

The Committee Against Torture (CAT)

WILDERS PLADS 8K
DK-1403 COPENHAGEN K
PHONE +45 3269 8888
DIRECT +45 91325763

HUMANRIGHTS.DK

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SUBMISSION OF FOLLOW-UP DOCUMENT TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE IN RELATION TO THE CONCLUDING OBSERVATIONS ON THE COMBINED SIXTH AND SEVENTH PERIODIC REPORTS OF DENMARK (CAT/C/DNK/CO/6-7/ADD.1)

The UN Committee against Torture requested Denmark in its Concluding Observations to provide by 9 December 2016 follow-up information in response to the Committee's recommendations relating to: the incorporation of the Convention in domestic law; the deportation of vulnerable individuals; the screening of and assistance to asylum-seekers victims of torture; and separation of convicts and remand prisoners.

Denmark provided in December 2016 the follow-up information on the issues between the period December 2015 and December 2016.

The Danish Institute for Human Rights would hereby like to submit the following observations regarding the follow-up information provided by Denmark:

Separation of convicts and remand prisoners (recommendation no. 37):

It follows from Denmark's follow-up information that a total number of 288 convicts were placed in remand prisons in the period between 1 January 2016 and 22 November 2016 – thereby mixing remand detainees and convicts. Further, it follows from the information, that the placement of convicts in remand prison only takes place due to individual reasons, inter alia, protection of the convicts from assault, preventing escape, medical reasons or due to other compelling personal reasons. This form of placement may also take place in order to prevent state prisons from being overcrowded.

The concern of the Danish Institute for Human Rights is based on the view that, as a principle, mixing convicted persons with persons who are yet to be convicted are problematic – since this policy mixes two categories of detainees who by principle should be separated i.e. persons who should be perceived innocent until proven guilty of a crime and persons convicted of a crime. Please refer to United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) Rule 11 (b): Untried prisoners shall be kept separate from convicted prisoners.

The institute is aware of the fact that the regime (mainly on the control of visits and correspondence) of remand detainees often are more strict than that of convicts. However, a solution to this challenge should not jeopardize the above mentioned principles and rules.

Denmark has further informed that the total amount of 288 convicts, who were placed in remand prison with persons who are pre-trial detainees, also includes members of organized criminal groups. In the follow-up information, Denmark argues that the need to protect the pre-trial detainees from negative influence from this group of convicted persons does not carry out the same weight. This point of view seems to be based on a *presumption* that this group of convicts and pre-trial detainees would associate with each other outside the prison system anyway.

- The institute does not consider this presumption to be a relevant criteria for mixing up convicted prisoners and pre-trial detainees.

Yours sincerely,

Christoffer Badse
Department Director, Monitoring