Introduction

The International Convention for the Protection of All Persons from Enforced Disappearance (hereafter the Convention) was signed by Denmark on 25 September 2007. Denmark deposited its instrument of ratification with the Secretary-General of the United Nations on 14 January 2022 and pursuant to article 39(2) of the Convention it entered into force for Denmark on 12 February 2022. The Convention does not apply to the Faroe Islands or Greenland.

In accordance with article 29(1) of the Convention, Denmark hereby submits to the Committee on Enforced Disappearances (hereafter the Committee) a report on the measures Denmark has taken to give effect to its obligations under the Convention.

Preparation of the report, including consultations with national human right institutions

The Ministry of Justice has prepared this report with other Danish ministries and with the involvement of relevant governmental authorities.

The Danish Institute for Human Rights (Denmark's National Human Rights Institution) was informed by the Ministry of Justice on 21 January 2025 about the ongoing work on this report and was given opportunity to send remarks to the ministry in this regard. The Danish Institute for Human Rights replied on 24 January 2025 with remarks of a general nature, which the ministry has considered in the preparation of this report.

General legal framework under which enforced disappearances are prohibited

The Danish Constitution is embodied in the Constitutional Act of 1953. Section 71(1) of the Constitutional Act states that personal liberty shall be inviolable. According to section 71(2) of the Constitutional Act, a person shall be deprived of his liberty only where this is warranted by law. In addition, section 71(3) of the Constitutional Act states that any person who is taken into custody shall be brought before a judge within 24 hours. Where the person taken into custody cannot be immediately released, the judge shall decide, in an order to be given as soon as possible and at the latest within three days, stating the grounds, whether the person taken into custody shall be committed to prison.

Furthermore, any deprivation of liberty in Denmark must be compliant with the provisions of the European Convention on Human Rights (hereafter ECHR), including the right to liberty and security in article 5 and the right to a fair trial in article 6. The ECHR is incorporated in Danish law.

Information in relation to the articles in part I of the Convention

Article 1

1. No one shall be subjected to enforced disappearance.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

The Ministry of Justice can refer to the comments to article 4.

Article 2

For the purposes of this Convention, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

The Ministry of Justice can refer to the comments to article 4.

Article 3

Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.

The Ministry of Justice can inform that the police are tasked with investigating and pursuing criminal offences. Thus, it follows from section 742(2) of the Danish Administration of Justice Act that the police, upon notification or on their own initiative, initiate investigations where there is a reasonable presumption that a publicly prosecuted criminal offence has been committed. The purpose of the investigation is to clarify whether the conditions for imposing criminal liability are present, and in such case to provide the necessary evidence, cf. section 743. It also follows from section 2(iii) of the Danish Police Act that the police are tasked with stopping criminal activity and investigating and prosecuting criminal offences.

Once the investigation of the police is finalised, the case will be handed over to the Prosecution Service, who will decide whether the evidence is sufficient enough to prosecute the case in court. It is the task of the Prosecution Service to prosecute all crimes, including acts that may constitute enforced disappearances, in

pursuance of the rules of the Administration of Justice Act. The overall objective of this task is described in section 96 of the Administration of Justice Act, which also states that the Prosecution Service shall proceed with every case at the speed permitted by the nature of the case. In this regard, the Prosecution Service shall in accordance with the principle of objectivity ensure that those liable to punishment are prosecuted and the innocent are not prosecuted.

Regarding acts that may constitute enforced disappearances, reference is made to the comments to article 4.

Article 4

> *Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.*

The Ministry of Justice can inform that enforced disappearance as defined in article 2 of the Convention is punishable under Danish Criminal Law, even though the crime is not independently criminalised. Enforced disappearance can be punishable under several provisions of the Danish Criminal Code.

The crime of enforced disappearance may be punishable under provisions of chapter 26 of the Criminal Code concerning offences against personal liberty. This includes section 261 on deprivation of liberty. According to section 261(1) any person who deprives someone of his liberty is sentenced to a fine or imprisonment for a term not exceeding four years. If the deprivation of liberty is effected for a gain or for a long period, or if the deprivation of liberty was effected because someone was improperly held in custody as a person suffering from a mental disorder or mental retardation, enrolled in foreign war service or confined to captivity or other dependency in a foreign country, the penalty is imprisonment for a term not exceeding 12 years, cf. section 261(2).

Enforced disappearance may also be punishable under the provisions of chapter 16 of the Criminal Code concerning offences in public function or office etc. This includes sections 146, 147, 148, 150, 151, 155, and 156. It follows from section 146 that if a person with power to issue judgments or other public decision-making power to decide legal matters relating to private individuals commits an injustice when determining or examining a case, he is sentenced to imprisonment for a term not exceeding six years. If the act is committed with intent to cause a loss of welfare for someone, the penalty is imprisonment for a term not exceeding 16 years.

Furthermore, it follows from section 147 that if a person with a duty to enforce criminal law on behalf of the state applies illegal means to prompt a confession or statement or makes an unlawful arrest, wrongful

incarceration, or an unlawful search or seizure, he is sentenced to a fine or imprisonment for a term not exceeding three years.

In addition, it follows from section 148 that if a person with power to issue judgments or other public decision-making power to decide legal matters, or with a duty to enforce criminal law on behalf of the state, intentionally or with gross negligence fails to observe a statutory procedure for the processing of a case or the performance of individual judicial acts, or for any arrest, incarceration, search, seizure or similar measure, he is sentenced to a fine or imprisonment for a term not exceeding four months.

Moreover, it follows from section 150 that any person performing a public function or office who abuses his position to coerce another person to do, accept or fail to do something is sentenced to imprisonment for a term not exceeding three years.

According to section 151 any person who incites to or is complicit in an offence committed by someone who is subordinate to him in his public function or office while acting in such capacity is punished under the provision prohibiting the relevant offence without taking into consideration whether his subordinate is punishable or exempt from punishment because of a mistake or for other reasons.

It follows from section 155 that any person performing a public function or office who abuses his position to infringe a right of an individual or the public is sentenced to a fine or imprisonment for a term not exceeding four months. If such abuse is committed to obtain undue benefit for himself or others, the maximum sentence is imprisonment for two years.

Finally, it follows from section 156 that if a person performing a public function or office refuses or fails to observe a duty incumbent on him by virtue of his function or office, or to obey an official command, he is sentenced to a fine or imprisonment for a term not exceeding four months. Offices held by virtue of a public election fall outside the scope of the preceding provision. If an offence is committed by person in an executive position, the sentence can increase to imprisonment for a term not exceeding one year.

The above-mentioned provisions of chapter 16 of the Criminal Code only apply to offences committed in the exercise of Danish public function or office. However, an enforced disappearance crime committed by public officials of other states will be covered by section 261 of the Criminal Code. Reference is made to the comments to article 9 regarding Danish criminal jurisdiction.

Furthermore, the crime of enforced disappearance may, under certain circumstances, be punishable under the Criminal Code section 215 on evasion of parental custody. Finally, it should be noted that in connection with

an offence of enforced disappearance, acts covered by chapter 25 of the Criminal Code on offences against the person may be committed. In particular, reference is made to section 237 after which any person who kills another is sentenced to imprisonment for a term of at least five years or for life for homicide and to sections 244, 245 and 246 on violence and other bodily assaults which may be punished with imprisonment for up to 10 years. It should also be noted that an offence of enforced disappearance may be punishable under the provisions of the Military Penal Code, if the offence was committed by military personnel.

Article 5

The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

The Ministry of Justice can inform that the Statute of the International Criminal Court (ICC), to which Denmark is a State Party, contains a provision in article 7(1)(i) on enforced disappearance of persons as a crime against humanity. Enforced disappearance of persons as a crime against humanity was already punishable under Danish Criminal Law but as of 1 January 2025 the crime has been independently criminalised. Thus, it follows from section 118d(x) of the Danish Criminal Code that anyone who, as part of a widespread or systematic attack against a civilian population, arrests, detains or abducts a person and refuses to acknowledge the deprivation of liberty or to provide information about what has happened or will happen to this person or about the person's whereabouts, when the act is committed in order to deprive that person of the protection of the law and is carried out on behalf of or with the consent, support or authorisation of a State or organisation (enforced disappearance), shall be punished for crimes against humanity. It should be noted that section 118d(x) of the Criminal Code covers at least the same content as article 7(1)(i) of the Statute of the ICC. It follows from section 118k(1) of the Criminal Code that violation of section 118d is punishable by imprisonment for life.

Reference is made to the comments to article 8 regarding the limitation period.

Article 6

1. Each State Party shall take the necessary measures to hold criminally responsible at least:

(a) Any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance;
(b) A superior who:

(i) Knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance;

(ii) Exercised effective responsibility for and control over activities which were concerned with the crime of enforced disappearance; and

(iii) Failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution;

(c) Subparagraph (b) above is without prejudice to the higher standards of responsibility applicable under relevant international law to a military commander or to a person effectively acting as a military commander.

2. No order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance.

Regarding article 6(1)(a), the Ministry of Justice can refer to the comments to article 4. Attempts to commit such an offense can be punished under section 21 of the Danish Criminal Code. Thus, it follows from section 21(1) that acts aimed at inciting or assisting the commission of an offence are punishable as attempts if the offence is not completed. Complicity in an offense is punishable under section 23(1) of the Criminal Code, which states that the penalty provided for an offence applies to everybody who is complicit in the act by incitement, aiding or abetting.

Regarding article 6(1)(b) and (c), it should be noted that in certain cases an omission, including passivity, may also constitute criminal complicity covered by section 23(1) of the Criminal Code. Furthermore, complicity of a superior is specifically regulated in section 151 of the Criminal Code. It follows from section 151 that any person who incites to or is complicit in an offence committed by someone who is subordinate to him in his public function or office while acting in such capacity is punished under the provision prohibiting the relevant offence without taking into consideration whether his subordinate is punishable or exempt from punishment because of a mistake or for other reasons.

Regarding article 6(2), it should be noted that within Danish Criminal Law it is generally assumed that orders and commands do not normally exempt from criminal liability. The Ministry of Justice can inform that the Prosecution Service is not aware of any cases of enforced disappearance in Denmark. Consequently, it is not possible to provide examples of case law in which a subordinate was permitted lawfully to oppose an order to commit acts of enforced disappearance.

Article 7

1. Each State Party shall make the offence of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.

2. Each State Party may establish:

(a) Mitigating circumstances, in particular for persons who, having been implicated in the commission of an enforced disappearance, effectively contribute to bringing the disappeared person forward alive or make it possible to clarify cases of enforced disappearance or to identify the perpetrators of an enforced disappearance;
(b) Without prejudice to other criminal procedures, aggravating circumstances, in particular in the event of the death of the disappeared person or the commission of an enforced disappearance in respect of pregnant women, minors, persons with disabilities or other particularly vulnerable persons.

As mentioned under the comments to article 4, the Ministry of Justice can inform that the penalty for violating section 261 of the Danish Criminal Code is generally imprisonment for up to four years, but in aggravating cases, such as prolonged deprivation of liberty, the penalty is imprisonment for up to 12 years. It should be noted that the crime of enforced disappearance, by its nature, often involves a prolonged deprivation of liberty. Regarding the penalty for violating sections 146, 147, 148, 150, 151, 155, and 156 of the Criminal Code, reference is made to the comments to article 4.

Section 82 of the Criminal Code contains provisions on mitigating circumstances that must be considered when determining the penalty. Thus, it follows from section 82(1)(viii) that it should be considered a mitigating circumstance when determining the sentence that the offender voluntarily averted or attempted to avert the danger caused by the criminal act. It should also be considered a mitigating circumstance that the offender has provided information crucial to solving the criminal acts committed by others, cf. to section 82(1)(x), and that the offender has remedied or attempted to remedy the damage caused by the criminal act, cf. to section 82(1)(xi).

Section 81 of the Criminal Code contains provisions on aggravating circumstances that must be considered when determining the penalty. It follows from section 81(xi) that it constitutes an aggravating circumstance if the offender exploited the victim's defenceless position.

Article 8

Without prejudice to article 5,

1. A State Party which applies a statute of limitations in respect of enforced disappearance shall take the necessary measures to ensure that the term of limitation for criminal proceedings:

(a) Is of long duration and is proportionate to the extreme seriousness of this offence;
(b) Commences from the moment when the offence of enforced disappearance ceases, taking into account its continuous nature.

2. Each State Party shall guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation.

Regarding article 8(1), the Ministry of Justice can inform that the length of the limitation period generally depends on the level of maximum penalty prescribed for the offence in question, cf. section 93(1) of the Danish Criminal Code. The limitation period is therefore two, five and ten years, respectively, when the offence is not subject to a higher penalty than imprisonment for one, four and ten years. This means for example that the limitation period for a violation of section 261(1) of the Criminal Code is five years. The limitation period is 15 years when no higher penalty than a fixed term of imprisonment is prescribed, which means the limitation period for a violation of section 261(2) is 15 years. It should be noted that the criminal liability of section 118d(x) on enforced disappearance of persons as a crime against humanity is not subject to any limitation period, cf. section 93b(1).

According to section 94(1) of the Criminal Code the limitation period is reckoned from the date when the criminal activity or omission ceased.

Regarding article 8(2), the Ministry of Justice can inform that section 63 of the Danish Constitutional Act generally ensures the fundamental right to judicial review of the actions of authorities, including the right to take legal action against authorities. Additionally, Denmark is obliged under article 6 of the ECHR to guarantee the right of anyone to a fair trial and the right to access to effective remedies under article 13.

Furthermore, it follows from section 742 of the Danish Administration of Justice Act that reports of criminal offenses can be submitted to the police. Additionally, chapter 66a of the Administration of Justice Act contains rules regarding victims, including a right to a legal advocate for victims of deprivation of liberty under section 261 of the Criminal Code.

Article 9

1. Each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance:

(a) When the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
(b) When the alleged offender is one of its nationals;
(c) When the disappeared person is one of its nationals and the State Party considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the alleged offender is present in any territory under its jurisdiction, unless it extradites or surrenders him or her to another State in accordance with its international obligations or surrenders him or her to an international criminal tribunal whose jurisdiction it has recognized.

3. This Convention does not exclude any additional criminal jurisdiction exercised in accordance with national law.

The Ministry of Justice can inform that according to section 6 of the Danish Criminal Code acts falling within Danish criminal jurisdiction are acts committed (1) within the Danish state, (2) on board a Danish vessel or aircraft located within the territory of another state by a person belonging to or traveling on the vessel or aircraft, or (3) on board a Danish vessel or aircraft located outside the territory of any state.

According to section 7(1) of the Criminal Code acts committed within the territory of another state by a person who was a Danish national or has his abode or similar habitual residence within the Danish state at the date of the provisional charge are subject to Danish criminal jurisdiction, if (i) the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality); or (ii) the offender had the aforesaid attachment to Denmark when committing the act and such act (a) comprises sexual abuse of children, human trafficking or female circumcision; or (b) is aimed at someone having the aforesaid attachment to Denmark when the act was committed. According to section 7(2) of the Criminal Code acts committed outside the territory of any state by a person having such attachment to Denmark as referred to in subsection (1) at the date of the provisional charge are also subject to Danish criminal jurisdiction, provided that acts of the kind described may carry a sentence of imprisonment for a term exceeding four months.

According to section 7a(1) of the Criminal Code acts committed within the territory of another state and aimed at a person who was a Danish national or had his abode or similar habitual residence within the Danish state when the act was committed are subject to Danish criminal jurisdiction if any such act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality) and may carry a sentence under Danish legislation of imprisonment for at least six years. It follows from section 7a(2) that Danish criminal jurisdiction under subsection (1) only applies to the acts of (i) murder, (ii) aggravated assault, deprivation of liberty or robbery, (iii) offences likely to endanger life or cause serious injury to property, (iv) a sexual offences or incest, or (v) female circumcision. Furthermore, it follows from section 7a(3) that acts committed outside the territory of any state, but aimed at someone having such attachment to Denmark as referred to in subsection (1) when the act was committed, are also subject to Danish criminal jurisdiction, provided that acts of the kind described may carry a sentence of imprisonment for a term exceeding four months.

It follows from section 8 of the Criminal Code that acts committed outside the Danish state are subject to Danish criminal jurisdiction, irrespective of the home country of the offender, where (v) the act falls within an international instrument obliging Denmark to have criminal jurisdiction, or (vi) extradition for the purpose of prosecution in another country of a person provisionally charged is refused, and the act, provided that it was committed within the territory of another state, is a criminal offence under the legislation of the country in which the act was committed (dual criminality), and the act may carry a sentence under Danish legislation of at least one year in prison.

Article 10

1. Upon being satisfied, after an examination of the information available to it, that the circumstances so warrant, any State Party in whose territory a person suspected of having committed an offence of enforced disappearance is present shall take him or her into custody or take such other legal measures as are necessary to ensure his or her presence. The custody and other legal measures shall be as provided for in the law of that State Party but may be maintained only for such time as is necessary to ensure the person's presence at criminal, surrender or extradition proceedings.

2. A State Party which has taken the measures referred to in paragraph 1 of this article shall immediately carry out a preliminary inquiry or investigations to establish the facts. It shall notify the States Parties referred to in article 9, paragraph 1, of the measures it has taken in pursuance of paragraph 1 of this article, including detention and the circumstances warranting detention, and of the findings of its preliminary inquiry or its investigations, indicating whether it intends to exercise its jurisdiction.

3. Any person in custody pursuant to paragraph 1 of this article may communicate immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides.

Regarding article 10(1) and (2), the Ministry of Justice can inform that chapter 67 of the Danish Administration of Justice Act contains the general provisions on investigation, chapter 69 contains the rules on arrest and chapter 70 contains the rules on remand detention.

According to section 742 reports on criminal offences are submitted to the police, who upon notification or on their own initiative initiate investigations when there is a reasonable presumption that a publicly prosecuted criminal offence has been committed. As a general rule, the police are among other things obliged to draw up a report as soon as possible on interrogations conducted and on other investigative steps taken, cf. section 744. A person who is reasonably suspected of a criminal offence that is subject to public prosecution shall be arrested by the police, cf. section 755(1) of the act. With regard to the duration of an arrest it follows from section 760(1) that anyone who is arrested shall be released as soon as the reason for arrest no longer exists. It follows from section 760(2) that an arrested person, who has not previously been released, must be brought before the court within 24 hours.

Furthermore, the court can in accordance with the rules laid out in chapter 70 of the Administration of Justice Act place persons who are suspected of having committed criminal offences in remand detention. With regard to the duration of remand detention it follows from section 768 of the act that such detention shall, if necessary, by order of the court, be terminated when the prosecution is discontinued or the conditions for initiating detention no longer exists. If the court finds that the investigation is not progressing with sufficient speed and that continued remand detention is not reasonable, the court shall terminate it.

As for solitary confinement, Denmark's general rules for arrest and custody, including solitary confinement, are regulated in chapter 70 of the Administration of Justice Act, in chapter 9 of the Danish Return Act, and in the Danish Extradition Act sections 32 and 38.

The Director of Public Prosecutions has issued general guidelines on the use of solitary confinement and on cases of prolonged custody in the Guidelines of the Director of Public Prosecutions, the sections on "solitary confinement" (Circular no. 9178 of 1 January 2023) and "prolonged custody" (Circular no. 9179 of 1 January 2023). When custody exceeds three months, the Danish Prosecution Service classifies it as prolonged custody.

The Administration of Justice Act section 768a sets out general limits on the duration of remanding in custody. Sections 770c sets limits on the duration of solitary confinement. According to section 770d(3), the Director of Public Prosecutions must approve the prosecution's request to the court for an extension of solitary confinement beyond the usual limits. Solitary confinement and prolonged custody are part of the ongoing supervisory task of the prosecution service in the police districts, the state prosecutors and the Director of Public Prosecutions.

Regarding article 10(3), the Ministry of Foreign Affairs can inform that Denmark is a party to the Vienna Convention on Consular Relations of 24 April 1963, which in article 36 establishes obligations for the States Parties that enable foreign nationals to communicate with representatives of the State of which he or she is a national.

Furthermore, the Ministry of Justice can inform that the ministry has issued circular letter of 18 March 2010 to the police and the Prosecution Service on the rights of arrested persons right to notification of relatives etc., contact with a lawyer and national representation and access to a doctor. It follows from section 2.1 of the circular letter that foreign nationals arrested in Denmark must, without undue delay, be informed of their right to contact their country's embassy or consulate themselves or through the police in accordance with article 36(b) of the aforementioned Vienna Convention.

Reference is also made to the comments under articles 17 and 18 on the right of a foreign national deprived of liberty to communicate with his or her consular authorities.

Article 11

1. The State Party in the territory under whose jurisdiction a person alleged to have committed an offence of enforced disappearance is found shall, if it does not extradite that person or surrender him or her to another State in accordance with its international obligations or surrender him or her to an international criminal tribunal whose jurisdiction it has recognized, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State Party. In the cases referred to in article 9, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 9, paragraph 1.

3. Any person against whom proceedings are brought in connection with an offence of enforced disappearance shall be guaranteed fair treatment at all stages of the proceedings. Any person

tried for an offence of enforced disappearance shall benefit from a fair trial before a competent, independent and impartial court or tribunal established by law.

Regarding article 11(1), the Ministry of Justice can refer to the comments to article 9, specifically the comments about the Danish Criminal Code section 8(vi).

Regarding article 11(2), the Ministry of Justice can – as stated under the comments to article 3 – inform that it follows from the rules in chapter 10 of the Danish Administration of Justice Act that the Prosecution Service generally decides and is responsible for bringing prosecution in all criminal cases, including potential offences of enforced disappearance, in accordance with the principle of objectivity. Furthermore, the Prosecution Service is bound by the general principles of legality and equality, which means that similar actions must be treated equally, including in criminal proceedings. Thus, there are no different evidentiary requirements for prosecution and conviction with regard to cases covered by article 9(1) and (2) respectively. No prosecution and conviction must take place against individuals unless the defendant's guilt can be proven beyond any reasonable doubt. This principle is also consistent with the presumption of innocence (*in dubio pro reo*).

Regarding article 11(3), the principle of the right to a fair trial is – as also described under the comments to article 16 – laid down in article 6 of the ECHR, which has been incorporated in Danish law. According to ECHR article 6(1), everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, in the determination of his civil rights and obligations or of any criminal charge against him. ECHR article 6(2) further states that everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law. In addition, under ECHR article 6(3), everyone charged with a criminal offence has several minimum rights listed in the provision.

Article 12

1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.

2. Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 of this article shall undertake an investigation, even if there has been no formal complaint.

3. Each State Party shall ensure that the authorities referred to in paragraph 1 of this article:

(a) Have the necessary powers and resources to conduct the investigation effectively, including access to the documentation and other information relevant to their investigation;
(b) Have access, if necessary with the prior authorization of a judicial authority, which shall rule promptly on the matter, to any place of detention or any other place where there are reasonable grounds to believe that the disappeared person may be present.

4. Each State Party shall take the necessary measures to prevent and sanction acts that hinder the conduct of an investigation. It shall ensure in particular that persons suspected of having committed an offence of enforced disappearance are not in a position to influence the progress of an investigation by means of pressure or acts of intimidation or reprisal aimed at the complainant, witnesses, relatives of the disappeared person or their defence counsel, or at persons participating in the investigation.

The Ministry of Justice can generally refer to the comments under article 3 and 4. In addition, the ministry can inform that chapter of 73 the Administration of Justice Act contains rules on searches. It follows from section 793(1) of the Act that the police may, according to the rules in this chapter, search 1) residences and other dwellings, documents, papers and the like and the content of locked objects and 2) other objects and premises outside of dwellings.

Furthermore, the ministry can inform that it follows from section 123(1) of the Danish Criminal Code that any person who molests another person, his significant others or other persons attached to him by threats of violence, or who commits a criminal act against such other person by the use of violence, duress under section 260, threats under section 266 or by other means on the occasion of a statement that such person is expected to make or has already made to the police or in court, is sentenced to a fine or imprisonment for a term not exceeding eight years. According to section 123(2), importance must be attached to the potential impact of the offence on the possibility of prosecuting criminal acts, when determining the sentence.

It's the assessment of the Ministry of Justice that the law enforcement authorities, including the police and the Prosecution Service, have the necessary and sufficient resources and competences to investigate and prosecute crimes, but the ministry continuously assesses the need for additional resources and competences.

Article 13

1. For the purposes of extradition between States Parties, the offence of enforced disappearance shall not be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition based on such an offence may not be refused on these grounds alone.

2. The offence of enforced disappearance shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties before the entry into force of this Convention.

3. States Parties undertake to include the offence of enforced disappearance as an extraditable offence in any extradition treaty subsequently to be concluded between them.

4. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the necessary legal basis for extradition in respect of the offence of enforced disappearance.

5. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offence of enforced disappearance as an extraditable offence between themselves.

6. Extradition shall, in all cases, be subject to the conditions provided for by the law of the requested State Party or by applicable extradition treaties, including, in particular, conditions relating to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition or make it subject to certain conditions.

7. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin, political opinions or membership of a particular social group, or that compliance with the request would cause harm to that person for any one of these reasons.

The Ministry of Justice can inform that the Danish Extradition Act regulates the processing of extradition requests to or from the Nordic countries, EU countries as well as all other countries. The human rights safeguards relevant to the Danish extradition practice are elaborated in the comments to article 16.

As per the Extradition Act chapter 3, extradition to Nordic countries (Finland, Iceland, Norway and Sweden) occurs on the basis of a Nordic arrest warrant specifying the offence justifying the request. It follows from the preparatory comments to the Nordic convention on the transfer of sentenced persons that a request for extradition cannot be refuted on the grounds that the request concerns a political offence.

As per the Extradition Act chapter 4, extradition to EU member states occurs on the basis of an EU arrest warrant. As per section 13(1) an offence punishable with prison or other detention by at least three years can form the basis of extradition even where there is no similar offence in Denmark, if the offence relates to inter alia abduction, detention and hostage taking. As such, the legal framework is seen to ensure proper treatment of requests for extradition to EU member states on the basis of the crime of enforced disappearance.

In the Extradition Act chapter 5, which governs extradition to all other countries, there is explicit reference to the present convention in section 25(3)(viii), ensuring that the Danish rules adhere to its requirements. In particular, it is thereby ensured that enforced disappearance cannot be regarded as a political offence, as an offence connected with a political offence or as an offence inspired by political motives.

For the determination of extradition, the Director of Public Prosecutions is the central authority in relation to the treatment of extradition cases in Denmark. The Director of Public Prosecutions is also responsible for drawing up guidelines regarding the processing of extradition cases.

To the knowledge of Danish authorities, Denmark has never received nor transmitted an extradition request covered by the Convention. However, it should be noted that authorities do not keep statistics regarding specific acts in relation to received or transmitted extradition requests.

Article 14

> *1. States Parties shall afford one another the greatest measure of mutual legal assistance in connection with criminal proceedings brought in respect of an offence of enforced disappearance, including the supply of all evidence at their disposal that is necessary for the proceedings.*
>
> *2. Such mutual legal assistance shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable treaties on mutual legal assistance, including, in particular, the conditions in relation to the grounds upon which the requested State Party may refuse to grant mutual legal assistance or may make it subject to conditions.*

The Ministry of Justice can inform that in Denmark no specific regulation on mutual legal assistance in criminal matters exist. Requests for mutual legal assistance are processed based on an analogy of Danish criminal

law, including the Danish Administration of Justice Act. This means that investigatory steps that could be conducted in a similar national criminal case can be conducted on the basis of a request for mutual legal assistance.

Danish authorities do not keep statistics on the quantity of received or transmitted requests for mutual legal assistance. The Danish Director of Public Prosecutions has informed that it is not aware of the existence of any requests for mutual legal assistance regarding offences covered by the Convention, neither transmitted to or from Denmark.

Article 15

States Parties shall cooperate with each other and shall afford one another the greatest measure of mutual assistance with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

The Ministry of Justice notes that the scope of the obligation under article 15 is covered by the existing conventions on mutual legal assistance. The ministry can inform that as per the reporting under article 14, Danish authorities are not aware of the existence of any requests for mutual legal assistance regarding offences covered by the Convention, neither transmitted to or from Denmark.

Still, in regards to all received requests for mutual legal assistance, Danish authorities strive to provide assistance to the greatest extent possible, especially in cases concerning serious crimes as the offense of enforced disappearance.

Article 16

1. No State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law.

The Ministry of Immigration and Integration can inform that the principle of non-refoulement also follows from ECHR article 3, which prohibits torture and inhuman and degrading treatment or punishment. The same

principle is also protected under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Denmark ratified in 1987, and article 33 of the Refugee Convention, which Denmark ratified in 1952.

Nationally, the principle of non-refoulement also follows from section 31 of the Danish Aliens Act. According to section 31(1) of the act, a foreign national may not be returned (refouled) to a country where he or she risks being imposed the death penalty or being subjected to torture or inhuman or degrading treatment or punishment, or where the foreign national is not protected against deportation to such a country.

The Danish Immigration Service has the competence to assess whether a foreign national can be returned under section 31 in the first instance and the Refugee Appeals Board in the second instance, cf. section 32a of the Aliens Act. The Danish Return Agency is an implementing authority that does not independently assess conditions in the returnees' countries of origin. Instead, it acts on the basis of the existing return decision and carries out its implementation.

When planning a specific return of a foreign national, the Danish Return Agency investigates whether any circumstances prevent the return from being carried out. This is done through a written hearing directed at both the police and immigration authorities, including the Refugee Appeals Board, where these authorities are asked to inform whether there are any legal obstacles to the return. If such obstacles exist, work on the specific return is halted.

If the relevant authorities report that there are no legal obstacles to the return, the Danish Return Agency proceeds with the return. If the Danish Return Agency does not receive a response from the relevant authority, it is the responsibility of the caseworker at the agency to follow up with the authority and request a response. If any concerns arise, such as the returnee expressing fear of persecution, the Danish Return Agency will provide guidance on available options, including the option to apply for asylum or request a reopening of their case. In carrying out these responsibilities, officers receive relevant training to ensure Denmark's adherence to their international responsibilities, as described in the comments to article 23.

Article 17

1. No one shall be held in secret detention.

2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation:

(a) Establish the conditions under which orders of deprivation of liberty may be given;

(b) Indicate those authorities authorized to order the deprivation of liberty;
(c) Guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty;
(d) Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law;
(e) Guarantee access by the competent and legally authorized authorities and institutions to the places where persons are deprived of liberty, if necessary with prior authorization from a judicial authority;
(f) Guarantee that any person deprived of liberty or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, shall, in all circumstances, be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful.

3. Each State Party shall assure the compilation and maintenance of one or more up-to-date official registers and/or records of persons deprived of liberty, which shall be made promptly available, upon request, to any judicial or other competent authority or institution authorized for that purpose by the law of the State Party concerned or any relevant international legal instrument to which the State concerned is a party. The information contained therein shall include, as a minimum:

(a) The identity of the person deprived of liberty;
(b) The date, time and place where the person was deprived of liberty and the identity of the authority that deprived the person of liberty;
(c) The authority that ordered the deprivation of liberty and the grounds for the deprivation of liberty;
(d) The authority responsible for supervising the deprivation of liberty;
(e) The place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty;
(f) Elements relating to the state of health of the person deprived of liberty;
(g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains;

(h) The date and time of release or transfer to another place of detention, the destination and the authority responsible for the transfer.

Regarding article 17(1), the Ministry of Justice can inform that secret detention would be contrary to fundamental principles of Danish law.

Section 71(1) of the Danish Constitutional Act states that personal liberty shall be inviolable. According to the provision, no Danish subject shall, in any manner whatsoever, be deprived of his liberty because of his political or religious convictions or because of his descent. According to section 71(2), of the Act, a person shall be deprived of his liberty only where this is warranted by law. Pursuant to section 71(3) of the Act, any person who is taken into custody shall be brought before a judge within 24 hours. Where the person taken into custody cannot be immediately released, the judge shall decide, in an order to be given as soon as possible and at the latest within three days, stating the grounds, whether the person taken into custody shall be committed to prison. The pronouncement of the judge may be separately appealed against at once to a higher court of justice by the person concerned, cf. section 71(4) of the Constitutional Act. Furthermore, section 71(6) of the Act states that outside criminal procedure, the legality of deprivation of liberty not executed by order of a judicial authority, and not warranted by legislation relating to aliens, shall at the request of the person so deprived of his liberty, or the request of any person acting on his behalf, be brought before the ordinary courts of justice or other judicial authority for decision.

In addition, any deprivation of liberty in Denmark must be in accordance with ECHR article 5, which contains the right to liberty and security. The ECHR is incorporated in Danish law.

Regarding article 17(2)(a), the Ministry of Justice can inform that in Denmark, the conditions under which orders of deprivation of liberty may be given are laid down in the relevant legislation. A number of examples is given below:

In Denmark, the sanctions for criminal offences are imprisonment or fines. Special rules apply to e.g., persons of unsound mind, as they are not punished under Danish Criminal Law. Instead, they can be sentenced to other measures under section 68 of the Danish Criminal Code, which may include placement in a psychiatric ward.

Danish police can detain a person for a limited amount of time in accordance with the Danish Police Act if it is deemed necessary, e.g. to prevent the endangerment of others or to ensure public safety and order. The rules concerning arrests made by the police as well as on remand detention can be found in the Administration of Justice Act.

As regards migrant detention, under the Danish Return Act, the Danish Immigration Service can detain migrants if it is necessary to secure the possibility of return – e.g. due to the risk of absconding – and only if less coercive measures are deemed insufficient to secure this.

The Mental Health Act stipulates that involuntary admission and coercive measures, such as the use of fixation or coerced medication, can only be used at a mental health facility if the patient is insane or suffers from a similar condition. Compulsory admission to a psychiatric ward also requires that the patient would otherwise not be cured, that the mental health of the patient would otherwise not significantly improve, or that the patient would otherwise impose a threat to himself or to others.

The Ministry of Justice can inform that Danish legislation is in conformity with the requirement in article 17 (2), subparagraph (b) to indicate those authorities authorised to order the deprivation of liberty.

The Ministry of Justice can further inform that the relevant Danish legislation is in conformity with the requirement in article 17 (2), subparagraph (c) to guarantee that any person deprived of liberty shall be held solely in officially recognised and supervised places of deprivation of liberty. For example, persons placed in remand custody or serving a prison sentence etc. are only placed in officially recognised and supervised places (e.g. local (remand) prisons or state prisons). In terms of remand prisoners and prisoners serving a prison sentence etc. reference is made to section 770(2) of the Danish Administration of Justice Act and sections 20-23 of the Danish Sentence Enforcement Act.

Pursuant to section 2 of the Sentence Enforcement Act the Department of Prisons and Probation under the Ministry of Justice shall be in charge of the central management and enforcement of the sentences, etc., referred to in section 1 of the Sentence Enforcement Act. Under the Department of Prisons and Probation lie two regional divisions (Prison and Probation Service East and Prison and Probation Service West) under which lie a number of local (remand) prisons, state prisons and half-way houses. See section 2, subsections 2-4, of the Sentence Enforcement Act.

The Ministry of Justice can additionally inform that the relevant Danish legislation is in conformity with the requirement in article 17 (2), subparagraph (d) to guarantee that any person deprived of liberty shall be authorised to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law. See the example given below regarding prisoners:

Regarding remand prisoners

Visits

Rules on remand prisoners right to visits are laid down in section 771 of the Administration of Justice Act and Executive Order No. 1099 of 16 October 2024 of the Ministry of Justice on Remand Prisoners (Custody Order). The Custody Order is issued pursuant to the Administration of Justice Act.

It follows from section 40(1) of the Executive Order that a remand prisoner has a right to visits as often as permitted by circumstances subject to the restrictions following from sections 42 to 45 of this Order.

According to section 42(1) and section 44(1) of the Executive Order the police may - pursuant to section 771(1) of the Administration of Justice Act - oppose visits or demand that visits must be made subject to control (supervised visits) in view of the purpose of the custody. If the Police refuse to allow such a visit, the person under remand detention must be informed of this, unless the court decides otherwise in the interest of the investigation. The person under remand detention can also demand that the Police's refusal to allow such a visit be submitted to the court for a decision.

However, a remand prisoner is always entitled to unsupervised visits form his counsel, cf. section 771(1), last sentence, of the Administration of Justice Act. Visits from a remand prisoner's counsel and visits to a foreign remand prisoner from diplomatic or consular representatives of his country of origin do not restrict the possibility of other visits in terms of time, cf. section 41(3) of the Executive Order.

Correspondence by letter

According to section 61 of the Costody Order a remand prisoner has the right to receive and send letters subject to the restrictions following from sections 62 and 63 of the Order. Under section 772(1) of the Administration of Justice Act, the police may examine the letters before receipt or dispatch. The police must surrender or send the letters as soon as possible unless their contents may harm the investigation, the maintenance of peace and order in the remand prison or if it is necessary to prevent the remand prisoner from absconding. If the police withhold a letter, the question of continued withholding must promptly be submitted to the court for decision. See section 62 of the Custody Order.

The Prison and Probation Service (the regional division) may open and seal letters to and from remand prisoners without any court order to prevent smuggling in and out. Letters to and from remand prisoners may only be perused if deemed necessary by the institution for reasons of order or security. Reference is made to section 63(1) and (2) of the Custody Order.

Under section 772(2) of the Administration of Justice Act, a remand prisoner is furthermore entitled to unchecked correspondence by letter with the court, his or her counsel, the Minister of Justice, the Director-General of the Prison and Probation Service and the Parliamentary Ombudsman. In addition, a remand prisoner is entitled to unchecked correspondence by letter with the European Court of Human Rights, the European Committee for the Prevention of Torture and others, see section 66(2) and (3), of the Custody Order.

A foreign remand prisoner is also entitled to unchecked correspondence by letter with the diplomatic or consular representatives of his country of origin unless the police oppose it in view of the purpose of the custody due to very particular circumstances. If the police has stipulated under section 772(a), of the Administration Act that letters must be checked, the letters are dispatched through the police. See section 66(4) of the Custody Order.

Telephone conversations

If connection through correspondence by letter cannot be awaited without substantial nuisance, and to the extent possible in practice, a remand prisoner may be allowed to have telephone conversations, see section 72(1) of the Custody Order.

The right to telephone conversations may, however, be denied if the police oppose it in view of the purpose of the custody, or if the institution finds it necessary for reasons of order or security, see section 72(2) and (3) of the Custody Order. Further reference is made to section 72 (4-8) of the Custody Order.

A request by a remand prisoner to call his or her counsel is generally granted. A remand prisoner's telephone conversations with counsel are <u>not</u> overheard or monitored. The same applies for telephone conversations with the authorities and persons etc. mentioned in section 66 of the Custody Order and section 772 (2) of the Administration of Justice Act. See section 73 of the Custody Order.

<u>Regarding inmates serving a prison sentence or in preventive custody</u>

Visits

Rules on convicted prisoners right to visits are laid down in sections 51-54 of the Sentence Enforcement Act. Reference is also made to the rules laid down in the Executive Order No. 1022 of 28 June 2022 of the Ministry of Justice on the Right to Visits of Inmates Serving a Sentence of Imprisonment or in Safe Custody in the Institutions of the Prison and Probation Service (Visits Order).

According to section 51(1) of the Sentence Enforcement Act inmates are entitled to at least one weekly visit for at least one hour and, as far as possible, for two hours. In the individual institution, permission may be granted for visits to a wider extent.

According to section 51(2) inmates are entitled to receive visits from their assigned or retained counsel in the criminal proceedings that resulted in admission to the institution or in pending criminal proceedings without the limitations referred to in subsection 1 hereof. The same applies to other visits from legal consultants nominated by the Minister of Justice under section 733 of the Administration of Justice Act for assignment as public defence counsel.

Furthermore, it follows from section 51(3) that foreign inmates are entitled to consultation with the diplomatic or consular representatives of their countries of origin without the limitations referred to in subsection 1 hereof.

Correspondence by letter

Rules on convicted prisoners right to correspondance by letter are laid down in sections 55-56 of the Sentence Enfocement Act. Reference is also made to the Executive Order No. 1026 of 28 June 2022 of the Ministry of Justice on the Right to Correspondence by Letter of Inmates Serving a Sentence of Imprisonment or Safe Custody in the Institutions of the Prison and Probation Service (Letters Order).

According to section 55(1) of the Sentence Enforcement Act inmates are entitled to correspond with others. Pursuant to section 55(2) the Prison and Probation (the regional institution may open and close letters to and to and from an inmate without any court order. This is done in the inmate's presence apart from the cases falling within subsection (3 to 5) hereof.

Pursuant to section 56(1) inmates are entitled to unchecked correspondence by letter with the Minister of Justice, the Director-General of the Prison and Probation Service, the courts, including the Special Court of Indictment and Revision, the Appeals Permission Board, the public prosecutor and the police, the Parliamentary Ombudsman, Members of Parliament, the European Court of Human Rights, the European Committee for the Prevention of Torture, the UN Human Rights Commission, the UN Committee against Torture and the inmates' assigned or retained counsel in the criminal proceedings resulting in admission to the institution or in pending criminal proceedings. The same applies to other correspondence by letter with legal consultants nominated by the Minister of Justice pursuant to section 733 of the Administration of Justice Act for assignment as public defence counsel.

In addition to section 56(1) special rules on the right to correspondence by letter with public authorities etc. are laid down in section 8 of the Letters Order mentioned above. For example, a foreign inmate is also entitled

to unchecked correspondence by letter with the diplomatic or consular representatives of his country of origin, see section 8(2).

Telephone conversations

Rules on convicted prisoners right to telephone conversations are laid down in sections 57-57a of the Sentence Enforcement Act. Reference is also made to the Executive Order No. 179 of 31 January 2022 of the Ministry of Justice on the Right to Have Telephone Conversations for Inmates Serving a Sentence of Imprisonment or in Safe Custody in the Institutions of the Prison and Probation Service (Telephone Order).

To the extent possible in practice, inmates are entitled to have telephone conversations. The right to have telephone conversations may be refused if it is found necessary (among other things) for reasons of order or security, crime prevention or in order to protect the victim of the offence. Reference is made to section 57 (1) and (2). Furthermore, it follows from section 57(6), that telephone conversations with the individuals and authorities, etc., referred to in section 56(1) of the Sentence Enforcement Act will not be recorded, overheard or monitored.

The Ministry of Justice can moreover inform that the relevant Danish legislation is in conformity with the requirement in article 17 (2), subparagraph (e) to guarantee access by competent and legally authorised authorities and institutions to the places where people are deprived of liberty, if necessary with prior authorisation from a judicial authority. Reference is made to the comment on article 17 (2), subparagraph (c).

Furthermore, it can be noted that Denmark has established an independent National Preventive Mechanism for the prevention of torture in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The National Preventive Mechanism (NPM) is part of the mandate of the Parliamentary Ombudsman. The NPM makes regular visits to facilities under the Prison and Probation Service where people are deprived of their liberty and reports to the Danish parliament.

Denmark is also a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, where article 2 states that each Party shall permit visits, in accordance with this Convention, to any place within its jurisdiction where persons are deprived of their liberty by a public authority.

Finally, the Ministry of Justice can inform that the relevant Danish legislation is in conformity with the requirement in article 17 (2), subparagraph (f) to guarantee the right of any person with a legitimate interest to bring proceedings before the courts in order to decide on the lawfulness of a detention.

Regarding deprivation of liberty within criminal procedure the Administration of Justice Act contains the necessary provisions regarding issues of competence, conditions for initiating arrest or remand detention and judicial review. In this regard, reference is made to the comments to article 10. It is also possible to challenge the legality of deprivation of liberty at the court. In this regard, reference is made to the comments to article 8.

Regarding article 17(3), the Ministry of Justice can, as an example, inform the following concerning prison sentences and remand custody, which are the most common forms of deprivation of liberty.

For persons remanded in custody or serving a prison sentence or in preventive detention, the information referred to in article 17(3)(a)-(e), (g) and (h), may be extracted from the system of records of inmates kept by the Prison and Probation Service (called *Klientsystemet*). With regard to the information mentioned in article 17(3)(f) this may be extracted from the Prison and Probation Service's patient record system (called *Sundheds-systemet*).

This information will be made available to a competent authority that requests it subject to the law that governs the authority or institution in question. For example, the Parliamentary Ombudsman may ask for any information which is necessary to conduct the duties, cf. section 19(1) of the Parliamentary Ombudsman Act.

In addition, Denmark has established an independent National Preventive Mechanism for the prevention of torture in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Parliamentary Ombudsman has the function of National Preventive Mechanism and thus is entrusted with the task of visiting places where people are deprived of their liberty. The task is carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – the Danish Institute Against Torture, which contribute with medical and human rights expertise. The Parliamentary Ombudsman reports to the Danish Parliament.

Denmark is also a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, according to which article 2 states that each Member State in accordance with Convention shall permit visits from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to a place within its jurisdiction where people are deprived of their liberty.

Article 18

1. Subject to articles 19 and 20, each State Party shall guarantee to any person with a legitimate interest in this information, such as relatives of the person deprived of liberty, their representatives or their counsel, access to at least the following information:

(a) The authority that ordered the deprivation of liberty;
(b) The date, time and place where the person was deprived of liberty and admitted to the place of deprivation of liberty;
(c) The authority responsible for supervising the deprivation of liberty;
(d) The whereabouts of the person deprived of liberty, including, in the event of a transfer to another place of deprivation of liberty, the destination and the authority responsible for the transfer;
(e) The date, time and place of release;
(f) Elements relating to the state of health of the person deprived of liberty;
(g) In the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains.

2. Appropriate measures shall be taken, where necessary, to protect the persons referred to in paragraph 1 of this article, as well as persons participating in the investigation, from any ill-treatment, intimidation or sanction as a result of the search for information concerning a person deprived of liberty.

Regarding article 18(1), the Ministry of Justice can inform that chapter 66 of the Danish Administration of Justice Act contains rules on the defendant and his defence. Section 729a of the Act regulates the defence counsel's access to information in a criminal case with the possible of exemptions under section 729c. It follows from section 729a that the defence counsel has among other things the right to access to the material provided by the police for use in the criminal case to which the charge relates. Exemptions to the right of the defendant and his defence's access to information follow from section 729c, including when it is in the interest of national security, the investigation of the case or the life or health of a third party.

The Prosecution Service has issued general guidelines on the defence counsel's access to information in the Guidelines of the Director of Public Prosecutions, the section on "access to information in accordance with the Danish Administration of Justice Act, section 729a(3) and (4) (Circular no. 9598 of 3 July 2019).

In relation to inmates serving a prison sentence or preventive custody, Denmark has multiple legal safeguards in place.

An inmate serving a prison sentence or is in preventive custody may personally contact his or her next-of-kin or others such as a lawyer or other representative, by phone or letter. This right is regulated in the Danish Sentence Enforcement Act sections 55 to 57a, unless otherwise stipulated. An inmate also has the right to receive visits during imprisonment according to the Sentence Enforcement Act sections 51-54 unless otherwise stipulated. An inmate's rights to visits and exchange of letters to and from his or her legal representation cannot be restricted as regulated in the Sentence Enforcement Act section 51 and 56. Reference is also made to the comments to article 17(2)(d).

Any person who is employed by the Danish Prison and Probation Service is bound by a duty of confidentiality, as information regarding a person serving a prison sentence or being in preventive custody is considered 'an individual's private affairs' as mentioned in the Danish Public Administration Act section 27. Therefore, if an inmate does not wish to inform his or hers next-of-kin or others of the information listed in article 18(1)(a)-(e), the Danish Prison and Probation Service cannot provide this information against the inmates wishes due to the rules of confidentiality.

The Danish Health Act ensures as a general rule that patients have full access to information about their health, including examinations, diagnosis and treatment. These rules also apply to inmates. Lawyers representing inmates can access the same health information as the inmates. Other representatives can only access the health information that is covered by a power of attorney issued by the inmate. Healthcare information remains confidential after the patient's death. However, as a general rule, relatives to an inmate can receive information about the course of illness, cause of death and manner of death of the inmate.

Regarding article 18(2), the Ministry of Justice can inform that the relevant Danish legislation is in conformity with the obligations under this article, as adequate protective mechanisms such as the right to receive visits and other communication rights exist to prevent negative consequences for the persons affected.

Anyone who intimidates or forcibly sanctions persons who have demanded access to the information specified in article 18(1), may be held criminally responsible of duress or threats cf. to respectively section 260 and 266 of the Danish Criminal Code. Furthermore, prohibition of violence and other bodily assaults is regulated in the Criminal Code, in particular sections 244, 245 and 246. Additionally, witness threats are punishable under section 123 of the Criminal Code.

Article 19

1. Personal information, including medical and genetic data, which is collected and/or transmitted within the framework of the search for a disappeared person shall not be used or made

available for purposes other than the search for the disappeared person. This is without prejudice to the use of such information in criminal proceedings relating to an offence of enforced disappearance or the exercise of the right to obtain reparation.

2. The collection, processing, use and storage of personal information, including medical and genetic data, shall not infringe or have the effect of infringing the human rights, fundamental freedoms or human dignity of an individual.

The Ministry of Justice can inform that Regulation (EU) 2016/679, the General Data Protection Regulation (hereafter GDPR), together with the Danish Data Protection Act, lays down the general legal framework for the processing and the protection of personal data in Denmark.

Law enforcement authorities' processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is regulated by the Act on the Processing of Personal Data by Law Enforcement Authorities which implements the EU Directive 2016/680 (LED). As regards the processing of special categories of personal data, for instance genetic data, biometric data to uniquely identify a natural person or data concerning health, such processing shall only take place if strictly necessary for the purpose of the processing, cf. section 10(2) of the Law Enforcement Act.

Article 5 of the GDPR and section 4 of the Law Enforcement Act stipulate that the processing of personal data must comply to certain principles. This is, for instance, the principles of purpose limitation and storage limitation.

Article 20

1. Only where a person is under the protection of the law and the deprivation of liberty is subject to judicial control may the right to information referred to in article 18 be restricted, on an exceptional basis, where strictly necessary and where provided for by law, and if the transmission of the information would adversely affect the privacy or safety of the person, hinder a criminal investigation, or for other equivalent reasons in accordance with the law, and in conformity with applicable international law and with the objectives of this Convention. In no case shall there be restrictions on the right to information referred to in article 18 that could constitute conduct defined in article 2 or be in violation of article 17, paragraph 1.

2. Without prejudice to consideration of the lawfulness of the deprivation of a person's liberty, States Parties shall guarantee to the persons referred to in article 18, paragraph 1, the right to a prompt and effective judicial remedy as a means of obtaining without delay the information

referred to in article 18, paragraph 1. This right to a remedy may not be suspended or restricted in any circumstances.

The Ministry of Justice can refer to the comments to article 18 regarding section 729c of the Danish Administration of Justice Act. Additionally, section 27 of the Danish Public Administration Act contains rules on confidentiality. It follows from section 27(1)(i) that any person employed by or acting on behalf of a public administration body is subject to a duty of confidentiality, cf. section 152 and sections 152c-152f of the Danish Criminal Code in respect of information on personal, including financial, information on individuals. Furthermore, it follows from section 152(1) of the Criminal Code that any person who performs or has performed a public function or office and who unduly discloses or utilises confidential information imparted to him in the course of his duties is sentenced to a fine or imprisonment for a term not exceeding six months. If a person commits the act referred to in subsection (1) with intent to obtain an unlawful gain for himself or others, or if particularly aggravating circumstances apply, the sentence can increase to imprisonment for a term not exceeding two years, cf. section 152(2).

Article 21

Each State Party shall take the necessary measures to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released. Each State Party shall also take the necessary measures to assure the physical integrity of such persons and their ability to exercise fully their rights at the time of release, without prejudice to any obligations to which such persons may be subject under national law.

The Ministry of Justice can inform that in Denmark, information regarding a person's release from prison or remand prison is being updated in the system of records of inmates kept by the Prison and Probation Service (*Klientsystemet*). The police are also notified in order for the information of the deprivation of liberty to be registered in the police's database (the criminal register).

Social support for released inmates and probationers is provided by the ordinary social services. Leading up to the release of an inmate and during probation, social workers in the Danish Prison and Probation Service cooperate with social workers in the municipality in order to ensure, that the inmate has a place to stay and a basis of income after release. The cooperation also includes plans for providing the released inmate or probationer with relevant education, employment, substance abuse treatment etc.

Article 22

Without prejudice to article 6, each State Party shall take the necessary measures to prevent and impose sanctions for the following conduct:

(a) Delaying or obstructing the remedies referred to in article 17, paragraph 2 (f), and article 20, paragraph 2;

(b) Failure to record the deprivation of liberty of any person, or the recording of any information which the official responsible for the official register knew or should have known to be inaccurate;

(c) Refusal to provide information on the deprivation of liberty of a person, or the provision of inaccurate information, even though the legal requirements for providing such information have been met.

The Ministry of Justice can inform that the described behaviour, as outlined in article 22, may be punishable under the provisions of chapter 16 of the Danish Criminal Code concerning crimes in public service or office, in particular sections 146, 148, 155, and 156. For a description of these provisions, reference is made to the comments to article 4. In addition, such behaviour may lead to disciplinary sanctions.

Furthermore, according to section 1020 of the Danish Administration of Justice Act criminal acts committed in the course of duty by police personnel or other personnel in the police and prosecution service who carry out police duties or duties related to law enforcement shall be reported to the Danish Police Complaints Authority. The Danish Police Complaints Authority will initiate an investigation after a report on a criminal offence or on its own initiative when there is reasonable presumption that a publicly prosecuted criminal offence has been committed, cf. section 1020a(1) of the Administration of Justice Act. When the Danish Complaints Authority has finalised its investigation, the case will be turned over to the State Prosecutor, who has as a general rule, has the competence to initiate prosecution in cases mentioned in sections 1020 and 1020a of the Administration of Justice Act.

When a person is placed in a prison or remand prison, the person's data is electronically entered into the system of records of inmates kept by the Prison and Probation Service (*Klientsystemet*). The police are also notified in order for the information of the deprivation of liberty to be registered in the police's database (the criminal register). Notification of the police and recording of the relevant data into the system of records of inmates is an official duty of the staff, and misuse or failure to record the deprivation of liberty can be subject to disciplinary measures.

Article 23

1. Each State Party shall ensure that the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or

treatment of any person deprived of liberty includes the necessary education and information regarding the relevant provisions of this Convention, in order to:

(a) Prevent the involvement of such officials in enforced disappearances;
(b) Emphasize the importance of prevention and investigations in relation to enforced disappearances;
(c) Ensure that the urgent need to resolve cases of enforced disappearance is recognized.

2. Each State Party shall ensure that orders or instructions prescribing, authorizing or encouraging enforced disappearance are prohibited. Each State Party shall guarantee that a person who refuses to obey such an order will not be punished.

3. Each State Party shall take the necessary measures to ensure that the persons referred to in paragraph 1 of this article who have reason to believe that an enforced disappearance has occurred or is planned report the matter to their superiors and, where necessary, to the appropriate authorities or bodies vested with powers of review or remedy.

Regarding article 23(1), the Ministry of Justice can inform that the Police Academy is the primary educational institution for police officers. It provides training both as part of the basic education required to become a police officer and in the continuing and advanced training of officers in more specialised forms of police work, including areas such as specialised investigations and operational leadership during police interventions at events like soccer matches, demonstrations and more.

Students at the Police Academy's basic education are taught fundamental human rights in accordance with, among other things, article 5 of the ECHR and the Danish Constitutional Act. This includes understanding the relationship between basic human rights and the interventions that the police are authorised to carry out under the Danish Police Act and the Danish Administration of Justice Act in Denmark. The teaching emphasizes that arrests and detentions, for example, are exceptions to article 5 of the ECHR and section 71 of the Constitutional Act. It highlights the fact that Danish authorities must uphold the rights of individuals and protect them from violations of such, that any intervention in these rights must have a legal basis, serve a legitimate purpose, and be proportionate to the objective pursued. Furthermore, students are taught that interventions carried out by the police can subsequently be reviewed by a court.

The legal component of the training includes theoretical instruction focusing on the review of laws and case law, as well as case-based work. In addition to the legal perspectives, the training also incorporates a sociological dimension, with instruction provided collaboratively by legal and social science educators. Beyond

specific teaching on human rights, elements related to human and civil rights are also integrated into other parts of the legal curriculum. For example, in criminal law courses, students are taught about duress and deprivation of liberty under sections 260 and 261 of the Danish Criminal Code. Similarly, fundamental human rights are also included as a component in the legal training regarding administrative law.

In addition to the legal perspective on human rights, the subject is presented as a social science subject, where the police students are presented to the normative perspective of human rights and how protection of human rights is of high value in our democratic society. During the education, it is discussed what it actually means that human rights apply all – also the criminals and the "imperfect victims". The students are presented to cases, where police work is balancing on the edge between protecting society and individual rights. Here the focus is on articles such as the right to a fair trial, the right to privacy and the right to freedom.

Furthermore, at the basic education the students receive a two-and-a-half-hour lecture from Dignity (Danish Institute Against Torture), where they are taught what torture, inhumane and degrading treatment are and the consequences of this, as well as how the police can act in cases regarding a traumatised relocation.

In the police training program regarding border control, police officers receive training on human rights and the Schengen Information System (SIS). Implicitly in the teaching of human rights and the SIS-system, the subject of enforced disappearance is also touched upon.

Furthermore, the Ministry of Justice can inform that the Director of Public Prosecutions holds the primary responsibility for training and educating personnel in the Prosecution Service. This includes offering continuous professional development for all prosecutors and mandatory training for all newly hired prosecutor trainees. Currently, there are no specific training programs for prosecutors on the Convention. However, international legislative obligations and human rights are an important part of the content of all courses provided by the Director of Public Prosecutions, and are incorporated into relevant courses.

The Ministry of Justice can also inform that judges and deputy judges receive professional training relevant to their field of work, as well as on-going training on issues of protecting fundamental rights. The procedural guarantees described in this report are reflected in the relevant legislation and are part of this training. The Danish Court Administration offers approximately 220 different training activities annually for all personnel at the courts including judges and deputy judges.

Additionally, the Ministry of Justice can inform that the Danish Department of Prisons and Probation's official selection process for correctional officers is designed to ensure a pre-existing and overall alignment between the candidate's personal values and those upheld by the Danish Prison and Probation Service.

During the recruitment process, each candidate is asked to reflect on their views and values regarding different forms of punishment, such as the use of death penalty, solitary confinement, and overall strictness of sentences on one hand and minimum-security incarceration and progressive use of resocialisation measures on the other. Candidates, whose views and values on these topics does not correspond with a balanced and measured approach to punishment, will most likely not be chosen to undergo training to become correctional officers. This approach aims at maintaining a high moral and ethical standard among prison staff which helps to prevent misuse of power and, as is the case here, enforced disappearances or similar.

Upon recruitment, prison officers are introduced to the general principles of human rights law, including the European Convention on Human Rights. This introduction is thematic and reflects common issues relevant to the practical work of prison officers. The procedural guarantees described in this report, reflected in the Constitutional Act and in the relevant legislation, are a part of this training on a general level. Prison officers receive proper instruction in the legal provisions relevant to their field of work as part of their professional training, which serve to prevent enforced disappearances.

The Ministry of Defence can inform that the rules concerning the deprivation of liberty during international military operations, prohibition against enforced disappearance of persons, and considerations on the duty to act and report, among others, are set out in the Military Manual on international law relevant to Danish Armed Forces in international operations. The Manual is implemented into the administrative basis for the Danish Armed Forces by provision FKOBEST O.007.1 and forms part of the training for military personnel.

The Ministry of Social Affairs and Housing can in relation to the personnel in the social services inform that in special circumstances it might be relevant for the municipal council or the Children and Young Persons Committee to place a child or young person in out-of-home care, including placement in semi-open residential institutions, semi-open wards in residential institutions, secure residential institutions and high security wards to ensure the health and development of the child or young person. In some cases, the custodial parent or the young person aged 15 or over do not consent to a decision to place the child or young person in care. In this case, the Children and Young Persons Committee in the municipality can decide on placement in care outside the home without consent in accordance with section 47 of the Danish Children's Act. A decision by the Children and Young Persons Committee to place a child or young person in care outside the home without consent can be brought before the National Social Appeals Board by the custodial parent and the child or young person aged 10 or over. Both parties are entitled to receive free legal aid and can choose to be assisted by a third party. A child or young person, who is placed in care outside the home, has a right of access to and contact with his or her parents and siblings, grandparents etc.

Use of coercion in child welfare institutions are regulated in the Danish Adult Responsibility Act. According to the act, the use of coercion must be carried out in accordance with the child or young person's fundamental rights, taking into account the age, maturity and functional capacity of the child or young person. Furthermore, the purpose of the interference with the child or young person's right to self-determination must be proportionate to what the interference is intended to achieve. All use of coercion or any interference with the child or young person's right to self-determination must be registered and reported to relevant authorities. The Danish Authority of Social Services and Housing has developed learning material and training courses regarding the use of coercion as well as on prevention of use of coercion.

The Ministry of the Interior and Health can inform that the Mental Health Act contains the legal framework for the use of treatment without consent and coercive measures. Medical staff receive regular training to improve and maintain the necessary knowledge and skills on the rights of a patient and to ensure that use of coercive measures is only introduced as a last resort.

Regarding article 23(2) and (3), the Ministry of Justice can in addition to the abovementioned comments to article 23(1) and article 4 inform that section 156 of the Criminal Code contains a penal provision on breach of official duties. It follows implicitly from the provision that the refusal to carry out an unlawful order cannot lead to criminal liability.

Article 24

1. For the purposes of this Convention, "victim" means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.

2. Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. Each State Party shall take appropriate measures in this regard.

3. Each State Party shall take all appropriate measures to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains.

4. Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation.

5. The right to obtain reparation referred to in paragraph 4 of this article covers material and moral damages and, where appropriate, other forms of reparation such as:

(a) Restitution;

(b) Rehabilitation;

(c) Satisfaction, including restoration of dignity and reputation;

(d) Guarantees of non-repetition.

6. Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the appropriate steps with regard to the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in fields such as social welfare, financial matters, family law and property rights.

7. Each State Party shall guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance.

The Ministry of Justice can inform that it follows from section 741e of the Danish Administration of Justice Act that the police and the Prosecution Service shall, to the extent necessary, advise victims of a crime or, if a victim of a crime has deceased or disappeared, the victim's close relatives, about the victim's legal status and the expected course of the case. Furthermore, the police and the Prosecution Service shall inform victims of a crime about the progress of the case. This information also includes information on the victim's right to seek compensation. During an investigation of a reported enforced disappearance, the complainants or their relatives will be assigned a contact person within the police who will help guide them through the process and inform them of any new progress in the investigation.

The obligations of the police and the Prosecution Service are set out in more detail in the Executive Order 1108 of 21 September 2009 and The Director of Public Prosecutions Guidelines on Guidance for Victims (Circular no. 9522 of 1 July 2024). The guidelines are continuously amended in accordance with the development in the area. In cases of more serious violations of the Criminal Code, e.g. violence, threats or cases of sexual crimes, the police and the Prosecution Service must guide and inform the victim about the progress and expected course of the case, cf. the Executive Order, section 2(1). This would also apply to the crime of enforced disappearance. The duty to provide guidance pursuant to section 2 also applies to the close relatives of the victim, if the victim has deceased as a result of the crime, cf. the Executive Order, section 4. The Guidelines on Guidance for Victims describe that information about the expected outcome of the case includes, for example, information about whether the victim is expected to testify as a witness during the case, information about the rights and obligations of witnesses and information about the possibility of protection in connection with a court appearance.

In addition to the obligations laid down in the Guidelines, all victims of more serious crimes, e.g. violence and threats, will be given a leaflet prepared by the Director of Public Prosecutions and the National Police, when reporting a crime to the police. The leaflet is publicly available in Danish and English and briefly describes the course of a criminal case and the victim's rights as described above.

If a decision of withdrawal of charge or discontinuation of investigation is made, the victim or, if the victim is deceased or has disappeared, the victim's close relatives must be notified, cf. sections 724 and 749 of the Administration of Justice Act. The aforementioned decisions can be appealed to the chief public prosecutor in accordance with the rules in chapter 10 of the Act.

The Ministry of Health can inform, that The Health Act ensures due process with regards to deaths and regulates that the deceased must be placed under proper conditions. A doctor conducts a post-mortem examination to ensure that in every case of death an investigation is conducted to confirm that death has occurred, to establish the identity of the deceased and, in cases where there may be suspicion that the death was not natural (due to illness or old age), to conduct a closer examination of the circumstances of the death. The doctor must report the death to the police when the death is due to a criminal act, suicide, or an accident, or when a person is found dead. The doctor also issues the death certificate and, if necessary, a doctor performs an autopsy on the deceased. Once the certificate is issued, the deceased is released to the relatives for burial. If the deceased is to be transported abroad, the authorities issue a corpse passport, which must accompany the deceased during transport.

Regarding article 24(4) and (5), the Ministry of Justice can inform that according to the Danish Act on State Compensation to Victims of Crime, the Danish state – subject to certain conditions – provides compensation for personal injury caused by violation of provisions in the Danish Criminal Code, if the violation took place in Denmark. Deprivation of liberty, including enforced disappearance, is criminalised in the Criminal Code. The Criminal Injuries Compensation Board of Denmark processes applications from victims of crime. Among other things, compensation according to the Act on State Compensation to Victims of Crime requires that the compensation conditions are met.

According to general principles of Danish tort law, an injured party is entitled to compensation when (1) the injured part has suffered a loss, (2) the offender is responsible for the action that caused the loss, (3) there is a causal link between the loss and the action and (4) the loss is an adequate consequence of the action. According to sections 1-5 of the Danish Tort Liability Act, the party liable for personal injury must provide compensation for loss of earnings and loss of earning capacity (restitution), medical expenses and other losses (rehabilitation) and compensation for pain and suffering. The Criminal Injuries Compensation Board of Denmark also provides compensation in accordance with this. Furthermore, a person liable for an unlawful violation of

another's freedom, peace, honour or person must pay the aggrieved party compensation for damages under section 26 (satisfaction).

A victim of crime may also file a compensation suit against a perpetrator during the criminal case, or where this is not possible, file a civil suit claiming compensation from the perpetrator.

The Ministry of Employment can inform that in general, the Danish welfare system is based on the principle of universalism. This includes social solidarity and equal rights to basic social benefits and services free of charge. In Denmark the access to social benefits is an individual right and there are no specific rules of social benefits neither to missing people nor to secure families to missing persons.

Families of missing people can be entitled to social benefits in accordance with the rules on e.g. unemployment benefits, sickness cash benefits, maternity leave benefits, the state pension, the ATP Lifelong Pension and social assistance.

The Ministry of the Interior and Health can inform that regarding public health insurance, insurance status is not dependent on family relationships, but rather residence (understood as civil registration) in Denmark. Therefore, the legal status of relatives in this area does not depend on the resolution of a disappeared persons case.

Regarding article 24(7), the Ministry of Justice can inform that section 78(1) of the Danish Constitutional Act establishes the right to freedom of association, stating that citizens shall be free to form associations for any lawful purpose without previous permission. Pursuant to section 78(3), no association shall be dissolved by any government measure.

Furthermore, section 79 of the Constitutional Act contains a right to freedom of assembly, according to which citizens shall be at liberty to assemble unarmed without previous permission. The police shall be entitled to be present at public meetings. Open-air meetings may be prohibited when it is feared that they may constitute a danger to the public peace.

The right to freedom of assembly and association is also guaranteed in article 11 of the ECHR, which has been incorporated in Danish law.

Article 25

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;
(b) The falsification, concealment or destruction of documents attesting to the true identity of the children referred to in subparagraph (a) above.

2. Each State Party shall take the necessary measures to search for and identify the children referred to in paragraph 1 (a) of this article and to return them to their families of origin, in accordance with legal procedures and applicable international agreements.

3. States Parties shall assist one another in searching for, identifying and locating the children referred to in paragraph 1 (a) of this article.

4. Given the need to protect the best interests of the children referred to in paragraph 1 (a) of this article and their right to preserve, or to have reestablished, their identity, including their nationality, name and family relations as recognized by law, States Parties which recognize a system of adoption or other form of placement of children shall have legal procedures in place to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

5. In all cases, and in particular in all matters relating to this article, the best interests of the child shall be a primary consideration, and a child who is capable of forming his or her own views shall have the right to express those views freely, the views of the child being given due weight in accordance with the age and maturity of the child.

The Ministry of Social Affairs and Housing can inform that Denmark has acceded to the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (HCCH 1996 Child Protection Convention). Any recognition of measures relating to placements of children shall therefore be processed according to this Convention.

In Denmark, the municipalities are responsible for the provision of special support to children and young persons under the age of 18 and their families pursuant to the Danish Children's Act. The municipalities also have a general obligation to monitor the living conditions of children and young persons within the municipality, cf. section 9 of the Children's Act.

According to the Children's Act the opinion and views of the child or young person shall be provided and taken into account on an ongoing basis through conversations and other forms of direct contact before decisions or orders under the Act are made about the circumstances of the child or young person. Furthermore, assistance and support under the Act shall be provided with due consideration being given to the perspective, resources and needs of the child or young person to safeguard the best interests of the child or young person.

The Ministry of Justice can inform that in cases related to enforced disappearances, the Danish police can take part in the investigation or the search of the missing person, if requested by another State. Conversely, if a Danish citizen goes missing in another State, the Danish police will issue an international search warrant and if necessary, file a request for assistance to another State.

The Ministry of Social Affairs and Housing can inform that annulment of an adoption is regulated in chapter 3 of the Danish Adoption Act.

According to section 18(1) in the Adoption Act, an adoption can be annulled administratively by The National Social Appeals Board, when the adoptive parents and the adopted child agree on the matter. If the child is under 18 years old, the adoption can only be annulled if the adoptive parents and the birth parents of the adopted child is in agreement, and if the annulment of the adoption is in the best interest of the child, cf. section 18(2) of the Adoption Act. If the child is 12 years old, the annulment of the adoption cannot take place without the consent of the child, cf. section 18(3). If the child is under 12 years old, the child's opinion regarding the annulment of the adoption must be given due weight in accordance with the child's age and maturity as well as the circumstances of the case. When deciding on the annulment of an adoption, the child's opinion must be taken into consideration to the greatest extent possible, cf. section 18(4). According to section 18(5) in the Adoption Act, The National Appeals Board can if the adoptive parents are dead, on the request of the birth parents of the child, annul the adoption if it is in the best interest of the child.

If an adoption of a child (under 18 years old) is annulled administratively, the legal ties between the adopted child and the birth family automatically come into effect again, cf. section 23(2) in the Adoption Act.

The same does not apply to an administrative annulment of an adoption of a person over 18 years old. However, according to section 23(4) in the Adoption Act, The National Social Appeals Board can decide, upon request from the adopted person, that the legal ties between the person in question and the birth parents come into effect once again, if the birth parents consent to it. If only one of the birth parents consent, it can be decided, that the legal ties only come into effect in regards to the consenting birth parent.

According to section 19 in the Adoption Act, an adoption can be annulled by a judicial decision if an adoptive parent has committed an offence against the child or to a significant extent has failed to fulfil the obligations of adoptive parents. Furthermore, an adoption can be annulled by a judicial decision, if an annulment is determined to be of considerable importance to the adoptive child. In such cases, legal actions can be taken by the adoptive child or the legal guardian of the child or the birth parents of the child or The National Social Appeals Board.

If an adoption is annulled by a judicial decision the legal ties between the adopted child and the birth family do not come into effect, cf. section 23(5) in the Adoption Act. However, the court can make a decision on bringing the legal ties between the person in question and the birth parents into effect again, if the case concerns a person under 18 years old. If the adoptee is over 18 years old the National Social Appeals Board can upon request decide that the legal ties between the person in question and the birth parents come into effect again, if the birth parents consent to it. If only one of the birth parents consent, it can be decided, that the legal ties only come into effect in regards to the consenting birth parent.