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DENMARK

1. Constitutional system

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1.1 General description and key data of the constitutional system

The constitutional Act is the Foundation of Danish Democracy. In the Constitutional Act, you can read about the distribution of power in society. About the Danish Parliament, Folketinget, the democratically elected assembly which passes Acts, that apply to us all. About the Danish Government, which must ensure that the Acts are complied with by us citizens and by the public authorities which must ensure that, for example, we have good schools, hospitals and libraries. About the Courts, which are independent of the Government and Parliament because they have to pass judgement in conflicts between citizens and between public authorities and citizens. The Constitutional Act also sets out the rights you enjoy as a citizen. We call them constitutional rights or human rights. One type of constitutional rights includes freedom of expression, the right to assemble and demonstrate for your opinions and the right to set up associations and to be a member of an association. The Constitutional Act also ensures that you have the right to be a member of a political party and to be politically active, even if this conflicts with the opinions of the Government or the majority. These rights are intended to ensure that democracy can function. The rules in the Constitutional Act on referenda and elections to Parliament, for example, would not be worth much if we were not entitled to discuss political issues and express our opinions. The other type of constitutional rights includes the rules on personal freedom, ownership and the inviolability of the home. These rules are intended primarily to protect citizens against infringement of their rights by the State. If you are arrested by the police, for example, you are entitled to have a judge decide on your case within 24 hours. If the public authorities want to examine your home, your private papers or your PC, they generally require the permission of a judge first. And if the public authorities want to take your house to demolish it in order to build a motorway or railway across the site, you are entitled to receive compensation equivalent to the value of the house and the site. The

Constitutional Act thus sets limits on how the State may interfere in our private lives. The Constitutional Act is intended to guarantee a stable framework for political life and the political struggles for power. It is also intended to guarantee that citizens' rights are not infringed. Both of these elements are guaranteed by the Constitutional Act being more difficult to amend than other Acts. The Danish Constitutional Act has only been amended a few times since it was passed more than 150 years ago. The language in many of the sections of the Act has not been modernised since then.

Source: http://www.folketinget.dk/pdf/Min_Grundlov_eng.pdf

1.2. History of the constitutional system

The first Danish Constitution was signed on June 5, 1849. The constitution has been amended a few times since then, in 1866, 1915 and in 1953.

Source: <http://www.folketinget.dk/BAGGRUND/00000048/00440513.htm>

1.3 Main specifics of the constitutional system

Folketing (The parliament)

The most important political organs are the Folketing and the Government. The Folketing consists of 179 members, two of whom are elected in Greenland and two in the Faroe Islands. The remaining 175 members are elected in Denmark.

The nominated candidates are elected on the basis of proportional representation, but the candidates run in individual single constituencies, and so most of those elected have a local connection reminiscent of those elected by majority voting in individual constituencies.

135 of the 175 members of the Folketing are elected on the basis of the votes cast for them in the local constituencies, while the remaining 40 members are chosen with a view to ensuring an overall proportional representation of the parties to which the candidates are linked. It is possible to run without belonging to the political parties, but only in once instance (1994) has a candidate succeeded in gaining election in this manner.

The voting age is not specified in the Constitution, but is decided in a special Act that must be approved by referendum. The voting age since 1978 has been 18. Immigrants without Danish nationality do not have the right to vote for the Folketing, but since 1989 they have been able to vote and had the right of election in local elections.

Source: <http://www.denmark.dk/en/menu/AboutDenmark/GovernmentPolitics/Constitution/TheFolketing/>

The government

The Government is appointed by the Queen and consists of the Prime Minister and the other ministers each with their own Department; individual ministers can be without a specific Department (i.e. without portfolio).

The choice of Prime Minister and other ministers is determined by the party composition in the Folketing. The government appointed may not have a majority of the Folketing against it. A newly appointed government begins working without necessarily having achieved a positive vote of confidence from the Folketing.

Source:

<http://www.denmark.dk/en/menu/AboutDenmark/GovernmentPolitics/Constitution/TheGovernment/>

The courts

The independent courts constitute part of the distribution of power. Cases are generally dealt with in the first instance by a local or city court, and appeals against the judgements of the city courts can be made to one of the two High Courts. A few big cases and cases touching on administrative matters and certain other categories are dealt with by one of the two High Courts in the first instance.

The highest court is the Supreme Court (Højesteret), which only deals with cases that have already been dealt with by one of the two High Courts.

In the Danish court system there is no provision for special procedures or court organisation for administrative cases. These are dealt with by the ordinary courts.

Nor is there a constitutional court. Constitutional questions must be decided by the court that is otherwise dealing with the case, and in the final instance the question can be decided by the Supreme Court. Danish courts have been very reluctant to have recourse to the Constitution, and it was not until 1999 that the Supreme Court rejected a politically important Act as being contrary to the Constitution.

The judges are appointed by the Queen. The independence of the judges in carrying out their duties is ensured by section 64 of the Constitution, according to which in the performance of their duties judges shall be governed solely by the law. In contrast to other state appointed employees, judges cannot be dismissed administratively; they can only be dismissed by a court judgement.

In 1999 the administration of the courts was transferred to an independent state institution, the Court Administration. An independent committee has been established which recommends the Ministry of Justice to appoint judges. These recommendations have so far been complied with.

Source: <http://www.denmark.dk/en/menu/AboutDenmark/GovernmentPolitics/Constitution/Courts/>

1.4 Fundamental principles of the political and the administrative system

The Danish Planning Act was changed in 2005 in connection with a reform of the local government structure. The local government reform entered into force January 1 2007. With the reform, the former 271 municipalities transformed into 98 big municipalities. The counties have been replaced by 5 administrative regions. The competences of the state and the municipal level have been strengthened while the regional level has gotten a more strategic function without any direct planning competences.

2. The Political system

2.1 General description, history, and key data of the political system

2.2 Levels and specific aspects of the political system

2.1 General description, history, and key data of the political system

The political system is divided between the central state organization and the municipal organization.

The Danish electoral system is extremely complex but briefly it builds on the principle of election by proportional representation. The system is constructed in a way which allows for the regional affiliation of the candidates (135 seats in the Folketing obtained by election in 17 multimember constituencies) and also for the mathematical accuracy of a proportional division of seats in relation to votes for the parties (40 supplementary seats). Thus the Folketing is composed of 175 Members elected in Denmark proper as well as two Members elected in the Faroe Islands and two in Greenland.

You can also learn more by reading:

<http://www.ft.dk/doc.aspx?samling/20061/menu/00000005.htm>

2.2 Level and aspects of the political system

aspect	organ(s)	authority/function	Task
level			
National level	The Folketing (parliament)	The highest decision-making body of the country	Legislation and state taxation
National level	Government	Govern the country	Domestic and international policy
Regional level	Regional council	The highest decision-making body in the region, elected in direct elections.	Health care, regional development, Public transport etc no taxation possibility
Local level	Municipal council	The highest decision-making body in the municipality, elected in direct elections.	Education, care of the elderly, physical planning, streets, water, sewage, etc. Municipal taxation

3. Administrative system

3.1 General description, history, and key data of the administrative system

3.2 Levels and specific aspects of the administrative system:

3.1 General description, history, and key data of the administrative system

Denmark has a long-standing and unique tradition of a decentralised public sector where the majority of the welfare tasks are dealt with by the municipalities. In order to ensure that the municipalities are also capable of handling more responsibilities in the future, larger municipalities were introduced on 1 January 2007. The number of municipalities in Denmark was reduced from 271 to 98.

Each of the five regions is led by a Regional Council with 41 members, elected by the people every four years.

Responsibilities of the State after 1 January 2007:

- Police, defence, legal system
- Foreign service, Official Development Assistance
- General planning within the health care sector
- Education and research except primary school and special education
- Activation of the unemployed with insurance in joint job centres with the municipalities, unemployment insurance, working environment and overall employment policy
- Taxation and collection of debt to the public authorities
- Social services: National knowledge and special counselling organisation (VISO)
- The general road network and the state railway
- General nature, environmental and planning tasks
- Certain cultural measures
- Business economy subsidies
- Reception of asylum applicants

Responsibilities of the Regions after 1 January 2007:

- Hospital service, including hospitals. psychiatry and health insurance as well as general practitioners and specialists
- Regional development, i.e. nature, environment, business, tourism, employment, education and culture as well as development in the fringe areas of the regions and in the rural districts. Secretarial service for the regional growth fora.
- Soil pollution
- Raw material mapping and planning

- Operation of a number of institutions for exposed groups and groups with special needs for social services and special education
- Establishment of transport companies throughout Denmark

Responsibilities of the Municipalities after 1 January 2007:

- Social services: Total responsibility for financing, supply and authority
- Child care
- Primary school, including any special education and special pedagogical assistance for small children
- Special education for adults
- Care for the elderly
- Health care: Preventive treatment, care and rehabilitation that do not take place during hospitalisation, treatment of alcohol and drug abuse, home care, local dental care, special dental care and social psychiatry
- Activation and employment projects for the unemployed without insurance in job centres run jointly with the state (10 pilot municipalities undertake the task for the unemployed with insurance on behalf of the state)
- Integration and language education for immigrants
- Citizen service regarding taxation and collection in cooperation with state tax centres
- Supplies and emergency preparedness
- Nature, environment and planning: E.g. specific authority and citizen-related tasks, preparation of local plans and plans regarding waste water, waste and water supply
- Local business service and promotion of tourism
- Participation in regional transport companies
- The local road network
- Libraries, schools of music, local sports facilities and culture

You can also learn more by reading:

http://www.im.dk/publikationer/government_reform_in_brief/index.htm

3.2 Levels and specific aspects of the administrative system

aspect	institution(s)	authority/function	tasks
level			
national level	ministries	decides in individual cases within their own areas of responsibility	are responsible for the day-to-day administration of the state, each within their own area of responsibility
regional level	administrative regions	administers the regions areas of responsibility	Health care etc.
local level	municipal administration	Administers the municipality's areas of responsibility	schools etc.