



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

10 May 2018

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the sixth and seventh periodic reports of Denmark, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 56th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/DNK/CO/6-7, para. 50) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 13, 21, 23 and 37 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 9 December 2016, providing your Government's response on the above-mentioned paragraphs (CAT/C/DNK/CO/6-7/Add.1), and to make the following comments:

Incorporation of the Convention against Torture in domestic law (para. 13)

The Committee expresses its difficulty in understanding the alleged risks of a shift in powers within national institutions due to the incorporation in national law of the Convention and regrets the absence of information on the self-executing character of its provisions. In particular, it regrets the absence of specific examples on cases in which the provisions of the Convention have been invoked before the courts (1/C).

Deportation of vulnerable individuals (para. 21)

The Committee thanks the State party for providing information on how domestic authorities are assessing the applications made by asylum-seekers by taking into consideration the situation in their respective countries of origin. However, it regrets that no action or post-return procedure aimed at monitoring the situation of rejected asylum-seekers sent back to their home countries has been envisaged and/or put in place (1/C).

.../...

H.E. Mr. Carsten Staur
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of Denmark
to the United Nations Office at Geneva
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Screening of and assistance to asylum-seekers victims of torture (para. 23)

The Committee appreciates the comprehensive information provided by the State party with regard to medical examination and detention of asylum-seekers. The Committee regrets, however, that the medical examination is performed at the sole discretion of the immigration authorities. Furthermore, the Committee regrets the lack of information on the enjoyment of the right to rehabilitation for victims of torture, as requested by the Committee in its concluding observations (3/B1).

Separation of convicts and remand prisoners (para. 37)

While the Committee appreciates the comprehensive information provided by the State party, it nevertheless maintains its concern at the absence of a strict separation of convicted from remand prisoners in accordance with rules 11 and 112 of the Nelson Mandela Rules, a concern that has also been raised by national non-governmental organizations (3/C).

The Government of Denmark is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the sixth and seventh periodic reports of Denmark.

The Committee looks forward to a continued constructive dialogue with the authorities of Denmark on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture