

**EMBASSY & PERMANENT MISSION OF DENMARK**  
**VIENNA**

File. 2024

**N o t e V e r b a l e**

The Embassy & Permanent Mission of Denmark in Vienna presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre, and has the honour to provide the 2024 response to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security in accordance with FSC Decision 2/09.

The Embassy & Permanent Mission of Denmark in Vienna avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 10<sup>th</sup> June 2024



To:

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

## **DENMARK**

### **QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

#### **Section I: Inter-State elements**

##### **1. Account of measures to prevent and combat terrorism**

###### **1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State 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 (A number of provisional territorial reservations with respect to the Faroe Islands and Greenland, eventually to be withdrawn, do not appear in the list.)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 entered into force for Denmark on 7 July 2007.
16. European Convention on the Prevention of Terrorism (Warsaw, 16 May 2005). Denmark ratified on 16 May 2005. The Convention entered into force for Denmark on 1 August 2007.

**1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

Danish legislation including in particular The Danish Criminal Code 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 section 1.1 above.

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 Danish Criminal Code.

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 Danish Criminal Code.

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 Danish Criminal Code.

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 (4) of the convention in accordance with Article 13.

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 Danish Criminal Code.

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 Danish Criminal Code and the Danish Extradition Act etc. were 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.

By Act no. 503 of 7 June 2006 the Weapons Act, Criminal Code etc. were amended in the light of UN Security Council Resolution 1540 on non-proliferation of weapons of mass destruction with new national legislation relating to chemical, biological, radiological and nuclear weapons and their means of delivery. The act introduces a general ban on all activities related to such weapons, including restrictions on extraterritorial transportation.

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 were implemented into Danish law by Act no. 542 of 8 June 2006.

By Act no. 157 of 28 February 2012 the Danish Criminal Code was amended in order to meet the obligations deriving from the decision of 11 September 2008 by the Committee of Ministers of the Council of Europe to add the International Convention for the Suppression of Acts of Nuclear Terrorism to the treaty list appended to the Council of Europe Convention on the Prevention of Terrorism.

### **1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

#### **Police**

As the national security authority, the Danish Security and Intelligence Service (*Politiets Efterretningstjeneste* abbreviated *PET*) works to identify, prevent, investigate, and counter threats to

the freedom, democracy, and security of Danish society. PET thus plays an important role in preventing terrorism. PET lies within the remit of the Danish Ministry of Justice, and the Director General of PET reports directly to the Minister of Justice.

The statutory basis for PET's activities is set out in the consolidation Act no. 231 of 7 March 2017 on the Danish Security and Intelligence Service (the PET Act). The PET Act, which entered into force in 2014, comprehensively regulates PET's activities and specifies PET's tasks of preventing, investigating and countering acts and undertakings which pose or may come to pose a threat to Denmark as an independent, democratic and safe society. The actions that, in this connection, fall within PET's area of responsibility are primarily defined by Chapter 12 and 13 of the Danish Criminal Code. Such actions include attacks on the Danish Constitution, terrorism, and proliferation of weapons of mass destruction, extremism and espionage.

The intelligence task of PET consists of collecting, analysing, and communicating information concerning above mentioned threats to Denmark and Danish interests, while the nature of the security task is to counter the threats identified by the intelligence efforts. On this basis, PET prepares assessments and risk analyses that again provide the basis for an evaluation of what action that must be implemented to prevent or disrupt any threats from developing further.

In the event of a terrorist attack, the response will be jointly handled by the PET, the Danish National Police as well as the local police.

## **Defence**

The Danish Defence Intelligence Service (*Forsvarets Efterretningstjeneste* abbreviated *FE*) is Denmark's foreign intelligence and military intelligence service. The service is an agency under the Danish Ministry of Defence, and the legal framework for the service is set out in consolidation no. 1287 of 28 November 2017 (the Defence Intelligence Service Act). The act states that FE is Denmark's National Information and communications technology (ICT) security authority, and the responsible authority for military security.

FE collects, analyses and disseminates information concerning conditions abroad, which are of importance to Denmark and Danish interests. The intelligence activities e.g. include collection of information about international terrorism and extremists abroad. Moreover, FE directs and controls

the military security, both for installations and units in Denmark and for units, ships and aircraft deployed on international missions abroad.

**1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:**

Terrorism offences are criminalized in Chapter 12 and 13 of the Danish Criminal Code. The most relevant counterterrorism provisions are summarized below.

Section 101 a (1) of the Criminal Code criminalizes any person who is a Danish national or habitually resident within the Danish state and who is affiliated with armed forces fighting against the Danish state in an armed conflict to which the Danish state is a party. The penalty for violation of section 101 a (1) is imprisonment for a term not exceeding 12 years. In particularly aggravating circumstances (inter alia situations in which the relevant person has participated in combat) the sentence may increase to imprisonment for life.

Section 101 a (2) criminalizes the recruitment of another person who is a Danish national or habitually resident within the Danish state for armed forces in the circumstances described in subsection (1). The subsection also criminalizes public incitement of such person to join hostile forces in such conflicts. The penalty for violation of section 101 a (2) is imprisonment for a term not exceeding 12 years. In particularly aggravating circumstances (inter alia situations involving offences committed in a systematic or organised manner) the sentence may increase to imprisonment for a term not exceeding 16 years.

Section 114 (1) of the Criminal Code, criminalizes any person who commits any one or more of specific listed acts (inter alia homicide, aggravated assault or deprivation of liberty) with intent to seriously threaten a population or wrongfully coerce Danish or foreign public authorities or an international organisation to perform or fail to perform a duty, or to destabilise or overthrow the fundamental political, constitutional, economic or social structures of a country or an international organisation, where by virtue of its nature or the context in which it was committed the act is suited to inflict serious harm on a country or an international organisation. The penalty for violation of section 114 (1) is imprisonment for a determinate term or life imprisonment.

According to section 114 (2) the same penalty is imposed on any person who transports weapons or explosives with the same intent as referred to in subsection (1). Furthermore, it follows from section 114 (3) that the same penalty is imposed on any person who threatens to commit one of the offences referred to in subsections (1) and (2) with the intent referred to in subsection (1).

Section 114 a of the Criminal Code provides that if any of the acts referred to in paragraph 1-8 of section 114 a (inter alia certain violations of the Criminal Code that falls within the Hijacking Convention or the International Convention Against the Taking of Hostages) are committed and the offence does not fall within section 114, the penalty may exceed the most severe sentence prescribed for the offence by up to half.

Section 114 b of the Criminal Code criminalizes any person who (i) grants financial support, whether directly or indirectly, to, (ii) organizes or raises funds, whether directly or indirectly, for, or (iii) makes funding, other property, or financial or other similar services available, whether directly or indirectly, to, a person, a group or an association committing or intending to commit any terrorist act falling within section 114 or 114 a. The penalty for violation of section 114 b is imprisonment for a term not exceeding 12 years.

Section 114 c (1) and (2) of the Criminal Code criminalizes any person who recruits another person to commit or facilitate any act falling within section 114, 114 a or 114 b or to join a group or an association for the purpose of facilitating the commission of illegal acts of this nature by the group or association. The penalty for violation of section 114 c (1) is imprisonment for a term not exceeding 12 years. When the crime is committed under particularly aggravating circumstances (inter alia offences committed in a systematic or organised manner), the penalty is imprisonment for a term not exceeding 16 years. The penalty for violation of section 114 c (2) is imprisonment for a term not exceeding 8 years.

Furthermore, section 114 c (3) criminalizes any person who accepts being recruited to commit any act falling within section 114 or 114 a. The penalty for violation of section 114 c (3) is imprisonment for a term not exceeding 8 years. If the relevant person is a member of armed forces, the sentence may increase to imprisonment for a term not exceeding 12 years, or in particularly aggravating



circumstances (inter alia situations in which the relevant person has participated in combat) to imprisonment for life.

Section 114 d (1) and (2) of the Criminal Code criminalizes any person who train, instruct or otherwise teach another person to commit or assist terrorist acts punishable according to sections 114, 114 a or 114 b knowing that such other person intends to use his skills for such purpose. The penalty for violation of section 114 d (1) is imprisonment for a term not exceeding 12 years. When the crime is committed under particularly aggravation circumstances (inter alia offences committed in a systematic or organised manner), the penalty is imprisonment for a term not exceeding 16 years. The penalty for violation of section 114 d (2) is imprisonment for a term not exceeding 8 years.

Section 114 d (3) provides that it is criminal to receive training or instruction to commit acts punishable to sections 114 or 114 a. The penalty for violation of section 114 d (3) is imprisonment for a term not exceeding 8 years.

Section 114 e of the Criminal Code criminalizes any person who otherwise facilitates the activities of a person, a group or an association committing or intending to commit an act falling within section 114, 114 a, 114 b, 114 c or 114 d. The penalty for violation of section 114 e is imprisonment for a term not exceeding 8 years. However, if the relevant person is a member of armed forces, the sentence may increase to imprisonment for a term not exceeding 12 years, or in particularly aggravating circumstances (inter alia situations in which the relevant person has participated in combat) to imprisonment for a term not exceeding 16 years.

Section 114 f of the Criminal Code criminalizes any person who is active in or gives substantial financial support or other substantial support to a force, group or association intending to exert influence on public affairs or cause obstruction to the social order through the use of power, where the offence does not fall within sections 114-114 e. The penalty for violation of section 114 f is imprisonment for a term not exceeding 8 years.

Section 114 g of the Criminal Code criminalizes any person who is active in an illegal military organization or group, where the offence does not fall within sections 114-114 f. The penalty for violation of section 114 g is a fine or imprisonment for a term not exceeding 3 years.

Section 114 h of the Criminal Code criminalizes any person who, contrary to the legislation on non-proliferation of weapons of mass destruction, etc., in aggravating circumstances – exports dual-use products without permission (i), gives incorrect or misleading information or suppresses information that is essential to a decision to be taken by public authorities on dual-use products (ii), or acts contrary to terms stipulated in public authority decisions on dual-use products (iii). The penalty for violation of section 114 h is imprisonment for a term not exceeding 8 years.

Section 114 i of the Criminal Code criminalizes the receiving of financial support in the form of money or other services for the establishment or operation of an institution or activities or for similar purposes in Denmark from a group or an association committing or intending to commit acts falling within section 114 or 114 a. The penalty for violation of section 114 i is imprisonment for a term not exceeding 8 years.

Section 114 j of the Criminal Code criminalizes any person who is a Danish national or habitually resident within the Danish state and who enters or stays in an area as referred to in subsection (3) without permission. The penalty for violation of section 114 j is imprisonment for a term not exceeding 8 years.

According to subsection (3) the Minister of Justice may, following negotiation with the Minister for Foreign Affairs and the Minister of Defence, lay down rules determining that a conflict area in which a group or an association as referred to in section 114 e is a party to an armed conflict will fall within subsection (1). The Dayr Az Zawr and the Idlib provinces in Syria are currently covered by the ban, cf. section 1 (1) (i) and (ii) of the departmental order no. 708 of July 6 2019.

It follows from subsection (2) of section 114 j that the prohibition does not apply to any entry and stay for exercising a public function or office with a Danish, foreign or international organization. Furthermore, according to subsection (4) the Minister of Justice or the person so authorized by the Minister may permit a person, upon application, to enter or stay in a prohibited conflict area if the entry or stay serves a meritorious purpose.

Section 136 (2) of the Criminal Code criminalizes any person who expressly approves of any of the offences mentioned in Chapter 12 and 13 of the Criminal Code in public. The penalty for violation of section 136 (2) is a fine or imprisonment for a term not exceeding 3 years. Section 136 (3) of the Criminal Code criminalizes any person who expressly approves of, inter alia, any of the acts covered by sections 114-114 j of the Criminal Code in connection with religious education. The penalty for violation of section 136 (3) is a fine or imprisonment for a term not exceeding 3 years.

In addition, acts aimed at inciting or assisting the commission of an offence, inter alia section 101 a, sections 114-114 d and section 136 (2) of the Criminal Code, are punishable as attempts in accordance with section 21 of the Criminal Code if the offence is not completed.

Furthermore, it follows from section 23 of the Criminal Code that the penalty provided for an offence applies to everybody who is complicit in the act by incitement or aiding and abetting.

According to Section 79 b of the Criminal Code any person, who is sentenced to imprisonment or another sanction depriving a person of his or her liberty for a violation of the counterterrorism provisions of the Criminal Code, can also be imposed a residence ban or/and a contact ban. Convicted terrorists may then be prohibited from staying and traveling in specific areas, and they may be prohibited from contacting, as a rule, all other terrorist convicts. The bans can be granted for a period of up to ten years. Violation of a ban will be punishable by imprisonment for up to two years. The purpose of the provision is to ensure that convicted terrorists do not radicalize others or even maintain themselves in a radicalized environment.

In addition to the above-mentioned terrorism offences, other relevant counterterrorism provisions and acts are summarized below.

By Act no. 291 of March 8, 2022, the Danish Parliament passed a bill on revised data retention rules, which amended the Administration of Justice Act and the Telecommunications Act with effect from March 30, 2022. The new legislation on data retention i.a. consists of two schemes for retention of traffic data: Firstly, a scheme for targeted data retention which involves an obligation for telecommunication companies to carry out data retention regarding specific individuals and

geographical areas with a connection to serious crime. Under this scheme, law enforcement agencies have access to traffic and location data with a view to combatting serious crime. Secondly, it is possible to enact rules that oblige telecommunication companies to retain data on a general and indiscriminate basis when there is a serious threat to national security. General and indiscriminate data retention with a view to protecting national security can, however, not be in force continuously. Under this scheme, law enforcement authorities have access to retained traffic and location data with a view to protecting national security.

In addition, under the new legislation on data retention, telecommunication companies are obliged to register and store information about end users' access to the internet (i.e. IP-addresses) on a general and indiscriminate basis. Law enforcement authorities have access to this type of information with a view to combatting criminal offences.

Furthermore, under the new legislation on data retention, telecommunication companies must, at the request of the police in the course of investigation of criminal offences, provide information that identifies an end user's access to electronic communications networks or services.

It follows from section 791 b of the Administration of Justice Act that in cases where the police's investigation concerns an offense which may be punishable by imprisonment for 6 years or more or a violation of Chapter 12 or 13 of the Criminal Code, the police can obtain a court warrant to capture data in an information system (i.e., a computer or another data system) not available to the public by means of software or other equipment without being present at the location where an information system is used, if the intervention is presumed to be crucial for the investigation.

According to section 791 c of the Administration of Justice Act the police may disrupt or interrupt radio or telecommunications in an area if there are compelling reasons to do so in order to prevent an offense being committed in that area, which may be punishable by imprisonment for 6 years or more or a violation of Chapter 12 or 13 of the Criminal Code, and which may endanger human life or welfare or significant societal values.

According to section 791 d of the Administration of Justice Act, a website can be blocked, if there is reason to assume that a crime mentioned in sections 114-114 i of the Criminal Code is being committed from the website. The decision to block a website is made by the court by order at the

request of the police. A website must not be blocked if the intervention is disproportionate to the significance of the case and the inconvenience that the intervention may be assumed to cause.

According to section 791 e of the Administration of Justice Act, the police may take over closed circuit television surveillance from other authorities or individuals in an area if there are compelling reasons to do so with a view to preventing or investigating an offense punishable by law by imprisonment for 6 years or more, constitutes a violation of Chapter 12 or 13 of the Criminal Code, and which may or has entailed danger to human life or welfare or to significant societal values. However, this does not apply to closed circuit television surveillance in private homes.

It follows from the Act on Passports for Danish Citizens that the police can refuse to issue a passport to a Danish national or revoke a previously issued passport for a specified period of time if there is reason to believe that the person intends to participate in activities abroad that may involve or increase a danger to national security, other states' security or pose a significant risk to the public order. In addition, the police can supplement such a decision with a travel ban for a specified period of time.

It follows from the Alien Act that the Immigration Service can repeal a residence permit or a right of residence if an alien is staying or has stayed outside of the country, and there is reason to believe that the alien during the stay participates or has participated in activities that may involve or increase a danger to national security, public order or other states' security.

The Alien Act entails provisions that regulate the exchange of information regarding aliens between the immigration authorities, the intelligence services and the public prosecutor's office.

By Act no. 1706 of 27 December 2018, the Danish Parliament passed a bill on the collection, use and storing of Passenger Name Records (PNR). With the PNR Act, PET can acquire PNR through the Police's Passenger Information Unit (PIU).

### **Financing of terrorism**

By Act no. 674 of 8 June 2017 the Danish Parliament passed a bill, which provides a legal basis for temporarily stopping the granting of social benefits to foreign terrorist fighters. The grant of social benefits stops if the police revokes a passport from a Danish citizen when there is reason to believe that the person participates in activities abroad that may involve or increase a danger to national

security, public order or other states' security. Moreover, the act provides a legal basis to reclaim social benefits that have been paid to convicted foreign terrorist fighters while they were in foreign conflict zones.

Furthermore, the Danish Parliament has adopted Act no. 262 of 16 March 2016 on the registration of beneficial ownership (the BO Act), which makes it mandatory for all legal persons, such as companies, businesses and foundations to obtain and hold up-to-date information on the entities' beneficial ownership and to take reasonable measures to obtain such information. The BO Act amended the Companies Act, the Certain Commercial Undertakings Act, the Commercial Foundations Act and various other acts. The information on beneficial ownership has to be registered in the Danish Business Register (CVR) and is publicly available. The entities are also obliged to hold information regarding their beneficial owners and attempts to identify their beneficial owners for 5 years after the identification or the attempt. The rules on beneficial ownership were amended by Act no. 676 of May 29, 2018 amongst others to secure the registration of beneficial ownership at the same time a new company is being registered. Furthermore, the rules on beneficial ownership were amended by Act 554 of May 7, 2019, among other to introduce a mechanism to ensure information held in the Central Beneficial Ownership Register is adequate, accurate and current and introduced further control and sanction possibilities. Identical rules as the abovementioned about beneficial ownership were introduced by Act 553 of May 7, 2019, regarding beneficial ownership information on foreign trusts and similar legal arrangements. Act 553 and 554 implemented the 5<sup>th</sup> AML Directive and the Acts entered into force 10 January 2020 (Act no. 554 of 7 May 2019) as a part of the implementation of the 5<sup>th</sup> AML Directive. Further Act no. 642 of May 19, 2020, introduced amongst other the requirement that members of the management of a company - who are required by law to be registered in the central business register - must be the persons who actually act as directors as well as additional possibilities for control and sanction.

In September 2018, a national 4-year strategy on combatting money laundering and terrorism financing was published. The aim of the national strategy was, among other things, to ensure the most efficient way of collaboration and coordination between the relevant authorities in order to significantly reduce the risk of money laundering and terrorist financing. Furthermore, the national strategy was focused on the importance and relevance of the national risk assessments and puts

emphasis on the need to collaborate between the relevant authorities when drafting the risk assessments.

In 2016, PET conducted a National Risk Assessment on Terrorist Financing (NRA TF) in Denmark. It was distributed to Danish authorities and to a limited private sector audience in order to strengthen the national efforts against terrorist financing. In January 2020, PET completed and made public a new NRA TF. Denmark was evaluated by the Financial Action Task Force (FATF) in 2017, whose remarks have been an inspiration for the new NRA TF. In 2024, PET published the latest version of the NRA TF. The risk assessment was prepared in close cooperation between PET and the Danish Financial Intelligence Unit (FIU), especially regarding national vulnerabilities and considerations regarding risk associated with Greenland and The Faroe Islands. The NRA TF is available on PET's website, but has also been shared with relevant stakeholders and with the Money Laundering Forum, which is a strategic forum for coordination among relevant authorities. In addition, PET has devoted resources to outreach and awareness about the conclusions of the NRA TF, both with public and private actors, both domestically and internationally. The outreach campaign will continue during the year 2024. The Danish FIU published their newest National Risk Assessment on Money Laundering in 2023.

In both the 2020 and 2024 new NRA TF, the non-profit organizations sector (NPO sector) is identified as a high-risk area. In 2020, PET conducted a separate National Risk Assessment on Terrorist Financing in The NPO sector in Denmark (NRA NPO). The NRA NPO was finalized and made public in the beginning of April 2020. The NRA NPO is made in cooperation with relevant Danish authorities, the NPO sector and other stakeholders. Among these are The Danish Tax Authorities, ISOBRO (The NPO trade organization) and The Fundraising Board.

PET and ISOBRO published a new version of the leaflet "Your contribution can be abused" in order to inform the donor community about possible TF-risks in relation to NPOs. The leaflet contains information about risks areas and concrete advice to donors, who have doubts about the use of their donation. The leaflet was made in cooperation with representatives from both the public and the private sector. The new leaflet has been translated into a number of different languages, including English, Arabic, Somali and Urdu.

In cooperation with The Fundraising Board and ISOBRO, PET also launched a preventive campaign on social medias in order to raise awareness on TF-risks in relation to NPOs. The campaign is also called “Your contribution can be abused” and consists of graphics and short videos, where representatives from PET, The Fundraising Board, ISOBRO and the NPO sector (Danish Red Cross, Save the Children and GirlTalk) inform about possible risks in relation to fundraising activities and advice on how to avert the abuse of donations. The campaign links to the leaflet and the Fundraising Board’s website, where a list of approved fundraising campaigns and organizations can be found. The campaign ended in the beginning of April 2020. The results showed that the campaign was seen numerous times by 1,5 million Danish citizens, which constitutes a substantial number of the Danish population. Furthermore, the see-through rate, the rate of people watching an entire video, was unusually high.

On 4 February 2020, the Danish Parliament adopted Act no. 105, which amended the Danish Fundraising Act with effect from 1 March 2020. The purpose of the amendment is to enhance control with fundraising activities as part of the effort against money laundering and terrorist financing. The amendment consists of several elements. Firstly, NPOs now have to apply for a permission from the Danish Fundraising Board. Previously NPOs were required to notify the Board before initiating fund raising activities. Secondly, the requirements to such organizations’ financial statements are increased. Now the organizations are obliged to give information about each fundraising campaign including income and expenses of each campaign. Thirdly, the amendment enhances the Board’s ability to discover instances of money laundering and TF by expanding the Board with a member with insight in identifying money laundering and TF. Finally, the Board’s obligation to share information with relevant authorities is now a requirement by law. This includes an obligation to report to the Danish police, if the Fundraising Board suspects that a crime has been committed and an obligation to report to the Danish Financial Intelligence Unit (FIU), The Money Laundering Secretariat, if the Board has knowledge about, suspects or has reasonable suspicion that raised funds are used for money laundering purposes or financing of terrorism. On 1 July 2023, the Danish Parliament adopted another amendment to the Fundraising Act (Act no. 743). It entails a possibility for the Fundraising Board to refuse an application to start a fundraising according to paragraph 3 of the Fundraising Act (1-year permissions), due to circumstances in previous fundraisings, provided



there is reason to suspect that the fundraising will not be compliant with legislation. In such cases, an ongoing permission can also be revoked.

In addition to the amendments of the Fundraising Act, The Danish Fundraising Board has implemented new guidelines for a risk-based approach. The Board has changed its supervision of the financial statements to the effect that the Board conducts spot checks. Each year, the Board decides the number of financial statements that need to undergo examination. Among other things, the examination includes the accountant's opinion as well as the relation between receipts and expenditures. Based on the information given in the financial statement, the Board assesses if a more detailed supervision should be introduced, e.g. if the Board suspects that the funds are being used for purposes other than those stated in the application.

In November 2019, the Danish Government formed a new Operative Authority Forum (OAF) in order to enhance the coordination and information sharing between the relevant authorities in relation to preventing and combating money laundering and terrorism financing.

With the new multi-annual financial framework for the police and prosecution service 2021-2023 the government and a broad majority of the Danish Parliament decided to establish the Special Crime Unit (SCU). SCU was established 1 January 2022 and aims to strengthen efforts against the most complex cases of economic and organized crime. Within the SCU a public-private operational cooperation on combatting money laundering and terrorist financing was established to ensure formalized operative cooperation between competent authorities and relevant private actors. The public-private operational cooperation (ODIN) has replaced the abovementioned OAF. ODIN includes a variety of different public authorities, including amongst others the SCU, the Danish FIU, PET, the Business Authority and the Danish Financial Supervisory Authority. On the private side, several of the biggest banks in Denmark are included in ODIN, with smaller banks steadily joining in 2024.

A number of standing working groups have been established under the framework of Money Laundering Forum which is a collaborative forum consisting of Danish authorities, private sector representatives, and academic researchers. Among these a group chaired by the Danish Business Authority focused on coordinating outreach and education. The joint efforts regarding further

outreach and education is formulated and coordinated in this forum. The outreach and education group has formed a public-private cooperation with key partners from the financial sector on producing educational cases and case-based learning modules.

Furthermore, in 2024a public-private-academic-partnership (PPAP) has been initiated under the framework. This partnership aims to bring the academic world together with the many different authorities working with money laundering and terrorism financing and to foster more research in this area from a Danish perspective.

In 2021, Danish authorities, representatives from many Danish associations and Finance Denmark have been producing a guidance for Danish banks regarding assessing the risk of money laundering and financing of terrorism related to associations. The guidance was published by the Danish Financial Supervisory Authority. Future joint work on the issue remains with establishing a digitalized register for associations as a primary priority. The guidance is set to be reevaluated in 2024.

The Danish Government published its new national strategy on combatting money laundering and terrorism financing in July 2022. The strategy is built on a well-established organisational framework centred around the Money Laundering Forum.

The strategy covers 2022-2025 and has 21 specific priorities under five strategic themes: strengthening the efforts against complex and organized crime, digital and technological solutions, a coherent, targeted and risk-based supervisory regime, public-private partnerships and international cooperation.

There has been a number of court cases regarding terrorism financing during the last couple of years. In 2022, ten individuals were found guilty of financing terrorism in four different cases. There are final convictions regarding nine of these individuals, three of whom were convicted by the High Court in January 2024. One of the ten individuals is still awaiting the appeal.

### **Administrative deprivation of Danish citizenship**

In October 2019, the Danish Parliament passed a bill that introduced an access for the Danish authorities to deprive persons of their Danish citizenship administratively for persons with dual citizenship. Previously, citizenship could only be deprived by a court of justice.

In accordance with section 8 B(3) of the Danish Nationality Act, the Minister for immigration and integration can deprive an individual of their Danish citizenship administratively, if it is assessed that the individual has displayed conduct seriously prejudicial to the vital interests of Denmark and the individual has dual citizenship so that the deprivation does not lead to statelessness. The minister must make an assessment on the proportionality on the significance of the deprivation in relation to the severity of the person's conduct.

The introduction of the access to deprivation of Danish citizenship administratively has provided the authorities with the opportunity to deprive persons of their Danish citizenship even if the person is still abroad. This was not possible under the previous legislation.

Procedural guarantees apply throughout the process, including e.g. consultation of the person in question about information relevant to the decision and the right to give an opinion. The decision can also be appealed to the courts within four weeks. A later appeal can only be accepted by the court as an exception.

The deprivation does not apply to any children of the person who is deprived of Danish citizenship.

Denmark has so far deprived 15 persons of Danish citizenship administratively.

**Deprivation of Danish citizenship by court order (offences against the State's independence and security, and offences against the constitution and the supreme State's authority and terrorism)**

Pursuant to Section 8 B of the Danish Nationality Act, a Danish national who is convicted for a crime and who has thereby demonstrated a conduct seriously prejudicial to the vital interests of the state must be deprived of the Danish citizenship by a court order, unless the deprivation would be against Denmark's international obligations. According to the provision, deprivation of Danish citizenship is mandatory in cases where the person in question has demonstrated a conduct seriously prejudicial to the vital interests of the state. Conduct seriously prejudicial to the vital interests of the state may include, but is not limited to, terrorist acts and gang-affiliated crime. The deciding factor is whether

the crime is seriously prejudicial to the vital interests of the state. However, it does not include criminal offences of a general nature, however serious they might be, in accordance with the explanatory report to the European Convention on Nationality of 1997.

If a person has been punished abroad for an act which may, according to Danish legislation, lead to deprivation of Danish citizenship, such person can be deprived of his or her citizenship pursuant to Section 11 of the Danish Criminal Code.

### **Limitation of consular assistance to foreign terrorist fighters**

In January 2020, the Danish Parliament passed a bill that enables the Danish Foreign Service to refuse or limit its consular assistance to a person that is otherwise eligible to receive consular assistance, cf. the Act on the Danish Foreign Service, Section 1, subsection 4, if there is reason to believe that the person concerned has stayed in a conflict zone or has participated in activities abroad, which may pose or increase a threat to the national security of Denmark or other states. The term ‘conflict zone’ is described further under section 1.4 ‘Financing of terrorism’.

More specifically, the Foreign Service can refuse or limit its consular assistance, when:

- A person has been in a conflict zone without prior permission or creditable purpose,
- A person’s passport has been revoked, or the person has been denied a passport by Danish authorities as there is reason to believe that the person concerned intends to participate in activities abroad that may pose or increase the risk to the security of the state or other states,
- A person has been convicted or held in custody in absentia in Denmark for violation of one or more provisions of Chapter 12 (treason and other crimes against the independence and security of the state) and Chapter 13 (crimes against the constitution and supra state authorities, terrorism, etc.) of the Danish Criminal Code,
- Foreign judgments, information from *i.a.* the Danish Security and Intelligence Agency, or other relevant Danish or foreign authorities, gives reason to believe that a person has participated in or intends to participate in activities abroad which may pose or increase the risk to national security or other states security,
- Other circumstances, which may indicate that the person has taken part in activities abroad that may pose or increase the risk to the security of the state or other states.

A refusal or limitation of consular assistance to a person is based on a comprehensive assessment of the specific case in question, in which particular concerns calling for assistance, such as humanitarian aspects, will be taken into consideration.

Children of foreign terrorist fighters are exempt from the provisions on limitation of consular assistance. Hence, children of foreign terrorist fighters will not be subject to the limitations of consular assistance.

Only in exceptional circumstances, can the provision on limitation of consular assistance apply to a person under the age of 18.

### **Border controls**

In Denmark, border control is based on the Schengen Borders Code and implemented in Danish law through the Danish Aliens Act, the Aliens Order and the Visa Order and by rules and guidelines issued by the Danish National Police.

The Danish Police is the main authority responsible for integrated border management and is also responsible for carrying out border checks at the external border. Border control is carried out by the police and the Danish Defence as part of general law enforcement tasks, as Denmark does not have a specific border police force. Police and civilian officers carrying out border controlling tasks receive special border control training. Border surveillance at the maritime borders is carried out by the Royal Danish Navy and the Royal Danish Air Force on behalf of the police.

The Danish police falls under the jurisdiction of the Ministry of Justice and consists on an organisational level of the Danish National Police and 12 local police districts as well as the National Special Crime Unit, the Faroe Islands and Greenland, which each constitute a police district.

The Danish National Police regularly collect and examine data from relevant national and international partners (incl. Frontex). Risk analysis is available to all employees of the police.

At all border crossing points, the police have access to search in relevant databases such as national databases, the Schengen Information System, the Visa Information System and Interpol's databases (SLTD and nominal).

## **Travel document security**

*Any specific changes in national legislation or policy, development of a strategy for national identity management*

Denmark has no contribution in this regard.

*Implementation of relevant international (e.g., ICAO/EU) standards in this field*

Denmark has implemented all relevant EU and ICAO standards regarding passports/ePassports.

*Changes in institutional arrangements*

No changes have been made in the institutional arrangements since the application process for passports was handed over to the municipal authorities in 2007.

*Introduction of electronic passport (ePassport) and/or national ID card systems*

All Danish passports issued after 1 August 2006 are ePassports. At present, Denmark does not issue national ID cards.

*Participation in the ICAO Public Key Directory (PKD)*

At present, Denmark does not participate in the ICAO PKD. However, a project has been initiated to analyse the prerequisites for the participation in the ICAO PKD and Denmark expects to participate before the end of 2024.

*Use of new biometric (face, fingerprint, iris, etc.) technology*

Denmark implemented face biometric in passports in 2006 and fingerprints from 1 January 2012.

*Reporting of lost and stolen travel documents to Interpol's Database on Lost and Stolen Travel Documents (SLTD)*

When a Danish passport is reported lost or stolen in the national database, it is immediately entered into the Schengen Information System (SIS II) and Interpol's Database on Lost and Stolen Travel Documents (SLTD).

*Awareness raising and dissemination of information to national authorities on detecting forged travel documents*

The Danish National Police has an ongoing dialogue with all relevant national authorities, including the municipal authorities who handle the application process for passports.

*Awareness raising with relevant trade bodies (private airports, etc.)*

In Denmark, border control is conducted by the Danish police. The National Danish Police has an ongoing dialogue with airport and port authorities as well as others relevant trade bodies.

*International co-operation/technical assistance activities*

The Danish National Police does not participate in ICAO's technical committee, but follows the ongoing developments.

The Danish National Police participates in the Article 6 Committee on a Uniform Format for Visa under the European Commission as well as the Technical Subgroup of the Article 6 Committee.

### **Legal co-operation including extradition**

Denmark has ratified the European Convention on Extradition of 13 December 1957 and the additional protocols of 15 October 1975 and 17 March 1978.

Denmark has also signed bilateral agreements on extradition with the United States of America, Canada and the United Arab Emirates.

Danish legislation contains rules on Law No 117 of 11 February 2020 on extradition to and from Denmark (the Danish Extradition Act).

The Danish Extradition Act lays down the rules on extradition of Danish and foreign nationals for the purpose of criminal prosecution or execution of a judgment in a state outside the European Union. Furthermore, the Danish Extradition Act stipulates rules on surrender of Danish and foreign nationals for the purpose of criminal prosecution or execution of a judgment in a member state of the European Union on the basis of a European Arrest Warrant.

In 2005, Denmark, Finland, Iceland, Norway and Sweden agreed upon a convention on the surrender in criminal matters between the Nordic countries (the Nordic Arrest Warrant). Rules on the Nordic Arrest Warrant were inserted into the Danish Extradition Act by Act no. 394 of 30 April 2007. The Act stipulates special rules on the surrender of Danish and foreign nationals for the purpose of criminal prosecution or execution of a judgment in Finland, Iceland, Norway or Sweden. The Act entered into force on 16 October 2012, and at the same time, the former Act on Extradition to Finland, Iceland, Norway and Sweden was repealed. In comparison with the former Act, the rules on the Nordic Arrest Warrant contain an extended obligation to surrender.

Danish law does not contain specific rules on mutual legal assistance. However, as a general principle, Denmark can execute requests for legal assistance from other states in accordance with the rules applicable to national criminal procedures in, inter alia, the Danish Administration of Justice Act.

Denmark has ratified the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and the additional protocols of 17 March 1978 and 8 November 2001.



As member of the European Union, Denmark is also a party to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 and a number of framework decisions regarding specific forms of mutual assistance between the member states of the European Union.

Furthermore, Denmark has signed a mutual agreement with Finland, Iceland, Norway and Sweden on legal assistance in criminal matters and some bilateral agreements on mutual legal assistance in criminal matters.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with 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 deployed to foreign territories, where the NATO-SOFA does not apply.

As of June 1<sup>st</sup> 2022, the Danish defence reservation to the Maastricht-treaty was annulled and Denmark now participates in the EU defence cooperation. The EU SOFA, activated April 1<sup>st</sup> 2019, will apply when Danish Armed Forces deployed in EU missions or otherwise stationed at EU-institutions.

As of February 2024, Denmark has troops deployed in Iraq (NMI), Estonia, Latvia and Kosovo in a NATO framework. Additionally, one Danish frigate is deployed to OPG. Denmark contributes to the UN mission in the Middle East (UNTSO). Denmark contributes to coalitions in the Middle East (OIR, CMF, AGENOR, OPG, POSEIDON ARCHER), UK (INTERFLEX) and South Korea (UNMAC). Lastly, Denmark participates in the European Border and Coast Guard Agency (FRONTEX).

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.**

Denmark is state Party to all relevant multilateral arms control-, disarmament- and non-proliferation treaties and agreements, such as:

- Treaty on Conventional Armed Forces in Europe (CFE) (Suspended)
- Treaty on Open Skies
- All Confidence- and Security Building Measures agreed upon in the OSCE
- Treaty on the Non-proliferation of Nuclear Weapons (NPT)
- Comprehensive Nuclear-Test-Ban Treaty (CTBT)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (CWC)
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC)
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction
- Convention on Cluster Munitions (CCM)

Denmark implements these treaties and agreements as well as other international instruments and initiatives in the field of disarmament and non-proliferation, such as the UN Security Council

Resolution 1540, the UN Action Plan on Small Arms and Light Weapons, the Global Initiative to Combat Nuclear Terrorism (GICNT) and the Proliferation Security Initiative (PSI).

Furthermore, besides participating in arms control activities within the European Union, Denmark is an active member of the following export control regimes:

- the Nuclear Suppliers Group (NSG)
- the Australia Group (AG),
- the Missile Technology Control Regime (MTCR),
- the Wassenaar Arrangement (WA) and
- the Arms Trade Treaty (ATT).

And, is also chair of the Zangger Committee (ZC),

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence-and security-building measures with a view to enhancing security and stability in the OSCE area.**

In addition to implementation of the above-mentioned treaties and agreements and active participation in their respective governing bodies, Denmark is engaged nationally and internationally in projects within the framework of arms control. As an example, Denmark each year conducts bilaterally agreed CFE-, Open Skies and/or Vienna Document activities.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?**

##### **The military posture**

Denmark has a political tradition for establishing multi-year broad political defence agreements, normally covering several years. The current political defence agreement covers the period 2018-2023. The agreements determine the structure of and funds allocated to the defence and the emergency management agency.

##### **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 defence budget is, however, determined by a Defence Agreement as mentioned above. 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.

#### **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Denmark actively seeks to enhance multilateral cooperation, facilitate transnational dialogue and encourage collective solutions to alleviate legitimate security concerns. In this regard, strengthening the international legal order and respect for human rights with transparent legal procedures governing the use of military force is a key priority. In continuation thereof, compliance with and

respect for international conventions and human rights obligations is a cornerstone of Danish foreign and security policy. Denmark's efforts to enhance multilateral cooperation and the international legal order primarily take place through international institutions and fora, inter alia UN, NATO, EU, and OSCE. To facilitate participation in international operations contributing to international peace, security and stability, the armed forces have transformed into a modern deployable defence force. The 2018-2023 Danish Defence Agreement thus strengthens Danish contributions to NATO's collective defence, international operations and stabilisation efforts. The agreement emphasises the need for a strong international legal order and effective multilateral cooperation.

## **2. Existing structures and processes**

### **2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces and, intelligence services and the police?**

The overall defence policy is determined by the Minister of Defence. The minister is accountable to Parliament for all defence matters and issues regarding emergency management. The MOD is subject to the same procedures in relation to Parliament as all ministries, that is, Parliament receives the necessary information required for it to function as legislator and to exercise its checks and balances function towards the government.

The Defence Committee, a standing parliamentary committee dealing with defence and emergency management, reviews 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 developments within its sphere of competence and controls 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 obliged to answer questions posed by the Committee or by any Member of Parliament.

Furthermore, the Constitutional Act of Denmark provides for parliamentary control regarding decisions on use of military force. According to section 19(2) of the Constitutional Act of Denmark, the use of military force against a foreign state is subject to parliamentary consent except for the act of self-defense against an armed attack against Danish territory or Danish forces. attack.

According to section 19(3) of the Constitutional Act of Denmark, the government shall consult with the Foreign Policy Committee before making any decision of major importance to foreign policy. The Foreign Policy Committee is appointed among members of Parliament. 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.

## **Police**

On 11 October 2006, the Ministry of Justice set up a committee tasked with reviewing and evaluating the system for dealing with complaints against the police and processing criminal cases against police officers. The Committee submitted its report in April 2009.

The committee found that the system for dealing with complaints against the police functioned well overall but that it was important – in the light of the critique of the system – to ensure confidence in the police complaints system, both within the police force and among the public.

Based on this report, the Administration of Justice Act (*retsplejeloven*) was amended on 21 April 2010 introducing as of 1 January 2012 a new independent body – named the Independent Police Complaints Authority (*Danish: Den Uafhængige Politiklagemyndighed*). The Independent Police Complaints Authority is tasked with handling complaints concerning the conduct of police personnel and investigating criminal offences committed by police personnel while on duty as well as cases concerning the death or injury of persons in police custody. To ensure that criminal charges against police officers are handled according to the same guidelines as criminal charges against others, the decision of indicting police personnel lies with the Regional Public Prosecutors or the Director of Public Prosecution. The assessment of whether to indict a police officer is therefore handled by an authority that has a broad-based expertise and experience in handling a variety of different criminal cases.

The Independent Police Complaints Authority is headed by a Police Complaints Council (*Politiklagerådet*). The council consists of six members comprised of an appeal court judge (head of the council), a private practising attorney-at-law, a professor of law, a technical expert and two representatives of the general public.

The Danish Administration of Justice Act provides the regulation for processing complaints against police personnel. Article 93 b and Article 93 c of the Act govern the processing of complaints regarding the conduct of police personnel and the processing of criminal proceedings against police personnel, while Article 11 a govern the organisation of the Independent Police Complaints Authority.

The said legislation cover police personnel with police authority, i.e., regular police officers, including military personnel when providing on-duty assistance to the police, the local prosecution



services and other personnel in the police and the Prosecution Service who carry out law enforcement or criminal prosecution tasks. The rules do not apply to the police's administrative staff and other civilian employees and employees in the public prosecutor's department and the Director of Public Prosecutions that only performs administrative tasks. Furthermore, the assessment of whether or not military personnel is on duty and providing assistance to the police, i.e., whether or not military personnel is covered by the (civilian) police complaints rules, is based on a case-by-case assessment of the facts of the case. The Independent Police Complaints Authority may request the National Police to assist the authority in its investigations.

According to the relevant rules of the Danish Administration of Justice Act, the Independent Police Complaints Authority has to process cases regarding the conduct of the police personnel within a reasonable time. If a decision has not been rendered within 6 months after a complaint has been received, the authority must inform the complainant in writing about the reason for this and about the expected time frame for the processing of the case.

As to cases regarding criminal charges against police officers, the Independent Police Complaints Authority must inform the victim, the police officer in question and other relevant people if a decision has not been rendered within 12 months. In both types of cases, the authority must inform the complainant, the victim, the police officer in question etc. again within 6 months if the decision still has not been rendered within the above defined time limits.

Generally, the Independent Police Complaints Authority handles all aspects of inquiries and investigations into these cases. The police will normally only be involved in the administrative processing of the cases, however, the specific police departments may be in situations where they have to deal with urgent matters concerning inquiries and investigations.

Section 93 b and Section 93 c of the Danish Administration of Justice Act solely concern complaints regarding conduct, e.g., misbehaviour like rude language or unnecessary use of force, and criminal proceedings against the subjects covered by the provisions. Hence, complaints about actions taken by the police in connection with the processing of cases do not fall within the scope of the rules. In other words, the police's actions, e.g., how the police's resources are used or general considerations of operational or tactical character, fall outside the scope of the Independent Police Complaints Authority, including the police's decision to make an arrest, to seize goods, to search a home or the local prosecutions decision whether or not to indict.

Complaints about the police's operational actions and decision-making outside the scope of the criminal justice procedure are handled by the Commissioner (Politidirektøren) of the relevant police district and - if appealed - the Danish National Police. Complaints about police actions involving criminal investigations are handled by the Regional Public Prosecutor.

The Independent Police Complaints Authority initiates investigations based on a complaint or on its own initiative. Moreover, the Independent Police Complaints Authority is required to initiate investigations if a person has died or been seriously injured as a result of police intervention or while the person in question was in police custody.

If subject to a case before the Independent Police Complaints Authority, police personnel have the right to legal representation. The Independent Police Complaints Authority may decide that the cost of legal representation shall be paid by the state. Both a aggrieved party and others may file a complaint with the Independent Police Complaints Authority on the conduct of police personnel and alleged criminal offences committed by the police.

When the Independent Police Complaints Authority has reached a decision based on its investigation in criminal cases involving police personnel, the authority will forward the case to the Regional Public Prosecutor for review of whether or not to press criminal charges.

The Regional Public Prosecutor's decision may be appealed to the Director of Public Prosecutions by parties to the case or by the Independent Police Complaints Authority.

In 2023, the Independent Police Complaint Authority received a total of 2324 cases which have been assessed under Sections 93 b and 93 c of the Danish Administration of Justice Act.

In addition to the complaints mechanism described above, the Parliamentary Ombudsman Act (*ombudsmandsloven*) permits complaints to be lodged with the Ombudsman about final administrative decisions taken by the authorities, including decisions taken by the police. The Ombudsman decides whether examinations should be commenced on a case-by-case basis. The Ombudsman may also commence examinations on his own initiative.

Furthermore, it should be noted that the Ministry of Justice automatically informs the Ombudsman about the outcome of all cases concerning deaths and serious suicide attempts while an individual is in the custody of police, i.e. where the individual has been arrested or is held in detention.

During the negotiations of the bill establishing the Independent Police Complaints Authority, it was agreed that the system should be evaluated 3 years after its commencement, i.e. in January 2015. On 7 May 2014, the Police Complaints Authority granted the Faculty of Law at the University of Copenhagen the task of evaluating the Authority. The evaluation was completed and published in April 2017, and the overall conclusion from the evaluation is that the majority of respondents perceive the Police Complaints Authority as an independent authority, and have confidence in the police complaints system.

### **The Security and Intelligence Service (PET)**

PET is in general subject to the same rules of the Administration of Justice Act as the rest of the police including the complaint system. More intrusive investigative steps taken by the PET are subject to judicial control under the provisions of the Danish Administration of Justice Act. Measures such as searches and wiretapping of telephone lines etc. can – in general – only be performed by PET after obtaining a court order. PET is also subject to control by the Parliamentary Ombudsman.

Furthermore, PET is subject to other forms of external control.

For instance, the Ministry of Justice supervises PET on behalf of the Danish Government, and PET is subject to instructions of the Ministry of Justice. In this connection, it should be mentioned that according to the PET Act, the service must inform the Ministry of Justice of general and specific circumstances which are of fundamental importance to the work of PET.

According to consolidation Act no. 937 of 26 August 2014, the Parliamentary Committee on the Security and Intelligence Service and the Danish Defence Intelligence Service (the Intelligence Services Committee) must also be notified of the general instructions and guidelines that apply to the work of PET and be informed of circumstances regarding security of importance to the work of PET.

The Act also requires the Danish Government – upon request – to provide any information concerning the Security and Intelligence Service, including statistical information, to the Intelligence Services Committee.

Furthermore, the PET Act, which was adopted by the Danish Parliament on 30 May 2013 and entered into force on 1 January 2014, has introduced an independent body to supervise PET. The supervisory body, referred to as the Intelligence Oversight Board, is in charge of monitoring PET's processing of

data. The oversight board consists of five members. They are appointed by the Minister of Justice upon negotiation with the Minister of Defence. The chairman, who must be a high court judge, is appointed upon recommendation from the Presidents of the Eastern and the Western High Courts. Members are assigned for a period of four years. They may only be reassigned for one further period of four years. Appointment of the members of the oversight board, with exception of the chairman, takes place after discussions with the Intelligence Services Committee.

The oversight board carries out its supervisory duties in full independence, and it determines its own rules of procedure and can engage any necessary secretariat assistance.

The oversight board monitors that PET's processing of data relating to natural and legal persons is in compliance with the relevant provisions of the PET Act as well as any rules laid down under this Act.

In connection to its tasks, the oversight board is empowered to demand all types of information and all material of importance for its own operation. The supervisory body has access to all premises etc. of PET at all times, including IT systems. As part of its activity, the supervisory body may issue opinions.

The oversight board perform its monitoring either based on a complaint or ex officio. Furthermore, a natural or legal person may request the oversight board to investigate whether the service is unjustifiably processing information about the person in question. The oversight board ensures that this is not the case and then notifies the person in question.

Furthermore, according to the PNR ACT, the same oversight board monitors the processing of personal data processed by the National Police's PIU for PET.

In April 2024, the Minister of Justice has proposed new legislation with the aim of strengthening the oversight with the intelligence services – both PET and FE. Firstly, the proposed legislation will strengthen the Intelligence Oversight Board (TET). The changes will entail, among other things, an expansion of TET's competence to include subsequent legality control of PET's operational tasks, and an expansion of TET's access to information etc. from PET. To ensure that TET possesses the necessary competences to effectively oversee the intelligence services, including the operational tasks of the intelligence services, the proposed legislation includes a change in the composition of TET. Furthermore, the legislation sets out a scheme to ensure a strengthened framework for the secretariat service of TET.

Secondly, the legislation strengthens the interaction between TET and the Intelligence Services Committee (UET), which is a parliamentary committee. The changes will entail that the TET will present its annual reports on its activities regarding PET and FE directly to UET, and that TET will be able to participate in UET meetings if UET so requests and TET's participation relates to matters that fall within TET's area of competence. In addition, it is proposed that UET in extraordinary situations may request TET to investigate specific cases, case processes, issues, etc. Some changes are also proposed to the UET's composition in order to better reflect the composition of the Danish Parliament.

Thirdly, TET will establish an external reporting channel for PET in accordance with the Danish Whistleblower Act.

The proposed legislation is a result of a broad political agreement between most of the political parties represented in the Danish Parliament. If adopted by parliament the proposed legislation will enter partly into force as of 1 October 2024 with other parts entering into force as of 1 January 2025.

### **Defence Intelligence Service (FE)**

FE is an agency under the Danish Ministry of Defence. The Ministry of Defence supervises FE, and FE is subject to instructions of the Ministry of Defence. The legal safeguards ensuring democratic political and judicial control with FE are to a large extent identical to the ones ensuring control with PET, described above.

Thus The Intelligence Oversight Board oversees that FE' processing of data is in accordance with the provisions of the Defence Intelligence Service Act. The Intelligence Services Committee under the Danish Parliament must be notified about the guidelines governing the activities of FE, and substantive security or foreign policy issues affecting the activities of FE.

### **2.2. How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

Reference is made to question 2.1.

With reference to section 19 (2) and 19 (3) of the Danish constitution, the Ministry of Foreign Affairs is responsible for the interpretation and application of the provisions.

### **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The overall roles and tasks of the Danish defence are described in the Danish Defence Act (no. 582 of 24th May 2017, as latest amended by Act no. 708 of 8<sup>th</sup> of June 2018). According to the Act, the primary aims of the Danish Armed Forces are to promote peace and security, to prevent conflicts and war, preserve Danish sovereignty and secure the country's existence and integrity, and promote a peaceful development in the world with respect to human rights.

The tasks and organisation of the Danish Home Guard are described in the Home Guard Act (no. 198 of 9th February 2007, as latest amended by Act no. 2064 of 21st December 2020). According to the Act, the tasks of Danish Home Guard are as a voluntary military organisation to participate as part of the military defence in the solution of tasks for which the army, the air force and the navy are responsible. The home guard also plays an active and important part in the combined preparedness of society (total defence).

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 Constitutional Act of Denmark, as described above, the consent of Parliament will be obtained prior to participation in missions where the use of military force beyond self-defense might be necessary.

Denmark has neither paramilitary nor internal security forces.

## **3. Procedures related to different forces personnel**

### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

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 4,620 conscripts, mainly volunteers, 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. This includes emergency management forces. Until the end of 2023 the number of conscripts will gradually rise to approximately 5,120.

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 for how long he will do his preliminary compulsory service. It is also possible to volunteer for this service. There is no compulsory national service for women in Denmark. Women can join the armed forces on a voluntary basis and serve on the same conditions as men, but with the option to opt out during their service.

The regulars are recruited from among the conscripts or directly among those who have finished their regular school attendance. Officer Cadets are recruited from either experienced non-commissioned officers with additional military and civilian education or civilians with a bachelor degree. 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.

The members of the Home Guard take part in the defence and support of the country on a voluntary and unpaid basis. Men and women from the age of 18 can apply for membership. A military background is not necessary. When membership has been granted, members are admitted into one of the following branches – Army, Naval or Air Force Home Guard. Denmark has no paramilitary forces and internal security forces.

### **3.2 What kind of exemptions or alternatives to military service does your State have?**

Conscription was stated for the first time in the Constitutional Act of Denmark in 1849 and has been maintained since then.

Section 81 of the Constitutional Act 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 was last amended in June 2018. This act lists four possible ways 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 armed service.

Conscripts have the possibility of volunteering as a conscript, which will allow them some influence on place, time and unit of conscription. In 2019, volunteers accounted for 99.8 % of conscripts to the armed forces.

Denmark has ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), which prohibits the conscription into the armed forces of persons below the age of 18.

### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The Danish Military Justice System comprises both criminal justice operated by the Military Prosecution Service (MPS) and summary proceedings operated by the chain of command. The purpose of both strands is to maintain discipline in the armed forces, but both also contain important safeguards for the rights of military personnel both procedurally and substantively.

As regards military criminal cases, the personal jurisdiction of the MPS encompasses military personnel in active service, including conscripts, and discharged military personnel in specified circumstances. During armed conflict, the jurisdiction extends to anyone serving in the armed forces or accompanying a unit thereof, including civilians. The subject matter jurisdiction extends to violations of the Military Criminal Code as well as violations of other (civilian) penal legislation even in circumstances that are not directly related to military duties when there is a nexus to military service. The territorial jurisdiction of the MPS comprises crimes committed both within and outside Danish territory, including in Peace Support Operations.



The MPS is independent and subordinate only to the Minister of Defence and thus does not form part of the military chain of command. The organisation and responsibility of the MPS is set out in the Military Administration of Justice Act, which provides *i.a.* that the military criminal justice procedures follow those applied in civilian criminal law with only limited exceptions due to the nature of military service. Accordingly, the procedural rights of the accused in military criminal cases are generally the same as in civil criminal cases and comprise *i.a.* the right of access to evidence and the right of non-self-incrimination. All military criminal cases are heard by the ordinary (civilian) courts.

The Military Justice System addresses disciplinary offenses of a minor nature by way of summary proceedings, which are non-criminal proceedings based on the inquisitorial process with a view to addressing such minor offences expediently and orally. The process is governed by the Military Disciplinary Act of 2005, which sets out provisions facilitating fair proceedings where broadly the same procedural safeguards for the accused as described above apply. Disciplinary responsibility is imposed where there has been a dereliction of duties and disciplinary reasons call for such a sanction, but where criminal sanctions as described above are not warranted or needed. Disciplinary measures may be imposed by officers who have been granted disciplinary authority, and the Act provides a detailed description of the procedures concerning disciplinary cases. Only the specific acts of misconduct mentioned in the Military Disciplinary Act can be sanctioned and such sanctions under the Act include reprimand, presentation, additional work or exercise in part of the spare time, additional service, and disciplinary fine. Decisions are subject to appeal under observance of the principle of *reformatio in pejus*. However, summary proceedings may be initiated following acquittal in a criminal case. If the sanctions set out in the Military Disciplinary Act are deemed inadequate, *i.a.* when demotion/reduction in rank and discharge from service would be an appropriate sanction, disciplinary proceedings according to the Civil Servants Act may be relevant.

Both the Military Criminal Code and the Military Disciplinary Act include several service offences unique to military service, which *i.a.* protect military personnel from harassment, abuse of position and degrading rituals.

In order to further safeguard the rights of military personnel, the MPS investigates *ex officio* and in accordance with national and international legal standards all serious service related accidents involving e.g. the death or serious injury of servicemen, in order to determine whether a criminal

offence has been committed, including if breaches of the legislation on working environment have occurred.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

All Danish military personnel receive instruction in the Laws of Armed Conflict (LOAC) and other relevant international law governing international military operations. All training in LOAC is based on the Danish Military Manual on International ILw relevant to Danish Armed Forces in International Operations.

The regulations concerning instruction in LOAC were reviewed in June 2021, subject to the standards of NATO STANAG 2449, 3<sup>rd</sup> ed. The guiding principle is that everyone shall receive instruction according to his or her level and function. Instruction in LOAC is also integrated into military 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 Royal Danish Defence College. In addition, personnel who are deployed in international operations receive additional training specific to that operation, including training in LOAC, before deployment. Personnel who have special responsibilities relating to LOAC receive training specific to that area of law.

In 2016, a Danish military manual was published with the aim to further strengthening the Danish Armed Forces' education and training in, and use of, rules governing the conduct of military operations, namely international humanitarian law and LOAC. The military manual is integrated in the defence command regulation system and it has been in effect as a defence command regulation since February 2017. The Manual was translated to English by the Danish Ministry of Defence and published in March 2019.

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, in accordance with the requirements laid out in Protocol I additional to the Geneva Conventions,

article 82. This service is regulated by a defence command regulation from August 1997. 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.

Military legal advisors are employed throughout the armed forces' operational and administrative structure, from the senior commands including Defence Command down to relevant subordinated services in the Danish Defence. Military legal advisors advise military commanders in relation to crisis management and international peace support operations as well as in the planning of military operations, nationally and internationally. Military legal advisors have been deployed on operations with Danish and NATO military contingents. Military legal advisors oversee the instruction in LOAC within the armed forces.

#### **4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

Through the instruction in LOAC as mentioned under Section II (4.1) and in accordance with the Danish military manual the armed forces personnel receive training on the implementation and enforcement of the LOAC rules including individual and command responsibility for violations of *i.a.* the Danish Military Criminal Code and the rules concerning prosecution of such crimes. Furthermore, armed forces personnel are trained on their special duties under the Danish Military Criminal Code and the Danish Military Disciplinary Act.

#### **4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

According to the Danish Defence Act, section 1 (3), it is one of the purposes of the Danish defence to promote a peaceful development in the world in respect of human rights. Further reference is made to Section II (2.1).

*The following additional information on women, peace and security is provided with reference to the interpretative statement FSC.DEC/2/09, 1 April 2009, Attachment 1 and to 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).*

In 2005, Denmark was the first country in the world to adopt a national action plan (NAP) on the implementation of resolution 1325 on Women, Peace and Security. Since then, Denmark has had three other NAPs and are currently developing its fifth as the current one runs until the end of 2023. Since 2020, the national action plan has been accompanied by yearly implementation plans developed by each of the participating authorities (Ministry of Foreign Affairs, Ministry of Defence and Ministry of Justice/National Policy) and describes how each of involved authorities will work to contribute to the overall strategic objectives of the NAP. This will be achieved by a targeted, systematic and result-oriented effort to secure equal, comprehensive and meaningful inclusion of women in all of Denmark's efforts to prevent conflicts and build peace through a rights-based approach. The implementations plans are evaluated and updated on a yearly basis.

The Minister of Foreign Affairs has been responsible for coordinating these plans, which are developed in an inter-ministerial working group for Women, Peace and Security (WPS). The working group was established with the aim of ensuring a strong coordination and sharing of knowledge between the relevant ministries, as well as to evaluate the need for additional initiatives by evaluating Denmark's implementation of 1325.

The majority of Denmark's actions towards building and sustaining peace, promoting peaceful and inclusive societies for sustainable development and implementing the WPS agenda are rooted in the main pillars of Denmark's NAP: (1) to use Denmark's position as a security actor to strengthen WPS-efforts, (2) to increase the full, equal and meaningful involvement, participation and influence of women, so they can influence the development of their countries and local communities, and (3) to strengthen efforts to combat Sexual and Gender Based Violence (SGBV) in conflict situations and fragile contexts

- .The fourth current NAP evolves around three main pillars; 1) Denmark as a Security Policy Actor, 2) Women's Participation in Peace and Security Efforts, and 3) Sexual and Gender Based Violence in Conflict Situations and Efforts Against Sexual Exploitation, Abuse and Harassment.

The National Action Plan has three main pillars:

On the basis of the NAP, the Danish armed forces have established an action plan for inclusion of UNSCR 1325 on WPS in three strategic areas:

- **Denmark as a security policy actor.** Focusing on strengthening the gender perspective through the Danish participation in international operations, missions and peace and stabilisation efforts and strengthening the multilateral security policy cooperation on women, peace and security through the Danish engagement in international security policy organisations.
- **Women's participation in peace and security efforts.** Focusing on strengthening women's participation in the work of conflict prevention, conflict management and peacebuilding through the Danish global efforts for peace and security and strengthening the participation of Danish women in peace and security efforts, both in the military and civilian structures.
- **Sexual and gender-based violence in conflict situations and efforts against offensive gender-based conduct.** Focusing on the Danish contribution to prevention, response and protection efforts relating to sexual and gender-based violence in conflict situations and fragile contexts including help for victims in the recovery process and prevention and response to offensive gender-based conduct among our partners and in our own ranks, based on a policy of zero tolerance.

#### **4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

Reference is made to Section II (3.3 and 2.1 respectively).

#### **4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

Reference is made to Section II (2.1).

## **Section III: Public access and contact information**

### **1. Public access**

#### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The public can obtain information on the provisions of the Code of Conduct via the homepage of the Danish Ministry of Foreign Affairs ([www.um.dk](http://www.um.dk)).

#### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

Danish replies to the Questionnaire on the Code of Conduct are made publicly available on OSCE homepage.

#### **1.3 How does your State ensure public access to information related to your State's armed forces?**

Information to the public is made available on the official internet home page of the Danish armed forces [www.forsvaret.dk](http://www.forsvaret.dk) and on the homepage of the Danish Ministry of Defence ([www.fmn.dk](http://www.fmn.dk)).

Furthermore, information on the armed forces is available at public libraries and by direct contact to:

Defence Command Denmark

Herningvej 30

7470 Karup J, Denmark

Ph: +45 7284 0000

[E-Mail: FKO@mil.dk](mailto:FKO@mil.dk)

### **2. Contact information**

#### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

Ministry of Foreign Affairs,

Department for Security Policy / SIKPOL

Asiatisk Plads 2

DK-1448 Copenhagen K

Ph.: +45 3392 0000,

Fax: +45 3354 0533

E-Mail: [sp@um.dk](mailto:sp@um.dk)

**INDICATIVE LIST OF ISSUES PERTAINING TO CHILDREN AND ARMED CONFLICT  
TO BE PROVIDED AS VOLUNTARY ATTACHMENT TO THE QUESTIONNAIRE ON THE CODE OF  
CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY**

DENMARK FOR THE CALENDAR YEAR 2023

This document consists of an indicative list of issues, providing useful information on the subject of Children and Armed Conflict (CAAC) for OSCE participating States replying to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

It is presented by Albania, Belgium, Italy, Norway and Poland as co-chairs of the OSCE Group of Friends on Children and Armed Conflict, which was established on the margins of the OSCE Ministerial Council in Łódź (Poland) in December 2022. The Group of Friends aims to raise awareness among OSCE participating States on issues affecting children in armed conflicts and to increase the profile and visibility of the work of the Organisation in this area.

In 1990, in Copenhagen, OSCE participating States decided to “accord particular attention to the recognition of the rights of the child”. In Istanbul in 1999, States committed themselves to “actively promote children`s rights and interests, especially in conflict and post-conflict situations”.

Indeed, UN Security Council Resolution 2427 (2018) on children and armed conflict, “recogniz[ed] the valuable contribution pertinent regional and subregional organizations and arrangements make for the protection of children affected by armed conflict, [...and] encourage[d] regional and subregional organizations and arrangements to continue mainstreaming child protection into their advocacy, policies, programmes and mission planning [...]” (para 11).

At the 1021st Meeting of the Forum for Security Co-operation under the Belgian Chairmanship and related Security Dialogue on “Children and Armed Conflict” on 14 September 2022, participating States widely recognised the importance of the issue of protecting children in armed conflicts and its relevance within the political-military dimension of the OSCE comprehensive concept of security and toolbox.

In line with the objectives of the OSCE Code of Conduct on Politico-Military Aspects of Security, the following indicative list of issues on the subject of Children and Armed Conflict aims to foster the exchange of information and sharing of best practices and lessons learnt on this matter, as well as to support participating States in their commitment to strengthen the knowledge and respect of international humanitarian law by their armed forces personnel.

We encourage all participating States to use it for future responses to the Questionnaire.



## ANNEX III – VOLUNTARY INFORMATION ON CHILDREN AND ARMED CONFLICT

### A. International legal framework and commitments

1. Please indicate if your State is a party to or has endorsed the following international legal instruments or voluntary commitments. Please also kindly elaborate in case of any reservations or interpretative statements.

	YES	NO	Reservations/ Interpretative Statements
Convention on the Rights of the Child	x		
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	x		
Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict	x		
Optional Protocol to the Convention on the rights of the child on a communication procedure	x		
ILO Convention 182 on the worst forms of child labour	x		
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	x		
Safe Schools Declaration	x		
Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups	x		
Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers	x		
Political Declaration on EWIPA (Explosive Weapons in Populated Areas)	x		

### B. National measures to end and prevent CAAC violations

1. What is the minimum legal age for recruitment (including voluntary recruitment) for service in military, paramilitary and security forces in your State? *18 years of age*
2. If the legal age for recruitment is set below 18 years, what measures are taken to ensure compliance with the provisions of the Optional Protocol on the involvement of children in armed conflict, with particular regard to the obligation that children do not directly participate in hostilities and are not subject to mandatory recruitment? *N/A*
3. Please indicate if your State has any national reference document (for example in the form of laws, regulations, policies or action plans) on issues related to the protection of children in armed conflicts. *Denmark has fulfilled its international obligations pertaining to military operations by means of the Danish military manual on international military operations in 2016.*
4. Do the military doctrine and guidance of your State include issues related to children and armed conflict, with particular regard to the six grave violations identified by the UN Security Council: recruitment and use of children, killing and maiming, abduction, rape and other forms of sexual

violence against children, attacks on schools and hospitals and military use of schools and hospitals, denial of humanitarian access to children? *The Danish military manual address these aspects of protection of children in armed conflict.*

How is the protection of children – especially with regard to the above-mentioned six grave violations - included in military planning and other operational considerations, including rules of engagement as relevant? Are there mechanisms to monitor and evaluate the implementation of such specific child protection procedures into operations?

*Protection of children and prevention of violations are an integrated part of the training for all Danish soldiers. In Danish pre-deployment training, specific emphasis is on the soldiers' obligation to report and respond to violations.*

<i>If relevant, please also indicate if your States has:</i>	YES	NO
reporting mechanisms specifically related to incidents involving children from operations to chiefs of defence or military planners and between forces leading multi-national missions and forces providing personnel to such missions	X	
mechanisms to collect and monitor reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces	X	
mechanism to assess risk of abuse of small arms to commit or facilitate serious acts against children		X
mechanisms to collect within military operations, humanitarian activities or development cooperation projects disaggregated information per sex, age, religion, and ethnicity of children affected by armed conflicts		X
mechanisms to protect the anonymity and personal data of children affected by armed conflicts collected during military operations, humanitarian activities or development cooperation projects		X

If yes, please add any relevant information or comments with the view of sharing/identifying best practices.

5. How does the protection of schools in situations of armed conflicts feature in the military planning and other operational considerations of your State, including rules of engagement as relevant?

*The military manual emphasizes how military operations near schools can have grave long-term consequences for children and it states that such operations should be avoided.*

### **C. Education and training activities for troops on CAAC issues**

1. Do your armed forces receive dedicated training on issues related to children and armed conflict?

*All Danish soldiers are trained in humanitarian law based on the Danish armed forces' military manual.*

<i>If relevant, please also indicate if:</i>	YES	NO
Specific matters related to children and armed conflict/child protection are included in the basic education of armed forces	X	
Specialised in-service and/or pre-deployment trainings on children and armed conflict/child protection are available		X

Dedicated modules on children and armed conflict/child protection are included in the pre-deployment training for deployment of national contingents or individuals to international peacekeeping missions and military deployments.	x	
First aid courses and other medical trainings of armed forces to prevent and respond to child casualties are available		x
Adequate mental health support is provided pre, during and post-deployment for military encountering children during military operations	x	

If yes, please add any relevant information or comments with the view of sharing/identifying best practices.

2. Does your State ban military training involving the use of firearms for children under the age of 18 years? *No answer*

#### **D. International partnerships**

1. In case of collaboration and training programmes of your State with other States, to what extent are issues related to children and armed conflict addressed and included in such programmes, in particular for those countries that are mentioned in the UN Secretary General annual report on children and armed conflict?

*Training programmes conducted by the Danish Armed Forces with other states do not include issues related to children and armed conflict.*

2. Does your State support capacity-building initiatives in the security and other sectors of other States, in particular those in conflict or post-conflict situations, which include the protection of human rights and fundamental freedoms and respect of international humanitarian law? If yes, to what extent are issues related to children and armed conflict addressed in these initiatives?

*The Danish armed forces support capacity-building programmes with other states. These initiatives take into account the protection of human rights and humanitarian law.*

3. Please add any relevant information or comments with the view of sharing/identifying best practices.