

Country File
DENMARK



Last updated: **July 2009**

Region	Europe
Legal system	Civil Law
UNCAT Ratification/ Accession (a)/ Succession (d)	27 May 1987
Relevant Laws	<ul style="list-style-type: none"> • Civil Criminal Code of 2007 (Consolidation Act No. 1260, 23 October 2007, amended by Act No. 316, 30 April 2008 and last amended in June 2008) • Military Criminal Code of 2005 (Act No. 530, 24 June 2005, amended in June 2008) • State Compensation to Victims of Crime Act of 2004 (Act No. 688, 28 June 2004)
Relevant Articles	<ul style="list-style-type: none"> • Prohibition of Torture: • Definition of Torture: Section 157A of the Civil Criminal Code • Penalties: <ul style="list-style-type: none"> - Section 157A of the Civil Criminal Code - Section 27A of the Military Criminal Code • Others: <ol style="list-style-type: none"> 1. Compensation and Reparation: Part 1 of the Compensation Act 2. Defences: Section 10A of the Military Criminal Code
Languages Available	<ul style="list-style-type: none"> • English
Other Relevant Information	

Relevant Articles – DENMARK

ENGLISH (Translation)

Civil Criminal Code of 2007 (Consolidation Act No. 1260, 23 October 2007, amended by Act No. 316, 30 April 2008 and last amended in June 2008)

Part 16

Section 157A

1. In the determination of a penalty for violation of this Act it shall be considered an aggravating circumstance that the violation has been committed by torture.
2. A violation of this Act shall be considered to have been committed by torture if it was committed in the performance of Danish, foreign or international public service or duty by inflicting harm on the body or health of another or causing severe physical or mental pain or suffering to another
 - a) for the purpose of obtaining information or a confession from another,
 - b) for the purpose of punishing or frightening another or forcing another to do, suffer or omit an act or
 - c) due to the subject's political belief, gender, race, skin colour, national or ethnic origin, religious belief or sexual inclination.

Military Criminal Code of 2005 (Act No. 530, 24 June 2005, amended in June 2008)

Part 1

Section 10A

When a criminal offence is covered by section 27A of this Act, it shall not be subject to the rules of limitation.

Section 27A

1. In the determination of a penalty for violation of this Act it shall be considered an aggravating circumstance that the violation has been committed by torture.
2. A violation of this Act shall be considered to have been committed by torture if it was committed in the performance of Danish, foreign or international public service or duty by inflicting harm on the body or health of another or causing severe physical or mental pain or suffering to another
 - 1) for the purpose of obtaining information or a confession from another,

- 2) for the purpose of punishing or frightening another or forcing another to do, suffer or omit an act or
- 3) due to the subject's political belief, gender, race, skin colour, national or ethnic origin, religious belief or sexual inclination.

State Compensation to Victims of Crime Act of 2004 (Act No. 688, 28 June 2004)

Part 1 Personal injury

1. (1) The State awards compensation and damages for personal injury inflicted by violation of the Criminal Code where any such violation is committed within Danish territory. The same applies to personal injury that occurs in connection with assistance to the police during arrest or in connection with acts done for the purpose of lawful arrest by a private citizen or prevention of criminal offences.

(2) Compensation is further awarded for damage to clothing and other usual personal property, including minor amounts in cash that the victim was carrying when the personal injury was inflicted.

(3) In special situations, compensation may be awarded for injury inflicted by acts committed outside Danish territory if the victim is a Danish resident or a Danish national or at the time of the offence in the service of a Danish foreign mission abroad. Compensation may also be awarded where any such acts are committed against a victim residing in Denmark, but pursuing his trade or profession outside Danish territory.

2. If the victim dies, compensation is awarded under sections 12 to 14 a and section 26 a of the Liability in Damages Act.