



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

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**Committee against Torture**

Forty-third session  
2–20 November 2009

**List of issues prior to the submission of periodic reports by  
State parties\***

**Sixth and seventh periodic reports of Denmark  
(CAT/C/DNK/6-7)**

**Specific information on the implementation of articles 1 to 16 of the  
Convention, including with regard to the Committee previous  
recommendations \*\***

**Articles 1 and 4**

1. Please provide updated information on any changes in the State party's position on incorporating the Convention into Danish law, as recommended by the Committee in its previous concluding observations (para. 9).
2. In its previous concluding observations, the Committee expressed its concern about the absence of a specific crime of torture, consistent with articles 1 and 4, paragraph 2, of the Convention, in the Danish Criminal Code and the Military Criminal Code (para. 10). Please elaborate on the State party's decision to refer to torture merely as aggravating circumstances in relation to existing crimes in the Criminal Code, instead of introducing a specific crime of torture. Please indicate whether, despite this change in legislation, acts of torture as well as attempts and complicity or participation to commit torture can still be subject to the statute of limitations.

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\* The present list of issues was adopted by the Committee at its forty-third session, according to the new optional procedures established by the Committee at its thirty-eight session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

\*\* Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee (CAT/C/DNK/CO/5).

## **Article 2**

3. In light of the recommendation of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment (“the Special Rapporteur”) in his report on the visit to Denmark in May 2008, please provide information on measures that have been taken to set an absolute limit to the length of administrative detention of foreigners pending deportation (A/HRC/10/44/Add.2, paras. 47, 75 and 78(c)). Please provide information on any steps taken to review the procedure of legal challenges of deprivation of liberty under article 37 of the Aliens Act to ensure its effectiveness in practice.

4. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stressed, in its report to the Danish Government on its visit to Denmark in February 2008, that the use of police-imposed restrictions on remand prisoners’ contacts with the outside world should be limited to the strict minimum necessary for investigation purposes (CPT/Inf (2008) 26, para. 44). Please provide details about steps taken by the State party in response to this recommendation.

## **Article 3**

5. With reference to the previous concluding observations of the Committee, please provide information on any steps taken by the State party to ensure that it complies fully with article 3 of the Convention with regard to the transfer of detainees, including detainees in custody of the State party’s military forces, wherever situated, even if the State party’s forces are subjected to operational command of another State (para. 13).

6. In particular, the Special Rapporteur and the Human Rights Committee expressed their concern that the State party had recently considered relying on “diplomatic assurances to return suspected terrorists to countries known for practicing torture” (A/HRC/10/44/Add.2, paras. 67-69, 77 and 78(f) and CCPR/C/DNK/CO/5, para. 10). Please provide detailed information on the steps taken by the State party to address this concern. Please indicate whether the State Party monitors the treatment of such persons after their return and takes appropriate action when the assurances are not fulfilled.

7. Please elaborate on the status and possible outcome of the investigation by an inter-ministerial working group into alleged CIA rendition flights through Denmark and Greenland. Please provide information on steps taken by the State party to establish an inspection system to ensure that its airspace and airports are not used for such purposes, as recommended by the Human Rights Committee (para. 9).

## **Articles 5 and 7**

8. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. If so, please provide information on the status and outcome of such proceedings.

## **Article 10**

9. Please provide information on:

(a) Measures taken by the State party to review and strengthen its education and training programmes relating to the use of force, including the use of weapons, by law enforcement officials in order to ensure that the use of force is strictly limited to that required to perform their duties, according to the Committee’s previous recommendations (para. 16). Please provide information on the new instructional material on the education and training of police officers developed in 2008 by the Police College and its impact and

effectiveness in the field. Please indicate steps taken to implement the recommendations made by an analysis group regarding the Danish police officers' use of firearms as well as the impact thereof;

(b) Measures undertaken to ensure that all relevant personnel receive specific training on how to identify signs of torture and ill-treatment. Please indicate whether the Istanbul Protocol of 1999 effectively has become an integral part of the training provided to physicians and all other professionals involved in the investigation and documentation of torture? How many physicians have received such training?

(c) Measures taken by the State party to develop and implement a methodology to evaluate the implementation of its training/educational programmes and its effectiveness and impact on the reduction of cases of torture and ill-treatment. Please provide information on the content and implementation of such methodology as well as on the results of the implemented measures.

### **Article 11**

10. Please provide information on any new interrogation rules, instructions, methods and practices as well as arrangements for custody that may have been introduced since the consideration of the last periodic report. Please also indicate the frequency with which these are reviewed.

11. Following the Committee's previous concluding observations regarding the use of solitary confinement (para. 14), please provide information on:

(a) The continued efforts made by the State party to limit the use of solitary confinement, particularly during pretrial detention, as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review,.

(b) The steps taken by the State party to address the concern expressed by the Committee over the use of prolonged solitary confinement in pre-trial detention, as a form of punishment for disciplinary infractions or in order to manage certain categories of convicted prisoners, which had also been voiced by the Human Rights Committee (CCPR/C/DNK/CO/5, para. 11), CPT (CPT/inf (2008) 26, paras. 41-42) and the Special Rapporteur (A/HRC/10/44/Add.2, paras. 44-45, 74 and 78(b)). .

(c) The steps taken to ensure that solitary confinement of persons under the age of 18 is limited to only very exceptional cases.

12. With regard to persons suspected of offences against the independence and security of the State (chapter 12 of the Criminal Code) or against the Constitution and the supreme authorities of the State (chapter 13 of the Criminal Code) who may be held indefinitely in solitary confinement during their pretrial detention, the Committee recommended that the State party should ensure respect for the principle of proportionality and establish strict limits in its use (para. 14). Please indicate the steps taken by the State party in response to the Committee's recommendation.

13. Please provide updated information on any steps taken by the State to monitor the use and effects of solitary confinement and the effects of the amendments of the Administration of Justice Act. Please provide the annual reports submitted by the Director of Public Prosecutions to the Minister of Justice on the use of solitary confinement. Furthermore, data should be provided on the number and length of the solitary confinements since the last review.

14. With reference to the previous concluding observations of the Committee, please provide information on the measures taken by the State party to raise the level of psychological meaningful social contact for pretrial detainees and remand prisoners in

solitary confinement (para. 14). Do the measures include, inter alia, more staff contact, access to tuition, work and other activities, allowing more visits and providing access to mental health services?

15. The Special Rapporteur remained concerned about the practice of non-separation of men and women in prisons and in this respect urged the State party to ensure that communal living arrangements are always voluntary and that appropriate safeguards protecting women are put in place and continuously monitored (A/HRC/10/44/Add.2, paras. 58-63, 73 and 78(e)). Please provide information on the measures taken in response to these recommendations.

16. With reference to the Committee's previous concluding observations, please indicate steps taken to address the concern of unduly long waiting periods in the asylum centres (para. 17). Please inform the Committee if there are, inter alia, educational and recreational activities as well as adequate social and health services provided for both children and adults living in asylum centres?

#### **Articles 12, 13 and 14**

17. Please provide information, including statistics, on the number of complaints of torture and ill-treatment filed since the previous report, their investigation and prosecution and results of the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the victim.

18. In light of the previous concluding observations of the Committee, please provide detailed information on any measures taken to ensure a prompt, impartial and effective complaint system to undertake investigations into all allegations of violations committed by law enforcement officials, in particular when a person dies or is seriously injured following contact with law enforcement officials, including in detention (paras. 15 and 16). In this respect, please provide information on the status and outcome of the review and evaluation of the current system for handling complaints against the police and processing criminal cases against police officers. Are all suspects in prima facie cases of torture and ill-treatment as a rule suspended or reassigned during the process of investigation?

19. Pursuant to the recommendation of the Committee, please provide information on the steps taken to ensure the right of victims of police ill-treatment to obtain redress and fair and adequate compensation, including the means for rehabilitation, as provided for in article 14 of the Convention (paras. 15). Please provide data on the number of requests for compensation made, the number granted, and the amounts ordered and those actually provided in each case.

#### **Article 16**

20. Please provide information on:

(a) Efforts undertaken to prevent and combat violence against women. Do these measures include adopting a coordination policy and a specific law on violence against women, including domestic violence, as recommended by the Committee on the Elimination of Discrimination against Women (CEDAW/C/DEN/CO/7, para. 30)?

(b) The impact and effectiveness of these measures, including of Act No. 517 of 6 June 2007, the 2008 Directive concerning investigation in relationship matters and support given to victims, and the directives concerning honour killings as well as of the "Action plan to stop men's domestic violence against women and children for the period 2005-2008";

(c) The nature and the scope of violence against women in Denmark, including information about any systematic collection of data on violence against women, through a national statistical office or regular population-based survey.

21. The Special Rapporteur expressed serious concern regarding the high incidence of assault and sexual offences against women in Greenland (A/HRC/10/44/Add.2, para. 54). Please provide data and information on laws and measures to protect women in Greenland and the Faroe Islands who are victims of violence, including domestic violence. Please inform the Committee on steps taken by the Home Rule Government to develop and implement an adequately resourced plan of action against domestic violence. In this respect, please provide further information on the implementation of the “National strategy for prevention of rape, sexual harassment and assaults” and its impact on reducing cases of violence against women.

22. Please provide data on the extent of trafficking in women into, through and from Denmark since the consideration of the previous report as well as on the number of prosecutions and convictions of traffickers. Please also provide information on the composition and the work of the inter-ministerial working group on trafficking and Centre for Human Trafficking as well as on the composition of regional and national reference groups. Furthermore, data should be provided on the implementation of the “Action Plan to Combat Trafficking in Human Beings 2007-2010” and on its impact on reducing cases of trafficking.

23. The Special Rapporteur remained concerned that the efforts by the Government in relation to trafficking appeared to be aimed less at the rehabilitation of victims than at repatriating them to their countries of origin (A/HRC/10/44/Add.2, paras. 57 and 76). Please provide information on steps taken by the State party to address this issue.

### **Other issues**

24. In light of the recommendations of the Committee, please provide information on the steps taken to draft and adopt a new Special Criminal code and a new Special Administration of Justice Act for Greenland (para. 18). Please elaborate if all provisions of these proposed new acts are in full conformity with the Convention as well as with other relevant international standards.

25. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensure that those measures taken to combat terrorism comply with all its obligations under international law. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

**General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

26. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

27. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the previous periodic report, including on any national human rights plans or programmes, and the resources allocated to it, its means, objectives and results.

28. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2007, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.

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