

UPR Denmark: Briefing note

Briefing note: Solitary confinement as a disciplinary measure

25 February 2021

Background

The Danish Administration of Justice Act permits isolation of adult inmates as a disciplinary sanction for up to four weeks. Due to “tough on crime” policies, the Act has been amended several times over recent years to allow for further use of such sanctions, which would now be triggered e.g., by inmates smoking in their cell or using foul language with prison staff, and for longer duration (e.g., illegal possession of a mobile phone in closed prisons now triggers a penalty of 15 days in solitary confinement).ⁱ Consequently, the recent use of disciplinary measures for a prolonged period has risen dramatically. In 2019, 4,423 inmates were subjected to solitary confinement as a disciplinary measure of whom 705 were for longer than 14 days.ⁱⁱ

Solitary confinement is permitted to be used on children in prisons, however as a main rule for a short duration of up to three days. When related to violence, the measure can be exceptionally used for up to four weeks.ⁱⁱⁱ

Health studies have documented the immediate and long-lasting health-related consequences of solitary confinement, and the conclusion that solitary confinement may have serious and often long-lasting effects on mental health and psychological functioning is well-established.^{iv}

International Committees

The European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has criticized Denmark’s use of solitary confinement several times, and in 2020, it recommended Denmark to abolish the use of solitary confinement for children and, as a minimum, ensure that the rules for adults adhere to international standards.^v

In 2016, the UN Committee against Torture recommended Denmark to abolish the use of solitary confinement as a disciplinary measure.^{vi}

Recommendation:^{vii}

Abolish the use of solitary confinement of children and implement its use as a disciplinary sanction in accordance with the UN Mandela Rules.

ⁱ For further information on the context, see DIGNITY Fact-Sheet Solitary Confinement and Conference Report Solitary Confinement in Denmark (2017), available at www.dignity.dk

ⁱⁱ Danish Prison Administration, Statistics of 2019, page 42

ⁱⁱⁱ The Danish Sentence Enforcement Act, para. 70

^{iv} DIGNITY Protocol on Medico-Legal Documentation of Solitary Confinement (forthcoming).

^v European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Country report, Denmark, 7. January 2020, para 81

^{vi} CAT 6 February 2016, CAT/C/DNK/6-7, para. 33

^{vii} See UPR Joint Stakeholder Report of 15 October 2021, recommendation 15