



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

Distr.: General
18 November 2015

Original: English

Committee against Torture Fifty-sixth session

Summary record of the 1366th meeting

Held at the Palais Wilson, Geneva, on Monday, 16 November 2015, at 10 a.m.

Chair: Mr. Grossman

Contents

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

Combined sixth and seventh periodic reports of Denmark

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-20216 (E) 181115 181115



Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

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

Combined sixth and seventh periodic reports of Denmark (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) expressed deep sorrow at the recent terrorist attacks in Paris and suggested that the Committee should join others in observing a minute's silence at noon to honour the victims of those attacks.
3. He commended the Committee's continuous efforts to combat torture, which was an issue that should remain high on the international agenda. Denmark invested substantial resources in ensuring that torture was combated internationally. As in previous years, it was sponsoring an omnibus resolution on torture that was currently being negotiated in the General Assembly. It had also initiated the Convention against Torture Initiative in 2014, together with Chile, Ghana, Indonesia and Morocco. Furthermore, it was the third largest contributor to the United Nations Voluntary Fund for Victims of Torture and the main donor of non-governmental organizations (NGOs) Dignity and the International Rehabilitation Council for Torture Victims.
4. The incidence of solitary confinement during pretrial detention had decreased by 93.5 per cent since 2001. Furthermore, thanks to the targeted efforts of public prosecutors, no person under the age of 18 had been placed in solitary confinement during pretrial detention since 2011. Solitary confinement in a disciplinary cell for punitive reasons could not exceed four weeks and could only exceed two weeks in exceptional cases. For a number of years, the use of disciplinary cells had increased, but since 2011 the rate had decreased slightly and the authorities were trying to reduce it further.
5. The number of complaints filed against police officers with the Independent Police Complaints Authority had increased from 1,085 in 2013 to 1,158 in 2014 and people were becoming increasingly aware of the presence of that body. While his delegation was not aware of any cases in which police officers had been charged with torture or ill-treatment, it was aware of the importance of accountability and reliable data and, as of 1 January 2016, the Complaint Authority would be registering specific complaints concerning such offences. Furthermore, the Minister of Justice had asked the National Police to introduce individual identity numbers on all police uniforms as soon as possible, which would facilitate identification when filing a complaint against a specific officer. That system was expected to be introduced in February 2016.
6. The commission of inquiry on Danish participation in the wars in Iraq and Afghanistan had recently been terminated by the Government on the grounds that the issues covered had been examined adequately. An internal defence investigation had also been terminated in December 2011 in anticipation of the establishment of that commission. The preliminary findings of that investigation had been communicated in a letter from the Chief of Defence to the Minister of Defence and had subsequently been released to the Danish parliament; additional documents from the investigation had been released to the public. The Military Prosecution Service was currently assessing whether information regarding the transfer of detainees in Iraq could form the basis of a criminal investigation and a civil case concerning detention operations in Iraq was pending. While the delegation was not able to comment on that case, he

emphasized that the Danish Defence Command was making continuous efforts to improve detention operations.

7. **The Chair** joined the Danish delegation in condemning the recent acts of terror in Paris, which constituted an attack not only against the French people but also against basic human dignity. He expressed solidarity with the victims.

8. **Mr. Bruni** (Country Rapporteur), referring to paragraph 2 of the State party report, asked which international human rights instruments had been incorporated in Danish law. Was it true, as reported by the Danish Institute for Human Rights, that the Government had decided to incorporate only the European Convention on Human Rights? If so, it would be useful to know the reason for that decision.

9. Referring to recommendations made by the Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), he asked why Denmark had not yet made torture a specific offence under its criminal legislation, but rather an aggravating circumstance in relation to existing criminal offences. It would be useful to know what effect that aggravating circumstance had on the severity of penalties.

10. In 2014, the CPT had visited the Ellebæk Prison and Probation Establishment for Asylum Seekers and Others Deprived of their Liberty and recommended that a screening system should be introduced to identify victims of torture on the basis of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). In response, the Establishment had reported that it did not independently investigate whether inmates had been subjected to torture and that, if it was established that torture had been committed, it would have no formal significance in relation to the duties performed by the Establishment but might affect the consideration of the inmate's case by other authorities such as the Danish Immigration Service and the police. He wondered whether the Establishment informed the judicial authorities if an asylum seeker reported, upon being detained at Ellebæk, that he or she had been a victim of torture and whether it was authorized to issue opinions on the appropriateness of detention in such cases. He asked the delegation to comment on the accuracy of a report by Amnesty International according to which screening by a nurse was considered sufficient in identifying asylum seekers who were unfit to be placed in detention.

11. Referring to paragraph 19 of the State party report, he asked whether the directive on detainees issued by the Danish Defence Command was currently in force and what it contained. With regard to the commission of inquiry on Danish participation in the wars in Iraq and Afghanistan, he asked how the Government had established that the issues covered had been adequately examined. Could the delegation inform the Committee of the commission's conclusions or report on the treatment of detainees transferred by the Danish armed forces to other forces in Afghanistan? It would also be useful to know what was contained in the letter of the Chief of Defence and the other documentation mentioned. Lastly, he asked the delegation to provide more information on the two cases referred to in paragraph 21 of the State party report in which the State party had chosen to suspend the transfer of detainees to a specific facility in order to ensure compliance with article 3 of the Convention, and to give the name of the facility concerned.

12. Referring to paragraphs 27 and 30 of the State party report, he asked whether there had been any breaches of the memorandum of understanding concerning the transfer of persons between the Danish contingent of the International Security Assistance Force and the Afghan authorities and, if so, how they had been dealt with.

13. According to an article published in Danish magazine *Online Post* in late 2014, a number of asylum seekers from Afghanistan, including some unaccompanied minors,

had been denied asylum in Denmark and deported under police escort to their home country, where they had been left to the mercy of the authorities. Most had been imprisoned, tortured or killed. He asked what kind of diplomatic assurance or other form of protection existed for minors deported from Denmark to Afghanistan.

14. With regard to the alleged rendition flights organized by the United States Central Intelligence Agency through Denmark and Greenland, he asked whether the State party had taken measures to establish an effective monitoring system and ensure that its airspace and airports were not used to transport persons in danger of being tortured in another country, as requested by the interministerial working group investigating that matter.

15. Referring to the case of Carmi Gillon and noting that Danish legislation had been amended in 2008 to the effect that torture-related offences were no longer subject to a statute of limitations, he asked the State party whether, if a similar case occurred, it would be able to prosecute the person in question. If so, which provisions of the Criminal Code would be invoked in such cases?

16. According to various sources, including the Special Rapporteur on torture and the CPT, conditions in Danish detention facilities were satisfactory. However, a number of concerns remained, in particular with regard to the duration of solitary confinement for pretrial detainees, which could reportedly be extended beyond six months for an indefinite period in certain cases. As to the use of solitary confinement as a disciplinary measure, he supported the view of the CPT that the maximum duration of 28 days was excessive. He asked whether minors could still be placed in solitary confinement and, if so, whether the State party was considering any legal provisions to prohibit that practice. He highlighted the recent recommendations of the Special Rapporteur on torture that States should prohibit punitive solitary confinement and take measures to eliminate the practice in pretrial detention and that indefinite solitary confinement should be abolished. On the basis of medical research, the Special Rapporteur had stated that solitary confinement in excess of 15 consecutive days should be prohibited in all cases, which was echoed in the revised Standard Minimum Rules for the Treatment of Prisoners ("Mandela rules"). It would be interesting to hear the comments of the delegation on that question.

17. Noting the discrepancies between living conditions in ordinary detention centres and those for foreigners and asylum seekers, he asked whether the Danish authorities would consider amending section 37 of the Aliens Act. He wondered whether it might not be excessive to keep an alien deprived of liberty for up to 18 months for refusing to cooperate with the authorities. He invited the delegation to clarify what happened at the end of the 18-month period of detention.

18. Finally, he asked whether the Danish authorities would consider improving conditions at the Ellebæk detention centre. The comments of the Danish Prisons and Probation Service on the issue simply referred, in general terms, to maintenance work to ensure that the facilities remained in an acceptable condition. Did that mean that no substantial improvements were envisaged?

19. **Ms. Pradhan-Malla** (Country Rapporteur) asked whether training on identifying signs of torture was provided to doctors, as the report indicated that institutions such as the medical faculty at the University of Copenhagen offered very few lectures on torture. She asked whether the State party could share information on efforts to develop a methodology to evaluate training and education programmes. How were decisions on the use of specialized medical examinations taken and what criteria were applied? Had any steps been taken to amend interview procedures for immigrants, in terms of the use of customized interview techniques and specialized examinations, in line with the Committee's recommendations from 2012?

20. Although steps had been taken to minimize the use of solitary confinement in pretrial detention, it continued to be applied under certain circumstances as a preventive and disciplinary measure, attracting criticism from various international bodies. Was the Government considering abolishing the use of solitary confinement? She also asked whether the State party could provide information on its decision to reduce the time limit for solitary confinement from 4 to 2 weeks, and whether that had been a legislative move or administrative decision. Could the State party provide information on the monitoring of decisions relating to solitary confinement? The State party had indicated that no person under the age of 18 was placed in pretrial solitary confinement. Had the legislation on the solitary confinement of minors been amended? She asked what measures were taken to ensure that prisoners with known mental disorders were not placed in solitary confinement.

21. Expressing concern about mixed prisons, she asked what steps the Government was taking to prevent sexual exploitation in prisons.

22. The State party had provided statistics indicating a reduction in waiting periods in asylum centres. She wondered whether the State party could provide information on how many of the asylum seekers residing in Denmark for more than six months had been offered accommodation outside the asylum centres. What measures were being taken to support vulnerable groups, such as children or victims of trauma or torture?

23. She asked what steps the Government had taken to limit the use of pepper spray, and to regulate or prevent its use in detention centres. It would be helpful for the Government to provide statistics on the number of complaints received and investigated by the Independent Police Complaints Authority, and how many of those cases had resulted in a conviction.

24. She thanked the Government for the update on the cases of 23 Iraqis. She asked whether the public prosecutor had raised any of the concerns expressed by the Committee regarding those cases. It would be useful to have more information on the mandate and authority of the independent complaints mechanism. She noted that few of the complaints received had led to a conviction. She also drew the State party's attention to the fact that regulations governing civil claims for compensation permitted no exceptions for cases of torture and ill-treatment. What measures was the Government taking to eliminate existing obstacles to the right to rehabilitation for victims of torture who sought asylum?

25. She welcomed the establishment of the new Independent Police Complaints Authority, but expressed concern that the police were involved — albeit to a limited extent — in inquiries. She asked whether a special, independent mechanism existed for investigating complaints against the police.

26. She expressed surprise at the State party's response to question 19 of the list of issues relating to data on cases where redress or compensation was provided to victims. What barriers existed to the introduction of electronic documentation in the judicial system?

27. Noting that, according to a recent survey, the percentage of Danish women who had experienced some form of violence or threat was higher than the European average, she asked whether the concept of violence also included the threat of violence. She invited the delegation to provide data on how many complaints relating to violence had been lodged, the cases investigated and resulting convictions, and legal, psychological, health-care or other support provided to victims.

28. She asked whether the minimum recovery period established for victims of trafficking impeded prosecution or facilitated access to justice. Did victims who participated in criminal proceedings obtain temporary work and residence permits? If

so, could the State party indicate the time limit for permits that were granted? She asked whether the Government could provide statistics on such cases, as well as information on persons living in Denmark on a “tolerated stay” permit, and whether they had access to work and education.

29. She enquired what measures the State party was taking to reduce the prolonged use of restraints without medical justification.

30. She wished to know what steps had been taken to enhance the protection provided to the lesbian, gay, bisexual and transgender community, particularly with regard to access to timely and appropriate health care for transgender persons. She drew attention to reports that intersex persons were subjected to inhuman and degrading treatment within the health-care system, including non-consensual gender assignment surgery. What action was the Government taking in that area?

31. She asked what measures had been taken to disseminate the State party’s report and the concluding observations of the Committee.

32. **Ms. Belmir** stressed the need to integrate the Convention into the domestic legislative framework. Under Danish law, torture was considered an aggravating circumstance rather than a separate crime. However, a specific, clear definition of torture was required to ensure that proper training on identifying torture could be provided to the police, doctors and other relevant persons. A report by the CPT had also indicated that while victims of ill-treatment were identified, perpetrators were not. That situation made it very difficult to lodge a successful complaint. The Committee had also received reports that it was difficult to obtain access to legal aid or medical treatment — particularly for asylum seekers — and that people were not being properly informed of their rights. What measures was the Government taking to address those problems?

33. Solitary confinement could be used for punitive or judicial purposes. She asked whether the Director of Public Prosecutions had the power to vet the punitive use of solitary confinement.

34. **Ms. Gaer** asked whether the State party could provide further information on the work of the new unit set up by the Ombudsman which visited privately managed places of confinement. It would be useful to know what kind of establishments it had visited, and any lessons it had learned.

35. On the issue of mixed prisons, she asked whether the State party could provide an update on measures to establish a separate women’s prison. In the light of reports of relationships — even marriages — between male and female inmates, including mentally disabled women, she asked whether the State party could provide statistics for cases of sexual abuse in prisons, including women coerced into sexual relations or marriages with male sex offenders. What was being done to address the problem, and what forms of redress and rehabilitation were available to the women involved?

36. A United States report had indicated that victims of anti-Semitic violence had described the perpetrators as mainly immigrants from Arab and Muslim countries. She asked whether the State party could confirm the truth of that statement, and — if such reports were accurate — describe the measures being taken to promote education, training and leadership in communities, and to properly investigate, prosecute and punish such crimes. Was the Government cooperating with those communities with the aim of reducing anti-Semitic violence?

37. She invited the Government to comment on whether State funding for the work of NGOs such as Dignity had any impact on their independence. What role did NGOs play in the prevention of torture?

38. Noting that, according to some reports, doctors were not required to report suspected signs of violence observed during prison visits, she asked whether doctors were in fact required to report such findings and, if so, to whom. She further asked whether the delegation could shed light on reports that persons in pretrial detention were held with convicted offenders, and that minors were not always separated from adults.

39. **Mr. Zhang** asked whether the State party could provide further information on training materials on occupational ethics, including an ethics textbook and a so-called “ethics game” used by the police. An update on the evaluation of the use of firearms by the Danish police would also be useful. He enquired whether the State party could provide updated information on its review of the introduction of a specialized course on psychiatry for nursing staff.

40. **Mr. Gaye**, referring to paragraph 8 of the State party’s report, requested an explanation of the notion of a “general crime of ‘torture’”. Torture was a specific crime and was defined in the Convention.

41. He noted that, according to paragraph 20 of the State party’s report, a commission of inquiry on Danish participation in the Iraq and Afghan wars had been established. According to the delegation’s introductory statement, the State party had decided to examine the information regarding Iraq that had emerged from that inquiry, in order to determine whether there were any grounds for a criminal investigation, but no mention was made of the information regarding Afghanistan. He wondered whether that meant that the Afghanistan aspect of the inquiry was now closed.

42. According to paragraph 96 of the report, women prisoners could choose to serve their sentence in mixed-sex quarters or separately from male prisoners. Was there a specific procedure whereby women formally expressed their choice to serve their sentence with men prisoners?

43. He asked the delegation to comment on claims that the police were still closely involved in the investigation of complaints against the police, notwithstanding the establishment of an independent police complaints body.

44. **Mr. Tugushi** said NGOs were reporting that, despite the apparent reduction in the use of solitary confinement in pretrial detention, as mentioned in the delegation’s introductory statement, solitary confinement was still frequently used in other contexts, and for sometimes quite lengthy periods. The number of cases of solitary confinement being used as a disciplinary sanction, for example, had risen, despite the decrease in the prison population, and he wondered why that might be. He also wondered whether the State party had carried out studies on the use of solitary confinement, as certain other States had, and whether it had any plans to reduce the maximum permissible period of solitary confinement in line with the generally accepted norm of around 14 days. He would welcome a comment from the delegation on the continued use of solitary confinement for minors: statistics showed that there had been 158 cases in the past few years, for periods ranging from 1 to 14 days.

45. Confinement in security cells was still problematic: the number of cases had increased by 43 per cent. Did the delegation have any explanation for that? According to the CPT, various means of restraint were used on inmates in psychiatric institutions, sometimes for quite lengthy periods. Noting that neighbouring States had been relatively successful in reducing the use of such restraints, he asked whether the State party had any plans to similarly reduce their use.

46. **The Chair**, speaking as a member of the Committee, recalled that, in its concluding observations on the State party’s fifth periodic report (CAT/C/DNK/CO/5, para. 10), the Committee had expressed regret at the State party’s decision to exclude

a special provision on torture from the Military Criminal Code. He would like to know if there had been any change in that regard.

47. According to the State party's report, article 37 of the Aliens Act had been amended to allow a maximum period of detention pending deportation of 6 months and, in exceptional cases, 12 months as an absolute maximum. Noting that the Special Rapporteur on torture had said in his 2009 report on his visit to the State party that the habeas corpus procedure was not effective in practice, he asked how that amendment had affected the procedure for bringing a legal challenge against deprivation of liberty under article 37 and whether it had improved protection.

48. He asked whether the statutory period of limitations on offences of torture that did not constitute a crime against humanity was still 10 years.

49. The number of asylum seekers had increased dramatically in the past 18 months, putting tremendous pressure on the State party's resources. Clearly, funding could not be unlimited, but he would like to know whether it was sufficient to allow for a proper determination of individual asylum seekers' status in accordance with article 3 of the Convention. According to a 2013 report by Amnesty International, asylum seekers from certain vulnerable groups such as persons with mental illness and unaccompanied minors were detained for immigration control purposes. That report also said that persons arriving from certain States and claiming asylum on the grounds that they had been persecuted for their sexual orientation had been told they should return and simply conceal their sexuality. He would appreciate the delegation's comments on those points.

50. The Committee had received reports that campaigns had been conducted in foreign newspapers to deter refugees from seeking asylum in Denmark, for example by reporting that they would be unable to receive benefits. Had there been such campaigns and, if so, had the Government taken action to make it clear that no one with valid reasons should be deterred from seeking asylum in the State party? As to the transfer of persons between the Danish contingent of the International Security Assistance Force and the Afghan authorities, he noted that the memorandum of understanding referred to in the State party's report was not intended to replace an individual assessment under article 3 of the Convention. He would like to know how individual assessments in those cases were carried out, whether individuals were given information on their rights in a language they understood and whether legal assistance was provided.

51. He would appreciate more information on the Observation-Oriented-Action-Decision (OOAD) concept being applied in police training programmes in order to encourage the use of alternatives to the use of weapons in dangerous situations; it appeared to be an extremely valuable addition to the range of available alternatives. He would like to know whether any comprehensive studies on the non-separation of men and women prisoners had been carried out to determine the effectiveness of that arrangement, which was not in line with international standards; the Committee would like to have the opportunity to make its own evaluation. He would also appreciate more information on the structure and functioning of the new Independent Police Complaints Authority, and notably on how cases pending under the previous complaints procedure had been dealt with during the transition.

52. He noted that, despite the initiatives taken by the State party to combat domestic violence and violence against women since the consideration of its previous periodic report, high levels of such violence were still reported. Given that only 40 per cent of rapes were brought to trial and that the conviction rate was one in five, he wondered what resources were allocated to underpin the State party's policies in that matter.

Would the current action plan receive renewed funding after 2017? What objective standards were applied to determine whether the resource allocation was adequate?

53. Turning to the question of human trafficking, he asked the delegation to report on the outcome of the latest action plan, which had run until 2014. He would also like to know if there had been any evaluation of the outcome of complaints brought by victims of trafficking. How many had been granted residence or temporary residence permits? How many cases had been prosecuted?

The meeting was suspended at 11.45 a.m. and resumed at noon.

54. *At the invitation of the Chair, the meeting observed a minute's silence in memory of the victims of terrorist attacks.*

55. **Mr. Bruni**, referring to the CPT recommendations that the structure of the Ellebæk detention centre should be improved as it was not appropriate for asylum seekers, said that he had been surprised at the State party's reply to the effect that changing the institution's prison-like appearance would increase the risk of escape; the asylum seekers detained there might be irregular migrants, but they had not committed any crime.

56. With regard to the Military Prosecution Service's examination of the information regarding the transfer of detainees in Iraq, mentioned in the delegation's opening statement, he would like to know whether the procedure being pursued was a military justice procedure. As to the civil case concerning detention operations in Iraq, also mentioned in the opening statement, he was aware that the delegation could not comment on the merits, but he would appreciate some information about the subject matter.

57. **The Chair** invited the delegation of Denmark to reply to the questions put by the members of the Committee.

58. **Mr. Blaabjerg** (Denmark) said that the Independent Police Complaints Authority had begun work in 2012 and had simply taken over those cases that had been pending under the previous complaints procedure. It was a fully independent body and no police personnel were involved in any of its investigations; it had its own team of investigators. Any criminal charges subsequently brought by the public prosecutors against police officers were dealt with in the same way as criminal charges against anyone else. The University of Copenhagen had been commissioned to evaluate the Complaints Authority and its operations; the study should be completed in 2016.

59. There had been an increase in the number of complaints against police officers between 2013 and 2014. In 2014 the Complaints Authority had issued 643 decisions, of which 30 had resulted in a reprimand for the police officer concerned. In 15 cases the Authority had expressed regret for the incident but had found no grounds for reprimand. In 112 cases grounds had been found for prosecution of police officers. There had been no scientific inquiry into the reasons for the increase in the number of complaints but the Authority assumed that it reflected an increase in public confidence in what was now an independent body.

60. The Complaints Authority had addressed the issue of the use of pepper spray in its 2013 report. In several cases it had reprimanded police officers and determined that it was not acceptable to use pepper spray against the driver of a car in motion or against a person who had already been brought under control.

61. **Mr. Hertz** (Denmark) said that the State party's position on torture as a specific criminal offence had been set out in its report. Torture was not subject to the statute of limitations in Denmark, which meant that any offence under the Criminal Code or Military Criminal Code where torture had been involved as an aggravating

circumstance would likewise not be subject to the statute of limitations. That also applied to the aiding and abetting of torture or attempted torture in the commission of that offence.

62. Responding to a question on the case of Carmi Gillon, he said that further action had not been taken on that matter as the time limit for establishing a criminal liability had expired prior to 2008. If a similar case arose, the police would be able to prosecute the crime, provided that it had been committed after 2008 or, if committed prior to 2008, that its statute of limitations extended beyond 2008. Given that the Criminal Code referred to torture as aggravating circumstance rather than a specific crime, the provision invoked in a particular case would depend on the nature of the crime committed. Sentences were issued by the courts on a case-by-case basis, taking into account mitigating circumstances and also aggravating circumstances, such as the use of torture.

63. In 2014, following the publication of a report by the committee of experts in the human rights field, the Government had ratified the third Optional Protocol to the Convention on the Rights of the Child but had decided not to incorporate further human rights instruments into Danish law. At the time, the Government had feared that incorporating too many international instruments into the law could result in a shift in power from the democratically elected State representatives, who were responsible for ensuring compliance with the country's international obligations, to the courts. It had, therefore, been decided not to incorporate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into Danish law. However, although there was no general provision transposing every aspect of the Convention into Danish law, many provisions of the Convention had been transposed into the law under the relevant statutes. The European Convention on Human Rights was the only instrument that had been fully transposed into the law as a statutory text.

64. **Mr. Staur** (Denmark) said the Danish Minister for Foreign Affairs had recently announced that the Convention Against Torture contained clear provisions and might be suitable for transposition into Danish law. An intergovernmental process would be launched to further assess that issue.

65. **Mr. Hertz** (Denmark) said that there were different types of solitary confinement, which was used during pretrial detention. Such detention was used as a preventive measure for persons suspected of having committed a crime when there were strong reasons to believe that they might flee, commit another offence or interfere with the investigation. Under the Constitution, any person arrested on suspicion of a criminal offence must either be released by the police or brought before a judge within 24 hours. The only exception to that provision applied to Greenland and only in extreme circumstances. In certain circumstances, suspects could be placed in solitary confinement in order to prevent them from communicating with other detainees and thus interfering with the investigation. However, such restrictions were only applied if absolutely necessary for the purposes of detention or in order to maintain order and security in the remand centre. A court could only order solitary confinement if its aims could not be achieved through less invasive measures, if it was not disproportionate to the nature of the case, and if the investigation of the criminal offence was sufficiently speedy. Approval by the Director of Public Prosecutions was required before a request for solitary confinement exceeding 8 weeks for persons over the age of 18 and 4 weeks for persons under 18 could be submitted to the courts. According to statistics, no one had been held in solitary confinement for longer than 8 weeks in 2013 and 2014. The last time a person under 18 had been subjected to solitary confinement had been in 2010. Legislation governing solitary confinement had not changed since 2007. The prosecution service had been making every effort to

limit the use of solitary confinement. As a result, there had only been 36 cases of solitary confinement in 2014.

66. **Ms. Bjørnholk** (Denmark), referring to the use of solitary confinement based on administrative decisions, said that the Government was fully aware of the negative consequences of solitary confinement on the persons concerned and tried to minimize such confinement. In recent years, there had been a reduction in the number of cases of inmates placed in solitary confinement. In Denmark, solitary confinement did not necessarily mean that the person concerned had to stay alone in his or her cell. In many cases, that person had contact, albeit limited, with other inmates. For example, in two thirds of cases of voluntary exclusion from association, the persons concerned were in contact with a small group of other persons. In cases where a person had to stay alone in a cell, every effort was made to alleviate the negative consequences of solitary confinement on his or her mental health.

67. Solitary confinement could only be used as a disciplinary measure for inmates who had committed specific offences in prison, such as escaping, attacking other inmates or staff, smuggling alcohol, drugs or weapons into the prison, or committing other violations that undermined order and security. The duration of a disciplinary measure was determined on the basis of the nature and scope of the offence and could not exceed 4 weeks, or 14 days for pretrial detainees. Confinement to a disciplinary cell for more than 14 days was only permitted in exceptional cases, which occurred, on average, about five times a year. The number of persons placed in disciplinary cells had decreased from 2,867 in 2014 to 2,159 in 2015.

68. **Mr. Hørgaard** (Denmark) said that the Danish Prison and Probation Service was working on limiting the use of disciplinary cells. An expert group had recently been formed with the aim of putting forward proposals on ways to limit the use of solitary confinement — inter alia, through alternative disciplinary measures — without compromising prison security.

69. **Ms. Bjørnholk** (Denmark) said that the age of criminal responsibility was 15 years. Juveniles included persons between 15 and 17. Most juveniles were not sentenced to prison but received a suspended or community service sentence. As a rule, juveniles sentenced to a prison term served that term not in a prison but in home detention, with electronic tagging, or in an institution outside the prison system. Very few juveniles actually served their sentence in prison. In 2014, the average number of juveniles in prison had been nine. Even fewer juveniles had been placed in disciplinary cells. If placement in a disciplinary cell was considered necessary, the age of the juvenile was vital in deciding whether the measure should be applied, and it was always applied for as short a period of time as possible. In addition, steps were taken to eliminate any negative effects of solitary confinement, inter alia, by placing more than one juvenile in a cell or allowing the juvenile concerned to participate in activities with staff. Every effort was being made to limit the use of solitary confinement for juveniles.

70. **Mr. Hørgaard** (Denmark) said that, since 2014, the Prison and Probation Service had focused on minimizing the use of disciplinary cells for juveniles and had requested prison institutions to always consider whether a suspended measure might be sufficient. The situation of juvenile inmates was also one of the key issues addressed by the above-mentioned expert group. According to the available statistics, only 16 juveniles had been placed in solitary confinement in 2014.

The meeting rose at 12.55 p.m.