

Embassy & Permanent Mission of Denmark

Vienna

File. 2023–15204-5

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 an update to the 2023 response to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security in accordance with FSC Decision 2/09. The updated version is amended to include issues pertaining to women, peace and security provided voluntarily.

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, 11. June 2023



To:

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

**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 (A number of provisional territorial reservations with respect to the Faroe Islands and Greenland, eventually to be withdrawn, do not appear in the list.)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

The Danish Security and Intelligence Service (*Politiets Efterretningstjeneste* abbreviated *PET*), which is an entity of Danish police, is the national security authority and thus plays an important role in preventing terrorism.

According to consolidation Act no. 231 of 7 March 2017 on the Danish Security and Intelligence Service (the PET Act), section 1, one of the main tasks of the Service is to prevent and investigate actions and undertakings that may jeopardise the independence, security and legal order of the State, and to prevent such actions or undertakings from being implemented or developed.

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. PET must provide the basis for handling such threats as early in the process and as appropriately as possible.

PET's actions are essentially preventive. From the information gathered, processed and analysed by PET, the objective is to procure as much information as possible on the capacity, determination and ability of PET's target persons and target groups to commit any such action as mentioned above. 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 any threats from developing further.

In the event of a terrorist attack, the situation will be handled in cooperation between the PET and 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 also 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.

If 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 both with a view to protecting national security and with a view to combatting serious crime.

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 National Police's Personal 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 5th 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 5th 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 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 National Risk Assessment on Terrorist Financing in Denmark (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. 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 the new NRA TF, the non-profit organizations sector (NPO sector) is identified as a high-risk area. As a result, PET has 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.

In 2010, PET prepared a leaflet on the financing of terrorism and how to be cautious when contributing to collections, etc. called "Your contribution could be abused". The leaflet was drawn up in several languages and distributed to relevant mosques, cultural associations, etc.

Based on the findings in NRA TF and the preliminary results from data analysis and interviews concerning the NRA NPO, PET and ISOBRO have 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 has 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.

In addition to the amendment 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 is established to ensure formalized operative cooperation between competent authorities and relevant private actors. The public-private operational cooperation (ODIN) has replaced the abovementioned OAF.

A number of standing working groups have been established under the framework of Money Laundering Forum. 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.

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.

In the second half of 2021, Danish authorities, private sector representatives and academic researchers met to discuss risks and priorities for the upcoming national strategy on combatting money laundering and terrorism financing. The strategy was to build upon the well-established organizational framework centered around the Money Laundering Forum. The strategy on combatting money laundering and terrorism financing was published in July 2022.

In 2022, the current national strategy on preventing and combatting money laundering and terrorism financing was published. It runs from 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.

PET and the FIU have both been preparing new national risk assessments on terrorism financing and money laundering respectively. The risk assessments were prepared in close cooperation between PET and the FIU, especially regarding national vulnerabilities and considerations regarding risk associated with Greenland and The Faroe Islands. The risk assessment on money laundering 2022 was published in January 2023 and the assessment on terrorism financing for 2022, which is the third of its kind, is expected to be published in the first half of 2023.

There has been a number of court cases regarding terrorism financing— most recently in December 2022 involving three individuals convicted of terrorism financing. In 2022, a total of ten individuals were found guilty of financing terrorism in four different cases. Some of the convictions are awaiting appeals.

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.

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

Denmark has so far deprived 14 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 3, 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. A ‘conflict zone’ is defined in the Danish law.Criminal Code, Section 114j, subsection 3.

More specifically, the new provision enables the Foreign Service to either refuse or limit its consular assistance, cf. the Act on the Danish Foreign Service, Section 1, subsection 4, 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 if 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 the security of the state or of other states,
- 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 Act. Hence, minor of foreign terrorist fighters will not be subject to the limitations of consular assistance. Only in exceptional circumstances, can the provision apply to a person under the age of 18, if there is a specific reason to believe that the person concerned meets the criteria.

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 has 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 were 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.

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

Denmark implemented face biometric in passports in 2006 and fingerprints from 1 January 2012. A project has been initiated in Denmark in order to be able to access the fingerprints stored in the chip of travel and residence documents issued by EU Member States. The project is in the initial phase of the implementation and includes the exchange of CVCA certificates with other Member States.

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 a continuing 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 1st 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 1st 2019, will apply when Danish Armed Forces deployed in EU missions or otherwise stationed at EU-institutions.

As of March 2023, Denmark has troops deployed in Iraq (NMI), Estonia, Latvia and Kosovo in a NATO framework. Additionally, one Danish frigate is deployed with the Standing NATO Maritime Group 1. Denmark contributes to UN missions in Mali (MINUSMA) and in the Middle East (UNTSO).. Denmark contributes to coalitions in the Middle East (OIR, CMF, AGENOR), 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)
- 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)
- chair of the Zangger Committee (ZC),
- the Australia Group (AG),
- the Missile Technology Control Regime (MTCR),
- the Wassenaar Arrangement (WA) and
- the Arms Trade Treaty (ATT).

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 all information required for it to function as legislator and scrutiniser of the central administration, incl. the government.

The Defence Committee is a standing parliamentary committee dealing with defence and emergency management is set up to scrutinise 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 ensures that the Minister of Defence implements the laws according to the decisions made by Parliament. Citizens and organisations can make enquiries to the committee. The Minister of Defence is obligated to answer questions asked by the committee or by any Member of Parliament.

Furthermore, the Danish constitution ensures parliamentary control if use of military force may become necessary. According to section 19(2) of the Constitutional Act of Denmark, the use of military force – save for the act of self-defense – is subject to parliamentary approval.

According to section 19 (3) of the Constitutional Act of Denmark, the government shall consult with the Foreign Affairs Committee before making any decision of major importance to Danish foreign policy. The Foreign Affairs Committee is appointed among members of Parliament. Besides, Parliament can at any time decide to have an interpellation on a broader theme pertaining to defence and emergency management, the result of which may enjoin the government to follow a specific guidance.

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 overall functioned well 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 public and among the police force.

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 (*Den Uafhængige Politiklagemyndighed*). The authority was 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.

Prior to the introduction of the Independent Police Complaints Authority, the Regional Public Prosecutors (*Statsadvokaterne*) handled these cases. To ensure that criminal charges against police officers are handled according to the same guidelines as criminal charges against others the decision on whether criminal charges are to be filed against police personnel however still lies with the Regional Public Prosecutors or the Director of Public Prosecutions (*Rigsadvokaten*). The assessment of whether to charge 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*) that consists of six members, which is comprised of a high court judge as the head of the council, one private practising attorney, one professor of law, one technical expert and two representatives of the general public.

The Administration of Justice Act provides rules for processing complaints against police personnel. Part 93 b and part 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 part 11 a govern the organisation of the Independent Police Complaints Authority.

The rules apply to police personnel with police authority, i.e. regular police officers and members of police legal staff, including the local prosecution authority. In 2021, the Parliament adopted a bill that also includes the police's administrative staff and other civilian employees and employees in the public prosecutor's department and the Director of Public Prosecutions that performs tasks related to law enforcement or criminal prosecution. These rules entered into force on 1 January 2022. The rules however 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 performs administrative tasks.

On 17 May 2018, the Parliament adopted a bill that makes part 93 b and part 93 c of the Administration of Justice Act applicable to military personnel assisting the police in carrying out its duties. These rules entered into force on 1 July 2018

The provisions apply to offences that have been committed while on duty. The decision on whether an offence has been committed while on duty is based on a case-by-case assessment of the facts of the case.

According to the rules of the 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 persons if a decision has not been rendered within 12 months.

In both type 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, and consequently the police will merely be involved in the processing of these cases to a very limited extent. However, the police may deal with urgent matters concerning inquiries and

investigations. In addition, the Independent Police Complaints Authority may request the National Police (*Rigspolitiet*) to assist the authority in its investigations.

The rules solely concern complaints regarding conduct (misbehaviour like rude language or unnecessary use of force) and criminal proceedings involving, inter alia, police personnel and from 1 July 2018 military personnel assisting the police. 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 or to search a home.

Complaints about police (operational) actions outside the scope of criminal justice procedure are handled by the Commissioner of the relevant police district (*Politidirektøren*) and - if appealed - the National Police. Consolidation act No. 1270 of 29 November 2019 on police activities (*politiloven*) deals with the rules on police actions outside the scope of criminal justice. Complaints on police actions involving criminal investigations are handled by the Regional Public Prosecutor.

During 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.

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.

Both the 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 either party of the case or by the Independent Police Complaints Authority.

In 2022, the Independent Police Complaint Authority received a total of 2302 cases which have been assessed under parts 93 b and 93 c of the Administration of Justice Act of the 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 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.

Defence Intelligence Service (FE)

FE is an agency under the 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. 122 of 27 February 2001, as latest amended by Act no. 582 of 24th May 2017). 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, 3rd 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 June 2005, the Danish government launched a national action plan for the implementation of Security Council Resolution 1325 on Women, Peace and Security. The action plan – developed by the Ministry of Foreign Affairs and the Ministry of Defence – provided several suggestions on how to integrate foreign, defence and development policy. The action plan was revised in 2007 by a working group consisting of representatives from the Ministry of Foreign Affairs, the Ministry of Defence and the National Commissioner of Police, in cooperation with NGOs and other civil society partners. On 10 June 2014, the Minister for Foreign Affairs of Denmark launched Denmark's third National Action Plan. The third Danish Action Plan represented cooperation between the Ministry of Foreign Affairs, the Ministry of Defence and the Danish National Police, representing the Ministry of Justice.

In December 2020, the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of Justice launched Denmark's fourth National Action Plan on Women, Peace and Security.

This fourth National Action Plan is valid from 2020 to 2024 and was developed jointly by the Ministry of Foreign Affairs, the Ministry of Defence and the Danish National Police, representing the Ministry of Justice. The current National Action Plan also introduced the use of annual implementation plans in order to follow the related activities more closely.

The National Action Plan has three main pillars:

- Denmark as a Security Policy Actor
- Women's Participation in Peace and Security Efforts
- Sexual and Gender Based Violence in Conflict Situations and Efforts Against Sexual Exploitation, Abuse and Harassment.

With an overall aim to increase the capacity with all the involved actors, a work on competence development with a cross organisational approach will improve the implementation of the National Action Plan.

The Ministry of Foreign Affairs is in its implementation of the National Action Plan, focusing on:

- A systematic approach to gender perspectives in planning and executing foreign and security policy as well as in conflict prevention and peacebuilding. These efforts include both Denmark's participation in relevant international forums and the Danish aid funding.
- Contributing to the removal of barriers for women's full, equal and meaningful participation in peace and security engagements by building capacity of women peacebuilders and human rights defenders and improving the security for women and girls in fragile contexts.
- Preventing Sexual and Gender Based Violence through an increased focus on the fight against impunity, prevention and protection efforts as well as access to sexual and reproductive health and rights.

On the basis of the national action plan, the Danish armed forces have established an action plan for inclusion of UNSCR 1325 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).

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 and on the homepage of the Danish Ministry of Defence (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,

Office for Security Policy / SP

Asiatisk Plads 2

DK-1448 Copenhagen K

Ph.: +45 3392 0000,

Fax: +45 3354 0533

E-Mail: sp@um.dk

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

FSC.DEL/116/23
13 March 2023

ENGLISH only

**UPDATE OF THE INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN,
PEACE AND SECURITY PROVIDED VOLUNTARILY IN THE QUESTIONNAIRE
ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF
SECURITY**

By the delegations of Belgium and the United Kingdom (also endorsed by: Andorra; Armenia; Austria; Bosnia and Herzegovina; Bulgaria; Canada; Croatia; Cyprus; the Czech Republic; Denmark; Estonia; Finland; France; Georgia; Germany; Greece; Hungary; Iceland; Ireland; Italy; Kazakhstan; Latvia; Lichtenstein; Lithuania; Luxembourg; Malta; Moldova; Monaco; Montenegro; the Netherlands; North Macedonia; Norway; Poland; Portugal; Romania; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Ukraine; and the United States of America).

In 2011, 30 participating States agreed to expand the scope of the Questionnaire on the OSCE Code of Conduct, by introducing the Indicative List of Issues Pertaining to Women, Peace and Security (FSC.DEC/5/11).

Since 2011, the field of Women, Peace and Security has continued to evolve. We believe the issue of gender continues to constitute an integral part of the Code of Conduct on Politico-Military Aspects of Security. In order to ensure that our reporting remains in line with latest developments, we have updated the 2011 indicative list of issues.

We encourage all participating States to use this updated Indicative List of Questions for future responses to the Questionnaire.

**UPDATED INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE
AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE
CODE OF CONDUCT**

This document provides an indicative list of issues, which aims at providing useful information on Women, Peace and Security aspects for participating States replying to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

It is structured around the four pillars of UNSCR 1325 (Prevention, Participation, Protection and Sustaining Peace) and is set out in two parts for each pillar:

- PART A Checklist of key commitments and measures taken by participating States;
- PART B More detailed information for sharing good practice between participating States.

3.1. PREVENTION

A. Checklist of key commitments taken by participating States

LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to protecting women, peace and security. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

| Name of the treaty | Party by: ratification P(R) , accession P(a) , succession P(s) , acceptance P(A) , approval P(AA) , or Not party | Law and date of ratification, accession, succession, acceptance, or approval |
|------------------------------------|---|---|
| Universal legal instruments | | |

| | | | |
|--|--|------|-------------|
| 1. | Protocol Supplementary to the United Nations Convention Against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) | P(R) | 30 Sep 2003 |
| 2. | United Nations Convention on All Forms of Discrimination Against Women (1979) | P(R) | 21 Apr 1983 |
| The Council of Europe legal instruments | | | |
| 3. | European Convention Against Trafficking in Human Beings (2005) CETS No: 197 | P(R) | 19 Sep 2007 |
| 4. | European Convention on Preventing and Combatting Violence Against Women and Domestic Violence (2011) CETS No: 210 | P(R) | 23 Apr 2014 |

| | Other arrangements | Yes | No |
|----|---|------------|-----------|
| 5. | National Action Plan on Women, Peace & Security | x | |
| 6. | National legislation to implement the UN CEDAW convention (if a party), with particular reference to combating discrimination in employment, education, access to health services and participation in institutions ensuring democratic oversight and public scrutiny of the security sector. | x | |
| 7. | Other related information, clarification or details to share: | | |

B. Checklist of key measures taken by participating States

Please indicate if your State has the following preventative measures in place. More detailed information of the preventative measures can be included in Part B below.

| | Type of Measure | Yes | No |
|----|--|------------|-----------|
| 1. | Mechanism to assess risk of abuse of small arms to commit or facilitate serious acts of gender-based violence and violence against women and children | | |
| 2. | Inclusion of women's organisations and women in religious, ethnic minority or community groups in measures - to counter and prevent terrorism and violent extremism | | |

| | | | |
|----|---|---|---|
| | - to raise awareness of the potential risks of exploitation and radicalization ¹ | | |
| 3. | Inclusion of gender perspective and special needs of women and girls in a national counter-terrorism strategy ² | | |
| 4. | Inclusion of specific matters related to the protection of women's and girls' rights in the basic education of armed forces. | x | |
| 5. | Availability of specialised in-service training for armed forces personnel on the protection of women's and girls' rights. | x | |
| 6. | Inclusion of specific matters related to the protection of women's and girls' rights in the pre-deployment training for international peacekeeping missions. | x | |
| 7. | Plans to address and gather information from local women's populations in areas at risk of conflicts. | | x |
| 8. | Mechanisms to monitor and evaluate the implementation of gender mainstreaming into operations | | x |
| 9. | Feedback mechanisms: - from operations to chiefs of defence or military planners - between forces leading multi-national missions and forces providing personnel to such missions | x | |
| 0. | Membership of a regional network or leadership network such as the WPS Chiefs of Defence Network | | x |
| 1. | Other related information, clarification or details to share: | | |

C. More detailed information for sharing good practice between participating States

1 National Action Plan on Women, Peace & Security

1.1 In case you have a National Action Plan on WPS, how is your NAP developed, implemented and its impact assessed, including involvement of women's organisations and other civil society organisations and co-ordination across government?

The current NAP (2020-2024) is Denmark's fourth NAP. The NAP was developed by an inter-ministerial working group and through consultations with civil society groups. The MFA and the MoD have adopted dedicated implementation plans in order to follow implementation systematically and focused on tangible results. Every year, the MFA and the MoD reports to civil society and the public and facilitate a consultation where the NAP civil society reference group can provide feedback to the

implementation process. All civil society groups are welcome to participate in the reference group and all relevant Danish women's organisations are part of the group. The coordination across government takes place in the established WPS working group, which consists of the MFA, MoD and the National Police.

1.2 In case you have a National Action Plan on WPS, who takes the lead and owns the budget? What contribution is made by your defence ministry and security forces?

The NAP and the accompanying implementation plans map the Danish WPS efforts. The Danish way of implementing WPS is both through mainstreaming the framework in all kinds of efforts in peace building and conflict prevention as well as WPS flagship projects, which are targeted high priority efforts.

The Danish Ministry of Defence, the subordinate authorities and the security forces make annual implementation plans reflecting its contributions.

1.3 In case you have a National Action Plan on WPS, how does the NAP support enhancement of institutional capacity in defence and security?

Danish foreign, security and development policy is built on the understanding that human rights, gender equality and well-functioning democratic institutions are the foundation of a peaceful, inclusive and sustainable society. One way where the NAP contributes to this effort is through capacity building of local organisations and national institutions that participate in the planning and implementation of prevention and peacebuilding efforts in conflict areas.

1.4 In case you have a National Action Plan on WPS, how do you publicise progress on implementation of your NAP?

As part of the NAP implementation, the MFA and the MoD have adopted dedicated implementation plans which are reported on annually and accessible to the public. The NAP implementation is also followed by a civil society reference group consisting of around 30 NGOs.

2 Measures to prevent sexual and gender-based harm

2.1 Horizon scanning, intelligence and risk?

- How do you include systematic gender analysis of areas at risk of conflict, including gender disaggregated socio-economic indicators, power over resources and decision-making, increases in sexual and gender-based violence, on-line and other threats of violence against women in public life, journalists and those providing humanitarian assistance?

All Danish MFA funded programs are obliged to perform a Gender-Sensitive Conflict Analysis during the earliest stages of the program design to support the participation of women at all levels and ensure that all programs are underpinned by intersectional gender analysis. The MFA has developed a WPS Guidance Note for this particular purpose.

- How do you incorporate a gender perspective into actions preventing and combatting the tensions, which lead to conflict, such as increases in sexual and gender-based violence, terrorism, violent extremism and human trafficking?

Same as above: All Danish MFA funded programs are obliged to perform a Gender-Sensitive Conflict Analysis during the earliest stages of the program design to support the participation of women at all levels and ensure that all programs are underpinned by intersectional gender analysis. The MFA has developed a WPS Guidance Note for this particular purpose.

- What is the role of your military, police and other security personnel in such activities?

The role is to ensure sufficient education for gender advisors and gender focal points to incorporate a gender perspective when deployed abroad.

2.2 Planning.

- How do you incorporate a gender perspective into operational planning?

Operational planning is mainly conducted by the Joint Operations Staff. A gender structure has recently been established across the organization, including Gender Focal Points (GFP) in relevant sections.

To ensure the implementation of gender perspectives in the operational planning the initial focus is to ensure the proper education for the GFP, to enable them to see and identify where gender perspectives can be implemented in our planning activities.

Simultaneously, we are working to ensure leadership understand of the importance and value added to the planning process by implementing gender perspectives.

- How do you plan to address and gather information from local women's populations in areas at risk of conflict?

Currently we have no plans. This will be re-evaluated when the general understanding of the WPS-agenda is implemented across staff.

2.3 Awareness and understanding of WPS at all levels and types of security personnel.

- What training do you give on incorporating a gender perspective and protecting the rights of women and girls to security personnel at basic education, officer training and specialised in-service training?

Enlisted are given training in the Danish military manual regarding responsibilities to protect the rights of civilians in general. Specific training is given to Gender Focal Points appointed in most training units and national military training centers, schools and academies in order to enable the continued implementation of gender perspectives in training at all levels.

Pre-deployment training includes training in local culture and gender subjects as applicable to the specific mission.

- *How do you train security personnel to protect women and girls, men and boys from sexual and gender-based violence?*

All personnel are instructed during pre-deployment training on how to report and respond to abuse of civilians.

2.4 Vetting of security personnel, especially pre-deployment

- *What measures do you take to vet and prevent the recruitment, retention, promotion and deployment of security personnel with a record of sexual or gender-based violence or other violations of human rights?*

The Danish Defense Personnel Organization conduct vetting as an integrated part of the recruitment and promotion process.

2.5 Other preventative measures

- *What other preventative measures do you have, for example to prevent sexual abuse or sexual exploitation on deployments and other forms of engagement of security forces abroad?*

Obligations under international law and other preventive measures with regard to the special protection of women are described throughout the Danish Military Manual and in particular in chapter 6 on the protection of civilians. Chapter 6 includes, amongst other, a prohibition against outrages on personal dignity. This includes, in particular, humiliating and degrading treatment, enforced prostitution, rape, and any other form of sexual violence.

The special protection of women during deprivation of liberty is described in chapter 12. It states that women must be the object of special respect and must be protected, in particular, against rape, enforced prostitution, and any other form of indecent assault during deprivation of liberty. The chapter also includes specific guidance with regard to the detainment of women separate from men.

The Danish Military Manual is binding on every person acting under the command of the Danish Chief of Defence in an international military operation. The Manual has been translated to English and can be found on the webpage of the Danish Defence.

3 Leadership, accountability and assurance

3.1 Integrating WPS into the command climate

- *How do you integrate a gender perspective and WPS into your policy and operational framework, including military manuals, national security policy frameworks, codes of conduct, protocols, standard operating procedures and command directives?*

We are currently working on a plan on how to operationalize the MoD WPS/1325 implementation plan 2022 for the Joint Operations Staff, including planning mechanisms, standard operating procedures, command directives etc. Main priority to

education, and then later on we will focus on how to ensure mechanisms for these processes.

3.2 Accountability and Performance assessment

- *What measures, systems or procedures do you have on individual and collective accountability for acting in accordance with such policies or directives?*

The Danish Military Prosecution Service may conduct investigations ex officio or upon a report from military commanders or individuals when there is a reasonable suspicion that a criminal act, including acts of SEA, within its jurisdiction has been committed. Breaches of internal military regulations, such as military manuals, codes of conduct, standard operating procedures, command directives etc. by military personnel may be prosecuted as gross dereliction of duties under section 27 of the Military Penal Code.

3.3 Assurance

- *How do you provide specialist advice to operational commanders on WPS?*

Gender Advisors are appointed at all operational level commands. These are responsible for advising commanders on WPS.

- *What systems or measures do you use to co-ordinate specialist advice on WPS throughout your security forces and to provide democratic oversight?*

No answer.

4 Sharing of good practice

4.1 How do you share good practice and learn from others?

An informal network of gender advisors is established across the enterprise, with the intention to share good practices, and knowledge sharing.

Denmark is member of Nordic Centre for Gender in Military Operations (NCGM). Subject Matter Experts from NCGM member states conduct online meetings and thematic discussions at regular intervals.

3.2 PARTICIPATION

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to increase women's participation in security forces and decision making, including at all stages of any peace-making process. More detailed information of such measures can be included in Part B below.

| | Type of Measure | Yes | No |
|----|---|-----|----|
| 1. | Collection and monitoring of sex disaggregated statistics on applicants to armed forces | | x |
| 2. | Policies to attract female candidates (targeted campaigns, review of accession tests etc.) | x | |
| 3. | Policies to promote equal opportunities for women and men across the security sector | x | |
| 4. | Collection and monitoring of sex disaggregated statistics of armed forces personnel: <ul style="list-style-type: none"> - By rank - By promotion - By retention | x | |
| 5. | Collection and monitoring of sex disaggregated statistics of complaints by armed forces personnel of: <ul style="list-style-type: none"> - Discrimination - sexual harassment - gender based harassment - sexual violence - gender-based violence | x | |
| 6. | Collection and monitoring of sex disaggregated statistics of complaints by civilian personnel in the security sector of: <ul style="list-style-type: none"> - discrimination - sexual harassment - gender based harassment - sexual violence - gender-based violence | x | |
| 7. | Anonymous staff surveys/climate assessment surveys or similar (monitoring incidences of behaviour contrary to military standards of conduct) | x | |
| 8. | Collection and monitoring of sex-disaggregated statistics of: <ul style="list-style-type: none"> - personnel deployed on operations and peace-keeping missions - and by rank | x | |

| | | | |
|-----|---|---|--|
| | | | |
| 9. | Collection and monitoring of sex-disaggregated statistics of decision makers in the security sector | x | |
| 10. | Other related information, clarification or details to share: | | |

B. More detailed information for sharing good practice on participative measures between participating States

1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence (and other security forces- optional).

1.1 *What are the numbers and percentages of women and men applying for and recruited to your military forces?*

No numbers are available.

1.2 *What are the numbers and percentages of women and men in your military forces, disaggregated by rank?*

| Year | Rank | % | % | Number of FTE ¹ | Number of FTE | Total % | Total number of FTE |
|-------------------|-----------------------------|-------------|--------------|----------------------------|---------------|---------------|---------------------|
| | | Women | Men | Women | Men | | |
| 2022 | Constable group (OR1 – OR4) | 10,8% | 89,2% | 764 | 6.302 | 100,0% | 7.066 |
| | Sergeant group (OR5 – OR9) | 7,6% | 92,4% | 338 | 4.119 | 100,0% | 4.457 |
| | Officer group (OF1 – OF3) | 9,0% | 91,0% | 334 | 3.361 | 100,0% | 3.695 |
| | Chief group (OF4 – OF9) | 3,6% | 96,4% | 14 | 369 | 100,0% | 382 |
| 2022 Total | | 9,3% | 90,7% | 1.450 | 14.150 | 100,0% | 15.600 |

1.3 *If you regularly analyse retention and promotion statistics disaggregated by gender and rank, what are the trends and what action, if any, are you taking as a result?*

Trends

8% of military personnel are women. Staff turnover for women is approximately 2 percentage points higher than for men. This is a relatively small difference, however the retention of female military personnel is especially important, since they already constitute a smaller percentage of military personnel than males.

The percentage of female conscripts has been rising the last ten years, and it is expected this will have positive effects on the percentage of female military personnel.

Actions

The Danish Defense is very attentive to the aforementioned trends, and is working towards increasing the percentage of female military personnel at both higher and lower ranks through a number of different actions.

¹ Full time equivalent

Overall, the Danish Defense collects and monitors sex disaggregated data on its personnel to stay on top of trends and challenges. The Danish Defense continuously look into new ways of improving formal structures (e.g. parental leave or recruitment processes) and the physical as well as the psychological working environment.

The aforementioned trends have resulted in a number of actions at different stages of implementation with the focus of improving the recruitment and retention of different groups including women (A non-exhaustive list of examples can be seen below). The Danish Defense is moreover working on a strategy with the overall goal of promoting diversity and inclusion.

Recruitment

- Targeted campaigns
- Gender-neutral job adds → Pictures, words and formulations are designed to attract both genders.
- Role models and ambassadors

Retention

- Uniforms etc. designed to different body types
- Classes about bias and inclusive leadership
- Mentors and networks
- Gender advisors and diversity specialists
Focus on parenthood, pregnancy and parental leave.

1.4 What are the numbers and percentages of complaints raised by women and men about discrimination, harassment, sexual or gender-based violence?

Complaints about discrimination, harassment, sexual or gender-based violence can be reported through a number of different systems. The Danish Defense is highly focused on getting its employees to report wrongful behavior, and has therefore multiple systems to support this.

The following numbers and percentages stem from a questionnaire, which the Danish defense performs once every second year on the working environment (Here are numbers from 2021). The numbers below do therefore not refer the number of complaints made, but the number of people, who in the questionnaire indicated they had experienced the described behavior.

13.965 respondents have answered the questionnaire. This equates a response rate of approximately 70%. The respondents cover all of the Danish defense – both soldiers, administrative personnel etc. and therefore covers both military personnel and civilian personnel.

| Behavior | Percentage | Number |
|---------------------------|------------|--------|
| Discrimination | 4,8 % | 670 |
| Sexual harassment | 5,0 % | 698 |
| Unwanted sexual attention | 4,9 % | 684 |
| Bullying | 4,8 % | 670 |

1.5 How do you monitor outcomes?

The Danish Defense regularly collects and monitors sex disaggregated data on

- Armed personnel by rank and promotion
- Staff turnover
- Incidents of discrimination, harassment and unwanted sexual attention
- Physical as well as psychological working environment

The numbers are compared to earlier years, and appropriate actions are planned if needed.

1.6 How is a gender-perspective integrated into a 'climate assessment' or similar anonymous staff survey, if used?

The Danish armed forces conducts a survey of gender-based harassment every second year, in which the respondents are asked about their experiences with discrimination, sexual harassment, sexual violence etc. As part of the survey, the respondents are asked about their gender (woman, man or other), so the answers can be analyzed on a specific gender. The survey questions are based on a national questionnaire, so the survey data from the armed forces can be compared to other industries in Denmark.

2 Measures to increase the numbers of women and specialist WPS advisers in peacekeeping forces.⁶

The answer is based on what measures we take to improve recruitment and retention of women in general in the armed forces. See answer to question 1.4.

2.1 What are the numbers and percentages of women and men in peacekeeping forces, disaggregated by rank?

| 2020 NATO | Men | Women |
|-----------------------------|-----|-------|
| Civilians | 27 | 13 |
| Constable group (OR1 – OR4) | 774 | 45 |
| Sergeant group (OR5 – OR9) | 255 | 18 |
| Officer group (OF1 – OF3) | 162 | 17 |
| Chief group (OF4 – OF9) | 11 | 0 |

| 2020 FN | Men | Women |
|-----------------------------|-----|-------|
| Civilians | 3 | 6 |
| Constable group (OR1 – OR4) | 94 | 7 |
| Sergeant group (OR5 – OR9) | 54 | 5 |
| Officer group (OF1 – OF3) | 71 | 6 |
| Chief group (OF4 – OF9) | 2 | 0 |

| 2021 NATO | Men | Women |
|-----------------------------|-----|-------|
| Civilians | 0 | 0 |
| Constable group (OR1 – OR4) | 1 | 0 |
| Sergeant group (OR5 – OR9) | 1 | 0 |
| Officer group (OF1 – OF3) | 25 | 1 |
| Chief group (OF4 – OF9) | 1 | 0 |

| 2021 FN | Men | Women |
|-----------------------------|-----|-------|
| Civilians | 21 | 16 |
| Constable group (OR1 – OR4) | 774 | 43 |
| Sergeant group (OR5 – OR9) | 313 | 15 |
| Officer group (OF1 – OF3) | 208 | 21 |
| Chief group (OF4 – OF9) | 18 | 0 |

| 2022 NATO | Men | Women |
|-----------------------------|-----|-------|
| Civilians | 0 | 0 |
| Constable group (OR1 – OR4) | 0 | 0 |
| Sergeant group (OR5 – OR9) | 0 | 0 |
| Officer group (OF1 – OF3) | 20 | 6 |
| Chief group (OF4 – OF9) | 1 | 0 |

| 2022 FN | Men | Women |
|-----------------------------|------|-------|
| Civilians | 25 | 22 |
| Constable group (OR1 – OR4) | 1884 | 188 |
| Sergeant group (OR5 – OR9) | 648 | 38 |
| Officer group (OF1 – OF3) | 367 | 34 |
| Chief group (OF4 – OF9) | 24 | 1 |

2.2 *What are the numbers and percentages of international missions to which you appointed Gender Advisers, Gender Focal Points or Women Protection Advisers?*

The Danish Defence does not keep a specific record of missions to which such advisers are appointed. Most of the international missions that Denmark contributes to, have Gender Advisers etc. appointed, but these may be staffed by other international personnel. On some occasions, Denmark has deployed GENAD's to multinational headquarters in international operations.

3 Democratic oversight of Security Forces and WPS

3.1 *How do your security forces publicise, report on and account for their actions on policies and plans related to WPS?*

The armed forces contribute to the MoD annual report on implementation of the National Actions Plan in the Defence.

3.2 *What is the representation of women in decision-making positions in institutions ensuring democratic oversight and public scrutiny?*

3.3 PROTECTION

A. Checklist of measures taken by participating States

Please indicate if your State has the following protective measures in place. More detailed information of the protective measures can be included in Part B below.

| | Type of Measure | Yes | No |
|----|--|------------|-----------|
| 1. | Specialist Advisers on WPS: <ul style="list-style-type: none"> - Gender Advisers - Gender Focal Points - Women Protection Advisers | x | |
| 2. | Policies to protect women and others in conflict and post-conflict areas from sexual abuse and exploitation by your State's security personnel ⁷ | x | |

| | | | |
|----|--|---|---|
| 3. | Policies, which set out the duties of commanders and other superiors to prevent abuse or exploitation by their subordinates. | x | |
| 4. | Collection and monitoring of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces: -referred -investigated - acted upon | | x |
| 5. | Measures to increase your State's capacity to investigate alleged violations of human rights and fundamental freedoms in areas of conflict or post-conflict including sexual and gender-based violence ⁸ | x | |
| 6. | National legislation conferring powers to prosecute alleged extra-terrestrial violations of human rights | | |
| 7. | <p><i>Other related information, clarification or details to share:</i></p> <p>Comment to question 4: The Danish Military Prosecution Service does not specifically collect and monitor reported cases of SEA within the UN definition, i.e. cases in which the victim is a person of concern, or a member of the local or host community. However, the Danish Military Prosecution Service monitor and report to the Ministry of Defence all alleged cases of sexual misconduct by military personnel within its jurisdiction.</p> <p>Comment to question 5: The Danish Military Prosecution Service continuously works to optimize its capacity to conduct investigations in conflict areas into alleged breaches of international humanitarian law as well as both civil and military penal law within its jurisdiction, i.a. by continuously reviewing international legal obligations and best practices in relation to such investigation, disseminating such obligations and best practices to staff etc.</p> | | |

B. More detailed information for sharing good practice on protective measures between participating States

1 Measures to embed protection of women and girls in operations and international missions

1.1 How do you define conflict-related violence in your policies, manuals, standard operating procedures and training material?

- *Does it include sexual and gender-based violence, forced sterilisations and abductions, also of men and boys, and forced pregnancy and forced abortions?*
- *Does it include victims of terrorism or other armed groups?*

It is stated in the Danish Military Manual (chapter 6) that, as far as military operations allow, Danish armed forces must take all necessary precautions to assist persons exposed to grave danger and to protect them against pillage and ill-treatment. This includes women, who are afforded special protection under a number international treaties, but also other vulnerable groups.

1.2 Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.

The Danish Defence does not keep a record on the number of international missions that address specific issues.

1.3 How are military, para-military and security forces trained to respond to sexual violence and gender-based harm?

No answer.

2 Investigating alleged violations

2.1 How do you identify, record, investigate and prosecute any alleged violations, cases of exploitation and abuse perpetrated by military, para-military and security forces? What experience do you have of such investigations and prosecutions?

The Danish Military Prosecution Service may launch investigations ex officio or upon a report from military commanders or individuals when there is a reasonable suspicion that a criminal act, including acts of SEA, within its jurisdiction has been committed. The military criminal jurisdiction extends to acts of SEA committed by military personnel against civilians only if there is a nexus to the active military service, e.g. the act is committed on duty. Such investigations and prosecutions would be conducted according to general procedures established by the Danish Military Prosecution Service. However, the Danish Military Prosecution Service has investigated no cases of SEA within the UN definition within at least the last 10-year period as none have been reported or otherwise come to the attention of the Danish Military Prosecution Service.

2.2 What are the number and percentage of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces that are referred, investigated and acted upon?

As previously noted, the Danish Military Prosecution Service has investigated no cases of SEA within the UN definition within at least the last 10-year period as none have been reported or otherwise come to the attention of the Danish Military Prosecution Service.

2.3 How do you ensure access to justice for victims of conflict related violence including cases of exploitation and abuse by military, para-military and security forces?

The Danish Military Prosecution Service maintains a 24- hour telephone hotline to which all alleged breaches may be reported by both civilians and military personnel.

3 Other measures to protect women and girls

3.1 What lessons could you share in relation to protective measures?

3.4 SUSTAINING PEACE

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to sustain peace, especially with regard to relief and recovery and to post-conflict situations. More detailed information of such measures can be included in Part B below.

| | Type of Measure | Yes | No |
|----|--|-----|----|
| 1. | Measures to ensure the involvement of women from the outset in seeking a peaceful settlement of potential or actual conflicts. | x | |
| 2. | Measures to support those who have experienced sexual or gender-based violence during or post-conflict to support their recovery from trauma | x | |
| 3. | Measures to support the role of women as agents of change and transformation in areas emerging from conflict | x | |
| 4. | Measures to support capacity building in the security and other sectors of fragile states or post-conflict situations to protect human rights and fundamental freedoms, especially relating to women and girls | x | |
| 5. | Other related information, clarification or details to share: | | |

B. More detailed information for sharing good practice between participating States

1.1 How do security personnel support and seek to embed the involvement of women in peacekeeping and throughout the peace building and post -conflict process?

No answer.

1.2 What training are your security personnel given as regards survivor focus?

None.

1.3 What roles do your security personnel or other personnel play in support of demobilisation, access to humanitarian assistance or to facilitate re-integration post-conflict?

No answer.

1.4 What lessons could you share in relation to recovery and relief issues in the WPS agenda?

No answer.

3.5 Final reflections

1. What do you consider biggest obstacles as well as what are the priorities for your country on WPS in the context of the Code of Conduct?

No answer

2. Would you like to share any additional information, clarification or details?

No answer

BACKGROUND TO THE 2023 UPDATE OF THE INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

1. Background on Women, Peace and Security

1.1. The importance of Women, Peace and Security in the Code of Conduct Context

In 2011, 30 OSCE participating States decided to advance their commitments on the Women, Peace and Security (WPS) Agenda in the context of the Code of Conduct, by adopting an annexe to the questionnaire specifically targeting WPS related activities. The link between the Code and WPS is undeniable for two reasons. Firstly, women take up a variety of functions in many armed and security forces, thus rendering them compliant to the same Code as their male peers. Secondly, the activities of armed and security forces have an impact on the civilian population, including on women and girls. It is therefore important to take into account the gendered impact of their efforts and integrate this throughout the Code.

While the initiative from 2011 was an excellent start, the WPS agenda continuously evolves and the OSCE documents need to follow this trend. Therefore, it was not only necessary to update the Indicative List of Questions with all the WPS resolutions and findings that have been adopted since 2011, but the Code itself also merits gender-mainstreaming in order to better reflect the link with the WPS agenda.

For policy leads reporting on WPS, there are plenty of questions and questionnaires from various (inter)national organisations with only limited guidance. Therefore, this background aims to clarify not only the developments since 2011 and to put into perspective the updated OSCE documents, but also to underline why reporting on WPS is crucial.

The reason why it is highly encouraged for OSCE participating States to report on WPS in the context of the Code of Conduct, is to map out the state of play for each participating State. In a next step, this allows States to benchmark their own efforts and to use the reports by others as both best practices and lessons learned.

This updated guidance has taken steps to streamline the existing questions (e.g. by introducing checklists where possible). It also recognises that different participating States are part of different organisations, with different reporting requirements on WPS (e.g. UN, NATO). In order to keep this inclusive, but also user-friendly, the guidance has used footnotes to flag where questions are similar to those in other questionnaires. The guidance remains a living document. It is the first update since the OSCE guidance was first drafted in 2011. The first update has been in 2023. The next update

should happen sooner, to account for feedback from capitals (e.g. on how easy it is to use in practice) as well as reflecting the latest developments on WPS.

1.2. Developments in Women, Peace and Security since 2011

The UNSCR 1325 of 2000 is the founding document internationally recognising the particular vulnerabilities of women and girls in situations of armed conflict and post-conflict and the threats conflict-related sexual violence and gender-based violence pose to peace and security. It sets out the important role of women in maintaining and promoting peace and the need to increase women's participation in decision-making roles in preventing and resolving conflicts. It has raised awareness of and confirmed a willingness to incorporate a gender-perspective into peace-keeping operations, including training and special measures to protect women and girls. States' National Action Plans on UNSCR 1325, which followed, have been the impetus for action internationally and nationally over the last 22 years.

Between 2000 and 2010 four UNSCR resolutions developed the general principles set out in UNSCR 1325 into progressively more specific actions required both at the UN level and by States.

Six further UNSCR resolutions specifically on WPS⁹ in the last 11 years are more specific and comprehensive, both in terms of scope and action required on implementation.

Scope

The development of scope in more recent UNSCRs is set explicitly in a changing global context of peace and security. These changes include rising violent extremism, increased numbers of refugees and internally displaced persons, climate change and global health pandemics. Sexual violence and gender-based violence is identified as a potential tactic of terrorism, not just as a tactic of war. Such violence can affect men and boys as well as women and girls, not only as direct victims but also as witnesses, causing wide scale terror, trauma and insecurity. Sexual violence and gender-based violence can also be used to finance terrorism, for example as part of human trafficking. The resolutions also note the links between sexual and gender-based violence and both the illicit trade in natural resources and the illicit transfer, accumulation and misuse of arms. Effective prevention requires action beyond the security sector, for example in national legal and judicial systems to tackle all forms of violence against women and girls and vulnerable groups.

Scope is also expanded in terms of protection: acknowledging the concept of 'intersectionality' i.e., multiple vulnerabilities some women face, for example women with disabilities, older or refugee women; identifying the needs and issues concerning children born of war and their mothers; and explicitly adding forced abduction, forced pregnancy and forced sterilisation to the definition of conflict-related violence.

⁹ UNSCR 1998 (2011- adopted one day before ILQs), UNSCR 2068 (2012), UNSCR 2106 (2013), UNSCR 2122 (2013), UNSCR 2467 (2019) and UNSCR 2493 (2019).

Greater emphasis is placed on a survivor focus, including access to health and humanitarian assistance, reparations and a range of actions to reduce stigma and facilitate re-integration. Health services explicitly include sexual and reproductive health services, psychological and trauma support. Survivors include victims of terrorist violence, men, boys, refugees, those forced to join armed groups and other demobilized combatants.

Implementation

In 2013, the Security Council recognised the need for a significant shift in implementation of commitments in 1325 and subsequent UNSCRs¹⁰. Key themes in UNSCRs since then include:

- more systematic data recording, gender disaggregated statistics, analysis, monitoring and recording
- more individual and collective accountability within security forces, including integration of WPS into planning, delivery and performance assessment of operations
- more focus on the roles and responsibilities of high-level commanders
- enhanced action on vetting to reduce the risk of violations by security personnel¹¹
- improved investigation and prosecution of alleged sexual and gender-based violence
- greater emphasis on women's participation and leadership, particularly in peace-building and post-conflict
- more victim and survivor focus to enhance the indivisibility of security
- WPS activities to be adequately resourced, given a higher priority and to be mainstreamed. These activities include pre-deployment and in-mission training, increased representation of women in security forces and WPS specialist roles.

Embedding WPS developments internationally

This wider understanding is being implemented at UN level as shown by the integration of WPS in the Arms Trade Treaty Article 7(4) in 2014, Security Council Resolutions on Trafficking (UNSCR 2331 in 2016 and UNSCR 2388 in 2019), the International Law Commission's Draft Articles on Prevention and Punishment of Crimes against Humanity 2019 and the decision of the Committee on the Convention on All Forms of Discrimination against Women (CEDAW) in March 2022 in the case of *Rosanna Flamer-Caldera v Sri Lanka*¹².

At Council of Europe level, the Convention on Action Against Trafficking in Human Beings 2005 (CETS No. 197) explicitly incorporates a gender perspective, including committing parties to gender mainstreaming in the development, implementation and assessment of measures to protect and promote the rights of victims. The Convention on Preventing and Combatting Violence against Women and Domestic Violence 2011

¹⁰ UNSCR 2122.

¹¹ UNSCR 2467 refers to safeguards to prevent individuals credibly suspected of committing sexual violence related crimes from being recruited, retained or promoted

¹² CEDAW Communication No. 134/2018

(the Istanbul Convention CETS No. 210) applies in times of war as well as peace. It commits Parties to co-operating with each other to prevent, combat and prosecute all forms of violence covered by the scope of the Convention, to protect and provide assistance to victims, in investigations and proceedings and enforcing judicial decisions and orders.

The OSCE has a number of key resources on WPS including Ministerial Council Declarations, an Action Plan for the Promotion of Gender Equality and a range of reports and practical guides.

The provisions of the OSCE Code of Conduct appear sufficient to encompass key elements of the WPS agenda. Although there is no mention of women throughout the document, 21 of the 47 responses from participating States to the questionnaire on the Code did integrate information on initiatives and actions on WPS.