

## DENMARK REVIEW

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### I. Justice System

#### B. Quality of justice

##### *Accessibility of courts (e.g. court/legal fees, legal aid, language)*

In its 2023 Concluding Observations on Denmark, the Committee against Torture expressed concern at indications that persons deprived of their liberty are not always provided with sufficient legal safeguards from the outset of their detention. Specifically, the Committee was concerned that access to legal representation is not always swiftly granted; that persons deprived of their liberty are reportedly not always adequately informed of their rights; that the right to notify a relative or another person of their choice of their detention is sometimes delayed or denied. The Committee recommended that Denmark ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty ([CAT/C/DNK/CO/8](#), paras. 12, 13).

##### *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In its 2023 Concluding Observations on Denmark, the Committee against Torture took note of the training provided in postgraduate forensic medicine programmes regarding the application of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). It regretted, however, that training on the manual is currently not provided to prosecutors or members of the judiciary. The Committee recommended that Denmark ensure that all relevant staff, including judges, prosecutors and medical and psychological personnel, are specifically trained in the identification of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised ([CAT/C/DNK/CO/8](#), paras. 38, 39).

##### *Other*

**Principle of non-refoulement, migration and use of diplomatic assurances** – Following its review of Denmark's eighth periodic report, the Committee against Torture noted its concern regarding legislation that provides a basis for the externalization of Denmark's asylum policy and related plans for the processing of asylum claims in Rwanda. The Committee recommended that Denmark revisit this legislation, fully taking into account international standards and the guidance of international and regional bodies mandated to examine issues related to migration ([CAT/C/DNK/CO/8](#), paras. 14, 15, 16, 17). Concerns to that end were also

expressed by the Committee on the Elimination of Racial Discrimination, that also urged Denmark to be mindful of its obligation under relevant international law regarding the protection of asylum seekers ([CERD/C/DNK/CO/22-24](#) paras. 32, 33).

Moreover, the Committee against Torture urged Denmark to refrain from seeking and accepting diplomatic assurances, in the context of both extradition and deportation, from States where there are grounds for believing that persons would be at risk of torture or ill-treatment upon return. Concerns were also expressed over plans to extraterritorially incarcerate third-country nationals who have committed crimes prior to their deportation, including the ramifications that this may have on inmates' access to health care and family visits, as well as the potentially discriminatory nature of such regime and the disciplinary authority and criminal jurisdiction for acts of torture or ill-treatment that may be committed by prison staff, access of monitoring mechanisms and investigatory competencies ([CAT/C/DNK/CO/8](#), paras. 14, 15, 16, 17).

### **C. Efficiency of the justice system**

#### *Other*

**Investigation and prosecution of acts of torture and cruel, inhuman or degrading treatment:** In its 2023 Concluding Observations, the Committee against Torture expressed concern about the low number of criminal charges that result from allegations of police misconduct lodged with the Independent Police Complaints Authority and regretted, in this regard, that the Authority lacks an explicit legal basis to investigate cases of torture and ill-treatment. The Committee recommended Denmark consider refining the mandate of the Independent Police Complaints Authority to ensure that it is empowered to adequately investigate all cases where torture and ill-treatment may have occurred ([CAT/C/DNK/CO/8](#), paras. 40, 41).

### **IV. Other institutional issues related to checks and balances**

#### **A. The process for preparing and enacting laws**

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination was concerned by the very limited number of examples that demonstrate the application of the International Convention on the Elimination of All Forms of Racial Discrimination by domestic courts. The Committee was not convinced by the reasoning of Denmark that incorporation of the Convention into the domestic legal order entails a risk of shifting powers conferred upon Parliament and the Government to the courts and recommended its full incorporation into the domestic legal order. The Committee also recommended that Denmark take steps to disseminate the provisions of the Convention among judges, prosecutors, lawyers and law enforcement officials, and train them on these provisions, so as to facilitate the citing and invocation of the Convention before, or its application by, domestic courts ([CERD/C/DNK/CO/22-24](#), paras. 6, 7).

## **B. Independent authorities**

In its 2023 Concluding Observations, the Committee against Torture expressed concern that Denmark's national preventive mechanism still lacks a mandate to carry out preventive visits in Greenland. The Committee recommended that the national preventive mechanism be endowed with a sufficient mandate to carry out visits to all places of detention, including their installations and facilities, both within its territory and under its jurisdiction ([CAT/C/DNK/CO/8](#), paras. 10, 11).

## **D. The enabling framework for civil society**

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination was concerned by the lack of an explicit prohibition in the Criminal Code of organizations that promote racial discrimination, and of participation in such organizations. The Committee recommended Denmark fully implement the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, including by explicitly prohibiting organizations and propaganda activities that promote and incite violence and racial discrimination, and by enhancing its efforts to provide clear evidence-based data and counter-narratives in response to propaganda and fake news on issues related to public policies ([CERD/C/DNK/CO/22-24](#) paras. 18, 19).