
amnesty international

Denmark

Police Accountability Mechanisms in Denmark

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Amnesty International is concerned that the mechanisms in Denmark for addressing alleged human rights violations by police officers fail to respect victims' rights to redress and reparation. The current system fails to ensure that such allegations are investigated promptly, thoroughly, independently and impartially, that persons responsible for such violations are brought to justice, and that victims receive adequate reparation, including compensation. The five cases in this report highlight a range of alleged human rights violations, from excessive use of force, physical ill-treatment, to a death in custody. In these five cases, alleged victims or relatives to alleged victims have sought redress through the appropriate channels available to them, and claim that their complaints have not been dealt with effectively. Many others, however, have told Amnesty International that they have not submitted their complaints to the appropriate bodies, because they have no confidence that their rights to redress and reparation will be addressed independently and effectively.

Amnesty International is aware that the government has commissioned a committee to conduct an assessment of the current police complaints system and that the committee expects to publish its findings and possible suggestions to adjustments of the system in 2008. This report, with its recommendations, is Amnesty International's contribution to the assessment of the current system, in the context of international human rights standards, for an effective and impartial police complaints system.

Amnesty International has had long-standing concerns about the mechanisms for investigating alleged human rights violations by police officers in Denmark. The organization first voiced concerns in 1994, in its report entitled *Denmark: Police Ill-treatment* (AI Index: EUR 18/01/94). One of the key areas of focus for recommendations was the procedures for investigating and acting on complaints against the police. Amnesty International called on the government to ensure that, in future, all

bodies responsible for handling complaints against police practice and decisions be completely impartial and independent.

At that time the Minister of Justice had already commissioned a committee with the task of making recommendations for a new complaints system. As a result of the recommendations of the committee, the Danish Parliament adopted provisions for a new complaints system, which came into force on 1 January 1996.

The current police complaints system has been in force for over 11 years. This report examines the current system, in light of Amnesty International's recommendations made in 1994 and international human rights standards. In the report Amnesty International highlights five cases in which individuals (or their relatives) have made complaints alleging that they were subjected to human rights violations by the police. On the basis of its research, Amnesty International believes that the current system for investigating police misconduct is not prompt, thorough, independent, and impartial as required by international human rights standards. The cases raise questions about the thoroughness and impartiality of investigations, the lack of separation between the police and the prosecution authorities, and lack of transparency in decision-making.

At the end of the report, Amnesty International makes a number of recommendations to the Danish government, which, if implemented, could lead to strengthening respect and protection of human rights and the rule of law and increase the confidence of the public and the police in a fair, independent and effective system for handling complaints against the police. The recommendations include: the separation of the police and the public prosecution; to carry out a thorough review of the current practices; and to establish a new complaints system.

In particular, the organization recommends that the regional public prosecutors should be replaced with an independent complaints body empowered to investigate and decide on police complaints that should have no ties or connections, institutional, structural or otherwise, with the police or the public prosecution.

The complaints body should be given the powers to make legally binding decisions that apologies be issued or criticisms should be stated. Furthermore, the complaints body should be given the powers to make recommendations that disciplinary actions be taken, and the disciplinary body should be obliged to report back to the complaints body on the outcome of the disciplinary proceedings.

Furthermore, the complaints body should be empowered to make recommendations to the regional public prosecutors on whether to close a complaints case or to bring prosecutions or other measures.

Lastly, Amnesty International recommends that the protection of the rights of the victims of police misconduct be strengthened so as to enable victims to exercise their right to reparation, including compensation.

KEYWORDS:

This report summarizes a 59-page document (26360 words): Denmark, Police Accountability Mechanisms in Denmark (AI Index: EUR 18/001/2008) issued by Amnesty International in April 2008. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

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