

UPR Briefing Note: Pre-Trial Detention

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Background:

This paper discusses the extensive use of pre-trial detention in Denmark.ⁱ

In 2025, 2.950 detainees were in pre-trial detention with an average duration around six months.ⁱⁱ However, many cases lasted for much longer and some for the entirety of the sentence duration (when convicted).

The severe conditions during pre-trial detention may entail a violation of the prohibition of ill-treatment.ⁱⁱⁱ International committees, such as the Committee against Torture^{iv} and CPT^v have criticized these restrictive conditions.

Conditions of Pre-Trial Detention:

Pre-trial detainees are subjected to stricter detention conditions than convicted prisoners, notably in the form of restrictions on contact with the outside

world (B&B restriktioner)^{vi} and *de facto* isolation.

Around 65% of pre-trial detainees were subject to B&B restrictions in 2025.^{vii}

Many detainees will also be *de facto* isolated, being left alone in their cell for up to 23 hours a day.^{viii}

These restrictions must be considered in light of the long duration of detention.

Recommendations:

Limit the use of restrictions on contact with the outside world (visits and letters).

Increase efforts to improve conditions for pre-trial detainees.

Decrease the use of pre-trial detention for prolonged periods and consider alternatives to custodial measures.

ⁱ CoE, SPACE report, 2024, p 47-48.

ⁱⁱ Anklagemyndigheden: "Rigsadvokatens analyse af anvendelsen af varetægtsfængslinger", 2025.

ⁱⁱⁱ Article 16 in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 3 of the European Convention of Human Rights.

^{iv} Committee against Torture, "Concluding observations on the eight periodic report of Denmark", 2023, p 5-6.

^v European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, "Report to the Danish Government on the visit to Denmark", 2024, p 7.

^{vi} Administration of Justice Act, art 771 and 772

^{vii} [Fængsler og frihedsberøvelse | Institut for Menneskerettigheder](#)

^{viii} Committee against Torture, "Concluding observations on the eight periodic report of Denmark", 2023, p 5