matter.

Due process of law also implies that there is equality before the law for everyone. This means that how you are treated by the authorities or judged in a court of law is not arbitrary. Cases that are alike must be processed and decided in the same way.



The Roman goddess Justitia is often used as a symbol of justice.

A judge will always take legal practice into account, i.e. how similar cases have been adjudicated in the past, before passing judgment.

The law also contains rules on how the courts of law should deal with different types of cases and rules on how citizens can complain about a decision and appeal their case to a higher instance if they believe that the court has made the wrong decision.



GREATER INDEPENDENCE

In Denmark, the independence of the courts of law has increased over time. The most recent change was made on 1 July 1999, when the Act on the Judicial Appointments Council took effect. At the same time, the Danish Court Administration became an independent agency under the Courts of Denmark. The Administration forms part of the justice system of the Ministry of Justice, but it has its own managing director and executive committee that take decisions independently of the Government and Folketing.





THE DANISH LEGAL SYSTEM

The district courts, the high courts and the Supreme Court represent the three basic levels of the Danish legal system, but the Courts of Denmark also comprise a range of other institutions with special functions.

The Danish legal system is based on the so-called two-tier principle, which means that the parties to a case generally have the option of appealing the ruling of one court to a higher instance. The higher court can then either reach the same conclusion (uphold the ruling) or change the ruling.

Most cases begin at district court level with the option of appealing to one of the high courts. If a case was initially heard at district court level, it may, in special cases, be brought before the third and highest instance: the Supreme Court.

The district courts

There are 24 district courts in Denmark. As a general rule, all court cases start in one of the district courts. In special cases, the district court can refer a civil case to the high court if the case has to do with principles of general interest.

Court cases can generally be divided into civil cases and criminal cases. Criminal cases are cases that have been investigated by the police and in which the court must decide whether an individual is guilty and should be punished for committing an offence. Civil cases are cases in which one party wants the court's help in pursuing a claim against another party or an authority, e.g. a local authority. The cases before the district courts are normally heard by one judge, but a few cases are heard by three judges. In criminal cases in which the prosecution claims punishment by imprisonment, lay judges are also involved.

The enforcement courts and the probate courts are divisions under the district courts. Enforcement courts help enforce claims, e.g. claims for payment according to a court ruling or an instrument of debt. The enforcement courts also hold forced sales of real property.

The probate court handles the administration of estates when the assets of the deceased are to be transferred to heirs or creditors. The probate court also administers insolvency cases such as bankruptcies and applications for debt restructuring.

The high courts

The high courts are the instances of appeal for the district courts. In most cases, a district court ruling can be appealed to one of the two high courts of Denmark: the Western High Court in Viborg, which handles cases from Jutland, or the Eastern High Court in Copenhagen, which takes on cases from the rest of the country. High court cases are normally heard by three judges. In criminal cases, lay judges may also be involved.

The Supreme Court

The highest instance in the Danish legal system is the Supreme Court. Located in Copenhagen, it is a court of appeal dealing with rulings by the high courts and precedent-setting cases from the Maritime and Commercial High Court. If a case is initially heard at high court level or by the Maritime and Commercial High Court, both parties have the right to appeal the case to the Supreme Court. However, if a case was initially heard at district court level and then appealed to the high court, an application must be submitted to the Appeals Permission Board for permission to bring the case before the third instance, i.e. the Supreme Court. Supreme court cases are normally heard by five judges.

Being the highest instance, the Supreme Court must mainly determine, through its rulings, what the legal position should be, and it lays down guidelines on how judges in the district courts and high courts should handle similar cases in the future. The Supreme Court is responsible for creating clarity as to how Denmark's courts of law should interpret the law, which

means that the Supreme Court most often hears precedent-setting cases. The Supreme Court never takes a position on guilt or innocence in criminal cases: only on the sentence.

The Maritime and Commercial High Court

The Maritime and Commercial High Court in Copenhagen is a special court that only handles certain types of cases. The court is divided into two divisions: the legal division and the probate division. The legal division deals with international commercial cases, competition cases and cases about patents, designs or trademarks. The probate division handles all cases from the Greater Copenhagen Area relating to bankruptcy, debt restructuring, reconstruction and the compulsory winding up of public and private limited companies.

In the rest of the country, such cases are handled by the probate divisions of the district courts.

The judgments passed by the Maritime and Commercial High Court may be appealed to the high court or the Supreme Court depending on whether the case is precedent-setting or not.

The Land Registration Court

The Land Registration Court is located in Hobro, but in practice all registration of property has been digital since 2009. In Denmark, registration of property involves the registering of all rights to real property and other assets. Such rights include rights to an owner-occupied home or a charge, e.g. in a car or in the assets of a company. About 75 % of all property registration cases are processed automatically in less than five seconds, whereas the remainder, typically more complicated applications for registration, are processed manually in the Land Registration Court.

THE STEPS OF A CASE FROM DISTRICT COURT TO THE SUPREME COURT



DISTRICT COURT

In August 2013, a man was charged in district court with violating the gun laws because he had bought and kept a loaded pump gun in his home without a licence. The prosecutor argued that he should be convicted under the particularly serious weapons offence section of the Criminal Code rather than of a simple violation of the Offensive Weapons Act because there was an imminent risk that the weapon would be used, thereby bringing people in danger. The district court ruled that the man could only be convicted of violating the Offensive Weapons Act, and, accordingly, the judge sentenced him to six months' imprisonment.



HIGH COURT

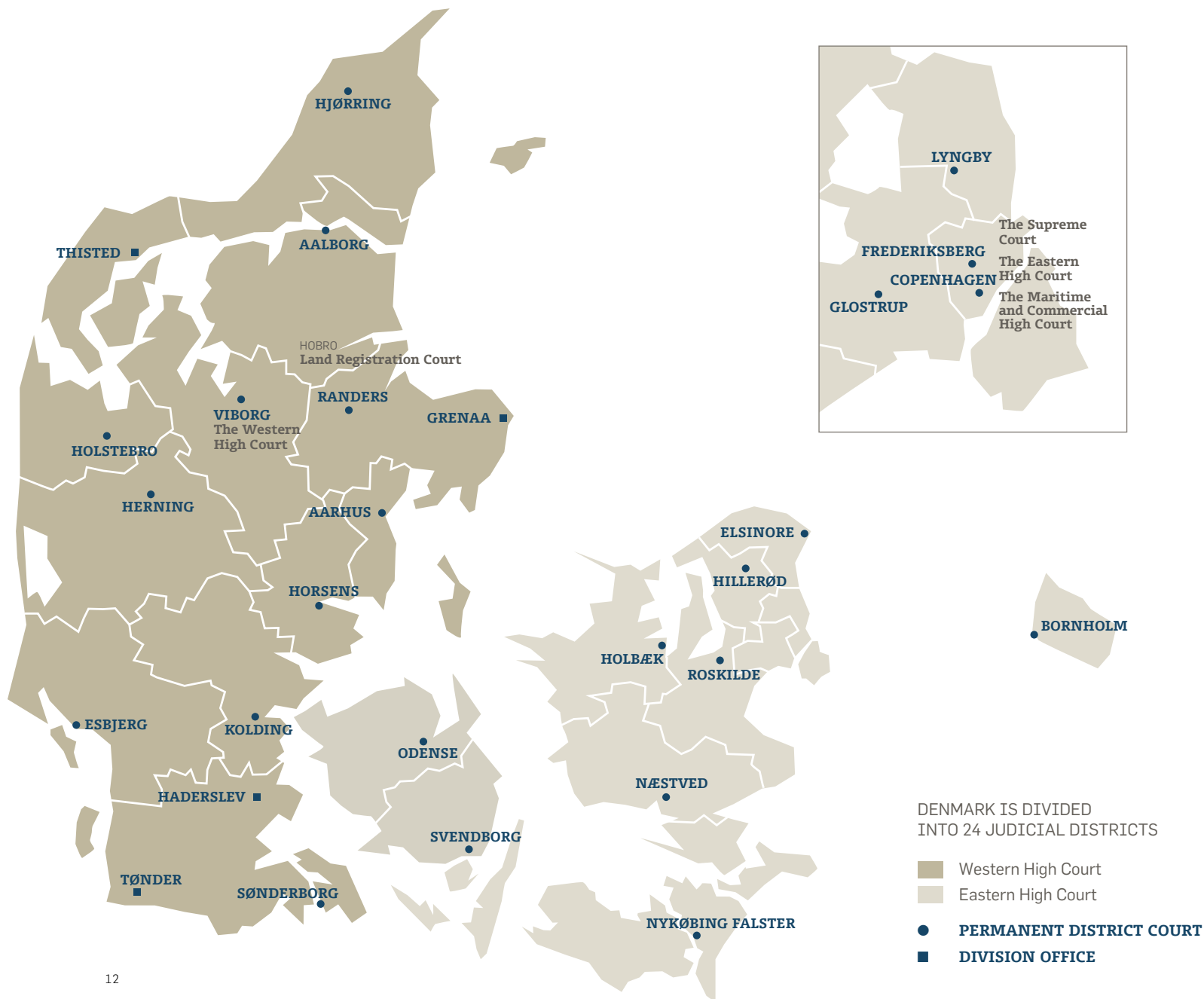
The prosecution appealed the case to the Western High Court. The High Court reached the conclusion that the conditions had been fulfilled for sentencing him under the particularly serious weapons offence section. The High Court emphasised the importance of the accused's previous arson conviction and the fact that the weapon was left loaded in his home. At the same time, the accused kept two illegal air rifles in his home, and he had fired the pump gun when intoxicated. In October 2013, the High Court passed judgment, finding for the prosecution and raising the sentence to one year's imprisonment.



THE SUPREME COURT

The accused, who had now been convicted in two instances, was given permission by the Appeals Permission Board to appeal the judgment of the High Court to the Supreme Court. The Supreme Court took into account that the accused had no connection with any criminal environment and that the previous conviction concerned arson of an abandoned house. The Supreme Court concluded that there were no grounds for applying the particularly serious weapons offence section of the Criminal Code and convicted the accused of violating the Offensive Weapons Act, just as the district court did. The Supreme Court thus upheld the sentence of six months' imprisonment set by the district court in June 2014.

DENMARK IS DIVIDED INTO 24 JUDICIAL DISTRICTS



GREENLAND

The Courts of Greenland

The Courts of Greenland consists of four district courts, the Court of Greenland and the High Court of Greenland. Depending on the type of case, either one of the four district courts or the Court of Greenland hears cases as the first instance, whereas the High Court of Greenland hears cases as the second instance. Decisions made by the High Court of Greenland may be brought before the Supreme Court subject to the permission of the Appeals Permission Board.

The Court of the Faroe Islands

The Court of the Faroe Islands is located in Tórshavn, and its judicial district comprises all the Faroe Islands. The Court of the Faroe Islands hears the same types of cases as the district courts of Denmark. Rulings made by the Court of the Faroe Islands can be appealed to the Eastern High Court.

The Appeals Permission Board

The Appeals Permission Board processes applications for permission to bring cases before the Supreme Court, i.e. a leave to appeal to the third instance. The Board also processes applications for permission to appeal cases that are normally only heard in one instance, along with complaints about rejections of applications for free legal aid.

The Special Court of Indictment and Revision

The Special Court of Indictment and Revision considers requests for a new trial in criminal cases. It also handles dismissal cases and disciplinary cases relating to judges and other jurists employed by the courts. Additionally, the Court processes cases in which a defence counsel has been excluded from a criminal case.

QAASUITSQQ

QEQQATA

SERMERSQOQ

NUUK

KUJALLEQ

FAROE ISLANDS

TÓRSHAVN

Court room in the Western High Court in Viborg.



The External Activity Review Board

Any judge must apply to the External Activity Review Board for permission to take a secondary job with a fixed income, e.g. the office of chairman of a council or committee. The Board registers how much money judges make and can enforce sanctions against judges not complying with the rules on such external activities. Each year, the Board publishes a list of such activities so the information is available to the public. The Supreme Court performs secretarial duties for the External Activity Review Board.

The Judicial Appointments Council

The Judicial Appointments Council is an independent council that handles applications for vacant positions as judges. The only exception is the President of the Supreme Court, who is appointed by the Court's own judges. The Council makes a recommendation to the Minister for Justice and can only nominate one candidate for each position. The Danish Court



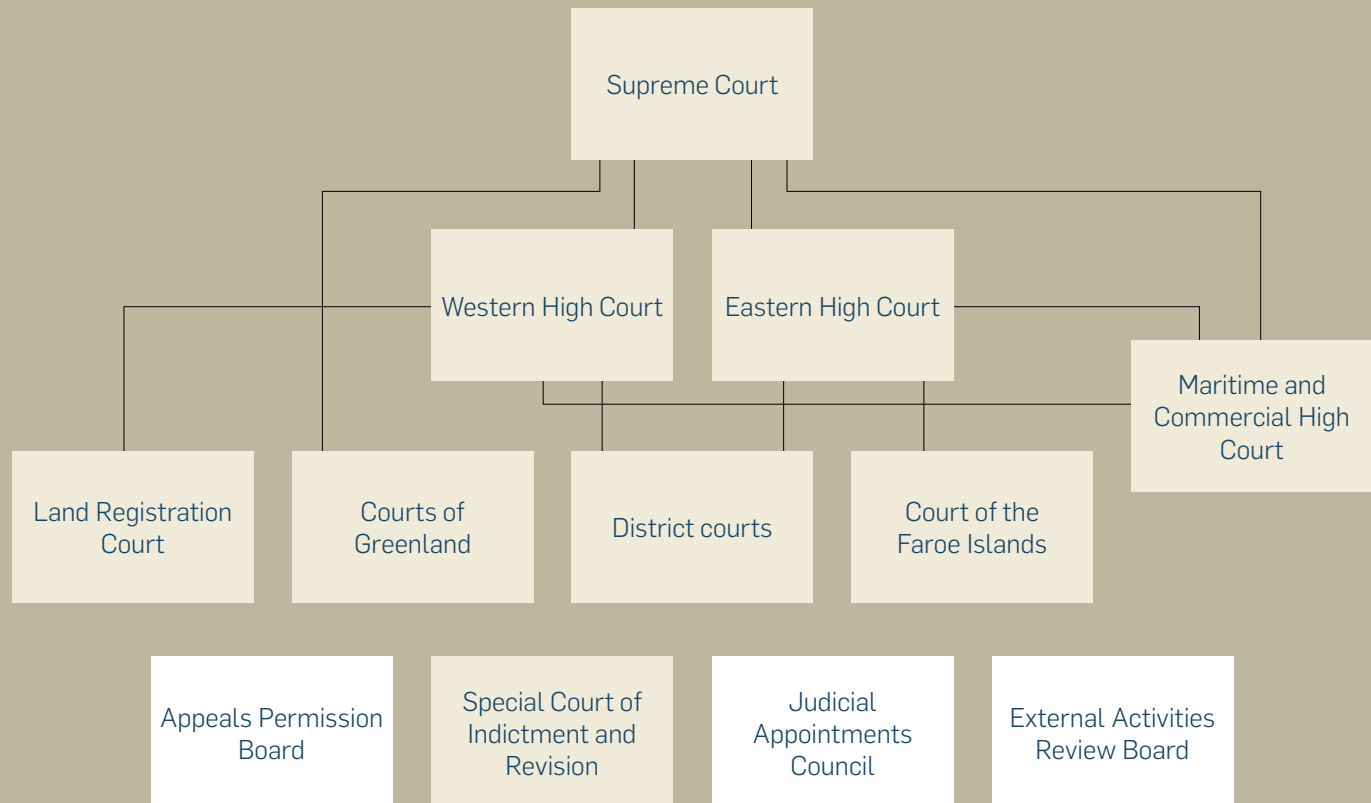
The highest instance in the Danish legal system is the Supreme Court in Copenhagen.

Administration performs secretarial duties for the Judicial Appointments Council.

The Danish Court Administration

The Danish Court Administration is an independent agency in charge of administering the Courts of Denmark. The Administration's Board of Directors consists of representatives of the court staff, users, the universities and the Danish employment council. The Board of Directors appoints a managing director to be in charge of day-to-day affairs, court budgets, and the allocation of resources to the courts. Formally and in terms of funding, the Administration is an agency under the Ministry of Justice, but the Minister cannot change decisions made by the Administration.

THE COURTS OF DENMARK



The Danish Court Administration



FOR ALMEEN SIKKERHEDEN

FOR LAW AND JUSTICE

The Courts of Denmark play a special role in society, and our vision, values and goals are aimed at ensuring a high degree of professionalism and high level of service for all users of the courts.

The duty of the courts is to protect our democracy and society as founded on the rule of law, as well as the legal rights of individuals. Their duties are laid down in the constitution and the more than one thousand sections of the Administration of Justice Act. But legislation does not set out how the Courts of Denmark should develop as an organisation. Consequently, the employees and administrators of the courts have defined a common vision and values and four overall objectives for the period from 2013 to 2018.

The common vision

The courts work in a contemporary and professional manner for law and justice by making the right decisions at the right time – decisions that are well-founded and easy to understand. In this way, we earn the trust and respect of the population.

Values

The courts are based on strong values that we do our best to live up to every day and in all contexts, both externally and internally.

ACCOUNTABILITY

The courts must make correct, justified and clear decisions in a timely manner. We must therefore have the necessary professional and people skills to perform our tasks to the highest possible standards of quality and efficiency.

Everyone at the courts is jointly responsible for the results of both the individual courts and the system as a whole. For this reason, we share knowledge and we develop and encourage the use of best practices.

RESPECTFUL TREATMENT

We treat everybody properly and with respect. We are sympathetic about their individual situation and background, and we respect diversity. We express ourselves in language that is easy to understand, both in speech and in writing.

CREDIBILITY

In the courts, we work according to the law, and we are trustworthy. We are not influenced by extraneous considerations. We are impartial and neutral, and we are aware that we must appear as such at all times.

OPENNESS AND RECEPTIVENESS

The courts must be open and accessible to all. We cooperate with each other and our service users in respect of the framework that applies to the courts. We endeavour for the courts to develop in a contemporary way as an organisation and as a workplace.

The four main objectives

The Courts of Denmark have a number of objectives and focus areas for 2013 - 2018. There are four main objectives for the period and a number of focus areas that are important in order to achieve these objectives. Digitalisation of the courts plays an important part in all our goals and focus areas.

1. Short case-processing times

The courts' case processing times are of great importance. Every day the courts make decisions or take actions that affect the individual citizen or company. Case processing times must

The courts must be open and accessible to all.



therefore be short and uniform across the country so that people with similar cases will have their cases processed within the same time frame – no matter where the case is handled. It is our ambition to reduce case processing times and achieve consistent processing times in similar cases.

2. More consistency in the performance of tasks

In many areas, it is important to our service users that the courts' case processing and administrative procedures become more uniform.

As a result, it is our ambition that the courts implement a range of projects aimed at achieving more consistency in their work procedures.

3. Contemporary communication

A significant prerequisite for maintaining confidence in the courts is that the population knows and understands the decisions and function of the courts in society. Our communication must be comprehensible and contemporary, both in and outside the courtroom.

The court must be a place where both users and employees are at ease. For example the courts have conference rooms specially designed for interviewing children.



It is our ambition to increase public awareness about the courts in general and case law, both through the means of better communication and by modernising the language used in court.

4. Continue to be an attractive public workplace

It is a prerequisite for achieving our overall objectives that everyone at the Courts of Denmark are highly qualified and competent. The courts should be an attractive workplace able to attract and retain highly qualified employees.

We must therefore spread the word that the Courts of Denmark are a workplace with strong values that offers professional challenges for individuals and exciting working tasks that are highly relevant on a societal level. We must also advertise and expand opportunities for continued professional development and skills development for all employees.

It is our ambition to make The Courts of Denmark one of the country's most attractive public-sector workplaces in 2018.







MANY DIFFERENT TYPES OF CASES

Every day, the courts rule in a large variety of cases concerning everything from unpaid phone bills and child custody to terrorism and gang crime.

Civil cases

Civil cases can be brought before the district courts by individuals and companies to settle disputes between them and another party. The party who brings a civil action before the court is called the plaintiff. The party who is being sued is called the defendant. A case may concern, for example, a car owner who is not satisfied with a repair job and is unwilling to pay the invoice from the garage. The garage (the plaintiff) can take the case to the court, claiming that the car owner (the defendant) must pay the invoice. During the case, the car owner can have the quality of the repairs assessed by an expert, and the court will then determine whether or not the car owner must pay the invoice. The court may rule that the car owner

must pay the entire invoice or only part of the invoice, or that he is not required to pay anything at all.

Civil cases may also be brought by private individuals against public authorities, e.g. if a public authority has rejected a building permit application.

Parties to civil cases can be private individuals, companies, associations, estates of deceased persons, estates in bankruptcy or public authorities. Cases can be about almost anything, such as defects relating to the purchase of a home, employment matters, insurance policies, damages or child custody.

Criminal cases

Criminal cases are cases that have been investigated by the police and in which the court must determine whether or not an individual is guilty and must be punished for committing an

The judges of Danish courts wear gowns in the court room.

PRELIMINARY STATUTORY HEARING

When the police have arrested and charged a suspect and want to detain the suspect for more than 24 hours, a preliminary statutory hearing must be held. During this hearing, the judge determines whether the police are permitted to continue to detain the suspect. The judge will assess whether the conditions of the Administration of Justice Act for detaining an individual before he is convicted of an offence have been satisfied. A preliminary statutory hearing takes place in the district court in the judicial district where the crime was committed.

offence. The cases concern everything from traffic offences, shoplifting and financial fraud to homicide.

Once the police have completed their investigation, the public prosecutor may indict the suspect if the prosecutor believes that there is sufficient evidence that this person committed the offence. At this point, 'the suspect' becomes 'the accused'. The accused will be summoned to a court hearing and, in certain – often major – cases, be offered representation by a court-appointed attorney.

Less serious cases will be heard by a single judge. These may be cases concerning traffic offences or cases in which the prosecutor does not request a penalty more severe than a fine. Criminal cases concerning offences of a more serious nature will involve lay judges or jurors. However, if the person charged pleads guilty, the case will be heard without lay judges (see page 33).



When the court rules in criminal cases, it will first consider whether the accused is guilty of the charges. Once the question of guilt has been determined, the court will impose a sentence.

Enforcement cases

In enforcement cases, the enforcement court helps the plaintiff by enforcing a claim. If a private individual or a company owes money to someone, the person to whom the money is owed (the creditor) can bring the matter before the enforcement court if the other party (the debtor) refuses to pay. Before the case can be heard by the enforcement court, the claim for payment must first be established by way of a judgment or a special document, e.g. a mortgage or a debt instrument with the debtor's signature.

The enforcement court can collect money from a debtor by granting the creditor a charge on the debtor's assets or by selling the debtor's car at an auction in order to pay the creditor. The enforcement court can also evict a tenant from his or her



home if he or she has failed to pay rent, or it may assist a parent in gaining access to his or her child if the other parent does not observe the visitation agreement.

Estate administration cases

When a person dies, the probate court must determine how the estate should be administered and who should inherit. If spouses do not agree on how to divide their assets in connection with a divorce or legal separation, they may ask the court to administer their joint assets. Estate administration cases may also have to do with bankruptcy, debt relief, compulsory

The first division of the Supreme Court.



dissolution of companies, reconstruction or bankruptcy quarantine.

Property registration

Property registration cases are about the registration of rights in real property. When a document is registered, e.g. the conveyance for a house, the rights will be publicly registered in the land register. As a result of this registration, the owner has the legal right of disposal of the house. The registration ensures that no one can sell a house that they do not own. It is possible to register documents dealing with ownership rights, mortgages or other rights in real property. For example, it is possible to register the hunting rights for a plot of land, a contract of sale or a loan agreement. Local development plans and other public rights must also be recorded in the land register.

All registrations are now made electronically at the portal: www.tinglysning.dk. Most cases are processed automatically in less than five seconds.

All courts employ court ushers who show the users where to go.

Notarial services

A notary public can confirm the identity of a person who signs a will or another document. An endorsement by a notary public is a guarantee that the signor understands what it means to make a will.

A notary public can also be present and confirm that a certain person has signed a specific document, e.g. a manager of a company signing a contract with a foreign company.

BOARDS AND COUNCILS

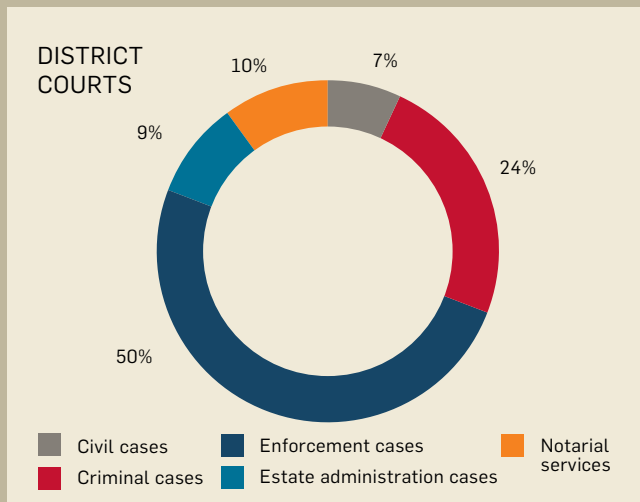
Conflicts and disputes may also be settled by institutions other than the courts. Denmark has a large number of public boards, councils, etc., each with their own specialty – e.g. the Danish Press Council and the Danish Consumer Council – that settle complaints. Finally, there are also a number of industrial arbitration tribunals that hear cases. These tribunals are private-sector institutions similar to courts, and they are primarily used in connection with disputes between two companies that want to avoid a public court case.



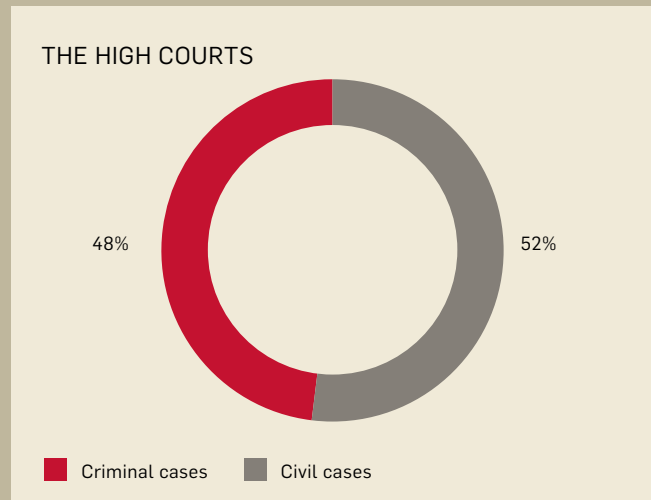
NUMBER OF CASES CLOSED

In 2014, the district courts closed 710,893 cases, the high courts 13,103 cases, and the Supreme Court 265 cases.

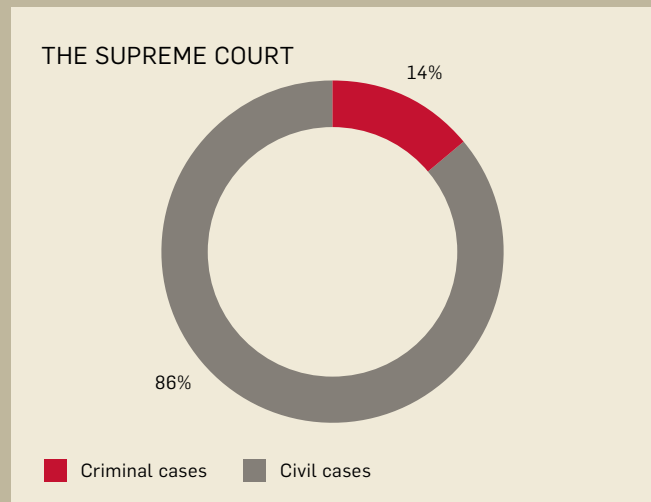
BREAKDOWN OF CASES BY TYPE, 2014



Enforcement cases represent slightly more than half of the cases heard before the district courts, which also hear a large number of criminal cases.



The high courts hear almost as many criminal cases as civil cases.



Only few criminal cases concern aspects of general public importance, which means that the Supreme Court mostly hears civil cases.



MEDIATION: A GOOD ALTERNATIVE

Mediation is a voluntary offer of assistance from a third-party mediator to assist in settling issues between the parties to a case. In this way, no judgment is delivered, and neither party loses or wins the case.

Mediation can in principle be used in all types of cases, with the exception of criminal cases. All parties benefit if a dispute is resolved directly between the parties without a judgment being delivered. In legal proceedings, the court decides which of the parties is right according to current law. The purpose of mediation, on the other hand, is to determine why the parties disagree and to find a solution that will help them move on. Mediation is often less time-consuming, compared with court cases.

Increased focus on settlement and mediation

All the courts in Denmark, with the exception of the Supreme Court, have since 2008 offered mediation in civil, probate and enforcement cases. On 1 July 2014, new rules were introduced that are intended to encourage judges and attorneys to focus more on settlement and mediation. However, use of mediation is still not very widespread.

A 2014 survey of 28 EU member states showed that mediation is only used in one per cent of all cases heard in the member states. Consequently, efforts are being made in Denmark and internationally to increase awareness and use of mediation.

Voluntary dispute resolution

If a case is suitable, the court will often suggest mediation, but the parties can also request mediation on their own initiative. The court will then appoint a mediator, who could be a judge with special training or an attorney.

During mediation, both parties must be willing to listen to each other's views and to compromise. The task of the mediator is to assist the parties in identifying the real reasons for the dispute and in gaining a better understanding of their own motives and views along with those of the other party.

The object of mediation is for the parties to find a solution themselves taking into account the needs and interests of both parties to the extent possible. Spouses in divorce proceedings or the parties to an enforcement case concerning an unpaid bill, for example, would benefit if they reach a solution together. The parties will be jointly responsible for the solution, and it will provide them with a good opportunity to put the dispute behind them and continue their cooperation or private relations. Mediation meetings are closed to the public.

Agreement on solution

The mediation will end when the parties have reached a solution, or if requested by one of the parties. The mediator may also end the mediation even if both parties want it to continue. If the parties to the mediation can agree on a solution to their dispute, they enter into an agreement. If they fail to agree, the case will continue until a judgment is delivered in the case.



OPENNESS AND TRANSPARENCY

People's confidence in the legal system is crucial. Consequently, disputes must be resolved in an open court system that is accessible to citizens, the media and the general public.

According to the Danish constitution, the administration of justice must be public to the greatest possible extent. This means that the work and rulings of the courts must be open and public, so that the public, the media and the rest of society can observe with a critical eye.

Openness is also important if people are to have confidence in the legal system. If the decisions of the courts were veiled in secrecy, it could lead to mistrust and scepticism in the population and reduce public confidence in justice and the law.

Accessibility and openness mean that the processes in court should be comprehensible and that the courts should use an easily understandable language in their rulings.

Highest level of confidence in Europe

In 2014, the research division of the Ministry of Justice published a report showing that, among the 47 countries of the European Council, the citizens of Denmark have the highest level of confidence in their courts: a level of confidence that has even increased over the past ten years. The report is based on a survey carried out every other year in which people in the various countries are asked how much they trust a number of different public authorities. The Danish courts received the highest score. In addition to the highest score when it comes to public confidence in the court system in general, Denmark also ranked first when it came to the perception that everyone is treated equally by the courts.

Group of young students visiting the court.



Open doors

The Courts of Denmark are committed to following the principles regarding openness and transparency. Generally, all court hearings are open to the public. This means that anyone can walk in from the street and attend any hearing, be it in a district case about a traffic fine or a case before the Supreme Court with wide-reaching implications.

Occasionally, however, the judge will decide that an entire case or part of it should be heard behind closed doors. In criminal proceedings concerning sexual offences, a public hearing of the case could harm the victim of the crime. Some types of cases, e.g. child custody cases, are never open to the public.

Access to documents and cause lists

Generally, anyone can request access to judgments and orders. In both criminal and civil cases, a person can request permission to read a orders for a period of one week after the judg-

ment was delivered, and it is generally possible to obtain a copy of judgments and orders in civil cases.

All courts prepare lists where journalists and the public in general can find details about the court cases of the coming week. The cause lists are published on the website of the courts, but are also posted in the court rooms and shown on information screens.

Appeal and due process of law

Due process of law is also ensured through detailed regulations on how cases must be handled. In addition, rules and regulations ensure that the parties to a case have access to the case documents. Generally, it is possible to appeal a decision: our legal system ensures that a judgment can be appealed to a court of a higher instance. For 'small' cases, however, permission from the Appeals Permission Board is necessary.

The dates and times of court hearings are stated in the cause lists posted in the court building and available on the court website.



TRANSPARENT AND INDEPENDENT COURTS

The courts must ensure equality before the law and protect each citizen against the abuse of power. In that context, the independence of our courts and judges is vital. In 2013, the Courts of Denmark received a visit from the Group of States Against Corruption (GRECO), an institution under the Council of Europe. The visit resulted in the preparation of a report in 2014 in which GRECO praised Denmark for the many initiatives taken to ensure openness and transparency in the courts. Among other things, the evaluation report emphasised the independent Judicial Appointments Council and the special rules regulating judges' external activities.

Digitalisation of the court system

Public expectations of the court system change over time and, as the law is continuously adapted, the Courts of Denmark must also adapt to these changes and offer up-to-date solutions. The courts may, for example, develop new IT systems that allow electronic communications and the electronic exchange of case documents between users and the courts.

In 2014, the Courts of Denmark began a process of digitalising civil case procedures and building a database of judgments accessible to the general public.



LAY JUDGES AND JURORS

Lay judges and jurors are ordinary citizens who work together with legal judges to decide many different types of criminal cases before the district courts and the high courts.

When society imposes a sentence on a citizen, it constitutes a severe intervention in that person's life, so it is important that judges have the trust and support of the public when they deliver their decisions. The Danish regulations on lay judges and jurors help to ensure that a broad section of the population share the great responsibility of assessing whether or not a person is guilty and fixing a sentence.

On an equal footing

Lay judges and jurors are not judges with a legal background, although they rank equally with the legal judges and share the same responsibility for decisions made. Lay judges and jurors are involved in the court decision as well as in any orders and decisions made during the proceedings. Initially, judges and lay judges must consider whether the accused is guilty, and – if he or she is found guilty – they must determine what the sentence should be.

When a decision is to be made in the case, the lay judges and jurors have the right and duty to express their views on the basis of the information presented in court. Just like the legal judges, however, they must comply with the law.

Cases with lay judges

Lay judges are used in criminal cases in which the accused pleads not guilty and the prosecution claims punishment by imprisonment. Lay judges are generally not used if the prosecution only claims punishment by fine.

Cases before a district court are decided by one legal judge and two lay judges; cases before a high court are decided by three legal judges and three lay judges. In criminal cases, the prosecutor and the defence counsel will always be present together with the accused. The presiding judge will always be a legal judge.



Jury cases

Jury cases are cases in which the prosecution claims punishment by imprisonment of four years or more or in which the accused may be committed to custody or other detention. Only a few cases each year are jury cases.

District court jury cases have three legal judges and six jurors. In order for the accused to be sentenced, at least four jurors and two judges must agree on the question of guilt.

If a jury was used in a district court case, and the judgment is appealed, a jury will also be used in the high court case: nine jurors plus three legal judges. At least six jurors and two judges must agree on the question of guilt.

Only legal judges – no lay judges or jurors – are used in Supreme Court cases.

Citizen's duty

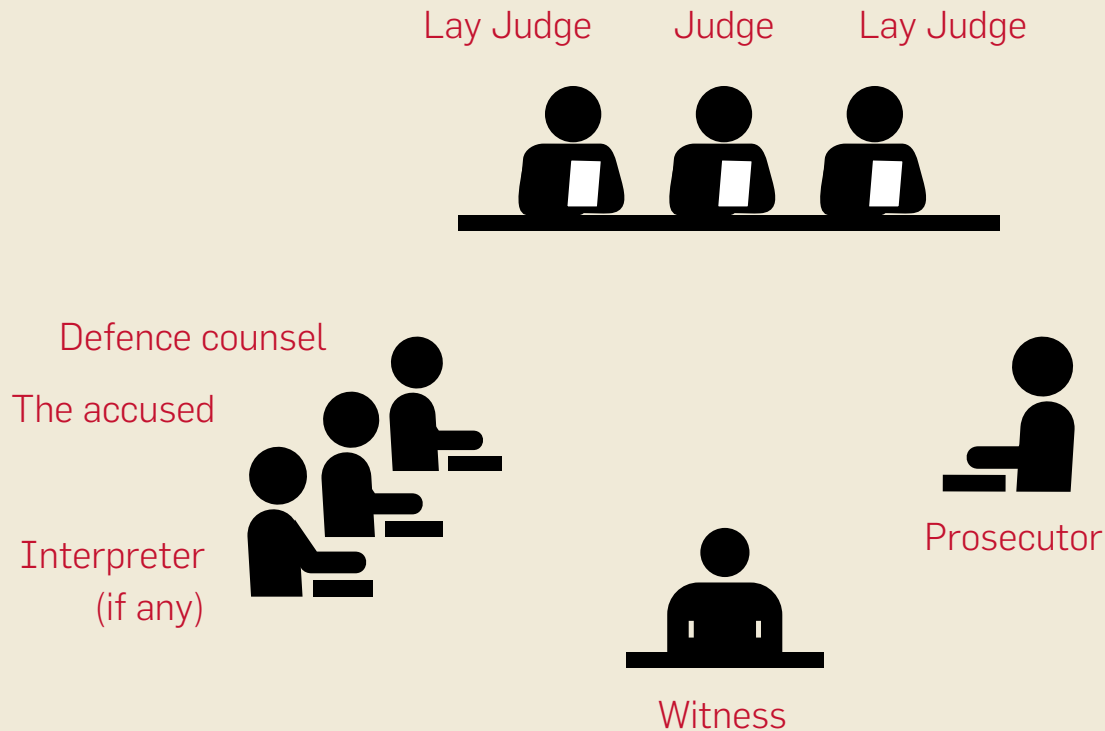
Every four years, each local authority puts together a list of possible lay judges and jurors selected from among the

residents of that particular municipality. Lay judges and jurors must be between the ages of 18 and 70; they must be entitled to vote in parliamentary elections, and they may not have been convicted of any serious offences. In addition, each local authority must ensure that its final list represents a broad section of the population, i.e. in terms of gender, occupation, etc. These lists are then sent to the high courts, who select by drawing lots to fill the number of lay judge positions required by each of the courts.

The courts of law must be independent. That is why government ministers, attorneys, assistant attorneys, ministry staff members, civil servants and staff members of the police, the prison service or the Danish national church and other recognised religious communities cannot act as lay judges or jurors.

If you want to be a lay judge or juror, you can contact your municipality for information on how to be included on the list.

A CRIMINAL CASE INVOLVING LAY JUDGES BEFORE THE DISTRICT COURT



14,866 Cases with lay judges

120 Jury cases

In 2014, the district courts heard 14,866 criminal cases involving lay judges and 120 criminal cases involving jurors. There are about 10,000 lay judges in Denmark.



THE COURTS OF DENMARK IN AN INTERNATIONAL PERSPECTIVE

Denmark gives high priority to international collaboration in the field of law. This applies to both the EU and the rest of the world: anywhere where we collaborate on legislation, training and education.

The Courts of Denmark have a large network of international partners. The courts formally collaborate both within the EU and on the Council of Europe: they exchange knowledge and experience with sister organisations and support international education and training of Danish court jurists.

Denmark's membership of the EU and accession to the European Convention on Human Rights and other international conventions mean that legislation in other countries also applies in Denmark. The Danish state falls under the jurisdiction of the Court of Justice of the European Union and, at an inter-state level, under the jurisdiction of the European Court of Human Rights and the International Court of Justice, the main judicial organ of the UN.

The European Court of Human Rights

The European Court of Human Rights in Strasbourg hears and decides cases on violations of the European Convention on Human Rights. The Court is an institution under the Council of Europe. Citizens may bring cases before the Court if they believe that a state is in violation of the European Convention on Human Rights, and the case has already been tried in the court system of their own country. A member state may also bring cases dealing with another member state's violation of the Convention of Human Rights.

The Court of Justice of the European Union

The Court of Justice of the European Union is based in Luxembourg and is the main judicial power of the EU. The Court hears and decides cases concerning member state obligations based on the rules drafted and adopted in connection with the EU collaboration. Cases may, for example, have to do with equal pay and the free movement of labour. Individual citizens cannot bring cases directly before the Court of Justice.

The International Court of Justice

The main judicial power of international society is the United Nations' International Court of Justice, which is based in the Hague. The task of the International Court of Justice is to ensure that international laws are complied with. The Court decides cases between states based on the voluntary participation of the states concerned. The states are generally obligated to comply with the Court's decisions.

The European Network of Councils for the Judiciary

The European Network of Councils for the Judiciary (the ENCJ) is a network of independent judiciary councils and administrations in the EU member states. The organisation works to improve the legal systems throughout Europe and acts as its members' interest organisation and spokesperson in the EU. The ENCJ provides a platform for cooperation and knowledge sharing by preparing reports and recommendations and arranging international seminars.

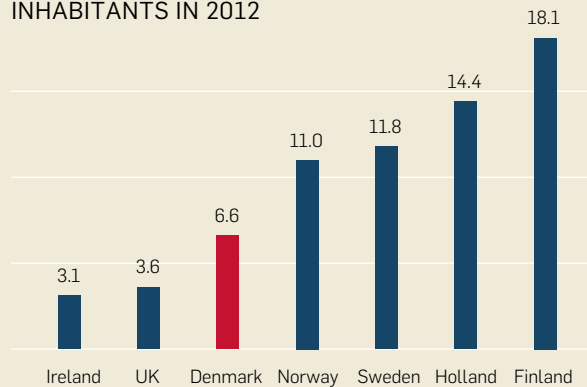
The European Commission for the Efficiency of Justice

The European Commission for the Efficiency of Justice (the CEPEJ) is a collaboration in the area of law under the Council of Europe, which has 47 member states. The Danish Court Administration represents Denmark in the CEPEJ, which compares and analyses the legal systems of the member states, offers recommendations and develops shared tools. Every other year, the CEPEJ prepares a statistical report on the quality and effectiveness of the legal systems of the member states.

ERA

The Academy of European Law (ERA) offers courses in EU law, and the Danish membership provides court lawyers and other Danish civil servants with the opportunity to take high-quality international courses. The Danish Court Administration represents Denmark on the board of the ERA.

NUMBER OF JUDGES PER 100,000 INHABITANTS IN 2012

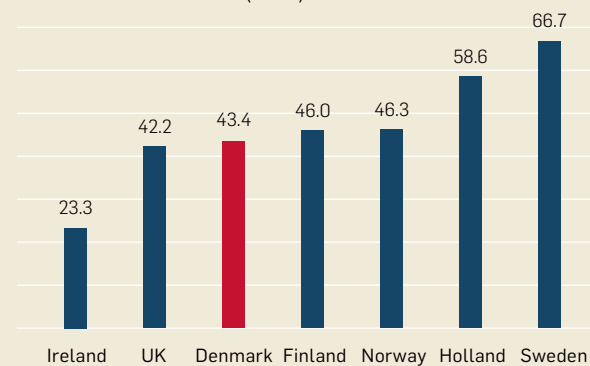


The figures show Denmark's ranking compared to other European countries. The figures are taken from a report by the

NUMBER OF COURTS PER 100,000 INHABITANTS IN 2012



ANNUAL BUDGET OF THE COURTS PER CAPITA IN 2012 (EUR)



CEPEJ under the Council of Europe, a report which is released every second year.



WHERE TO FIND US

Domstol.dk – The website of the courts, with links to all courts and news and information about the court system.

Kenddinret.dk – A learning universe with teaching materials targeting the final levels of primary school up to upper secondary school level (In Danish only).

The People's Political Festival on Bornholm – Each summer the courts attend the People's Political Festival on Bornholm and participate in discussions and debates on the court system.

Culture Night – Each year, many courts open their doors to the public, offering tours of the courts, presentations and role-plays on court cases.

Visit the courts – Nearly all court cases in Denmark are open to the public, meaning that anyone can attend any court hearing, e.g. in district court cases concerning the levying of fines or major leading cases before the Supreme Court.

THE COURTS OF DENMARK
– FOR LAW AND JUSTICE

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