

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/DNK/CO/6-7)

DENMARK

(...)

C. Principal subjects of concern and recommendations

(...)

Incorporation of the Convention in domestic law

12. The Committee appreciates the affirmation by the delegation of the State party that the Convention is a source of law. Nonetheless, it remains concerned that as the Convention has not been incorporated in domestic law, it may not be used in courts as a basis for a case. The Committee also notes that the State party intends to start a process to reconsider the matter.

13. The Committee reiterates its previous recommendation to incorporate the Convention into Danish law so that it can be invoked directly in courts.

(...)

Deportation of vulnerable individuals

20. The Committee is concerned that a minor, accompanied by his adult brother, was deported from Denmark to Afghanistan in December 2014 after the brothers' request for asylum had failed, without any measure of protection, and that the minor was reported killed upon return to his country of origin (arts. 3 and 10).

21. The State party should put into place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation, even in cases where return is voluntary, and act upon reports of torture and ill-treatment, including for the purpose of informing its asylum policies.

Screening of and assistance to asylum seekers who are victims of torture

22. The Committee is concerned at the lack of a regular mechanism for the identification of victims of torture throughout the asylum process. Moreover, the Committee is concerned that intake procedures at the Ellebæk Prison for Asylum

Seekers and Others Deprived of their Liberty (Ellebæk Prison), where decisions on fitness of asylum seekers for detention and identification of victims of torture are made by a nurse, are inadequate. It is also concerned at the lack of a system for handling victims of torture upon their identification during administrative detention (arts. 3, 13 and 14).

23. The State party should (a) put into place procedures for the systematic screening and medical examination of alleged torture victims by qualified personnel throughout the asylum process, including at reception centres and places of detention such as the Ellebæk Prison; and (b) ensure that victims of torture are not held in places of deprivation of liberty and have prompt access to rehabilitation services.

(...)

Separation of convicts and remand prisoners

36. The Committee is concerned that occasionally convicts serving short sentences are placed in remand prisons (art. 16).

37. The State party should cease the practice of placing convicted persons with pretrial detainees.

(...)

Follow-up procedure

50. The Committee requests the State party 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 who are victims of torture; and separation of convicts and remand prisoners, as contained in paragraphs 13, 21, 23 and 37, respectively, of the present document.

(...)
