



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

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Committee against Torture Fifty-sixth session

Summary record of the 1369th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 November 2015, at 3 p.m.

Chair: Mr. Grossman

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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)

Combined sixth and seventh periodic reports of Denmark (continued)
(CAT/C/DNK/6-7; CAT/C/DNK/Q/6-7; HRI/CORE/1/Add.58)

1. *At the invitation of the Chair, the delegation of Denmark took places at the Committee table.*

2. **Mr. Staur** (Denmark) said that, while the delegation would answer as many of the Committee's questions as possible, it did not consider some as particularly linked to the Convention. The Committee might wish to refer to the country's dialogues with other treaty bodies, especially the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination.

3. **Mr. Christoffersen** (Denmark), replying to a series of questions posed at the 1366th meeting, said that reinstating the Commission of Inquiry was under discussion in parliament. The Commission had considered whether parliament had been misinformed about the number of detainees in Iraq and had examined the contention of an Afghan detainee that the Danish military should have known that he might be ill-treated if transferred to the authorities of the United States of America. In the first case, an internal investigation of the Ministry of Defence had established that there had been more detainees than reported, that some had been transferred against Ministry instructions and that registration had been faulty at the beginning of the operation; two generals had received disciplinary sanctions. In the second case, it had been found at the time there had been no evidence to suggest that the detainee risked ill-treatment at the hands of the United States authorities. Although the Commission had been terminated, relevant documents had been made public.

4. Recalling that there were no military courts in Denmark, he said that the case brought by 23 Iraqis claiming to have been tortured in 2004 during Operation Green Desert was ongoing. The memorandum of understanding signed with the Government of Afghanistan included a mutual assurance that international law would be upheld and gave the Danish authorities access to Afghan facilities. Of the persons originally detained by Denmark who had been transferred to Afghan custody, one was currently serving out his sentence under conditions monitored by Denmark and the rest had since been released. The facility to which transfers had been suspended was the centre run by the National Directorate of Security in Lashkar Gah, Helmand Province, and suspension had been decided on the basis of intelligence, relevant practice of the United Kingdom of Great Britain and Northern Ireland and the International Security Assistance Force (ISAF) recertification scheme.

5. Defence directives being classified, he could not go into much detail beyond the fact that they were continuously updated based on lessons learned in the field. The directive on detainees was temporary pending the development of a military manual on international law as it applied to international operations. The manual, which would consolidate all relevant directives in a single text, without prejudice to operation-specific directives, would be made public and be translated into English. It would be submitted for external review shortly and was expected to be completed in 2016.

6. **Mr. Dam Glynstrup** (Denmark) said that the International Red Cross and Red Crescent Movement provided twice-yearly training on stress and trauma and that all newly arrived asylum seekers were screened for signs of torture at the reception centre and during the asylum interview. Persons belonging to certain categories of vulnerable groups who stated that they had been tortured or imprisoned were offered a consultation with a doctor. While asylum seekers' backgrounds were taken into

account when assessing the credibility of their claim, being identified as a victim of torture did not guarantee their claim would be approved. If an asylum request was rejected, the person could apply for a residence permit on humanitarian grounds.

7. Regarding the detention of foreign nationals, he said that, pursuant to the Aliens Act, a person had to be brought before a court within three days to determine the necessity and duration of the detention; detention decisions were appealable. The maximum period of detention pending deportation was 6 months and it could not be extended to more than 12 months. Detention should be for the shortest possible amount of time until removal could be carried out under optimum conditions. Over 70 foreigners were being held at Ellebæk and 1,350 were living in Denmark after their asylum claims had been denied. Asylum seekers released from Ellebæk were as a rule transferred to an asylum centre. Between 600 and 700 asylum seekers currently lived elsewhere than in asylum centres and over 30 were employed. The impact of the amendment to section 37, subsection 8, of the Aliens Act had not been evaluated.

8. Replying to questions on human trafficking, he said that if there were reasonable grounds to believe that persons living illegally in Denmark might be victims, the Danish Immigration Service would determine their status based on information from the Danish Centre against Human Trafficking and the police. The Immigration Service informed the Centre when a victim was identified, and a social worker from the Centre was assigned to the victim. In 2014, 60 individuals had been identified as trafficking victims. Under the Aliens Act, victims were granted a recovery and reflection period of 30 days, irrespective of whether or not they cooperated with the police. They received safe accommodation, medical and psychological care and capacity-building, in addition to the assistance provided to all foreigners legally in the country. The period could be extended to 120 days. Over 50 victims had benefited from the measure in 2014.

9. Victims could apply for asylum or residence but, although their status was taken into account, it was not a guarantee of approval. Those who applied for asylum were entitled to a procedural stay while the claim was processed. Decisions of the Immigration Service were appealable. Ten victims had received residence permits of varying lengths between 2010 and 2014. A temporary residence permit could be granted to victims whose presence was required for the purpose of investigation and prosecution, but only for the duration of the proceedings; none had been awarded between 2013 and 2015.

10. Voluntary returns were planned, prepared and executed in cooperation with the International Organization for Migration in Denmark and the country of return, the Danish Centre against Human Trafficking and the Immigration Service. Individually tailored repatriation and reintegration packages included a subsistence allowance, medical support, housing assistance, vocational training and a business start-up plan for up to six months after return in order to minimize the risk of re-trafficking. In 2014, six persons had been repatriated from Denmark.

11. The Government had implemented successive, four-year National Action Plans to Combat Human Trafficking since 2002. The previous plan, which had ended in 2014, had been evaluated by an external consultant and had served as the basis for the new multidisciplinary plan whose pillars were prevention, the identification of victims, personalized support, the punishment of traffickers, and partnership and coordination. Training of public servants was ongoing.

12. Concerning the issue of “tolerated stays”, he said that the scheme applied to foreigners whose residence application had been rejected but could not be returned to their country of origin. Accordingly, there was no maximum duration of tolerated stays. There were currently 65 individuals on the scheme; they were housed in a

special centre and were required to report to the police daily. The monitoring measures were re-evaluated every six months based on developments regarding the possibility of return to a given country. The practice did not violate any instruments to which Denmark was a party and the foreigners concerned were not subject to discrimination.

13. Acknowledging the growing influx of asylum seekers, he said that nearly 13,500 had arrived in Denmark since the beginning of 2015. Applications were handled chronologically, except in the cases of unaccompanied minors and persons from safe countries, which qualified for expedited processing. The current processing time was five months, but that was expected to increase. Employees were working overtime, additional staff were being recruited and resources were being diverted from other departments to address the higher demand. The usual safeguards remained in place, negative decisions were subject to an independent review, and legal assistance was available for the appeal process.

14. In 2013, the Refugee Appeals Board had ruled that a homosexual claimant was a member of a particular social group, within the meaning of the Convention relating to the Status of Refugees, and therefore could not be returned to a country where he would have to hide his sexual orientation or risk the death penalty or torture. In *K.H. v. Denmark* (communication No. 464/2011), the Refugee Appeals Board had reopened the case and the claimant had been granted asylum.

15. Regarding the advertisements placed in foreign media, he said that their primary target audience was people smugglers, intermediaries, carriers and others who arranged trips for potential asylum seekers. The information on relevant changes to residence regulations and social benefits for foreigners had been published in four Lebanese newspapers and social media and was also available in 10 languages on the website of the Ministry of Immigration, Integration and Housing. The Parliamentary Ombudsman had expressed some criticism as to whether the information was actually relevant to Syrian refugees, to which the Ministry had replied that the target audience included that group; a further response from the Ombudsman was pending. It should be noted that there had been no changes in access to health services for refugees.

16. **Ms. Skafte** (Denmark) said that coercive measures, which had to be exercised with maximum consideration for the patient, could only be used in psychiatric care if the patient was insane or in a similar condition and everything possible had been done to gain his or her cooperation. The Government's goal was, in partnership with the regions, to improve conditions for people with mental illnesses and reduce the use of coercion by 50 per cent by 2020, for which there was annual funding of 50 million kroner. It was also experimenting with the use of force-free psychiatric units. A report had to be filed each time that coercive measures were used and the data were high-quality, validated and publicly available. A task force for psychiatry had been set up to monitor all developments in the area. Staffing capacity, skills and the physical environment in psychiatric facilities were being improved to ensure the safety of all concerned and reduce the use of coercive measures.

17. In respect of the medical treatment of transgender persons, the master plan of specialized hospital services was used to ensure that the care provided was of the highest quality. Given the highly specialized nature of the diagnosis and sex-change operations, such services were only available in mental health facilities in the Copenhagen region. However, if an operation was not required, hormone treatment could be given in specialized doctors' practices throughout the country.

18. Responding to a question about the treatment of intersex children, she said that the sex of a child was normally determined at birth on the basis of the external genitalia, with any cases of doubt being resolved by a team of specialized paediatricians, in close dialogue with the child's parents. In the case of chromosome

variations, treatment would be offered throughout childhood on the basis of informed consent and in accordance with the wishes of the parents or guardians and the child when aged over 15. There were no data showing that children had been subjected to such treatment without consent.

19. Updated figures were available on the number of nursing specialists trained: there were now 24 specialists in forensic medicine, 332 nurses specialized in psychiatry and the revised psychiatric teaching programme to be introduced early in 2016 would encompass a broader knowledge of psychopathology and diagnostic techniques. In respect of confidentiality, there was no obligation on doctors to report any signs of torture to the police; it was up to the individual doctor to decide whether to do so on a case-by-case basis.

20. **Ms. Refsgaard** (Denmark) said that police training included programmes on the responsible use of force, including weapons, which emphasized restricting such use to cases in which it was required. The training programmes also paid particular attention to human rights and treatment of victims of torture, with the Danish Institute against Torture providing expert advice. Modifications had been made to the teaching programmes subsequent to a 2007 analysis on the use of firearms, and officers were obliged to consider all possible options before using force. The analysis had not been subject to an evaluation. After the terrorist attacks in Copenhagen and elsewhere, five levels of qualification for weapons handling had been introduced and a review of the system was to be implemented.

21. Ethics was still a very important part of the training given: a game was used to stimulate discussion on ethical dilemmas and all officers received a folder on ethics, also available on the Internet. In addition to the general rules on the use of force, with officers trained to ensure that any bodily harm to the person concerned or to bystanders was minimized, the use of pepper spray was also subject to specific regulations and closely monitored. A form, examined by senior staff and sent to the national police, had to be completed whenever the spray was used. Its use had been almost halved since 2011. To ensure that officers could be easily identified in the case of a complaint, there were plans to put individual numbers on their uniforms from February 2016.

22. **Ms. Bjørnholk** (Denmark) said that there were no women-only prisons in Denmark, although the question was currently under consideration. Women could be held in any of the two high-security or two low-security prisons, or in a remand centre while awaiting trial. If a woman so wished, it was possible for her to avoid associating with men in three of the four prisons, although that would reduce the work opportunities available to her. All the prisons offered women-only leisure activities. A 2011 report had highlighted problems in the mixed-gender prisons and a special programme had been introduced to address the issue in 2012, with one prison now offering new facilities for work, education and leisure activities for women.

23. **Mr. Høygaard** (Denmark) said that the national preventive mechanism had visited Herstedvester prison and concluded that there were no grounds for contacting the Government in respect of the conditions for women there. The prison authorities had no knowledge of women being forced into marriage or sexual relations; if harassment was suspected, restrictions would be imposed on both parties and they would be closely monitored by a multidisciplinary team to assess whether the relationship was voluntary.

24. **Ms. Bjørnholk** (Denmark) said that there were very few juveniles in Danish prisons, with only nine being held in 2014. On average, between 1 and 2 juveniles would be held elsewhere than in one of the three existing juvenile sections of prisons. In those cases, trying to keep them apart from adults would result in them being held

either very far from their families or effectively in solitary confinement. There was always careful screening of the adults with whom they were placed.

25. Notwithstanding the European Prison Rules, pretrial detainees were sometimes held with convicted prisoners, generally persons serving short sentences or who needed to be closer to their family or to benefit from treatment available. It was also done to maximize the use of prison capacity; if all convicted prisoners were fully segregated, there could be overcrowding and prisoners might then be deprived of activities. Denmark therefore believed that it was in compliance with the European regulations.

26. **Mr. Høygaard** (Denmark) said that fewer than 6 per cent of aliens awaiting departure were held in Ellebæk detention centre. The facilities were not in very good condition and needed continuous maintenance, particularly because stays were on average only 29 days. A total of 0.3 million kroner had been allocated to the work and the opportunity was taken when demand was lower than capacity to renovate those facilities that were empty. Individuals were detained in the centre to ensure their presence until a decision was taken on their case; for that reason it could not be made less prison-like. New guidelines had been introduced in June 2015 on the use of pepper spray in prisons, specifying that it might only be used in confined spaces if all other measures had proved insufficient.

27. **Mr. Nexø Jensen** (Denmark) said that the Parliamentary Ombudsman carried out monitoring visits to check on the authorities' care of individuals in prisons, psychiatric wards and juvenile residential centres. The Ombudsman's Office was the national preventive mechanism under the Optional Protocol and therefore also monitored torture prevention measures, conducting visits together with the Danish Institute for Human Rights. Since November 2012, it had focused particularly on children's rights in public and private institutions, whether residential homes, hospitals, boarding schools or day-care facilities. It also monitored deportations and assessed whether public buildings were accessible to persons with disabilities.

28. **Ms. Nørgaard Dissing-Spandet** (Denmark) said that the issue of rendition flights had been investigated in 2008 by an interministerial working group, which had concluded that the Danish Government did not bear any responsibility for the alleged illegal activities of any foreign authorities. In 2012, the independent Danish Institute for International Studies had found from a very thorough investigation that the Government had investigated the matter properly. The existing control mechanisms were adequate and the Government therefore considered the matter closed.

29. Denmark had a long history of promoting civil society organizations and involving them in decision-making processes. Such organizations did not need to be legally registered and could receive public funding. Multi-year funding and the strategic partnership agreement gave them the stability to work on capacity development and the flexibility to adapt to changing circumstances and lessons learned. There were also pool funds allocated to designated umbrella organizations that then provided grants to partner NGOs in the global South, the strategies being defined by the organizations themselves. The wealth of information that the Committee had received from Danish NGOs was clear proof of their capacity to act independently.

30. The Government disseminated information on the Committee's review of Denmark on its website and social media. The Danish Institute for Human Rights also published the concluding observations, setting them in context and comparing them to Danish practice, as well as in regular published reports.

31. **The Chair** said it was true that the questions raised by the various human rights treaty bodies could be repetitive and that the Committee itself sometimes struggled

with the issue of what matters came under its remit and what should be left for other treaty bodies to consider. However, article 1 of the Convention covered torture “for any reason based on discrimination of any kind” and the Committee had the legitimacy to address acts, such as rape and domestic violence, that constituted torture for which the Government concerned could be held responsible by failing to prevent, investigate or punish. If the Committee were to refrain from asking questions about issues that might overlap with the spheres of interest of other treaty bodies, such as those related to children, women, persons with disabilities, migrants, or ethnic minorities, for example, its scope would be excessively restricted. The Committee would continue to consider how to deal with the problem; perhaps a dialogue could be organized with States parties on the matter.

32. **Mr. Bruni** (Country Rapporteur), noting that the Criminal Code contained a full definition of torture as an aggravating circumstance for other crimes, asked why that definition could not be used to make torture a separate crime in itself. He would welcome clarification of the reasons for the resistance to incorporating human rights treaties, including the Convention, into domestic law. On the issue of solitary confinement, although there were very few cases in which the punishment was imposed, the fact remained that it was permitted by law for up to 28 days. He asked whether solitary confinement was prohibited for minors serving sentences as well as for those in pretrial detention. He invited the delegation to comment on the results of international research indicating that being held in solitary confinement for more than 15 consecutive days could have serious psychological and even medical consequences. Noting that there was no statute of limitations for the crime of torture, he wondered whether that was also the case for civil proceedings.

33. He would be interested to know more about the status and role of the Military Prosecution Service in Afghanistan. He invited the delegation to comment on the accuracy of reports that Afghan minors who had lived for a time in Denmark before having their asylum applications refused had been returned to Afghanistan without any protection. With regard to the identification of victims of torture, he asked whether asylum seekers who claimed, or showed signs, that they had been tortured underwent a specialized medical examination by a doctor or simply an interview with a nurse. Expressing concern that the detention of aliens could be renewed every four weeks without limitation, he wondered whether the State party had any plans to amend section 37 of the Aliens Act to remedy that situation. While he understood the rationale for not always separating juvenile from adult prisoners or pretrial detainees from convicted prisoners, he stressed the importance of implementing European directives in that regard. Referring to the inappropriate prison-like conditions in the Ellebæk detention centre, he said that there were methods of maintaining security that did not involve barred-gate partitions in the corridors separating one section from another, for example. After all, the persons being held there had not committed any crime.

34. **Ms. Pradhan-Malla** (Country Rapporteur) said that incorporating a specific definition of torture into the Danish legal framework would be very helpful and would serve to encourage other countries to do the same. While noting that training was provided to law enforcement officials and nurses, she would be interested to hear more about training of doctors on issues related to torture and the methodology for evaluating the effectiveness of such training. Expressing concern at the solitary confinement of minors under the Sentence Enforcement Act, she wondered whether there were any plans to prohibit all solitary confinement of minors. Noting that civil claims were still subject to the statute of limitations, she drew attention to the Committee’s general comment No. 3, which provided that statutes of limitation should not apply to redress, compensation and rehabilitation in torture cases, and asked how the State party intended to address that issue.

35. With regard to the repetition of issues already raised by the Committee on the Elimination of Discrimination against Women, the Committee against Torture was of the view that women in detention were more vulnerable and faced different kinds of torture, violence or inhuman treatment and wished to ensure that their specific needs and experiences were taken into consideration. As human rights were interrelated, there would inevitably be some overlap between the areas of concern of the various committees. With regard to the cruel and inhuman treatment of intersex persons when it came to enforcing or administering treatments without the free and informed consent of the person concerned, she wondered what action the State party had planned to protect the right of intersex persons to decide their preference upon reaching maturity. While welcoming the establishment of an independent complaints authority, she noted that the final decision on whether to initiate proceedings was made by the public prosecutor's office and asked whether that office could be held accountable if it refused to act on a recommendation by the authority.

36. **Ms. Belmir** invited the delegation to comment on the 2014 findings of the European Committee for the Prevention of Torture in relation to identification badges for police officers, access to a lawyer and handcuffing, among others. With regard to women in detention, she drew attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), which provided for the separation of women from other prisoners and took account of the specific situation of women prisoners. It was difficult to assess the information provided in the report concerning training on the identification of signs of torture when torture itself was not clearly defined. The State party should aim to adopt a definition that was in line with article 1 of the Convention.

37. **Mr. Domah** said that he would welcome further details on the kinds of cases in which juveniles might be incarcerated alongside adults. Was the State party giving any consideration to abolishing that practice, which put juvenile offenders at risk of graduating to more serious criminal activity if they were kept with hardened criminals? Was the court system customized to address the situation of juvenile offenders and victims and what protection measures were in place for child victims?

38. **The Chair** said that he would welcome information on the monitoring of the situation of the individual in prison in Afghanistan. Noting that victims of trafficking were granted temporary residence permits, he wondered what happened once those permits expired — was it possible to apply for permanent residency? He would be interested to know what crimes had been committed by the 65 individuals who were in Denmark under a “tolerated stay”, whether it was true that they were not allowed to work, whether there were opportunities for rehabilitation and whether they could apply for a different residence status if they showed that they had been rehabilitated. He asked whether the advertising campaign aimed at discouraging refugees and migrants from coming to Denmark was ongoing and whether the advertisements included any reference to the Convention. The Committee would be interested to see a copy of one of the advertisements. On the mixing of women and men in Danish prisons, he asked whether the 2011 evaluation of the practice had been conducted by a public or private institution and whether there were any plans to carry out another thorough analysis of the pros and cons of the situation.

39. **Mr. Staur** (Denmark) said he agreed that there were issues pertaining to women in detention that were legitimate for the Committee to review. However, some of the points concerning domestic violence had already been discussed with other committees, although the Committee against Torture might consider them from a different perspective. The delegation would focus its answers on the matters that came under the core competence of the Committee.

40. **Mr. Hertz** (Denmark) said that Danish law provided for torture as an aggravating circumstance to an offence under the Criminal Code and that the definition of torture was clear and appropriate for use in training. The law prescribed different sanctions for the use of torture in different circumstances, in line with the minimum and maximum penalties provided for the relevant crime, and there was no obvious benefit to the difficult process of amending the law to establish torture as a separate offence.

41. Ratified conventions that had not been incorporated in a specific act of domestic law were considered sources of law, had an impact on society through measures such as the allocation of funding to certain areas and the provision of training, and could be invoked before the courts. The civil statute of limitations had been modernized in 2007. In cases where the court had handed down a conviction for a criminal offence, a civil claim could be filed by the victim within one year of that conviction, including in cases of torture.

42. The regional public prosecutors were responsible for indicting police officers for the commission of criminal offences through the ordinary prosecutorial system. If regional public prosecutors declined to indict a police officer for an offence, a complaint could be made to the Director of Public Prosecutions. Since the age of criminal liability was 15 years, no person under that age could be prosecuted on criminal charges or sentenced to prison. Imprisonment was a last resort and, wherever possible, suspended sentences and administrative measures were applied instead. Special arrangements were made to protect minors who were victims of crime in cases where they were required to give evidence. While there were no plans to amend the rules on solitary confinement — including the possibility of applying solitary confinement to minors in extreme cases — the measure was rarely used and the authorities were aware of the potential damage it could cause. Although persons in solitary confinement had no contact with other prisoners, they did have contact with staff. In cases of prolonged solitary confinement, measures to alleviate potential harm included extra contact with a priest or psychologist and prison staff and extra activities.

43. **Mr. Christoffersen** (Denmark) said that the Afghanistan Independent Human Rights Commission conducted regular visits of persons originally detained by Danish forces in Afghanistan who had been handed over to the Afghan authorities and provided reports on those visits to the Danish Ministry of Defence. The system for monitoring detainees and reporting to the Danish authorities would be evaluated in future and training on monitoring detainees had been provided to the Afghanistan Independent Human Rights Commission by the Danish Institute against Torture.

44. The Military Prosecution Service was an independent entity under the Ministry of Defence that worked in a similar manner to the public prosecution service. Although military cases were brought by a military prosecutor, the trials were held in civil courts. The Memorandum of Understanding between the Ministry of Defence of Afghanistan and the Ministry of Defence of Denmark of 8 June 2005 was only applicable in cases of the transfer by the Danish contingent of the International Security Assistance Force to the Afghan authorities of persons who had been apprehended in Afghanistan in connection with military operations in Afghanistan.

45. **Ms. Refsgaard** (Denmark) said that the Police College provided training on handling cases of torture and ill-treatment and enjoyed a close relationship with the Danish Institute for Human Rights. The Ministry of Justice had issued a binding circular on the rules and procedures to be followed by the police with regard to the rights of detainees. Those rights included access to a lawyer without delay and having a lawyer present during questioning. The court could deny access to a detainee's chosen legal representative in certain circumstances and the police could similarly

deny access on a temporary basis, in which case access to alternative representation must be provided. Appropriate medical attention was provided without delay and detainees' requests to see a doctor must be recorded in the detention report. Detainees must be informed of their rights in a language that they understood and a leaflet had been produced setting out the key rights of detainees, including the right to a lawyer.

46. **Mr. Høygaard** (Denmark) said that the electronic monitoring of offenders, expanded use of community service and amended rules for early release on parole had reduced the number of offenders serving their sentences in prison. Most persons detained in prison, however, including the few minors serving prison sentences, had committed serious crimes, which explained why the reduction in prisoner numbers had been accompanied by an increase in the use of solitary confinement. It was important to retain the ability to place minors in solitary confinement in certain situations, such as following a violent fight among inmates. Minors who had been placed in solitary confinement for more than 7 days could appeal that decision in court. A forthcoming consideration of alternative measures to solitary confinement would take into account the recommendation by the European Committee for the Prevention of Torture to limit solitary confinement to a maximum period of 14 days.

47. The Ellebæk immigration detention centre housed persons from many different cultures and places and it was sometimes necessary to separate certain groups of persons to maintain a safe environment.

48. **Ms. Bjørnholt** (Denmark) said that a report on women in prison had been produced in 2011 by a researcher working with a Danish university. The only minors serving their prison sentences alongside adults had been charged with serious offences and were usually placed with adults in order to avoid having to serve their sentence alone. The adult cellmate of a minor was screened carefully and every effort was made to ensure that the minor could serve his or her sentence in a secure environment.

49. **Mr. Staur** (Denmark) said that the small number of juvenile offenders in Denmark made it difficult to ensure adequate contact with the offender's family while providing an environment conducive to his or her development. Decisions on the placement of juvenile offenders were made on a case-by-case basis.

50. **Mr. Dam Glynstrup** (Denmark) said that the principle of non-refoulement applied to all cases of asylum, including those of unaccompanied minors, and that asylum claims filed by unaccompanied minors were automatically referred to the Refugee Appeals Board for reassessment. If an unaccompanied minor's asylum claim was rejected and the authorities determined that the minor had no family or network in the country of origin, he or she could remain in Denmark until the age of 18.

51. With reference to the case of two Afghan brothers who had been deported following the rejection of their Danish asylum claim, the Immigration Service had concluded that the older brother was over 18 years of age and was therefore the accompanying adult for the younger brother. It followed that the younger brother's asylum claim had been rejected alongside the older brother's claim. The brothers had made applications for various types of residence permits during their time in Denmark, all of which had been rejected. Financial support for their resettlement in Afghanistan had been provided and the brothers had been deported under a voluntary procedure in June 2015. The Danish Government could neither confirm nor deny information that the younger brother had been killed in Afghanistan.

52. Although officials were aware of the procedures for identifying victims of torture among asylum seekers, suspected victims of torture were usually identified by the International Red Cross and Red Crescent Movement, which worked in the asylum reception centres and had daily contact with asylum seekers. Suspected victims of torture were referred to a doctor.

53. Victims of trafficking could apply for temporary residence in the same manner as other categories of aliens.

54. Persons subject to a tolerated stay in Denmark had committed criminal offences and therefore came under an expulsion decision, but could not be deported to their home countries due to the principle of non-refoulement. They were not permitted to work or study, were required to live in asylum centres and were usually obliged to report daily to the police. Some had committed crimes under the Geneva Conventions in their homeland, while others had committed serious crimes in Denmark.

55. The advertisement on regulations for refugees in Denmark had been placed in a number of Lebanese newspapers in September 2015. The Ministry of Immigration, Integration and Housing had answered questions from the Ombudsman about the advertisement.

56. **Mr. Staur** (Denmark) said that Committee members had raised a number of pertinent issues and expressed the hope that his delegation's answers had demonstrated the continuous efforts of his country to combat torture. Civil society organizations, the national human rights institution and the national preventive mechanism were close partners of the Danish Government in the fight against torture.

57. **The Chair** thanked the delegation for the fruitful dialogue and the replies and information provided in response to the Committee's questions.

The meeting rose at 6 p.m.