



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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COMMITTEE AGAINST TORTURE

Thirty-eighth session

30 April 2007 - 18 May 2007

**List of issues to be considered during the examination of the fifth periodic report of  
DENMARK (CAT/C/81/Add.2 and Add.2, Part II)**

**Article 3**

1. Please provide further information in respect of a “tolerated stay” in Denmark without a residence permit (paragraph 25 of the report). What is the maximum length of a “tolerated stay”? Is the need for a “tolerated stay” assessed at regular intervals?
2. The Committee takes note of the amendments to the Aliens Act introduced by Law No. 367 of 6 June 2002 (in effect since 1 July 2002). In the light of the safeguards contained in article 3 of the Convention, please elaborate in greater detail on the abolition of “de facto” refugee status and the introduction of a new “protection status”.
3. Section 33(7) of the Aliens Act provides for the possibility to allow for the reopening of an application for asylum, or a rejection of a residence permit on humanitarian grounds, in order to suspend the enforcement of a decision to return if the time limit for departure has been exceeded and if exceptional reasons make it appropriate. Please indicate how many cases have been reopened on the basis of this provision. In how many of these cases has there been a reversal of the original decision in favour of the applicant?

**Article 4**

4. In the light of the Committee’s previous recommendation (CAT/C/CR/28/1, paragraph 6(a)), please provide updated information on the State party’s position on introducing into Danish penal legislation the definition of torture, as provided for in article 1 of the Convention,?
5. Please elaborate on the State party’s decision not to introduce a special provision on the prohibition of torture in the new Military Criminal Code that was adopted in 2005.

6. Please provide data with respect to persons tried and convicted, including the sanctions imposed, for the crime of torture.

#### **Article 5**

7. Has the committee that was set up by the Ministry of Justice to examine the provisions of the Criminal Code concerning jurisdiction, including the question of jurisdiction in cases of torture committed abroad, completed its work? If so, please elaborate on the committee's findings and provide information on the measures taken or planned to be taken to follow up on its suggestions and recommendations.

#### **Article 8**

8. Has the State party rejected, for any reason, any requests for extradition by another State for an individual suspected of having committed a crime of torture, and thus engaging its own prosecution as a result?

#### **Article 10**

9. The police officers are provided with basic and maintenance training and a considerable part of this training is devoted to the use of force by the police. Please provide information on the training provided for law enforcement officials with respect to human rights in general and the measures for the prevention of torture and cruel, inhuman or degrading treatment or punishment in particular. How and by whom is this training monitored and evaluated?

#### **Article 11**

10. Please provide information and statistics about cases where an inmate has been provided with opportunities to associate with one or more inmates in the same situation during his or her solitary confinement (paragraph 93 of the report).

11. Please provide information on the use of solitary confinement in respect of persons under the age of 18, particularly in the light of section 770C, subsection 4 of the Administration of Justice Act. Please describe measures taken, if any:

- (a) to review the current practice of solitary confinement of persons under the age of 18;
- (b) to limit the use of this measure to very exceptional cases;
- (c) to reduce the period for which it is allowed;
- (d) to seek its eventual abolition;
- (e) to abolish the practice of imprisoning or confining in institutions persons under the age of 18 who display difficult behaviour.

12. Please provide additional information on:

(a) Confinements in observation cells, including updated statistics on the number and nature of the observation measures taken as well as the material conditions of these cells;

(b) The cases of immobilization by force in connection with security-cell confinement in 2004 and 2005.

13. As regards the violent riot in the Nyborg prison on 15 February 2004, please describe the gradual measures taken to normalize the situation, in particular, regarding inmates who were involved in the incident. What measures, if any, have been taken to restore and improve the dialogue between inmates and the prison management after the riot?

14. Has the Government Bill No.175 of 26 February 2004 amending the Act on Euphoriant and the Enforcement of Sentence Act been enacted yet, and if so, have more detailed guidelines for its implementation been adopted?

15. Please provide information on any review undertaken in respect of the immobilization of patients in psychiatric establishments (see the report of the European Committee for the Prevention of Torture (CPT) following its third periodic visit to Denmark in 2002). Please provide annual statistics since 2004 on the extent of coercive measures applied based on the amendments made to the Consolidation Act on involuntary treatment, immobilization, restraint protocols, etc. at psychiatric wards (Consolidated Act No. 194 of 23 March 2004).

16. Please provide information on the reform of the Danish Psychiatric Act, in particular on:

(a) The results of the analysis on the implementation of the amendments to the Psychiatric Act, which entered into force on 1 January 1999;

(b) The results of the analysis of the responses submitted by stakeholders in the psychiatric field, in particular organizations of patients and their relatives.

17. Has a new climate study on the prison employees and their work environment already been carried out? If so, please provide information on the results of the study compared to the previous study of 2001.

18. Please provide updated information on the measures taken to follow up on the proposals and recommendations of the Commission on Greenland's Judicial System (Report No. 1442/2004 on Greenland's Judicial System), in particular, regarding:

(a) Solitary confinement of detainees, the conditions for solitary confinement and its duration;

(b) Sentences for indeterminate periods (safe custody) and the possibility of removing persons held in safe custody in the Herstedvester Institution in Denmark to serve their sentences in a special prison in Greenland;

(c) Provisions on time limits and procedural rules regarding the mental examination of detainees during pre-trial investigations (the preparation of pre-sentence reports);

(d) The treatment of remand prisoners and other detainees, and the conditions in detention premises.

19. Please comment on the widely used practice of detaining asylum seekers during the processing of their asylum applications. Please provide information, including disaggregated statistical data by age, sex and nationality, on the number of asylum seekers detained and the maximum length of and the grounds for detention. Which authority is entitled to order such detention? Are detention measures regularly reviewed by a competent, independent and impartial authority or judicial body? Are detained asylum-seekers kept apart from other detained persons/prisoners?

20. Please inform the Committee whether legislation prohibiting torture and cruel inhuman and degrading treatment includes specific provisions regarding gender-based breaches of the Convention, such as sexual violence. Please indicate also what effective measures have been taken to prevent such acts and provide data on investigation, prosecution and punishment of the perpetrators.

### **Articles 12 and 13**

21. As regards the examination of complaints against the police and the evaluation of the operation of the police complaints board in Denmark as well as the police complaints board in Greenland, please provide information on the results of the latest evaluations. In particular, how many complaints against the police have been filed and investigated in Denmark and in Greenland in 2003, 2004 and 2005 and how many of these complaints have led to the issuance of a decision? What is the current length of complaint proceedings?

22. Please comment on the case of Jens Arne Ørskov and the allegations that there was a failure to conduct a thorough, effective, independent and impartial investigation into his death. Have any measures been taken to respond to the request to establish a new mechanism for the investigation of human rights violations by law enforcement officials, which would be completely independent of the police?

### **Article 14**

23. Please provide information, including disaggregated statistical data by sex and type of crime, on the number of cases where redress and/or compensation measures have been ordered by the courts and on those that have been provided to victims of torture or cruel inhuman or degrading treatment or punishment, or their families, since 2002.

24. Please provide information on the implementation of the decision by Parliament to cover the Rehabilitation Department of the Rehabilitation and Research Centre for Torture Victims (RCT) by the Hospital Act as of 2006. How has this decision affected the number and quality of services provided by the Rehabilitation Department?

### **Article 16**

25. As regards inter-prisoner violence, including sexual violence and intimidation, please provide information on the scale and nature of this problem, including statistical data

disaggregated by sex, age, nationality, location, type of sentence etc., since the consideration of the State party's fourth periodic report.

26. What specific measures have been taken to monitor and address this issue, and to protect inmates, particularly female, juvenile and immigrant detainees, against this type of violence? If a prisoner is classified as "negatively strong", is his/her classification regularly reviewed by the prison authorities?

27. What measures have been taken to provide so called "vulnerable prisoners" with adequate protection and a secure environment in prisons? Please provide information on voluntary isolation offered to prisoners who feel at risk of assault or intimidation as well as statistical data on "vulnerable prisoners" in voluntary isolation.

28. Owing to the decrease in the number of asylum seekers in Denmark, several asylum centres have closed down. Please provide information on the living conditions in the asylum centres, including educational and recreational opportunities for adults and children. Has the closing down of asylum centres had an adverse effect on the number and quality of services provided for asylum seekers?

29. Please describe the measures taken to support the healthy development of asylum seekers, in particularly asylum-seeking children, while they wait for their asylum decisions often for a prolonged period in these centres.

30. Please comment on the information that a significant number of unaccompanied asylum-seeking children disappear from asylum centres. Please also describe the conditions in these centres which have allegedly led to disappearances. What measures have been taken to investigate these cases and to improve the conditions in the asylum centres with a view to preventing disappearances of unaccompanied asylum-seeking children?

31. Please describe the measures taken to combat racism and discrimination, in particular racially motivated offences and hate speech, against minority groups or foreigners, including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention.

### **Other**

32. As regards Denmark's ratification of the Optional Protocol to the Convention against Torture on 25 June 2004, please provide information on the independent national preventive mechanism(s) for the prevention of torture at the domestic level.

33. Please indicate whether there is legislation in your country aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered.

34. With regard to the Government's Plan of Action to Fight Terrorism, please provide information on the legislative, administrative and other measures the Government has taken to

respond to any threats of terrorism. Please indicate if, and how, these measures have affected human rights safeguards in law and practice.

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