



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

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## Committee against Torture Seventy-eighth session

### Summary record of the 2053rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 9 November 2023, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention (continued)**

*Eighth periodic report of Denmark (continued) (CAT/C/DNK/8; CAT/C/DNK/QPR/8)*

1. *At the invitation of the Chair, the delegation of Denmark joined the meeting.*
2. **A representative of Denmark** said that, upon arrival in the country, all asylum-seekers were offered a medical examination by the Danish Red Cross to help identify anyone who might need to be referred to a specialist, such as victims of torture and persons with chronic diseases or other physical or mental conditions. Asylum reception and accommodation centres were required to identify persons belonging to the most vulnerable groups, which included victims of trauma or torture, families with young children and older persons in poor health, and give them the appropriate holistic, interdisciplinary and psychosocial support.
3. Asylum-seekers needed to give their consent in order for information recorded during their initial medical examination to be disclosed to the Immigration Service in the context of its consideration of asylum applications, and information relating to torture or vulnerability was considered on equal terms with all other supporting information they submitted. During the asylum interview, asylum-seekers were asked whether they had been subject to torture or other forms of cruel, inhuman or degrading treatment or punishment in their country of origin or previous residence. Immigration caseworkers were trained in cognitive interview techniques and took a sensitive, curious and investigative approach when interviewing asylum applicants. A caseworker or interpreter of the same gender as the applicant could be requested throughout the assessment process and for questions relating to accommodation.
4. The residential centre for asylum-seekers at Jelling and the return centre for rejected asylum-seekers at Kærshovedgård had special units for particularly vulnerable women in need of special care. Women at the centres who were considered to be at risk of intimate partner violence could be accommodated at a shelter.
5. **A representative of Denmark** said that temporary residence permits issued on the basis of family reunification with a spouse in Denmark who was not a refugee were generally revoked if the basis of the permit ceased to exist, for example in the event of divorce, unless revocation threatened to contravene the country's international obligations. If the spouse in Denmark was a refugee and the basis of the residence permit ceased to exist, the permit would not be revoked if the authorities considered that doing so would be particularly detrimental to the permit holder.
6. In order to ensure that no alien felt forced to stay with a violent partner out of fear of losing the right to remain in the country in the event of divorce, the Danish Aliens Act provided that decisions on the continued validity of residence permits must take into account whether divorce or termination of cohabitation had resulted from assault, physical or mental abuse or other ill-treatment suffered in Denmark. When that was the case, the residence permit was not normally revoked if the alien had resided in Denmark for more than two years prior to the end of the relationship and shown a willingness to integrate into Danish society. However, aliens could be granted an independent right to remain after stays of less than two years if they had demonstrated a willingness and ability to integrate. Consideration of an alien's degree of integration took into account whether the spouse had prevented them from integrating, for example by prohibiting them from leaving the home.
7. All forms of documentation, including police reports, could be submitted and would be considered by the Immigration Service in its assessment of whether an alien had been subjected to domestic violence. Although relevant incidents did not have to have been documented, other evidence of violence was required in addition to the alien's own testimony.
8. The Government would take into consideration the recommendations contained in the report by the Danish Institute for Human Rights on women who were trapped in violent relationships.

9. **A representative of Denmark** said that, under Danish legislation, asylum-seekers whose application had been rejected could be detained for up to 6 months and, under certain circumstances, for a further 12 months. Such detention was a last resort applied only when deemed necessary and proportionate, typically when there was a risk of absconding. Detainees were provided with a lawyer and heard by a judge within the first 72 hours of their detention.

10. In order to be considered to be complying with a return decision, persons required to leave the country needed to submit their identity documents to the Return Agency or, if none were available, help the Agency acquire such documents from the relevant embassy. There was no requirement to disclose a criminal record.

11. **A representative of Denmark** said that persons who did not have the right to remain in the country but did not leave were generally required to stay at a return centre. Asylum-seekers with a pending application did not live in return centres, barring certain exceptions, for example convicted criminals who had been served an expulsion order and were seeking asylum while staying at a return centre. Persons accommodated at return centres were not deprived of their liberty, although a substantial number of them were required to stay there overnight. Those who cooperated in their return process could participate in education and other programmes for up to 37 hours each week. Avnstrup return centre provided special conditions for families with children, including day care, schooling and facilities for families to cook and eat their meals in private.

12. **A representative of Denmark** said that, although precise statistics were not available on court cases relating to torture or ill-treatment or invoking article 157 (a) of the Criminal Code, according to which torture was an aggravating circumstance, the Prosecution Service believed that there had been no such cases. There had been no charges or convictions by the Military Prosecution Service under the equivalent section of the Military Criminal Code.

13. The independence of the Independent Police Complaints Authority was demonstrated in several ways. The Authority was governed by a Council composed of a lawyer, a university lecturer in jurisprudence, two representatives of the general public and a technical expert and was chaired by a high court judge. It alone investigated and decided on the cases that were brought, and the decisions it reached were final. Each year from 2020 to 2022, it had been called upon to investigate, on average, approximately 800 conduct complaints and 500 criminal cases involving police officers and members of the Prosecution Service. In criminal cases, the Independent Police Complaints Authority conducted investigations, while the Prosecution Service decided whether to launch prosecutions.

14. **A representative of Denmark** said that complaints or suspicions of violence or ill-treatment in prisons were examined in an independent manner by either the local human resources unit or the Prison and Probation Service, depending on the severity of the case. The persons assigned to the case were not employed in the institution to which the case related. Cases involving suspected unlawful use of force or violence by a prison officer against an inmate would also be reported to the police. The same procedures applied in Greenland and in the Faroe Islands.

15. **A representative of Denmark** said that the use of pretrial detention was regulated by chapter 70 of the Administration of Justice Act and was subject to judicial control, insofar as the court, at the request of the Prosecution Service, decided whether or not a case fulfilled the necessary requirements. The grounds on which pretrial detention was approved needed to be set out in the ruling and could include the risk of the suspect fleeing; a reasonable suspicion that he or she might commit new offences of the same nature or obstruct the investigation; or the very serious nature of the offence. The maximum duration of pretrial detention was 4 weeks, after which any extension must be approved by the court. When the trial hearing had been scheduled, the court could decide that pretrial detention should continue until a judgment was handed down. In 2022, 3,619 persons had been subject to pretrial detention for an average period of 5 months. The Government was currently examining why there were more pretrial detainees in Denmark than in other comparable countries and would consider changes and alternatives when the results were available.

16. If the conditions for pretrial detention were met but the court decided that less intrusive measures could suffice, the accused might instead be required to stay at a suitable

home or institution or to surrender their passport. That option was used primarily for persons under 18 years of age or persons with mental disabilities.

17. Restrictions on the contact pretrial detainees had with the outside world were regulated by the Administration of Justice Act and the Administrative Order on Detention. They could be severe and depended on the purpose of detention. Restrictions to the right to visits and to correspond by letter were subject to judicial control and had, in each case, been imposed on nearly 20 per cent fewer suspects in 2022 than in 2018.

18. **A representative of Denmark** said that prison and probation services in Greenland and in the Faroe Islands were run by the Danish authorities. The Independent Police Complaints Authority had been granted competence in the Faroe Islands and in Greenland in 2021 and 2023 respectively. The Criminal Code of Greenland emphasized rehabilitation over punishment and did not specify minimum or maximum penalties for individual offences; the judge instead chose a sanction, taking into consideration the gravity of the offence and the offender's personal circumstances. Most prison sentences were served in open prisons but a closed facility in Nuuk was suitable for custodial sentences. Pretrial detainees were accommodated in the prison facilities in Ilulissat, Sisimiut and Nuuk, with some detainees being moved to local police detention facilities at night if there was insufficient remand capacity at those locations. In July 2023, there had been 45 pretrial detainees in Greenland.

19. The Faroe Islands had no prison as such, but had a detention centre at Mjørkadalur for up to 14 inmates or pretrial detainees. It was generally used for custodial sentences of up to 18 months; longer sentences were served in continental Denmark.

20. Although there were significant differences between the rights of pretrial detainees and convicted persons in Denmark, pretrial detention conditions were not the same as solitary confinement conditions. Pretrial detainees had a right to occupation through work in their cell or in workshops, and could gain access to education, recreational, religious and other activities. They were also entitled to spend one hour in the open air each day. As far as security considerations allowed, pretrial detainees retained responsibility for daily tasks such as laundry and keeping cells tidy, in order to maintain a sense of normality.

21. **A representative of Denmark** said that pretrial detainees were offered a 12-step medical screening process which was conducted by a nurse, normally within 72 hours of admission. Their physical and psychosocial condition was examined, and a referral to a doctor was made if necessary. Any clinical findings and details of detainees' medical history were documented according to the normal practice.

22. **A representative of Denmark** said that measures to recruit more prison staff included a new and improved officer training programme, a special training programme for candidates with a relevant background and the provision of education programmes in pop-up centres in locations selected strategically for their geographical proximity to potential candidates. Progress had been seen but was not sufficient to address the general shortage of officers. A committee of experts had been asked to examine and evaluate possible alternatives to imprisonment that were in place in comparable countries and to advise the Government on the subject.

23. **A representative of Denmark** said that the extent of the shortage of prison officers, which was estimated to amount to several hundred persons, was difficult to assess accurately given the reliance on voluntary or mandatory overtime among existing staff. The Prison and Probation Service had no national overview of vacancies among civilian staff such as psychologists and social workers. The regional services each had a health unit led by a chief physician, which provided medical services similar to those offered by a general practitioner. The Service aimed to recruit as many affiliates as possible, to maximize the treatment offered within correctional facilities.

24. The largest national remand centre had a medical ward accepting inmates with special care needs from other centres and prisons. Patient confidentiality was always maintained. Any injuries were documented in inmates' medical records in accordance with normal practice, and, in general, the use of inmates' medical information was regulated by the general health-care laws.

25. **A representative of Denmark** said that contrary to reports to the Committee that the level of inter-prisoner violence had increased, it had in fact significantly decreased since 2019, despite a higher prison population and an increase in gang conflict. The Prison and Probation Service focused on preventive measures, based on systemic risk assessments and the exchange of all relevant information. Episodes of violence were analysed with a view to potential learning. In line with the zero-tolerance policy, all incidents of inter-prisoner violence were reported to the police and resulted in disciplinary measures and, potentially, transfer to another institution.

26. The international obligations of Denmark, including those arising from the Convention and its Optional Protocol, had been taken into careful consideration during negotiations on the treaty relating to the detention of prisoners in Kosovo, which provided that sentences at the facility must be executed in accordance with Danish laws and regulations. The authorities in Kosovo had agreed to ensure that the international obligations of Denmark were upheld in all aspects of implementation of the treaty, including criminal investigations and prosecutions and the treatment of prisoners inside and outside the detention facility. International monitoring bodies and the national preventive mechanism could exercise their supervisory mandates in the same way as in Denmark. The prison management would be Danish nationals, and the facility would not enter into operation until it had been ensured that the conditions were equivalent to those in Denmark.

27. **A representative of Denmark** said that the Act on Police Activities governed all police operations, including the use of force and of special tools such as pepper spray. Pepper spray was standard equipment for uniformed police officers and its use was continuously monitored. The Government reviewed the tools available to the police on a regular basis.

28. The Criminal Enforcement Act and the administrative order on the use of force provided the legal basis for the use of pepper spray. The use of force must be proportionate to the purpose of the intervention and the potential suffering caused. Whenever possible, a warning was issued to inmates before the use of pepper spray, and it was not used in closed rooms if less intrusive means of force were sufficient. After such use, inmates were offered appropriate mitigation of the discomfort caused.

29. Since the submission of the periodic report, minor amendments had been made to the regulations governing the use of pepper spray by prison staff. As before, officers in closed prisons and remand centres could carry pepper spray as part of their standard equipment, while those in open prisons could do so only in special risk situations. However, the scope of such situations had been further specified.

30. The Prison and Probation Service continuously monitored the use of pepper spray and engaged with individual institutions when doubts existed about its lawful use. Pepper spray had been used in prisons 76 times in 2020, 84 times in 2021, 63 times in 2022 and, according to preliminary data, 53 times in the first 10 months of 2023. In 2019, following the Ombudsman's 2018 criticism relating to pepper spray, the Service had conducted a management audit on its use in prisons and subsequently acted to improve staff training on the documentation of the use of force and issue new guidelines on processing such cases. The Service reviewed all reports on the use of pepper spray submitted by individual institutions.

31. A circular had been issued in 2018 to provide instructions on how to handle inmates' complaints against staff and draw attention to the applicable administrative law, rules and guidelines. After each instance of use of force, inmates were informed of their right to complain to the Service and such notification was recorded in the incident report, which must be submitted promptly. In accordance with administrative law, the Service must investigate each case thoroughly to make a decision, with more extensive investigations required for more intrusive use of force.

32. **A representative of Denmark** said that foreign inmates had the same rights as detained Danish nationals, including the rights to be represented by a lawyer, to inform their next of kin of their detention and to undergo a medical examination. The police used interpreters whenever necessary to ensure communication and had produced a leaflet outlining inmates' fundamental rights, which was available in seven languages and was provided to inmates in addition to verbal guidance.

33. **A representative of Denmark** said that the amendments that had been made to the definition of rape in the Criminal Code had been designed to strengthen the right to sexual self-determination and change social attitudes to rape, thereby preventing future cases and encouraging reporting. Since the adoption of the amendment, the number of reports, indictments and convictions had all increased, indicating that the law was working as intended.

34. **A representative of Denmark** said that the Criminal Code had been amended in 2019 to introduce the separate criminal offence of psychological violence in intimate relationships. In 2022, the Code had been amended to add a new provision on stalking, under which perpetrators could be prosecuted without the prior imposition of a restraining order. Both offences were punishable by a fine or up to three years' imprisonment.

35. **A representative of Denmark** said that a new national action plan on trafficking in persons had been adopted for the period 2022 to 2025, with a historically high level of funding, providing for strengthened cooperation among relevant authorities and a sustained focus on trafficking cases by the police and prosecution office. In January 2022, a new special crime unit had been established, bringing together specialized police and prosecutorial competencies to combat more effectively the most complex cases of organized crime, including trafficking in persons. Further actions related to strengthening services for victims, especially shelters, reinforcing outreach to civil society to identify potential victims and increasing prosecutions of traffickers. Statistical data on the number of complaints, investigations, prosecutions, convictions and sentences for trafficking over the reporting period would be submitted in writing.

36. In May 2022, the Supreme Court had found that the Ministry of Defence was not liable to pay civil damages to Iraqi nationals who had been subjected to inhuman treatment on the grounds that Danish military forces had not participated in the violations, had no command over the Iraqi military forces and had no knowledge regarding the police station where the violations had taken place. The Supreme Court had also found no violation of the European Convention on Human Rights because the Danish authorities had never held jurisdiction over the Iraqi nationals. In September 2023, the Government had received notification that a complaint had been filed with the European Court of Human Rights, which had set a deadline of 15 December 2023 for the parties to reach a settlement.

37. The criminal offence of torture was not subject to any statute of limitations. If claims for damages were filed during the criminal proceedings and the accused was found guilty, he or she could be ordered to pay compensation to the victim even if the general three-year limitation period had expired. Victims could also claim damages in separate civil proceedings within one year of the final guilty verdict. If the perpetrator was unknown or found not guilty, victims could claim compensation directly from the State.

38. **A representative of Denmark** said that the reduction of over 40 per cent in the use of physical constraints in psychiatric hospitals achieved between 2014 and 2020 had been counterbalanced by an increase in the use of forced medication and other coercive measures. Implementation of the 10-year plan to improve psychiatric care by 2030 would contribute to building capacity and attracting health professionals to the psychiatric field. Among the priorities set out in the plan was the reduction of coercive measures. Negotiations were under way on new targets to reduce the use of coercion. The use of less intrusive coercive measures would be considered, provided that their implementation would not increase overall levels of coercion.

39. Health professionals in psychiatric hospitals were trained to avoid coercion and de-escalate conflict. Courses covered the documentation of coercive measures, regulations and legislation relating to coercion, cases before the patient complaints board and relevant court rulings. Awareness had been raised on the importance of social activities and of relaxing physical surroundings during hospital stays.

40. Coercive measures against minors were discouraged but were not prohibited under the Mental Health Act. In 2022, 359 minors had been subjected to coercive measures, which was 25 more than in 2021 and 60 more than in 2015. To address the increase, a special focus on minors would be ensured during the negotiation of the new targets to reduce coercion. An

amendment to the Mental Health Act would be proposed with a view to making patient safeguards applicable to children under the age of 15 years.

41. Following the European Court of Human Rights judgment in the case of *Aggerholm v. Denmark*, the law had been changed to introduce the requirement for regular written assessments of patients subject to physical restraints and to specify the time frame for review by a doctor. Patients subject to coercion were entitled to a patient counsellor to advise them on all aspects of their stay, including the complaints procedure. The patient complaints board and appeals board considered cases concerning coercion. All other complaints could be brought before the civil courts.

42. Under current legislation, abortion after 22 weeks of pregnancy was permitted when the fetus was at risk of a serious physical or mental disorder or to protect the life or health of the pregnant woman. It was not permitted on the grounds that the pregnancy resulted from sexual violence. However, abortion before 12 weeks was provided to adult women free of charge and without restrictions. The Government planned to propose legislative amendments to provide girls between the ages of 15 and 17 years with access to abortion without parental consent.

43. As surgery on minors for cosmetic reasons was prohibited, genital surgery was never performed solely for reasons of sex determination or gender normalization. Instead, pharmaceutical treatment, neurocognitive therapy and psychological support were provided. Genital surgery for children with disorders of sex development was very rare and conducted only on medical grounds after a thorough multidisciplinary evaluation. Whenever possible, surgery must be performed later in life. The highly specialized nature of treatment for disorders of sex development was the reason for the low number of facilities where it was provided. Efforts had been made to reduce waiting times for hormone treatment, including by designating two additional treatment facilities and employing additional staff. However, building specialized skills and capacities took time.

44. Statutes of limitation were necessary for the proper investigation of patient complaints. Older cases were hard to investigate, given the difficulty of finding patient records, obtaining an accurate recollection of events and assessing the professional standards in place at the relevant time. The limitation period for compensation was determined by the 10-year obligation to keep patient records. However, after the expiry of that period, claims could be made under general compensation law.

45. Denmark and Greenland had agreed to launch an investigation into the fitting of contraceptive devices in Inuit women without their consent between the 1960s and 1992. The investigation, which would run until May 2025, would be conducted by independent experts, financed by the Danish Government and led by the University of Greenland and the University of Southern Denmark. The Ministry of the Interior and Health was currently evaluating a draft subpoena in relation to the events. No Government decisions had been made on a potential court case or on possible compensation mechanisms. Steps to help the women affected would be taken once the investigation had been completed.

46. There were 10 specialized outpatient treatment facilities for traumatized refugees and veterans, comprising seven public and three private centres located across the country. Patients must cover transportation costs themselves unless they met certain exemption criteria. Free interpretation services were provided by the regional authorities to patients who required them, unless they had been resident in Denmark for more than three years. However, payment of the fee was not required to receive treatment, and exemptions applied to individuals who were unable to use or learn the Danish language due to age or physical or mental impairment. The fee did not apply to children who arrived for treatment without their parents, nor to parents accompanying their children for treatment.

47. **Mr. Melgaard** (Denmark) said that the focus of the Ombudsman's thematic visits to facilities for adults had been on disciplinary cells, in 2019, on convicted persons with intellectual and developmental disabilities, in 2020, on force and non-statutory interventions in the psychiatric sector, in 2021, and on conditions for new remand prisoners, in 2022. The thematic visits to facilities for children had focused on institutions for children and young people with disabilities, in 2020, on children and young people in secure residential institutions, in 2021, and on smaller private places of residence for young people, in 2022.

Per year, the Ombudsman aimed to carry out 30 visits concerning adults, 10 to 15 of which were thematic, and 10 visits concerning children, 8 or 9 of which were thematic. Most visits were announced, as doing so gave time for the relevant information to be compiled and allowed the relevant actors to be present for the visit, thereby facilitating a constructive dialogue.

48. When the Ombudsman's visits highlighted systemic issues, such findings were included as broad headings, rather than specific examples, in a thematic report and discussed with the Prison and Probation Service, the Ministry of Social Affairs and Integration and the Ministry of the Interior and Health on a yearly basis. The territorial competence of the Ombudsman in its role as the national preventive mechanism extended to the Faroe Islands, and would soon extend to Greenland following a recent favourable decision by its Parliament. The Ombudsman had already visited a number of institutions in Greenland that did not yet fall under the competence of Greenland, including six places of detention.

49. The Danish Military Manual had been applicable to the Danish armed forces in Afghanistan since its publication in September 2016. Chapter 12 of the Manual was dedicated to international legal obligations and detention; however, detention operations had not been carried out by the Danish armed forces in Afghanistan since 1 January 2015. Although up-to-date statistics were not available on the number of investigations conducted and their outcomes, public information from the Danish Parliament showed that a total of 16 investigations had been carried out between 2006 and 2009, none of which had led to the prosecution of Danish military personnel. Concerning the coercion of armed forces in Afghanistan and Iraq, there had been a total of six court cases in Denmark, one regarding Afghanistan and five regarding Iraq. The Danish Government had not been found to have committed any violations of its legal obligations vis-à-vis the detainees.

50. Under a directive issued by the Danish Defence Command, Danish soldiers had a duty to act to prevent anyone from engaging in torture or cruel, inhumane or degrading treatment or punishment as far as it was safe to do so, and a duty to report actual, suspected or intended torture or inhumane treatment to their immediate superior. It was mandatory for all public entities in Denmark, including the armed forces, to have a whistle-blower scheme. The Ministry of Defence whistle-blower scheme was run by the Ministerial Internal Audit, which was an independent department within the Ministry. The scheme was available to all current or former employees of the Ministry or of its commercial partners.

51. The duty of military personnel to act and report with regard to torture or cruel, inhumane or degrading treatment or punishment was incorporated into military training and into mission-specific directives applicable to deployed units. The Danish Military Manual, which was available digitally and in English, was one of the first military manuals to integrate both the rules of international humanitarian law and the country's international human rights obligations into all military missions conducted by the armed forces.

52. Since the Faroe Islands and Greenland formed part of the Kingdom of Denmark, they were governed by the same Constitution as Denmark and considered one subject under international law. However, the Faroe Islands and Greenland were largely self-governing. Consequently, when Denmark adopted an obligation under the Convention, it declared an exemption for the Faroe Islands and Greenland, which was lifted if they decided to undertake the same obligation.

53. **A representative of Denmark**, speaking on behalf of the government of Greenland, said that the drafting of a proposal to lift the territorial exemptions for Greenland regarding the Optional Protocol to the Convention on the Rights of the Child on a communications procedure was in the pipeline, and it was hoped that the exemption would be lifted within the next two years. It was too early to say when and whether Greenland would accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

54. Torture was prohibited in the Criminal Code of Greenland under the offences of violence and/or coercion. The government of Greenland worked closely with the Danish Government to ensure that the judiciary in Greenland was effective and up-to-date, such as by considering whether to adopt amendments made to the Danish Criminal Code. Regarding the proposed amendment to the Danish Criminal Code to include specific stand-alone

criminal provisions for torture, the government of Greenland would wait for the outcome of the deliberations of the expert advisory committee before making its own decision.

55. Supervisory and monitoring mechanisms were in place for sectors under the competence of the government of Greenland. In the health sector, the Chief Medical Office was an independent institution that hosted the patient complaint mechanism for medical malpractice and negligence, as well as a separate mechanism for the overall service and quality of the health-care system. It also had a mandate to oversee and monitor the health sector as a whole, including the care and well-being of patients, and could carry out its own initiatives.

56. In social welfare, the responsibilities of the independent oversight and monitoring unit included ensuring that the relevant legislation was being followed and that support was being provided to persons with disabilities and to children. The unit conducted announced and unannounced visits to residential institutions and care homes for persons with disabilities and for children and issued guidance. It could also submit cases to the appropriate authorities or bodies for follow-up, including for criminal investigation. The reports of the visits were made public for transparency. There was a specific complaints mechanism related to coercive measures for patients in psychiatric institutions or hospitals, and the decisions made by the complaints board could be appealed through the courts.

57. **A representative of Denmark**, speaking on behalf of the government of the Faroe Islands, said that her government had legal competence in most areas, except for matters concerning, for example, citizenship, the Supreme Court, the Prosecution Service and judicial administration. In fields where the Danish authorities had legislative and administrative power, the government of the Faroe Islands had to approve provisions before they were promulgated. Many of the areas of joint competence were relevant to the obligations under the Convention. The government could only enter into international agreements that applied solely to the Faroe Islands if the relevant area of competence was wholly assumed by the Faroese authorities and if Denmark was not a contracting party to the agreement.

58. The Faroe Islands had a number of monitoring institutions, including a board of appeal and an Ombudsman. Decisions in psychiatry were administered in accordance with Danish law, with reference to Faroese law on coercion in psychiatry. There was a two-tier system for complaints from psychiatric patients, and decisions made by the Faroese appeals system could be appealed to a Danish authority as well. Patients were informed about their right to complain, and an adviser was made available to patients subjected to coercion.

59. The government had drawn up a five-year national action plan on domestic violence in an effort to professionalize the authorities' approach to addressing violence against women. It was also working on a system for reporting cases of violence against women in accordance with international standards. Efforts were being made to raise awareness about domestic violence through educational programmes in schools and hospitals, including through the provision of financial support to a recently established forum of 50 experts or professionals in the field of domestic violence. The Faroe Islands had a law on consent and a reception centre for rape victims, and work to include provisions on grooming in the Criminal Code was under way.

60. **Ms. Puce** (Country Rapporteur) said that it would be of interest to the Committee to know how many complaints of torture and ill-treatment had been received and how many cases had resulted from those complaints, including disciplinary or criminal procedures and closed cases, between 2020 and 2023. She would also like to receive month-by-month statistics for the number of remand prisoners who had been engaged in work during that same period.

61. She would like to hear about the State party's plans to improve the conditions in migration centres, particularly the Ellebæk Centre for Foreigners, and wondered why the new wing built at that centre was not yet in use. It would be useful to establish whether the length of the prison sentence given to individuals who left the centre without permission was calculated based on the number of days they stayed away and, if so, why the calculation was not based on each individual situation. It was unclear whether any other Danish laws used a similar system.

62. She wished to know whether the provisions of the Aliens Act under which the Government was permitted to confiscate asylum-seekers' assets to pay for their upkeep were still in force and, if so, what the State party's plans were for those provisions. She would welcome information on how the State party intended to address the danger posed, particularly to women, by putting individuals who had never received a sentence in deportation centres with individuals who had committed an offence.

63. The Committee would be interested to receive more information on reports that, owing to the lack of juvenile prison facilities, juveniles were detained with adults, in violation of international standards. Similarly, she would like to hear the State party's position on allegations that children living in social care homes who presented challenging behaviour, but who had not committed an offence, were kept in closed prison facilities with children who had committed an offence.

64. She wished to know whether the State party intended to abolish the use of solitary confinement for minors and eliminate exceptions to the rule that limited periods of solitary confinement to 14 days. It would be helpful to know how many children and adults had been placed in solitary confinement in 2022 and 2023 and for how many days.

65. **Mr. Liu** (Country Rapporteur) said that he would like to know what steps the State party was taking to ensure that members of the public knew how to recognize and report potential cases of child abuse and that the professionals who had a duty to report such cases remained vigilant. He would appreciate further information on the role of the child protection centres to which municipalities were required to refer suspected cases of child abuse and on the criteria used by the police in determining whether to request a forensic examination of a child who was believed to have been a victim of violence.

66. He wondered whether the delegation might comment on reports that the shortage of prison staff was having a detrimental effect on prisoners' right to receive visits and telephone calls. He wished to find out whether the State party planned to give civil society a greater role in implementing the Convention and to expand the human rights training provided to police officers, prison and hospital staff, lawmakers and government officials. It would be helpful if the delegation could respond to allegations that Danish counter-terrorism legislation used terms such as "serious damage" and "vital interests" without clearly defining them and that the provisions that allowed persons with dual citizenship to be stripped of their Danish nationality were inconsistent with the State party's human rights obligations.

67. **A representative of Denmark** said that periods of solitary confinement could, in exceptional cases, be extended beyond 14 days, but in no event could they last longer than four weeks. The circumstances under which exceptions to the 14-day rule could be made were described in the explanatory notes to the relevant section of the Criminal Enforcement Act and included situations where prisoners had shown grave contempt for prison staff or been violent. Any such exception could be made only as a measure of last resort. Minors could be placed in solitary confinement under exceptional circumstances but only as a measure of last resort. Improvements had recently been made to the facilities at the Ellebæk Centre for Foreigners, and she was unaware of reports that the facility was not fit for purpose.

68. **A representative of Denmark** said that, since June 2019, the Independent Police Complaints Authority had examined five reported cases of torture and ill-treatment.

69. **A representative of Denmark** said any municipality that decided to place a child in a residential institution must identify, on the basis of a child protection examination and an action plan prepared prior to the child's placement, the facility most able to accommodate his or her needs. The municipality must conduct semi-annual inspections after placement to confirm that the facility remained able to accommodate those needs. Political discussions were under way regarding whether children and young people with protection needs should continue to be placed – sometimes together with young people in conflict with the law – in secure residential facilities.

70. **A representative of Denmark** said that the provisions of the Aliens Act regarding the confiscation of valuables were applicable to asylum-seekers arriving in Denmark. Confiscated valuables could be used to defray accommodation and health-care costs. Items

that cost less than 10,000 Danish kroner or that had special meaning to their owners were not subject to confiscation.

71. **A representative of Denmark** said that return centres were distinct from detention centres. The Ellebæk Centre for Foreigners was a detention centre. The Kærshovedgård return centre housed both unsuccessful asylum applicants and convicted criminals. While members of the two groups were not entirely separated, they did not share rooms. The Government hoped to reduce the population of the return centre by moving some of its female residents to another facility. No formula was used to determine the penalty for failing to report to the return centre; failing to report for a certain number of days did not automatically trigger a certain penalty. In line with established practice, each case was examined individually.

72. **A representative of Denmark** said that, while lawmakers typically indicated the punishment that an offence should carry when proposing legislation, it was the judiciary that decided what punishment to apply in a particular case.

73. **A representative of Denmark** said that, by law, any person with knowledge that a parent or other caregiver was abusing or neglecting a child must notify the municipal authorities. Professionals such as teachers and doctors were required to report any circumstances that they learned of through their work that suggested that a child had been exposed to violence or another form of abuse. Any municipality that received a report regarding the suspected or actual sexual, physical or psychological abuse of a child and needed to involve the police or health authorities must go through a child protection centre, known as a *børnehus*, to have a child protection examination conducted. The child protection houses facilitated coordination among the authorities involved, offered a child-friendly environment and were used by the police when they interviewed children. The police decided whether a forensic examination was required, with the involvement of the health authorities where necessary.

74. **A representative of Denmark** said that the Prison and Probation Service was aware of the challenges relating to visits to remand prisoners, which stemmed from the conditions in remand facilities, and would take steps to address them.

75. **A representative of Denmark** said that police officers taking on border control duties were given training that covered the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other relevant instruments. Prison staff had been trained in how to identify cases of torture or ill-treatment of inmates and had been educated about the Convention against Torture, the prohibition on the degrading treatment or torture of inmates and human rights in general. The Prison and Probation Service had launched an updated version of its prison officer training programme on 1 January 2023. No changes had been made to the component covering the Convention against Torture, however, as it had been considered to be already effective. While none of the nearly 50 mandatory courses in the training programme offered by the Director of Public Prosecutions for newly hired prosecutor trainees or the optional courses for all prosecutors focused specifically on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) or the Convention against Torture, all courses addressed the State party's international obligations and human rights and, where relevant, recent human rights jurisprudence.

76. **Mr. Melgaard** (Denmark) said that the legislation that allowed persons who had committed serious offences to be deprived of their citizenship when necessary to safeguard the State's vital interests complied strictly with the conventions relating to citizenship and the deprivation thereof to which Denmark was a party.

77. He wished to thank the Committee for the fruitful and constructive dialogue. His delegation had welcomed the written submissions made by Danish civil society organizations and the Danish Institute for Human Rights and had used them to help prepare for the dialogue. Those submissions also pointed to issues that the Government would need to examine more closely. Denmark regularly encouraged the human rights treaty bodies to revisit their working methods so as to allow information to be considered in a timelier manner. As the periodic report under consideration had been submitted in 2019, his delegation was grateful to the Country Rapporteurs and other Committee members for identifying issues of current

relevance. The delegation would respond to any unanswered questions and provide the statistical information requested by the Committee in writing.

*The meeting rose at 5.55 p.m.*