

DENMARK

LEGAL BASIS

1. Has your State signed and/or ratified the *United Nations Convention on special missions (1969)*? If not, does your State intend to sign/ratify the Convention?

Denmark has not signed or ratified the United Nations Convention on special missions (1969) and currently does not intend to do so.

2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?

Yes, Denmark as a host country to a number of international organisations, including UN agencies, has a number of agreements providing for immunity for experts on mission, etc.

3. Has your State adopted a specific national legislation in the field of immunities of special missions?

Denmark has not adopted specific national legislation in the field of immunities of special missions.

a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);

b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).

The issue of immunities of special missions is not specifically covered by another part of Danish legislation. The Danish Penal Code paragraph 12 provides, that the jurisdiction of Danish authorities is limited by applicable international law; a provision which covers customary international law. It is likewise assumed that in civil cases customary law is applicable and that immunity principles under customary law can thus be a barrier to the exercise of jurisdiction by Danish courts and authorities.

4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.

Danish Authorities have not released official statement, reports or other documents concerning the status and the immunities of special missions.

5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.

No detailed analysis has been made hereof, but a preliminary view would be that Denmark does not regard the Convention on Special Missions as such to reflect international custom although certain principles which mirror general principles under state immunity law are of a customary nature.

6. Please provide information on the scope of the immunities of special missions, in particular:

a. The extent of the privileges and immunities granted to special missions and to their members;

- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);
- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;
- d. d. The temporal limits of the immunities accorded to special missions.

NATIONAL PRACTICE AND PROCEDURE

- 7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is currently no Danish case law in the field of immunities of special missions.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

Denmark has established no formal process under which Denmark can accept in advance that an official visit constitutes a special mission. In principle, ad hoc bilateral agreements could be made in this regard under the normal Danish treaty making rules, but we do not have knowledge of such agreements having been made.