1. Could you elaborate on the situation regarding the human and financial resources of the judiciary? How are these resources determined?
2. Could you elaborate on the main challenges currently faced by judges and the judiciary in Denmark?
3. Could you elaborate on the framework for disciplinary proceedings against judges including the possibility to appeal to the Special Court of Indictment and Revision against a warning given to a judge by the Court President? In this context, could you also elaborate on the composition and appointment of the Special Court for Indictment and Revision?
4. Could you elaborate on the framework for the appointment of lay judges? To what extent is the judiciary involved in this process?
5. What has been the impact of the COVID-19 situation on the work of the judiciary? Have there been any relevant court cases related to the emergency measures?
6. Approximately 2,500 people are employed at the Danish courts. Just under 400 (385) of them are judges. The annual budget is DKK 1,900,000 which is equivalent to EUR 254,000. According to the EU Score Board, the Danish judicial system is one of the least expensive in the EU measured in terms of the countries' gross domestic product, and it is among the systems with the lowest number of judges per inhabitant.

The Danish courts system consists of three tiers – 25 district courts, 2 high courts and the Supreme Court. In addition, we have the special independent Judicial Appointments Council and the Special Court of Indictment and Revisions (a complaints court). Administratively, the courts are managed by the Danish Court Administration, which is independent from the government. It is managed by a Board of Directors.  The chairperson is a supreme court judge, while the other members are judges elected by judges, representatives of the court staff and lawyers.

The Board of Directors, the Judicial Appointments Council and the Special Court of Indictment and Revisions constitute the Judicial Council.

The Board of Directors submits its draft proposed budget to the Ministry of Justice which, in turn, sends it to the Danish Parliament for adoption. Thus, the budget of the courts is politically adopted. The decision on the courts' annual budget is part of the Finance and Appropriation Act and is taken by the government and the Danish Parliament on the basis of a recommendation on the budget from the Court Administration. If the Board of Directors finds the budget to be irresponsible, it may reach out to the Danish Parliament about this. This has never happened. Currently, the budget is made for periods of four years at a time. This makes the budget less flexible as it cannot be changed from year to year and thus does not take into regard unpredicted expenses such as those related to the coronavirus. Conversely, a long-term budget is an advantage for planning.

1. The Danish courts system is characterised by an increasing number of cases, longer case processing times and decreasing resources. A report issued by the Association of Danish Judges recently documented that the number of judges has been constant for five years; that – during the same period – the resources allocated to the courts have been reduced by 1.5 % per year; that the numbers of office staff and senior clerks have been reduced by 15 and 25 %, respectively; that the number of cases tried with the assistance of lay judges has increased by 12 %; that the number of jury trials has increased by 60 %; and that the case processing times have generally gone up by 20 %. All in all, this results in a very high pressure on the Danish courts. It should be added that the cases and their processing are widely digitalised and that many of the judges' back-up functions have consequently been eliminated from the budget. Danish district court judges are now alone in court without office assistance. The judges feel under pressure. At the same time, the political attention to the courts' case processing times is considerable.
2. Disciplinary proceedings against Danish judges are decided by the Special Court of Indictment and Revisions. It is an independent court composed of one supreme court judge, one high court judge, one district court judge, one legal consultant with a scientific background and one lawyer. The judge representatives are elected by their peers. By far the majority of the complaints over judges – more than 95 % – are rejected. In 2017, one case resulted in the issue of criticism against the judge. If a judge is to be removed, this can only be done by the Special Court of Indictment and Revisions. This has never happened, though. If a judge is guilty of misconduct or carelessness in their work, the judge's court president may issue a warning to the judge in question. As a consequence of a fairly new law, this warning may be appealed against to the Special Court of Indictment and Revisions. There have not yet been any examples of appeals to the Special Court of Indictment and Revisions.
3. People who wish to be lay judges or jurors are added to a basic list every four years following decisions made at the local authority level. Based on this list, the high court presidents select a number of persons which are regarded as suitable for being lay judges and jurors. The requirements for becoming a lay judge or juror are set out in the Administration of Justice Act. You must be between the ages of 18 and 80 and mentally sound. A wide range of professions mean that you cannot be appointed as a lay judge. The appointment of lay judges is thus an administrative as well as a judicial function. The judicial function is to select lay judges on the basis of the administrative list. Lay judges take part in criminal proceedings where the defendant pleads not guilty.
4. During COVID-19, the courts were partially shut down from mid-March until the end of April. Only critical tasks were handled, which in practice meant custody remands, extension of custody hearings and extremely urgent criminal proceedings. Urgent family cases involving children were also handled during that period. Like the other staff, the judges were sent home. Due to the digitisation of things like civil cases, the judges were able to conduct many of their functions from their homes. Nevertheless, the shut-down resulted in very large backlogs. When the courts reopened at the end of April, there were six weeks' worth of unprocessed cases. The courts are attempting to handle those on evenings and Saturdays. They do not expect to have worked off the backlog of cases until the autumn. The courts system now works normally. A number of health precautions are being taken, and people generally feel safe coming to the courts.

During COVID-19, special, very extensive and drastic legislation was adopted. It is still in force. For example, the Health Act was changed so that the Health Minister was granted a number of powers the minister did not have before in relation to things like freedom of assembly, tracing of infected people, compulsory admission to hospital and treatment, etc. The Minister for Justice had the Criminal Code changed so that all corona-related crimes are subject to double punishment, and abuse of relief packages is subject to quadruple punishment. Practice so far is limited, but the laws apply until 1 March 2021.