

REFUGEESWELCOME

FORSETE
Rets- og kriminalpolitisk tænketank



**BEDRE
PSYKIATRI**



RETSPOLITISK FORENING

DIGNITY



**Børnesagens
Fællesråd**



DANSKE HANDICAPORGANISATIONER



SOS Racisme

**Submission to the United Nations Committee against Torture
in relation to the Committee's adoption of LOIPR concerning
tenth periodic report of Denmark**

DENMARK

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**BØRNS
VILKÅR**

DRC DANSK
FLYGTNINGE
HJÆLP



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Introduction

This report is written by a coalition of 17 NGOs in Denmark:

- Amnesty International Denmark
- Association of Aliens' Lawyers
- Better Psychiatry – National Association of Relatives
- Children's Welfare (Børns Vilkår)
- Danish Law Association
- DIGNITY – Danish Institute Against Torture
- Disabled People's Organisations Denmark
- DRC Danish Refugee Council
- Forsete – Legal and Criminal Policy Think Tank
- International Rehabilitation Council for Torture Victims
- Joint Council for Child Issues
- Krim – National Association
- Refugees Welcome
- Rehabilitation Centre for Trauma Survivors (RCT Jylland)
- SOS Racisme Denmark
- United Nations Association Denmark
- Women's Council in Denmark

In advance of the examination of Denmark in November 2023, we submitted a joint report to the Committee expressing concerns about several issues related to the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture) in Denmark. The Committee's Concluding Observations (2023 CO) included specific recommendations to Denmark, including three follow-up subjects of particular concern, i.e., **conditions of detention, migration detention and psychiatric institutions**. In response to Denmark's follow-up report, the Coalition submitted in February 2025 its comments and highlighted that these three issues had not been fully addressed. As the matter remains unresolved, this report includes updated information on these important issues.

An important positive development is worth highlighting, as since January 2025, the Danish Penal Code has included a specific provision (section 118 l) criminalizing torture as a distinct offence in Denmark in accordance with Article 1 and 4 of the Convention against Torture.

This joint report includes issues that remain of great concern for us and in relation to which we encourage the Committee to request Denmark to provide updated information. Our report is based on the 2023 CO, but it also includes several pertinent matters not previously dealt with by the Committee, such as the investigation of allegations of torture and ill-treatment. Please find below our recommendations within each of the provisions of the Convention.

We would like to emphasize that the Coalition highly appreciates the on-going dialogue with the Ministry of Foreign Affairs and the moral and financial support provided to civil society.

Articles 1 and 4

Lack of Incorporation of the Convention against Torture

In 1987 when Denmark ratified the Convention against Torture, the authorities concluded that Danish legislation was in accordance with the Convention and that therefore incorporation of the Convention into Danish law was not required. However, Denmark is expected continuously to assess whether its international legal obligations pursuant to the Convention effectively are implemented in practice and, if that is not the case, whether incorporation and ensuing improvement of the legislative framework would be required.

Suggested Questions:

- Will the State explain its position on incorporating the Convention into Danish law?
- Will the State provide information on cases in which the Convention against Torture has been referred to in final judgements by national courts?

Article 2

1. Administrative Detention of Foreigners (Ellebæk Detention Center¹)

Asylum seekers can be detained at Ellebæk Detention Center, where prison rules related to remand prisoners apply (e.g., related to solitary confinement (see below)) for two reasons: To prevent disappearance or to put pressure on them to agree to a voluntary return ('motivational measures'). The detention, which is often initiated without attempts to use milder sanctions or a specific deportation plan, can last for long periods. Some are detained multiple times. Conditions at Ellebæk are harsher than in most Danish prisons.

With the aim of establishing a common EU return system, the new Return Regulation provides expanded grounds for detaining rejected asylum seekers.² The maximum length of detention has been extended from 18 months to 24 months, and children and families may be detained.

Victims of torture are in a vulnerable situation and are often traumatized. They should never be deprived of their liberty unless absolutely necessary. Victims of torture continue to be detained at Ellebæk, and thus the current screening method has in many cases proved to be insufficient. The Danish Refugee Council frequently meets victims of torture at Ellebæk. We recommend a more thorough screening procedure to prevent detention of victims of torture.

Suggested Questions:

- Please provide detailed statistics on the use of administrative detention of asylum seekers and the duration of detention.
- Would the State provide information on screenings for victims of torture in the previous

¹ See further information at <https://refugeeswelcome.dk/en/information/facts/the-asylum-procedure-in-denmark/ellebaek/> and at Sårbare Udlændinge bag tremmer; En helbredsundersøgelse af frihedsberøvede udlændinge i Udlændingecenter Ellebæk og deres adgang til sundhed; Amnesty International 2024

[Saarbare-udlaendinge-bag-tremmer_Amnesty-International-Danmark_Final_27.06.2024.pdf](#)

² European Return Regulation, [European Parliament approval of the Return Regulation](#) | [European Council on Refugees and Exiles \(ECRE\)](#)

ten years, how many victims have been identified, and what consequences such identifications have had?

- Would the State provide information on their position to improve identification mechanisms to identify victims of torture?
- Will the State explain which changes have been made to meet the strong criticism of the conditions at Ellebæk expressed by the Committee and the CPT and how it will remove the carceral format of Ellebæk and ensure that the regime at Ellebæk are designed in a manner befitting the status of persons who have not been criminally convicted?
- Will Denmark address how to ensure that detention of foreigners is used as a last resort and, where strictly necessary and proportionate in the light of the individual's circumstances, for as short a period as possible and without excessive restrictions?
- Will Denmark clarify how it will intensify its efforts to expand the application of non-custodial measures in order to comply with international standards regarding administrative detention?

2. Extensive Use of Pre-trial Detention

Reference is made to 2023 CO para 18-21. Recently, legislative amendments have been adopted to reduce the duration of pre-trial detention and to promote the use of non-custodial alternatives to detention.³ However, we remain concerned about the extensive use of pre-trial detention and we would therefore like to draw the attention of the Committee to the following issues:

a. Duration of Pre-trial Detention

The duration of pre-trial detention has increased significantly in recent years. More than half of all pre-trial detentions exceed three months, and one-third exceed six months.⁴

Suggested Question:

- Will the State explain whether the recent legislative measures have led to a reduction in the duration of pre-trial detention and whether further legislative amendments are required in order to meet international standards?

b. Alternatives to Pre-trial Detention

According to section 765, subsection 1 of the Administration of Justice Act, it is possible to use non-custodial alternatives to pre-trial detention ("fængslingssurrogater"). In practice, so far these measures have been used only for young people and mentally ill persons. The authorities have suggested increasing the use of electronic monitoring as an alternative measure to detention.⁵

Suggested Question:

³ Administration of Justice Act, Section 768 a, subsection 1, amended by L 2026 263 of 11 February 2026. B. Other legislative amendments relate to easier access to court hearing on the preservation of evidence which may have a bearing on the lifting of pre-trial detention (Section 747) and the introduction of a new time limit of four weeks from the bringing of charges to the commencement of the trial when the suspect is held on remand (Administration of Justice Act, Section 843 a).

⁴ Varetægtsfængsling - Retssikkerhed for dom; Advokatsamfundet & Justitia 2025

⁵ [Varetægtsfængsling – Retssikkerhed for dom](#) s. 11; s. 34; s. 125

⁵ See also Guidelines of the Director of Public Prosecution: [Anklagemyndighedens Vidensbase](#)

- Will the State provide relevant statistics and explain how non-custodial alternatives to pre-trial detention are used?

c. De facto Isolation

Reference is made to 2023 CO (para 19) in which the Committee recommended Denmark to end the *de facto* solitary confinement of remand prisoners. Unfortunately, this recommendation has not been implemented. Due to staff shortages and the age of many remand centers, communal activities, education, or work are widely unavailable and therefore the conditions are worse than for convicted prisoners, although remand prisoners have not been found guilty. Many spend up to 23 hours a day in their cells, and this *de facto* isolation poses health risks for the prisoners.

Suggested Question:

- How will the State improve conditions for remand prisoners to end *de facto* isolation?

d. Restrictions on Remand Prisoners' Contact with the Outside World

Reference is made to 2023 CO (para 19d). Up to 70% of remand prisoners are subjected to restrictions on correspondence and visits.⁶ This regime has significant negative consequences for the detainees' ability to maintain contact with family members. Research shows that such contact is particularly important during pre-trial detention when all are under immense strain. Children in particular suffer from the lack of contact with the detained parent.

Suggested Questions:

- How does the State intend to ensure that children are permitted to visit their detained parent without being subject to unnecessary restrictions?
- Will the State explain how all restrictions placed on contact with the outside world are strictly necessary and proportionate?
- Will the State allow remand detainees to have the opportunity for video contact with their child, as it is today the case with detainees serving a sentence?

3. Prison Overcrowding

The Danish Prison Service continues to face immense prison overcrowding. In the first quarter of 2026, the occupancy rate in remand centers and prisons was at 104% with a total capacity of 4,305. By June 2026, the prison population had reached 4,642.

This unfortunate situation is due to several reasons. Implementation of the new penal reform from February 2026 has significantly increased sentencing levels for certain groups. The current prison overcrowding is also related to restrictions on the possibility of parole. The regulation in the Penal Code (section 38-39) was adopted in 1933, and up until the 1990s, the rate of parole denials was approximately 10%. Since, it has risen steadily to 60%. While inmates could previously count on parole, it is no longer the norm. Parole is considered after two-thirds of a

⁶The Danish Institute for Human Rights: Prisons and Liberty 2025, see <https://menneskeret.dk/status/faengsler-frihedsberoevelse-0> Monitored visits in the prisons must take place on weekdays before 15 hrs and this make it even more difficult to maintain contact as during this period of the day children are at school and other family members at work.

sentence as part of the execution of prison sentences of two months or longer.⁷ If parole were denied in only 10% of cases, as envisaged by the Penal Code, approximately 600 prison places could be available.

It is anticipated that in 2036, Denmark will have expanded its capacity by approximately 2,000 cells, including 300 cells in Kosovo (see below).

Suggested Questions:

- How will the State alleviate the overcrowding of penitentiary institutions?
- How will the State ensure that new capacity can be brought into operation in line with demand?

4. Extraterritorial Incarceration

Reference is made to 2023 CO (para 16-17). We reiterate our concerns about the plans to extraterritorially incarcerate third-country nationals who have committed crimes at Gjilan prison in Kosovo. Denmark has noted that the conditions in the prison fundamentally will correspond to those in Danish prisons and comply with Denmark's international obligations.

Suggested Question:

- How will Denmark ensure compliance with its obligations pursuant to the Convention and for example ensure that all incarcerated persons at Gjilan have access to healthcare and effective channels of complaint on an equal basis with Danish inmates, and that no undue or discriminatory restrictions are placed on their right to maintain family ties while in prison?

5. Separation between Convicts and Remand Prisoners

Reference is made to 2023 CO (para 19c). Overcrowding and lack of prison staff entail that many convicted individuals serve the initial part of their sentences in remand prison.

Suggested Question:

- How will Denmark ensure that untried prisoners are kept separate from convicted prisoners, in line with international standards, and that convicted prisoners are kept in adequate facilities with access to work, education and recreation?

Article 3

1. Protection provided by the Convention against Torture

A new bill is being debated in the Danish parliament, and it aims at expelling a larger number of foreigners for criminal offenses, regardless of their attachment to Denmark and their right to family life. This is the first time Denmark takes the stand that relevant international legal

⁷ Section 38, Subsection 1 of the Penal Code.

obligations and the jurisprudence of the European Court of Human Rights should be set aside by the Danish courts in individual cases adjudicated in the future. We fear that we now see the beginning of an erosion of human rights protection and that, in the future, it could be expanded to the protection provided by Article 3 of the Convention against Torture.

Suggested Question:

- How will Denmark ensure that the protection provided by Article 3 of the Convention against Torture is provided in practice in relation to expulsion/deportation of foreigners who have committed criminal offenses?

2. The Principle of Non-refoulement

Reference is made to 2023 CO (para 14-15). Denmark has repeatedly been called upon by the Committee to ensure that its legislation and practice relating to the detention and deportation of immigrants and asylum seekers are in line with the principle of non-refoulement. We remain concerned about the full compliance with the principle and would therefore recommend the Committee to address the following issues to Denmark:

a. Externalisation of Asylum Policy and Procedure

The Government is pushing for an externalization of asylum and migration procedures, also with the EU. These plans raise serious concerns about compliance with the principle of non-refoulement. By way of example, the list of third countries considered “safe” is being expanded (cf. the EU Pact on Asylum and Migration) and will include countries such as Egypt and Morocco. Moreover, the establishment of return hubs outside Europe, without easy access to legal assistance, interpreters, NGOs and free media, will increase the risk that foreigners under Danish jurisdiction will be returned to a country where they are not safe.

Suggested Question:

- How will the State ensure that its legal obligations pursuant to the Convention against Torture and the Optional Protocol will be respected if asylum policy and procedures are externalized?

b. Asylum seekers who are Victims of Torture

Reference is made to 2023 CO (para 42-43) regarding the Committee’s concerns that the information about torture obtained at Sandholm does not follow victims throughout the asylum process, notably resulting in their detention at Ellebæk in some cases (see above) or placement at Kærshovedgård. With the newly adopted EU Asylum and Migration Management regulation (AM-regulation)⁸, a new screening-tool to detect vulnerable asylum seekers has been introduced. Victims of torture will be questioned about their experiences, and the information will be forwarded to the Immigration Service. We have yet to see how

⁸ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, [Regulation - EU - 2024/1351 - EN - EUR-Lex](#)

it will work in practice, and we recommend that the screening will be as thorough as possible.

We are also concerned about violation of the principle of non-refoulment when no medical examination of victims of torture is carried out in cases where torture is invoked as grounds for an asylum claim. The decision that the claimant undergo a forensic medical examination remains at the discretion of the asylum authorities and is not provided as a matter of course.

Suggested Questions:

- How will Denmark ensure that the rights of victims of torture pursuant to the Convention against Torture are protected during the asylum procedure?
- Will Denmark explain how persons who allege that they have been subjected to torture are referred by the asylum authorities for an independent medical examination in accordance with the Istanbul Protocol?
- Will the State provide information on how the AM-regulation will be implemented in Denmark in regards to a thorough screening for victims of torture?
- How will Denmark ensure sufficient coordination between all branches of the asylum service in order to ensure that victims of torture and other categories of persons with increased vulnerabilities are not detained, and that they have access to adequate medical, psychological and social assistance?

c. Individual Cases Decided by the Refugee Appeals Board

Complaints about Denmark's fulfilment of the principle of non-refoulement have been addressed by the Committee and other UN Committees who in individual cases have concluded violation of the principle of non-refoulement. Decisions related to the need to request a torture examination (see above) have not always resulted in a change in the previous decision by the Refugee Appeals Board.

Suggested Questions:

- Would Denmark provide statistics on decisions made by the Refugee Appeals Board in which the principle of non-refoulment was paramount, including cases related to victims of torture?
- How will Denmark ensure the implementation of all decisions of the Committee?

d. Diplomatic Assurances

Denmark has used diplomatic assurances in several deportation cases. Reference is made to the Niels Holck case, a case related to Turkey (2017) and another case related to Rwanda (2026). In the latter two cases Danish courts stopped the transfers, and the former case will be adjudicated by the Supreme Court. The Coalition remains concerned that Denmark will continue to use diplomatic assurances in the future.

Suggested Question:

- Will Denmark explain whether it will refrain from using diplomatic assurances, in the context of both extradition and deportation, from States where there are grounds for believing that a person is at risk of torture or ill-treatment upon return, or where there are grounds to believe that chain refoulement may occur?

Article 10

Training on how to Identify Signs of Torture and Ill-treatment

We remain concerned about the lack of specific education and training on how to identify signs of torture and ill-treatment among relevant personnel, including judges, prosecutors, and medical and psychological personnel.

Suggested Question:

- How are all relevant staff, including judges, prosecutors, and medical and psychological personnel, specifically trained in the identification of cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised?

Articles 12 and 13

Investigation and Prosecution of acts of Torture and Ill-treatment

Reference is made to 2023 CO.9 The coalition is concerned about allegations of police misconduct lodged with the Independent Police Complaints Authority (DUPen) and lack of investigations of torture by the National Unit for Special Crimes (NSK).

a. The Independent Police Complaints Authority

Complaints against the police before the Danish Independent Police Authority often end with cases being closed. This raises concerns about the lack of an effective remedy to address alleged violations of the Convention against Torture, including allegations related to police misconduct during peaceful demonstrations.

Since the examination of Denmark in 2015, the Authority has been requested to collect information about its cases related to torture and ill-treatment. However, the Authority lacks an explicit legal basis to investigate cases of torture and ill-treatment. The European Court of Human Rights has recently communicated two cases to Denmark regarding this matter.¹⁰

9 Para 40 and 41.

¹⁰ Hansen v. Denmark (16977/26) and Kuur v. Denmark (16989/26).

Suggested Questions:

- What steps has Denmark taken to review the mandate of the Independent Police Complaints Authority to ensure a more effective system that can adequately investigate all cases where torture and ill-treatment may have occurred?
- Will Denmark provide information, including statistics, on the number of complaints of ill-treatment against police officers, their investigation and prosecution and results of proceedings, both at the penal and disciplinary levels?

b. The National Unit for Special Crimes (NSK).

DIGNITY and other organisations have raised concerns about the lack of investigations and prosecutions related to international crimes undertaken by the NSK and the lack of a proactive (*ex officio*) approach.¹¹

Suggested Questions:

- Will Denmark provide statistical data on the number of complaints, investigations, prosecutions, convictions and sentences under section 118 l of the Penal Code since its entry into force?
- How would Denmark ensure implementation of its obligations pursuant to Article 12 and 13 of the Convention against Torture in relation to international crimes?

Article 14

Statutes of Limitation

Reference is made to 2023 CO (para 45). Since 2017, no statute of limitation applies in civil cases related to sexual abuse. However, in civil proceedings related to torture and ill-treatment, statutes of limitations would apply according to the ordinary rules.

Suggested Question:

- Will Denmark take the necessary legal measures to ensure that civil proceedings related to torture and ill-treatment are not subject to statutes of limitations?

Article 16

We would like to raise concern about several issues that entail a risk of violation of the prohibition of inhuman and degrading treatment pursuant to Article 16 of the Convention against Torture. Many of these issues would also relate to other provisions of the Convention, such as article 2, 12, 13 and 14.

¹¹ See dignity.dk

1. Domestic Violence Against Children

Domestic violence relates to a range of human rights obligations, including the obligation of states to prevent acts of torture and ill-treatment within their jurisdiction, including at the hands of private actors. The Special Rapporteur on Torture has stated that legislative and other measures to criminalise and prevent domestic violence should be enacted to enable victims to obtain protective measures, and eliminate the legal, structural and socioeconomic conditions that perpetuate such violence¹².

Domestic violence against children remains widespread in Denmark. A study by Børns Vilkår (Children's Welfare), based on questionnaire responses from 1,410 pupils in 8th grade (13–14 years), found that 16 percent of children reported being subjected to physical violence by a parent, step-parent or foster parent within the past year, while 17 percent reported psychological violence. Some 55 percent of children subjected to physical violence had experienced it more than once within the past year, and 37 percent had not told anyone about the violence¹³.

The Coalition notes two significant political developments. In October 2025, the action plan "Tryk barndom" ("Safe Childhood") was published with 18 initiatives regarding violence against children and domestic violence, including increased use of forensic screenings of children, the possibility of forensic examinations without parental consent, and a strengthening of the Child Protection Houses (Børnehusene). Furthermore, the government platform includes initiatives to developing a more long-term strategy.

Suggested Questions:

- How does the state plan to prevent and ensure that children are protected against inhuman and degrading treatment?
- How will the State ensure that all children and young people are made aware of their right to a life free from violence?
- Will the State make training in the detection, qualified handling and reporting of violence against children mandatory in all professional educational programmes?
- How will the State ensure that children with an ethnic minority background enjoy equal and effective protection against violence in the home, including by addressing the documented lower notification rate for this group and the reluctance among professionals to report concerns regarding such families?
- Will the State provide information on the implementation and monitoring of the announced strategy on violence against children and domestic violence and how it relates to the initiatives of the action plan "Tryk barndom"?

¹²A/74/148, Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on the relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence. See also the Committee on the Rights of the Child and its General Comment No. 13 (2011).

¹³ Børns Vilkår (2025): *Vold mod børn i Danmark 2025*. Although this marks a decrease compared to a similar 2022 study, in which one in five pupils (22 percent) reported physical violence in the home (Børns Vilkår, 2022: *Vold mod børn i Danmark*), the prevalence remains high. A 2021 study by VIVE similarly found that one in six children had experienced physical violence from their parents within the past year, and that approximately 5 percent suffered prolonged and/or severe violence (Ottosen & Henze-Pedersen, VIVE, 2021: *Fysisk vold og seksuelle overgreb mod børn*).

2. Strip-searches by the Police

Despite a Supreme Court judgement regarding the use of strip-searches by Copenhagen Police, in which a violation of the prohibition of ill-treatment was found (22 May 2025), the Coalition remains concerned about the use of strip-searches by the police and prison staff.

Suggested Question:

- How will Denmark implement the Supreme Court judgement and limit the practice of strip-searching persons deprived of their liberty to exceptional cases and ensure that, if such searches are carried out, they are accompanied, at a minimum, by a reasonable suspicion of wrongdoing, and that the criteria of necessity, reasonableness and proportionality are met, in accordance with rules 50-53 of Nelson Mandela Rules?

3. The use of Pepper spray and “Taser” by the Police

Reference is made to 2023 CO para 14 with regards to pepper spray. The Coalition would like to highlight the use of force by the police and the fear that when using pepper spray and in the future “taser”¹⁴, there is a risk of violation of the prohibition of ill-treatment.

Suggested Question:

- Will the State explain how it will take measures to further regulate the use of force by the police, including the use of pepper spray and “taser”?

4. Solitary Confinement

Reference is made to 2023 CO para 21. The maximum duration of solitary confinement as a disciplinary measure has been reduced from 28 to 14 days for adults. However, the law still allows up to 28 days in “exceptional circumstances”, cf. Law Enforcement Act section 70. Juveniles can still be placed in solitary confinement.

Suggested Questions:

- Will Denmark take steps to prohibit solitary confinement as a disciplinary measure exceeding 14 consecutive days?
- Will the State abolish the use of solitary confinement for juveniles?
- Will the State take further steps to ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible?

5. Gender-based Violence in All Forms, incl. Rape and Femicide

Reference is made to 2023 CO para 30-31. A milestone occurred in 2021 when the Criminal Code criminalising rape was amended to be based on lack of consent. Unfortunately, rape

¹⁴ Also referred to as projectile electric shock weapons.

continues to be widespread. The vast majority of cases are not reported to the police, and only a small proportion of these cases result in conviction. This highlights an urgent need for action to ensure that perpetrators are tried in court.

Denmark has succeeded neither in lowering the number of women and children exposed to violence, nor the number of femicides.

Suggested Questions:

- How will the State ensure full implementation of the Istanbul Convention including a commission for the prevention of partner killing, specialized teams across authorities, and education in how to react when symptoms of violence are noticed?
- How will the State ensure that all victims of gender-based violence have the possibility to break free of violence, e.g. by protection from the perpetrator and more?
- How will the State ensure that all victims of rape are met by professionals with knowledge and tools to deal with the situation with respect for the victims, and offer all long-term support and relief and trauma-informed care?
- Will the state provide statistics on how acts of gender-based violence are investigated and how alleged perpetrators are prosecuted and, if convicted, punished appropriately?

6. Intersex Persons

Reference is made to 2023 CO para 32. The Danish state refuses to conduct an impartial investigation into the recurring allegations of unnecessary and irreversible treatment and surgery performed on intersex children. Intersex people are discriminated against, in their access to intersex qualified healthcare.

Suggested Question:

- Will the State explain how it will address the root causes of invisibilization, discrimination and human rights violations against intersex people?

7. Psychiatric Institutions

Reference is made to 2023 CO para 36-37. The use of coercive measures continues, and unfortunately, the various initiatives adopted have fallen far short of reducing the amount of coercion in the psychiatric sector. The new 10-year plan for the sector aims at reducing coercive measures by 30% by 2030. However, we fear that it lacks a necessary preventive approach and that it will lead to some coercive measures being replaced by others.

Suggested Questions:

- Will the State adopt a more preventive approach in psychiatric care and ensure that adequate support and treatment are provided to reduce the need for coercive measures?

- Will the State explain how it will continue its efforts to reduce recourse to coercion in psychiatric settings, so that means of restraint are used only as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail to satisfactorily contain that risk?
- Please provide information on how the Government plans to ensure that the introduction of new forms of coercive measures will not result in an increase in the overall use of coercion or in certain coercive measures being substituted by others.

8. Conditions at Return Centers

Return centres

There are three return centers in Denmark: Kærshovedgaard, Sjølsmark and Avnstrup. Residents at the centers have no right to work, to educate themselves¹⁵, to drive a car or to stay where they choose. Access to health care is very limited.

Residents live under three different obligations concerning their mandatory presence in the return centres: Obligations to stay, to report and to notify. As of 1st of January 2026, people living in return centers must report to the authorities every day making it impossible to visit family outside the center very often if the family lives more than a few hours away. It is important to emphasize that this group does not pose a danger to the state's security but are simply rejected asylum seekers who cannot be forcefully returned.

The application of these and punishment for breaking them varies for rejected asylum seekers and foreigners to be expelled. The punishment can range from a warning to 7 days in prison for 1-2 failed obligation to report, or 60 days to 3 months in prison for multiple failing. The penalty for long absences is up to 4 years in prison. It also triggers a ban on entry for several years and a court order for expulsion. None of those punishments are proportionate in our view. Special considerations are not given to vulnerable rejected asylum seekers at return centers. The residence and reporting obligations are intrusive and thus negatively affect the individual. Return centres are not prisons, nor should they function as such. There is thus a need for the residence and reporting obligations to be handled with scope for individual considerations.

Many foreigners live many years at the return centers. We know of examples of rejected asylum seekers staying at return centres for more than 20 years, and many children have spent their whole childhood at various centers.

Some have spouses and children who legally live in Denmark. The duty to report every day makes it difficult to get back and forth between the family and the return center in due time to report to the authorities. Children in particular are badly affected when it is difficult to maintain regular and meaningful contact with a parent. We find it crucial that the law is in accordance with international law and the principle of right to private and family life and the best interest

¹⁵ However, some small groups on tolerated stay and foreigners who co-operate with the authorities may be activated through work and few may have access to some education.

of the child. This relates both to criteria for expelling people and for the conditions while waiting to be returned.

Suggested Question:

- How will the State ensure that conditions at return centers comply with the obligation to prevent inhuman and degrading treatment, cf. article 2 and 16 of the Convention?

Below specific serious concerns about the very harsh regime at Kærshovedgård will be raised. The European Court on Human Rights have communicated two cases to Denmark about the conditions at Kærshovedgård.¹⁶ See Annex 1 for more detailed information about Kærshovedgård and factsheet prepared by Refugees Welcome.¹⁷

Kærshovedgård

Kærshovedgård, which is used for single men, retains rejected asylum seekers, foreigners who have been expelled by a court order, and persons on so-called tolerated stay who are recognized to be at risk in their home country. The political vision for Danish lawmakers has been to create an environment as “intolerable” as possible. Electronic anklet devices are soon going to be introduced at Kærshovedgård for repeated violations of the duties, cf. law proposal about deportation reform (see above).

Refugees Welcome has documented that in relation to criminal sentences handed down to residents at Kærshovedgård, some 88% of those crimes related to violations of the monitoring requirements.¹⁸ This moves rejected asylum seekers into the category of “convicted criminals with an expulsion order” whereas many are failed asylum seekers who are afraid to return to countries such as Iran and Afghanistan.

Foreigners on tolerated stay can be moved from Kærshovedgård after some years¹⁹, but rarely they will get residence permit back. For the other two categories, there is no time limit for this regime, and several persons have been living at the center since it opened in 2016.

Suggested Questions:

- Will the State explain how it will implement the Committee’s recommendation to review the regime of tolerated stay to ensure that persons in protracted situations may have access to work and be able to freely choose their own residence?
- How will the State ensure that the prolonged and open-ended stays at Kærshovedgård under very harsh conditions with severe restrictions do not amounts to inhuman and degrading treatment in violation of Article 16 of the Convention?

¹⁶ See Denmark Akkaoul v. Denmark (21546/26) and Jovonovic v. Denmark (24677/2).

¹⁷ <https://refugeeswelcome.dk/en/information/facts/the-asylum-procedure-in-denmark/return-center-kaershovedgaard/>

¹⁸ <https://refugeeswelcome.dk/en/information/facts/the-asylum-procedure-in-denmark/return-center-kaershovedgaard/>

¹⁹ See jurisprudence by Danish courts since the Supreme Court decided the case regarding Karkavandi.

Annex 1: Information about Kærshovedgård