

**DENMARK**  
Last updated: 14 June 2017

RULES/GENERAL LAWS	
<b>General</b>	<b>1. The Military Penal Code</b> <a href="http://www.fauk.dk/english/Documents/Engelsk%20MSL.pdf">http://www.fauk.dk/english/Documents/Engelsk%20MSL.pdf</a>
	<b>2. The Danish Penal Code</b> <a href="https://www.retsinformation.dk/Forms/r0710.aspx?id=181992">https://www.retsinformation.dk/Forms/r0710.aspx?id=181992</a>
	<b>3. The Military Disciplinary Act</b> <a href="http://www.fauk.dk/english/Documents/Engelsk%20MDL.pdf">http://www.fauk.dk/english/Documents/Engelsk%20MDL.pdf</a>
	<b>4. The Military Prosecution Service Act</b> <a href="http://www.fauk.dk/english/Documents/Engelsk%20MRL.pdf">http://www.fauk.dk/english/Documents/Engelsk%20MRL.pdf</a>
	United Nations rules on sexual exploitation and abuse (SEA) are implemented in the field through mission specific rules, legal provisions and a code of conduct. The rules are further implemented during pre-deployment training and mission briefings on SEA and the general ethics to be observed while on international mission.  The Danish military personnel are considered on 24/7 on duty when deployed to missions.
<b>SEA: Military Offence?</b>	Sexual exploitation and sexual abuse are not specific military offences under Danish law. Therefore, the general provisions on sexual crimes in the Danish Penal Code are applicable in cases of SEA.  In addition to sexual offences, sexual exploitation and abuse may constitute a failure to obey orders or regulations for which administrative disciplinary sanctions may apply. <b>See the Military Disciplinary Act.</b>
<b>Powers of the Commanding Officer (CO)</b>	The Commanding Officer (CO) has the mandate to promulgate various rules, regulations and policies in the mission area. Such orders or policies may include guidelines on personal relationships and non fraternization appropriate to the situation in their area of operations. Failure to obey such order, regulation or policy may constitute a breach of the Military Disciplinary Act and be disciplined by the CO.  In aggravated or repeated offences, disobedience may amount to an offence according to the Military Penal Code. Such offences are investigated and prosecuted by the Military Chief Prosecutor.  The CO has no power to direct legal investigations nor to prosecute criminal offences.
INVESTIGATION	
<b>Who Can Investigate?</b>	The Military Prosecution Service is responsible for the investigation of violations of the Military Penal Code as well as for other civilian legislation with a nexus to the military service.
<b>National Investigation Officer (NIO)</b>	The Military Prosecution Service comprises a rapid response team of investigators who are mainly recruited from the National Police. The investigators are ready for travel to the missions when deemed appropriate.  The Military Police has no police authority. The CO may assist the Military Prosecution Service in obtaining evidence. This may occur through the assistance of the military police acting on the CO's behalf and under instructions of the Military Prosecution Service.
PROSECUTION	
<b>Referral</b>	As the investigation of offences pertains to the Military Prosecution Service charges can be brought directly. If the CO - eventually the military police - may refer situations or even cases to the Military Prosecution Service for investigation and prosecution.
<b>Who Can Charge?</b>	The Military Prosecution Service prosecutes offences covered by the Military Penal Code. If the suspect is suspected of military as well as civil offences, the Military Prosecution Service will prosecute unless otherwise agreed with the general prosecution.
JUSTICE	
<b>Military Justice</b>	Denmark has a military justice system. However all military cases are heard by the ordinary courts
<b>Deployable Court Martial?</b>	Denmark does not have a deployable court martial system.
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