

MISSION OF DENMARK
TO THE OSCE, IAEA and CTBTO

V E R B A L N O T E

The Mission of Denmark to the OSCE, IAEA and CTBTO presents its compliments to all Missions and Delegations to the OSCE and to the Conflict Prevention Centre and has the honour to provide a response to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security in accordance with FSC Decision 4/03.

Please note that underlined text in the response indicates changes in comparison with last year's response.

The Mission of Denmark to the OSCE, IAEA and CTBTO avails itself of this opportunity to renew to all OSCE Missions and Delegations and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 15 July 2009



To: All Permanent Missions and Delegations to the OSCE
Conflict Prevention Centre
Vienna

**Information Exchange on the OSCE Code of Conduct on
Politico-Military Aspects of Security**

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end

a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party

The status of Denmark as regards the relevant international conventions is given below. (A number of provisional territorial reservations with respect to the Faroe Islands and Greenland, eventually to be withdrawn, do not appear in the list.)

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963). Denmark ratified on 17 January 1967. The convention entered into force for Denmark on 4 December 1969.
2. Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 16 December 1970). Denmark ratified on 17 October 1972. The convention entered into force for Denmark on 16 November 1972.
3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 23 September 1971). Denmark ratified on 17 January 1973. The convention entered into force for Denmark on 16 February 1973.
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (New York, 14 December 1973). Denmark ratified on 1 July 1975. The convention entered into force for Denmark on 20 February 1977.
5. European Convention on Suppression of Terrorism (Strasbourg, 27 January 1977). Denmark ratified on 27 June 1978. The convention entered into force for Denmark on 28 September 1978.
6. International Convention Against the Taking of Hostages (New York, 18 December 1979). Denmark ratified on 11 August 1987. The convention entered into force for Denmark on 10 September 1987.
7. Convention on Physical Protection of Nuclear Material (Vienna and New York, 3 March 1980). Denmark ratified on 6 September 1991. The convention entered into force for Denmark on 6 October 1991.
8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23 September 1971 (Montreal, 24 February 1988). Denmark ratified on 23 November 1989. The protocol entered into force for Denmark on 23 December 1989.

9. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (Rome, 10 March 1988). Denmark ratified on 25 August 1995. The convention entered into force for Denmark on 23 November 1995.
10. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988). Denmark ratified on 25 August. The protocol entered into force for Denmark on 23 November 1995.
11. Convention on the Marking of Plastic Explosive for the Purpose of Detection (Montreal, 1 March 1991). Denmark ratified on 5 October 1998. The convention entered into force for Denmark on 4 December 1998.
12. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997). Denmark ratified on 31 August 2001. The convention entered into force for Denmark on 30 September 2001.
13. International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999). Denmark ratified on 27 August 2002. The Convention entered into force for Denmark on 26 September 2002.
14. Protocol amending the European Convention on the Suppression of Terrorism (Strasbourg, 15 May 2003). Denmark ratified on 14 April 2004. The protocol has not yet entered into force.
15. International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005). Denmark has ratified on 20 March 2007. The Convention has not yet entered into force.

b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities

Denmark takes actively part in measures initiated by international agreements, organisations or states to combat terrorism.

c) National measures, to include pertinent legislation, taken to implement the international agreements, conventions and protocols cited above

Danish legislation including in particular The Danish Criminal Code (DCC) and The Danish Extradition Act has been amended a number of times in order to fulfil the obligations that follow from the conventions and protocols listed in 1(a).

The Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 16 December 1970) was implemented into Danish law by Act. no. 95 of 29 March 1972, which amended the DCC.

The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 23 September 1971) was implemented into Danish law by Act no. 538 of 13 December 1972, which amended the DCC.

The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (New York, 14 December 1973) was implemented into Danish law by Act no. 268 of 26 June 1975, which amended the DDC.

The European Convention on Suppression of Terrorism (Strasbourg, 27 January 1977) was implemented into Danish law by Act no. 191 of 3 May 1978. Denmark made a reservation to Article 1

of the convention in accordance with Article 13, which meant that the convention could be implemented by amending the DCC.

The International Convention Against the Taking of Hostages (New York, 18 December 1979) and the Convention on Physical Protection of Nuclear Material (Vienna and New York, 3 March 1980) was implemented into Danish law by Act no. 322 of 4 June 1986, which amended the DCC.

The International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997) was implemented into Danish law by Act no. 280 of 25 April 2001 by which the DCC and the Danish Extradition Act etc. was amended.

The International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999) was implemented into Danish law by Act no. 378 of 6 June 2002. See answer to 1(d).

On 25 January 2006 the Danish Government presented a bill (proposal L 130 amending the Weapons Act, Penal Code etc.) to the Parliament which, in the light of UN Security Council Resolution 1540 on non-proliferation of weapons of mass destruction, proposes new national legislation relating to chemical, biological, radiological and nuclear weapons and their means of delivery. The bill introduces a general ban on all activities related to such weapons, including restrictions on extra-territorial transportation. The bill was adopted on 11 May 2006.

On 2 June 2006 the Council of Europe Convention on the Prevention of Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism was implemented into Danish law by Act no.542 of 8 June 2006. See answer to 1(d).

d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g., pertaining to financing of terrorist groups)

On 13 December 2001 the Danish Government presented a legislative package (four Bills) to the Danish Parliament containing a broad range of initiatives aimed at combating terrorism and the financing of terrorism – including all the legislative amendments, which were necessary to comply with international standards and requirements after the events of 11 September 2001.

The four Bills were presented by respectively the Minister of Justice, the Minister of Economic and Business Affairs, the Minister of Taxation and the Minister of Refugee, Immigration and Integration Affairs. The Anti-Terrorism Acts based on the four Bills were all adopted by the Parliament on 31 May 2002.

The Ministry of Justice's Anti-Terrorism Act no. 378 of 6 June 2002 includes the following main elements:

1) Insertion of a special section (114) on terrorism in the Danish Criminal Code (straffeloven). A large number of the offences typically designated terrorist acts are punishable under specific provisions of the Criminal Code. Thus, for example, homicide is punishable under section 237 of the Criminal Code regardless of the offender's motive for the act. The Government wanted to signal more clearly that terrorism in all its forms is unacceptable in a democratic society. Therefore a terrorism section defining the concept of terrorism has been inserted into the Criminal Code. The provision comprises very serious offences committed to disturb the established order and intimidate the population, and it is therefore proposed that the maximum penalty be fixed at life imprisonment. The provision implements the EU Framework Decision on combating terrorism.

- 2) Insertion of a special section (114a) of financing of terrorism, according to which it is an offence, to a wider extent than today, to provide or arrange for financial support to a terrorist organisation or otherwise to contribute to the promotion of its criminal activities. The maximum penalty is fixed at 10 years imprisonment.
- 3) An amendment to section 77 (a) of the Criminal Code to make it possible to carry out confiscation of money and other property (and not just “objects”), which it is feared will be applied to commit crimes. And at the same time an amendment to sections 802 and 803 of the Danish Administration of Justice Act (retsplejeloven) on seizure to make it possible to seize money and other property (and not just objects) for the purpose of confiscation under section 77 (a) of the Criminal Code. This amendment is necessary as a consequence of the proposed extension of section 77 (a) of the Criminal Code.
- 4) Amendments to the rules on criminal responsibility for legal persons (companies, etc.), repealing the requirement that a violation of the Criminal Code must have been committed to obtain a gain for the legal person. It is further specified that legal persons can be punished for attempted offences to the same extent as natural persons. Finally, it is specified that the period of limitation for the criminal responsibility of legal persons must follow the period of limitation for natural persons. Today, the period of limitation for legal persons is always two years.
- 5) An extension to the provision on the seizing of aircraft and ships in section 183 (a) to include other means of public transport or goods transport.
- 6) Aggravated violations of the Arms Act (våbenloven) are serious offences that may be connected with terrorism. To make it possible to impose heavier sentences for particularly aggravated violations, the maximum penalty in section 192 a of the Criminal Code in respect of aggravated violations of the Arms Act is increased from four years’ to six years’ imprisonment.
- 7) A clarification of section 192 a of the Criminal Code to make it appear expressly that the development of chemical and biological weapons or research to that effect falls within the provision. A similar clarification has been made of section 5 of the Arms Act.
- 8) A new provision on non-proliferation of weapons of mass destruction, etc. has been inserted in Part 13 of the Criminal Code with a maximum penalty of imprisonment for up to six years.
- 9) In order to improve the investigative possibilities of the police, insertion of a provision into section 786 of the Administration of Justice Act, according to which telecommunications companies and Internet service providers have to record and store (“log”) for one year the information on tele and Internet communications of relevance to police invasion of the secrecy of communications, etc. The recording and storage only concern traffic data and not the actual contents of the communication. Furthermore, only the companies have a duty to record and store the traffic data in question. The rule does not involve extended police access to these data. A detailed set of (technical) rules on such data logging has been laid down by the Ministry of Justice in Executive Order of 28 September 2006 on the retention and storage of traffic data by providers of electronic communications networks and electronic communications services. The Executive Order will be in force on 15 September 2007.
- 10) Moreover, the Act contains improvements of the investigative possibilities of the police on several points where, in practice, difficulties arise in connection with the actual implementation of invasion of the secrecy of communications.

Thus, a provision has been inserted into the Administration of Justice Act authorising the Minister of Justice to prescribe rules on the practical assistance by the telecommunications providers to the police in connection with invasion of the secrecy of communications following negotiation with the Minister

of Science, Technology and Innovation. The provision replaces a corresponding, non-utilised enabling provision in the telecommunications legislation. Also on this point it is assumed that the industry will be involved in connection with the drafting of the rules.

The purpose of this part of the Act is to ensure rapid and effective access for the police to the information to be provided by invasion of the secrecy of communications.

11) The Act further includes rules on the access for the police to the nation-wide directory inquiry service, which contains name and address data concerning all telephone subscribers listed by name in Denmark, including unlisted telephone numbers, regardless of the subscriber's telecommunications provider.

12) Under the previous rules of the Administration of Justice Act, the police could already acquaint themselves with communications between computers by means of interception, and at a search the police could also acquaint themselves with all the records of a computer, including electronic messages received and copies of messages that have been sent. However, for technical reasons and owing to the risk of discovery of the measures, it was not possible for the police in all cases to exploit their existing right to acquaint themselves with electronic messages and data in a computer. For that reason a new provision (section 791 b) has been inserted into the Administration of Justice Act, according to which, in cases of very serious offences, the police can obtain a court warrant allowing them to capture data in an information system not available to the public by means of software or other equipment (data capture) without being present at the location where an information system (i.e., a computer or another data system) is used. This will make it possible to permit measures whereby, by means of a so-called "sniffer program", the police will receive a copy of all data input by the data system user.

13) The Act also includes an amendment of section 799 of the Administration of Justice Act to provide a right to secret searches in cases of aggravated arson, explosion of bombs, hijacking and addition of toxic substances to the water supply or foodstuffs, etc. The right to keep information on searches in such cases secret may, for example, be of crucial importance where the offence were presumably committed by several unknown co-offenders, and where it is therefore necessary to keep the investigation secret to be able to identify and arrest these individuals.

14) At the same time the Act contains an amendment of section 799 of the Administration of Justice Act to authorise the court to allow the police, with only one warrant, to carry out several individual searches without immediate notification (repeated secret searches) within a period not exceeding four weeks. This may be necessary where, for example, no drugs or weapons were found at the first search, but where it is still suspected that delivery on the location in question will take place within a short time, or where a search has had to be interrupted owing to the risk of discovery of the investigation. The court has to fix the number of searches in connection with the search warrant. In special cases the court may decide, however, that the police may carry out an indeterminate number of searches within the specified period (not exceeding four weeks).

15) In addition, the Act includes an amendment of section 806 of the Administration of Justice Act, according to which it becomes possible to order a third party to surrender documents, etc. (discovery) without prior warrant in cases where the purpose will be forfeited if a warrant has to be awaited. This might, for example, be thought relevant in a situation where the police need prompt surrender of the passenger list of an airline company.

16) The Act also includes an amendment of section 5(3) of the Extradition Act, according to which extradition for an act comprised by Article 1 or 2 of the European Convention for the Suppression of Terrorism cannot be refused with reference to the prohibition against extradition for political offences at extradition to an EU Member State. The exception from the prohibition on extradition for political offences has been extended to include all requests for extradition for acts comprised by Article 1 or 2

of the European Convention for the Suppression of Terrorism, whether or not the extradition concerns extradition to an EU Member State or to another (European) State that has ratified the Convention. Nor is it possible to refuse requests for extradition in respect of counts comprised by the International Convention for the Suppression of the Financing of Terrorism with reference to the prohibition against extradition for political offences.

As part of the ongoing work to ensure that the appropriate counter-terrorism legislation is in place, the government set up an inter-ministerial working group in the autumn of 2005. The working group was tasked with examining the regulatory framework and drafting a proposal for a reform in order to ensure that the system of counter-terrorism remains up-to-date and functional. The working group publicised its report on 3 November 2005. The report contains recommendations for further strengthening the Danish counter-terrorism effort, albeit the working group came to the conclusion that the current effort is not insufficient. On the basis of the recommendations the government has developed a counter-terrorism action plan, and a plan for legislative initiatives.

On 31 March 2006 the Minister of Justice presented a bill proposing an amendment of the Danish Criminal Code, the Danish Administration of Justice Act and several other bills. The amendment is part of an anti-terrorist legislative package from the Danish Government, which also includes bills from the Minister of Science, Technology and Development and the Minister of Defence.

The ministry of Justice's second anti-terrorist legislative package Act no. 542 of 8 June 2006 includes the following main elements:

- Insertion of a section (114a) containing a list of offences which do not fall within the scope of section 114 of the Criminal Code (terrorism), but which are defined as acts of terrorism pursuant to the Convention on the Prevention of Terrorism. If one of the offences listed in section 114a is committed, the sentence may exceed the maximum penalty prescribed for the relevant offence by up to 50 per cent.

- Insertion of a section (114c) in the Danish Criminal Code prohibiting recruitment for terrorism. A person is liable to imprisonment for up to ten years if he recruits persons to commit or further acts falling within the scope of section 114 or 114a (terrorism) or to join a group or an association for the purpose of furthering the commission of acts of such nature by the group or association. In particularly aggravating circumstances, the penalty may be increased to imprisonment for up to 16 years. Particularly aggravating circumstances typically include cases of systematic or organised violations. Section 114c(2) prohibits recruitment of persons to finance terrorism, whereas section 114c(3) extends the field of criminal liability to include any person who allows himself to be recruited for terrorism.

- Insertion of a section (114d(1)) in the Danish Criminal Code prohibiting training, instruction or otherwise teaching of a person to commit or instigate the acts covered by the provisions on terrorism (sections 114 to 114a of the Criminal Code). A person violating this section is liable to imprisonment for up to ten years. In particularly aggravating circumstances, the penalty may be increased to imprisonment for up to 16 years. Particularly aggravating circumstances typically include cases of systematic or organised violations. Section 114d(2) criminalises the training, instruction or otherwise teaching of a person to provide financial support, etc., to any person, group or association which intends to commit an act covered by the provisions on terrorism. As in section 114c(3), the field of criminal liability in section 114d is extended to include the trainee, cf. section 114d(3).

- Insertion of a new provision into the Administration of Justice Act (section 116), which allows a less restricted access to exchange of information between the Security Intelligence Service and the Danish Defence Intelligence Service. In continuation thereof, the access of the Security Intelligence Service to information held by other administrative authorities has also been widened when the information has significance for the prevention and investigation of offences related to terrorism.

- Insertion of a new section in the Air Navigation Act (148a) allowing the Security Intelligence Service to a more prompt and effective access to standard information about airline passengers in connection with the investigation and prevention of violations of Parts 12 and 13 of the Criminal Code (offences against the independence and safety of the State, offences against the Constitution and the supreme authorities of the State, terrorism, etc.) by allowing the retrieval of such information without a warrant. This section also obliges the airline companies to register and store information about crew and passengers for one year. The section has not yet entered into force.

- Section 791c was introduced into the Administration of Justice Act. This section allows the police (including the Security Intelligence Service) (on the basis of a warrant) to jam or cut off radio communications or telecommunications in order to prevent violations of, *i.a.*, Parts 12 and 13 of the Criminal Code.

- Section 783 of the Administration of Justice Act was amended, allowing the police (including the Security Intelligence Service) to obtain an interception warrant following a person rather than the particular means of communication. As a result thereof the police only needs to obtain a single warrant in order to tap the telephone(s) of a suspect. As soon as possible after such interference, the police must notify the court of the telephone numbers subjected to the interference but not stated in the warrant. It should be noted that the specific conditions for interception of communications, as set out in sections 781 and 782, remain unaltered. The amendment, moreover, only applies in cases concerning violation of Parts 12 and 13 of the Criminal Code (offences against the independence and safety of the State, offences against the Constitution and the supreme authorities of the State, terrorism, etc.).

With Act no. 490 of 17 June 2008 which entered into force 1 July 2008 amending inter alia the Criminal Code the Danish rules on criminal jurisdiction has undergone a comprehensive review.

In respect of preventing and combating terrorism and in order to strengthen the protection of Danish victims it can be mentioned that Section 7a was inserted in the Criminal Code creating Danish criminal jurisdiction on acts committed abroad by persons without relations to Denmark when the act is aimed at a person who was a Danish national or had his abode or other habitual residence in Denmark when the act was committed.

The provision reads as follows (unofficial translation):

“7a. (1) Any act committed within the territory of another state and aimed at a person who was a Danish national or had his abode or other habitual residence in Denmark when the act was committed is subject to Danish criminal jurisdiction, provided that the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality) and is punishable under Danish law by a sentence of imprisonment for at least six years.

(2) Danish criminal jurisdiction under subsection (1) hereof only applies to the following acts:

(i) Murder;

(ii) Aggravated assault, deprivation of liberty or robbery;

(iii) Offences likely to endanger life or cause serious injury to property;

(iv) Sexual offences or incest; or

(v) Female circumcision.

(3) Acts committed outside the territory of another state, but aimed at a person having such relations to Denmark as referred to in subsection (1) hereof when the act was committed are also subject to Danish criminal jurisdiction, provided that acts of the kind concerned are punishable by a sentence exceeding imprisonment for four months.”

Section 7a applies to inter alia terrorism as provided for in Section 114.

e) Roles and missions of armed and security forces in preventing and combating terrorism

Preventing and combating terrorism within Denmark is a matter for the Police and the Danish Security Intelligence Service.

2. Description of the national planning- and decision-making process - including the role of the Parliament and Ministries - for the determination/approval of

a) The military posture

Denmark has a political tradition for establishing multi-year political defence agreements, covering from two to five years, approved by parties holding majority in Parliament. The agreements determine the structure of defence and the funds allocated to it. Agreements will usually be preceded by comprehensive reports analysing the Danish security situation and holding specific recommendations for Danish defence. The reports are prepared by commissions established by the Ministry of Defence (MOD) consisting of parliamentarians, independent experts and representatives from defence. The reports are published and give rise to public debate.

b) Defence expenditures

The Danish defence budget is approved by the Parliament once a year when the overall Financial Law is passed. The general level of the budget is however determined by a Defence Agreement typically running for five years. The Defence Agreements are normally drafted and agreed by a majority of the parties in the Parliament. The Defence Agreements ensure a financial long term perspective for the defence planning.

Throughout any current year the Parliament will typically decide on issues as participation in international operations and financial allocations in relation to these specific missions. Also the standing committee for financial matters will approve major procurement and infrastructure projects.

3. Description of

a) Constitutionally established procedures ensuring effective democratic control of the military, paramilitary, and internal forces, as well as intelligence services, and the police

Military

The overall defence policy is determined by the Minister of Defence.. He is accountable to Parliament for all defence matters and issues regarding emergency management. The MOD is subjected to the same procedures in relation to Parliament as all the other ministries, that is, Parliament receives all information required it to function as legislator, as well as supervisor of the Government. A standing parliamentary committee dealing solely with defence and emergency management is set up to scrutinize bills and proposals on defence and emergency management issues for parliamentary resolution. The committee encompasses all parties represented in Parliament. The committee also follows the development of its sphere of competence and ensures that the Minister of Defence implements the laws according to the decisions made by Parliament. Citizens and organisations can make enquiries to the committee. The Minister of Defence is obligated to answer questions put to him by the committee or by any member of Parliament. According to the Danish constitution, section 19(3), the government is also obligated to consult with the Foreign Affairs Committee before making any decision of major importance for Danish foreign policy. This includes decisions concerning defence issues related to international affairs. The Foreign Affairs Committee is also appointed among members of Parliament. Besides, Parliament can at any time decide to have an interpellation on a broader theme pertaining to

defence and emergency management, the result of which may enjoin the government to follow a specific guidance.

Paramilitary forces

Denmark has no paramilitary forces

Internal security forces

Denmark has no internal security forces

Intelligence services

The Danish Defence Intelligence Service (FE) is directly subordinated to the Ministry of Defence. The Director of the service exercises his command in accordance with written instructions submitted to him by the Minister of Defence. The Government is by law responsible for keeping a special parliamentary Committee on Intelligence informed about guidelines submitted to the service and about foreign policy matters influencing intelligence activities. The committee comprises of parliamentarians drawn from the five largest parties.

Police

In 1995 Parliament passed an amendment to the Danish Administration of Justice Act (*retsplejeloven*), providing a new set of rules for processing complaints against police officers and others. The rules are embodied in three parts of the Administration of Justice Act. Part 93 b and part 93 c govern the processing of complaints about the conduct of police personnel and the processing of criminal proceedings against the police, while part 93 d concerns the Police Complaints Boards (*Politiklagenavn*). The provisions governing the processing of complaints against the police took effect as of 1 January 1996 and did not at first extend to the Faroe Islands and Greenland. However, in December 1998 Parliament passed a bill providing a new set of rules for processing complaints against police officers and others in Greenland. These rules are predominantly in accordance with those governing complaints against police officers in Denmark and took effect on 1 January 2000.

The most important element in the scheme is that the regional public prosecutors will deal with complaints against police personnel, investigate criminal cases involving police and decide whether prosecutions should be brought.

The rules apply to police personnel with police authority, i.e. regular police officers and members of police legal staff. Administrative staff and other civilian employees are not covered by the scheme.

The provisions apply to offences that have been committed while on duty. Decision on whether an offence has been committed while on duty will be based on the facts of each individual case.

Generally, the regional public prosecutors will handle all aspects of inquiries and investigations, and consequently the police will be involved in the processing of these cases to a very limited extent only. However, the police themselves are required to deal with urgent matters concerning inquiries and investigations. In addition, the regional public prosecutors may, to a certain extent, request the National Commissioner's Serious Crime Squad to assist them in their investigations. Such external assistance in connection with investigations may, however, only be used in exceptional cases and in accordance with strict instructions from the regional public prosecutor concerned.

Another significant element of the scheme is the police complaints boards. A police complaints board has been set up for each regional public prosecutor. The board consists of one lawyer and two laypersons, and it supervises the regional public prosecutor's processing of cases covered by the scheme.

The rules solely concern complaints about conduct and criminal proceedings involving police personnel. Hence, complaints about substantive decisions and actions taken by the police in connection with their processing of cases do not fall within the scope of the scheme. Complaints about police (operational) action outside the scope of criminal justice procedure will, therefore, have to be lodged with the Commissioner of the relevant police district (Politidirektøren) or the National Police (Rigspolitiet). Act No. 444 of 9. June 2004 on police activities deals with the rules on police actions outside the scope of criminal justice. Police actions taken as part of criminal investigations may be complained against to the Regional Public Prosecutor (Statsadvokaten).

A third element of the existing rules is the extended right to have legal representation assigned. This applies to the complainant and the officer complained against in cases concerning police conduct as well as to the injured parties and police officers in criminal cases.

In cases concerning complaints about police conduct and in criminal cases involving police personnel, the regional public prosecutor initiates investigations, either upon the receipt of a complaint, on his own initiative or following an opinion submitted by the police complaints board. The regional public prosecutor is, moreover, required to initiate investigations where a person has died or been seriously injured as a result of police intervention or while the person in question was in police custody.

Both the aggrieved party and others may complain to the regional public prosecutor about the conduct of police personnel while discharging their duties, and there are basically no restrictions as to which groups or individuals are entitled to file complaints of alleged criminal offences committed by the police.

The regional public prosecutor's decision in respect of a complaint may be appealed by either party to the case, or by the police complaints board, to the Director of Public Prosecutions.

In 2001 the regional public prosecutors recorded a total of 931 complaints comprised by the Police Complaints Boards arrangement. In 2002 the number of complaints was 876 and in 2003 the number was 917. In 2004 the regional public prosecutors recorded a total of 971 complaints comprised by the Police Complaints Boards arrangement. In 2005, the number of complaints was 934 and in 2006 the number was 989. The most recent recording is from 2007, when the number of complaints was 1023.

In addition to the complaints mechanism described above, the parliamentary Ombudsman Act (*lov om Folketingets Ombudsmand*) permits complaints to be lodged with the Ombudsman about final administrative decisions taken by the authorities, including decisions taken by the police. The Ombudsman himself decides whether examinations should be commenced on the basis of a complaint. The Ombudsman may also commence examinations on his own initiative.

Furthermore, it should be noted that according to Ministry of Justice practice, the Ombudsman will be informed automatically about the outcome of investigations conducted by the regional public prosecutors in cases concerning deaths in police cells.

On 11 October 2006 the Ministry of Justice set up a broad-based committee tasked with reviewing and evaluating the current system for dealing with complaints against the police and processing criminal cases against police officers.

The Committee was asked to review the rules of the Danish Administration of Justice Act dealing with complaints against the police, criminal cases against police officers and police complaints boards (Part 93 b - 93 d of the Danish Administration of Justice Act) with a view to considering whether, based on the experience gained, etc., the current complaints system is working satisfactorily or whether it should be modified. The Committee was further asked to consider whether, within the overall framework of the current complaints system, public confidence in the efficiency of the system in handling cases regarding police officers can be further bolstered – e.g. by strengthening the authority of the police complaints boards – or whether, in the light of foreign experience with other complaints systems, for example, more extensive modifications should be made to the complaints system.

The Committee submitted its report in April 2009.

The Committee suggests a new model to improve the current complaints system and strengthen public confidence in the system. This includes *inter alia* the creation of a new body independent from the police to deal with complaints against the police and investigate criminal cases against police officers, etc. The new body shall further investigate criminal offences committed by police personnel while on duty as well as cases concerning the death or injury of persons in police custody. However, according to the Committee, the question of whether charges shall be raised against police personnel is still to be decided by the Regional Public Prosecutors or the Director of the Public Prosecutors (*Rigsadvokaten*).

Furthermore, the Committee suggests several initiatives to be taken in order to shorten the time periods for case handling under the complaints system and make the system more efficient.

The report has been submitted for public hearing, and the Danish government is currently considering the further process of a possible reform of the complaints system.

b) Constitutionally established authorities/institutions responsible for the democratic control of military, paramilitary and security forces;

Reference is made to 3a.

c) Roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework;

Military

For Denmark war prevention and credible collective defence are obtained through Danish membership of NATO and active participation in the joint defence endeavours of the Alliance. Defence of the national territory as well as the territory of other NATO member states in co-operation with allies is the ultimate task of the Danish Armed Forces.

Whenever Danish military forces are requested by the UN, NATO or the OSCE to participate in peacekeeping, humanitarian and other operations, the government undertakes a thorough and careful analysis of the specific situation prior to any decision about Danish contributions. Pursuant to section 19(2) of the constitution, the consent of Parliament will be obtained prior to any participation in missions, where the use of military force against a foreign state in excess of self-defence has been authorized.

Paramilitary forces

Denmark has no paramilitary forces

Security forces

Denmark has no internal security forces

d) Public access to information related to the armed forces

The MOD considers it most important to keep the public informed about the activities of the armed forces. Accordingly the Ministry publishes an annual report on the activities of the armed forces in the previous year with features on topical issues within the defence sphere. Defence Command Denmark also issues an annual report on the defence budget and activities in the previous year with specific information on activities in the individual branches of the Defence.

Both the Danish Defence Command and the Danish Defence Media Centre are tasked with distributing information about the armed forces and to promote the understanding and cooperation between the population and the military defence; inter alia, the Defence Command and the Media Centre arrange exhibitions and give briefings and lectures about the armed forces. The Danish Defence Media Centre is an independent defence agency headed by a director who is responsible for day-to-day business.

A MOD Internet site contributes to the distribution of information about the defence forces. The site provides links to other associated sites including those of the Defence Command Denmark and each of the individual branches of the armed forces. The MOD site also provides links to the homepage of the Ministry of Foreign Affairs, which, among other issues, contains information on Danish security policy. A number of publications and books are issued annually and all services (army, navy and air force) have a public library.

An act on open administration assures the right of access for citizens to documents engendered through a case dealt with by any administrative authority. This act also applies to defence authorities.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreements as well as in accordance with international law

Denmark is a party to the Agreement by the Parties to the North Atlantic Treaty Organisation on the Status of their Forces from 1951. It has signed the Agreement among the States Parties to the North Atlantic Treaty and the Other States participating in the Partnership for Peace regarding the Status of their Forces, done at Brussels on 19 June 1995. Denmark ratified on 7 August 1999.

Besides that Denmark concludes Status of Forces Agreements on an ad hoc basis when the Danish Armed Forces are going to be stationed on territories, where the NATO-SOFA does not apply.

5. Description of procedures for the recruitment or call-up of personnel

a) Military

The main objective of the Danish Armed Forces' personnel policy is to provide highly skilled and motivated personnel in order to maintain the quality and efficiency of accomplishing tasks in both national and international environments.

The manning of the armed forces is based on professional soldiers. However, each year approximately 6.500 conscripts are trained to become a part of the total defence forces that are called up in the event of a crisis or a natural disaster.

All young men holding a Danish citizenship are examined for liability for military service in the year when reaching the age of 18. If called-up he has the possibility to sign an agreement with the armed forces. The agreement allows a certain influence on where, when and how long time he will do his preliminary compulsory service.

The regulars, comprising approximately 4.000 officers and 13.000 non-commissioned officers and privates, are recruited from among the conscripts or directly among those who have finished their regular school attendance. Selection procedures differ slightly between the services and between officers and other ranks. Applicants are required to meet specific literacy and numeracy requirements and to be both medically and physically fit.

There is no compulsory national service for women in Denmark, but women can join the armed forces on a voluntary basis and on the same conditions as men.

Denmark has no paramilitary forces and internal security forces.

b) Exemptions or alternatives to compulsory military service

Conscription was stated for the first time in the Danish constitution in 1849 and has remained unchanged since then. Section 81 reads: "Every young man capable of bearing arms is to take part in the defence of the country according to national law".

Consequently, the Danish Parliament has passed the Act of Conscription, which has been changed as late as December 2005. This act lists four possibilities of doing national service:

1. Service within the Danish Armed Forces,
2. Service within the Danish Emergency Management Agency,
3. Service as aid worker in third world countries,
4. Civilian work – service for personnel that reject service within the armed forces.

The last three possibilities of doing national service do not include arms.

Denmark has ratified an international convention under which it is acknowledged that no one can be called up for service within the armed forces before the age of 18.

c) Legal and administrative procedures protecting the rights of all forces personnel

Military personnel are subordinated to the Military Criminal Code, The Military Administration of Justice Act and the Disciplinary Code.

These contain both rights and obligations for military personnel. In peacetime, the Military Criminal Code and the Disciplinary Code apply to serving military personnel. They also apply to demobilised personnel, as far as duties of demobilisation are concerned. During an armed conflict the Military Criminal Code and the Disciplinary Code apply e.g. to all personnel - whether military or civilian - in the armed forces. Criminal and disciplinary jurisdiction is extended to Danish military personnel serving outside Denmark, including Peace Support Operations.

Military criminal cases are tried before the regular (civilian) courts. In general the Legal Procedure Act applies to all cases concerning breach of the Military Criminal Code as well as breach of the (civilian) Criminal Code committed by military personnel during or related to their service or outside the service but on military installations. The Military Administration of Justice Act only contains a few modifications to the Legal Procedure Act, the most important being that The Judge Advocate General's Corps is responsible for the investigation and prosecution of criminal cases under military jurisdiction, exercising authority equivalent to that of the police and public prosecutors in civilian criminal cases. The corps is not under the command of the Chief of Defence but is an independent body directly under The Ministry of Defence. Other Military authorities have no specific or independent authority to investigate and prosecute in criminal cases.

Whereas the Military Criminal Code deals with the more severe misconducts the Disciplinary Code deals with misconducts, which are not criminal. But due to the importance of maintaining the military discipline there still is a need for sanctioning. Only the misconducts mentioned specific in the Code can be sanctioned. Disciplinary measures include reproof, work or exercise outside normal hours, presentation for inspection, guard out of turn and disciplinary fine. The Code contains a thorough description of the procedures, which has to be followed in order to sanction misconduct. The main purpose is to secure the defendant. Disciplinary measures may be imposed by officers who have been granted such power by the Chief of Defence.

If the defendant wants to contest a disciplinary measure, he or she may bring the case to the permanent disciplinary board consisting of a judge a representative from the military defence and a representative from the relevant trade union. Furthermore the defendant may contest the decisions of the disciplinary board before a court of law.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations

All Danish military personnel receive instruction in the Law of Armed Conflict (LOAC) and other relevant international rules governing the conduct of military operations.

The regulations concerning instruction in LOAC were reviewed in the early 1990's. Today, instruction is governed by a defence command directive from November 1995. The guiding principle is that everyone shall receive instruction according to his or her function. Instruction is also to be integrated into all military instruction and exercises, thus making LOAC an integrated part of military training. Instruction takes place at all levels during basic military training, at NCO-schools and at the officer academies as well as at the Defence Academy. In addition, personnel who are to take part in operations carried out by the UN, NATO or the OSCE (including peace support operations) receive "refresher training" in LOAC as well as instruction in rules of special relevance to such missions. Personnel who have special responsibilities relating to LOAC may attend special courses in Denmark and elsewhere.

In 1997 a military legal advisory service was established with responsibility for advising military commanders on LOAC issues and other legal questions relating to military operations. This service is regulated by a defence command regulation from August 1997. Military legal advisors are employed throughout the armed forces' operational and administrative structure, from the senior commands including defence command down to brigade (army), squadrons (navy) and air stations (air force) level. Military legal advisors also advise military commanders in relation to crisis management and international peace support operations. Military legal advisors are to take part in planning and can be involved in crisis management and international peace support operations. Military legal advisors have been deployed on such operations with Danish and NATO military contingents. Military legal advisors are also involved in instruction in LOAC within the armed forces.

The military legal advisory service is currently undergoing revision in order to raise the standard and quality of the service, due to the constant more complex nature of international operations.

7. Any other information

The following additional information is provided with reference to the 2004 OSCE Action Plan for the Promotion of Gender Equality in accordance with ministerial decision No. 14/04; as well as ministerial decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation — aiming at enhancing the implementation of the UN Security Council resolution 1325 (2000).

Denmark has revised its plan of action for implementation of UNSCR 1325 on women, peace and security.

The new plan for the period 2008-2013 that is now being implemented is based on experiences and emphasizes focus on women's active participation in peace negotiations and conflict resolutions, active participation of civil society and civil-military cooperation.

The plan has been formulated by the Ministry of Foreign Affairs, The Ministry of Defense and the National Police in an all-of-Government approach and in close cooperation with civil society (NGOs, researchers and other relevant actors):

The Ministry of Foreign Affairs is responsible for strengthening implementation of UNSCR 1325 in various ways, directly and indirectly, multilaterally and bilaterally:

- By working for the inclusion of UNSCR 1325 elements in UN, OSCE and NATO decisions, policies and plans of action.
- By promoting inclusion of UNSCR 1325 in emergency humanitarian response and humanitarian policy.
- By working for wider incorporation of the various aspects of SCR 1325, including the important aspect of combating gender based violence through humanitarian activities of UN organizations such as OCHA, UNHCR, WFP, UNICEF and UNRWA.
- By ensuring inclusion of UNSCR 1325 aspects in humanitarian projects and programmes of Danish relief organizations supported by the Ministry of Foreign Affairs.
- By working for more women in senior international peace work by contributing female candidates to the rosters within the EU and UN.
- By working for increasing the number of women recruited for the Danish International Humanitarian Services.
- By promoting partnership of like-minded European countries similar to the UN "Friends of 1325 groups".
- By supporting capacity building and training on the prevention of sexual exploitation and abuse in UN Peacekeeping Operations.
- By giving specific attention to UNSCR perspectives in UN missions, including upholding the zero tolerance of violations of code of conduct.

The Danish Armed Forces have implemented the UNSCR 1325 in international operations in a number of ways:

- By developing a policy for UNSCR 1325 in international operations with Danish participation.
- Where relevant for specific missions with Danish deployment the Ministry of Defence and the Danish National Police will continue to give attention to UNSCR 1325 perspectives, including upholding the zero tolerance of violations of the code of conduct.
- By assessing where and how UNSCR 1325 can be included in relevant management documents.

- By considering the 1325-perspective, to the extent possible, in the composition of Danish contingents.
- By including women, peace and security as part of cultural competences.
- By including knowledge of UNSCR 1325 in mission specific training.
- By enhancing formal and systematic collection and analysis of UNSCR 1325 specific information.

The 1325-integration is monitored and will be revised at the latest by the next revision of the national action plan. Internal plans of action for UNSCR 1325 implementation are being developed by the involved institutions and an inter-ministerial working group oversees the overall implementation in cooperation with civil society.