

To the United Nations Committee against Torture

Copenhagen, 27 February 2025

Coalition of Danish NGOs' Submission to the UN Committee Against Torture

The Coalition of NGOs in Denmark (the Coalition), who together submitted the alternative report to the Committee in November 2023, is making this submission in response to Denmark's follow-up response of 22 November 2024.¹

The Committee against Torture requested Denmark to provide information on the implementation of three of the Committee's recommendations, i.e., 1) conditions of detention (para 19 (a) – (g)); 2) migration detention (para 25); and 3) the use of coercion in psychiatric institutions (para 37), as noted in the Committee's Concluding Observations of 8 December 2023.²

Initially, we would like to note that one month ago, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT) held a high-level meeting with the Danish Minister of Justice and other authorities with the view to underline its concerns by the slow progress (or even the absence of progress) in the implementation of some of its long-standing recommendations, including issues covered by the three follow-up topics.³

We agree with the CPT and take the view, as explained below, that further measures need to be taken to fully implement the recommendations.

Conditions of detention (recommendations para 19)

Overcrowding in Danish prisons and other detention facilities (para 19 (a))

The Committee recommended to alleviate the overcrowding in penitentiary institutions and other detention facilities, including through non-custodial measures and the recruitment of an adequate number of trained staff.

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¹ CAT/C/DNK/FCO/8. Our submission is drafted in accordance with the guidelines provided by the Committee.

² Concluding observations, CAT/C/DNK/CO/8, para 50.

³ Press release: Council of Europe anti-torture Committee (CPT) holds high-level talks on prisons and psychiatry in Denmark - CPT. See also CPT, Report to the Danish Government on its visit to Denmark from 23 May to 3 June 2024, (CPT/Inf (2024) 38).

As noted in the follow-up response, in the first 10 months of 2024 capacity utilization in prisons was at 100.9 percent nationwide. Thus, Denmark has not yet fully implemented this recommendation.

We note the various initiatives to increase prison capacity, but we remain strongly concerned about the situation, as also noted in our alternative report⁴, because a prison cannot function effectively when operating at 100 percent of its capacity.

The CPT has raised concerns and concluded that overcrowding continues to be a major problem in Denmark. The CPT called upon the Danish authorities to develop a strategy to ensure that all prisons operate within their official capacities. This should include increased resort to alternatives to imprisonment, for instance electronic monitoring and community sanctions. The CPT noted that measures taken by the Danish authorities to respond to the increase in the prison population consisted essentially of building new prisons while reminding Denmark that expanding capacity cannot by itself provide a lasting solution to the problem of overcrowding.⁵

We agree with the CPT and urge Denmark to take effective steps to address the issue of overcrowding until increased capacity has been obtained.

Pre-trial detention (para 19(b))

Denmark has not yet implemented the Committee's recommendation regarding pre-trial detention and e.g., introduced legislation to more adequately regulate the conditions and rights of pre-trial detainees and ended the *de facto* solitary confinement of pre-trial detainees. In its follow-up report, Denmark noted that the matter will be addressed in the context of the penal reform.

We reiterate our strong concerns about the situation for pre-trial detainees and recommend the Committee to call upon Denmark to improve the situation for pre-trial detainees and immediately to end the use of *de facto* solitary confinement.

Restrictions on pre-trial prisoners' contact with the outside world (para 19(d))

The Committee recommended to Denmark to ensure that all restrictions placed on the contact of prisoners on remand with the outside world are necessary and proportionate and take into account the individual circumstances of each case.

We note the new initiative regarding digital booking system for visitors and that, as noted in the follow-up report, the Prison and Probation Service will implement the

⁴ NGO Alternative Report, November 2023, p. 19.

⁵ CPT, Report to the Danish Government on its visit to Denmark from 23 May to 3 June 2024, (CPT/Inf(2024) 38.

remaining recommendations in 2025. We welcome this and stand ready to provide input to this important work.

Limit the practice of strip-searching persons deprived of their liberty (para 19 (f))

We note that the Prison and Probation Service plans to introduce national guidelines on the procedure of strip-searches in 2025, as noted in the follow-up report. We welcome this initiative and stand ready to provide input. We recommend ensuring that the future practice will not entail the risk of degrading treatment in violation of article 16 of the Convention against Torture. We note the new guidelines regarding strip searches adopted by Copenhagen Police (Annex 1).

Migration detention (recommendation no. 25)

With regards to the detention center Ellebæk, Denmark has over the years received international and national criticism. The Committee recommended Denmark to specifically ensure that detention for the purposes of deportation is applied only as a last resort and, if applied, for as short a period as possible. Moreover, the Committee underlined that the regime and conditions at Ellebæk should be designed in a manner befitting the status of persons who have not been criminally convicted.

Denmark has not implemented this recommendation.

Recently, the CPT again urged Denmark to eliminate all prison-like features at Ellebæk, but nothing has changed. We agree with the CPT and reiterate our concerns regarding administrative detention and the conditions at Ellebæk.

We suggest the Committee to ask Denmark to adopt the recommendation, including by taking steps to implement torture screening upon arrival at Ellebæk and to ensure that victims of torture are not detained at Ellebæk, as it happens today.⁶

Use of coercion in psychiatric institutions (recommendation no. 37)

The Committee recommended that Denmark should continue its efforts to reduce recourse to coercion in psychiatric institutions and should ensure that physical or chemical means of restraint are used only as a last resort.

In its follow-up response, Denmark referred to the various initiatives taken over the last years to reduce the use of coercion in psychiatric institutions.

We welcome these initiatives, including the 10-year plan to improve the psychiatric and mental health field (September 2022) with the overall aim to reduce coercive

⁶ As documented by Amnesty International, 2024: [Saarbare-udlaendinge-bag-tremmer](#) [Amnesty-International-Danmark](#) Final 27.06.2024.pdf (Annex 3).

measures by 30% by 2030, legislative amendments and new regulations. We also note the Government's recognition of the challenges to reach the goals and that the reduction in coercive measures is yet to be seen in practice.

We maintain the view that the use of coercive measures continues to be frequent, as we mentioned in the case of *Aggerholm v. Denmark* earlier this week (Annex 2). Thus, the various initiatives have not yet had any significant or measurable effect on the use of coercion in psychiatric institutions.

In our view, Denmark has therefore not implemented the recommendation to use coercive measures as a last resort and we recommend the Committee to urge Denmark to step up its efforts in this field.

Annex 1: Copenhagen Police Action Card, Strip-search, July 2024 (in Danish).

Annex 2: Submission to the Department of Execution of Judgements of the European Court of Human Rights in the case of *Aggerholm v. Denmark*, February 2025.

Annex 3: Amnesty International Denmark, Saarbare Udlændinge bag Tremmer, June 2024 (in Danish).
