



**Submission to the United Nations Committee on Civil and Political Rights in
relation to the Committee's adoption of LOIPR concerning the seventh
periodic report of Denmark**

DENMARK
28 April 2025



Introduction

This report, which addresses the implementation of the International Covenant on Civil and Political Rights (hereinafter the ICCPR or the Covenant) in Denmark, is submitted to the United Nations Human Rights Committee (hereinafter the Committee) prior to the Committee's adoption of list-of-issues-prior-to-reporting (LOIPR) for Denmark during its upcoming 144th session.

Our coalition represents the following organisations:

- Association of Aliens Law Lawyers
- Better Psychiatry – National Association of Relatives
- DRC - the Danish Refugee Council
- DIGNITY – Danish Institute Against Torture
- Forsete – Legal and Criminal Policy Think Tank
- International Rehabilitation Council for Torture Victims
- Intersex Denmark
- United Nations Association Denmark
- Women's Council in Denmark

In 2016, the Committee published its concluding observations to Denmark's sixth report and made several specific recommendations. Three were selected for the Committee's follow-up procedure and requiring urgent action by Denmark, i.e., domestic violence, solitary confinement and rights of aliens, including refugees.¹ In 2019, the Committee evaluated the update information provided by Denmark and concluded that the recommendations had not been fully implemented.² Today, all these issues continue to raise concerns for us and are therefore included in this report.

Positive developments

Since the last review of Denmark, progress has been made in a number of areas, notably with regard to a screening instrument for newcomers asylum seekers at the reception center Sandholm (2017, Annex 8); criminalisation of torture in the Danish Criminal Code (2025); new legal provisions to reduce the use of solitary confinement as a disciplinary sanction (2020); repealing the statute of limitation for acts of domestic violence against children (2018) and adoption of a new consent-based rape provision (2021) and a provision related to psychological violence in the Criminal Code (2019).

We would like to emphasize that we continue to highly appreciate the dialogue with the Ministry of Foreign Affairs and other Danish authorities about the implementation

¹ CCPR/C/DNK/CO/6, paras. 20, 24 and 32.

² Letter of 1 April 2019 from the Committee's Special Rapporteur for Follow-up to Concluding Observations to the Danish Permanent Representative. See also follow-up submissions by NGOs.

of the Covenant in Denmark. Please find below pertinent issues within our areas of expertise that raise concerns in relation to the ICCPR.

A) Article 2 of the ICCPR: General Measures

1) Incorporation of the Covenant into Danish legislation

On several occasions, the Committee has recommended to Denmark to incorporate the provisions of the ICCPR into domestic legislation to ensure full effect.³ Denmark maintains its well-known position and has therefore not taken steps to incorporate the Covenant into the domestic legal framework. The Covenant's provisions therefore remain without direct effect in law.

Suggested issues:

- Will the State party reconsider its position on incorporation?
- Please explain whether key assumptions regarding compliance at the time of ratification of the ICCPR is still valid.
- Please explain whether the legal obligations pursuant to the Covenant are effectively implemented in practice and how many court judgements referred to the ICCPR in the reasoning.

2) Reservations to the Covenant

The Committee has expressed regret that Denmark maintains reservations to the Covenant and recommended a review of this position with a view to withdrawal of the reservations.⁴ However, Denmark continues to uphold these reservations, including the reservation to Article 10(3) ICCPR regarding the separation of juvenile offenders from adults in prisons.

Suggested issues:

- How many juvenile offenders did the Danish reservation regarding Article 10(3) ICCPR relate to in 2022, 2023 and 2024?
- What measures has the State party undertaken to reassess the necessity of its reservation to article 10(3) of the Covenant?

3) Non-Implementation of the Committee's Views

In its previous Concluding Observations, the Committee recommended that Denmark should give due consideration to the Committee's Views in individual cases so as to ensure access to an effective remedy in the event of a violation of the Covenant. The Committee also underlined that Denmark should disseminate its Views widely.⁵

³ CCPR/C/DNK/CO/6, paras. 5 - 6.

⁴ Ib, paras. 7 - 8.

⁵ Ib, paras. 11-12.

In our view, Denmark has not fully implemented some of the Committee's Views. To our knowledge, two cases related to human trafficking⁶ and two cases related to application for Danish nationality⁷ are examples.

Suggested Issues:

- What measures has the State party taken to ensure full implementation of the Committee's Views in the four cases mentioned above?
- What considerations do the State party relate generally to implementation of individual cases, cf. Article 2(3) of the Covenant?
- How has the State party disseminated the Committee's Views?

B) Article 7: Torture and Inhuman and Degrading Treatment⁸

4) Pre-trial detention⁹

Pre-trial detention is regulated in the Danish Administration of Justice Act (Chapter 70). Denmark has traditionally used pre-trial detention more extensively than neighboring countries, including Sweden and Norway.¹⁰ Despite various legal obligations, Denmark very rarely uses less intrusive alternatives to pre-trial detention (detention surrogate).¹¹

Pre-trial detention can have severe psychological consequences for the detainees, in particular for certain groups, such as children. The first weeks of pre-trial detention entails increased vulnerability, as identified in studies establishing evidence for a relatively high number of suicides during pre-trial detention. The uncertainty about the length of the pre-trial detention period is another important factor.

The rights and conditions of pre-trial detainees — both in law and in practice — are significantly worse than those of sentenced inmates incarcerated in Danish prisons. Moreover, conditions for sentenced inmates are regulated by law¹², whereas the conditions for pre-trial detainees are governed by an administratively issued executive order.¹³ In addition, most Danish remand prisons offer inadequate and outdated conditions, and there is a lack of prison staff. This critical situation results in many pre-trial detainees being held in *de facto* isolation (23 hours in their cells) with limited

⁶ Communication No. 2288/2013 O.O-A vs. Denmark and Communication No. 2858/2016 E.E vs. Denmark.

⁷ Communication No. 2045/2011 W. vs. Denmark and Communication No. 2754/2016 J.S.K.N vs. Denmark. One case related to a person who due to his disability (suffering from PTSD - Post Traumatic Stress Syndrome) was unable to pass the required Danish language test and therefore he was denied citizenship.

⁸ Some of the issues mentioned in this section - with direct reference to Article 7 of the ICCPR - would also relate to other provisions of the Covenant, e.g. article 10.

⁹ Peter Vedel Kessing, "Pre-trial Detention and Human Rights" (Ugeskrift for Retsvæsen 2023 B, issue 14).

¹⁰ Advokaten, "Pre-trial Detention: Why Denmark Leads the Nordics in Pre-trial Custody," The Danish Bar and Law Society, Advokaten no. 2, 2024. Available at: <https://www.advokatsamfundet.dk/nyheder-medier/tidligere-artikler/2024/advokaten-2/2024-advokaten-2-varetaegt-derfor-forer-danmark-pa-varetaegtsfaengsling-i-norden/>

¹¹ Question No. 393 (General Section) from the Legal Affairs Committee of the Danish Parliament, 3 April 2023.

¹² Sentence Enforcement Act (Consolidated Act No. 201 of 28 February 2023).

¹³ The Executive Order on Remand (No. 1099 of 26 October 2024).

access to education, work and leisure activities.

Moreover, we continue to be concerned by the excessive use of restrictions on remand detainees' contacts with the outside world ("B&B" restrictions) whereby access to phone calls, correspondence, and family visits is limited. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that in some institutions, up to 50% of remand prisoners were under these restrictions at any given time. This has a serious impact on detainees' well-being.

While visits from close family were not fully prohibited, monitoring requirements often led to delays or shortened visits due to staff limitations. Foreign nationals were especially disadvantaged, as the lack of interpretation services made monitored visits effectively impossible. Furthermore, phone calls were typically not permitted, and correspondence could be delayed.¹⁴ These measures, often applied automatically or broadly, can undermine the presumption of innocence and the right to maintain family and private life.

Suggested issues:

- Would the State party provide information on efforts adopted to reduce the use of pre-trial detention and to ensure that pre-trial detention is used as a measure of last resort?
- Please provide detailed statistics on the use of pre-trial detention, including by age group, including juveniles, and the duration of detention.
- Would the State party provide information on the number of cases in which the courts have considered pre-trial detention unlawful?
- Would the State party provide information on training provided to judges and prosecutors on the international standards regarding pre-trial detention?
- Would the State party explain its position on whether to regulate the conditions and the rights of pre-trial detainees in legislation?
- Please provide information on efforts to avoid *de facto* solitary confinement.
- Would the State party provide information on the use of B&B restrictions?
- Would the State party review the legal and practical framework governing remand prisoners' contact with the outside world, including the "B&B" regime, to ensure that all restrictions respect the principle of proportionality and necessity, and that all remand prisoners can receive at least one one-hour visit per week and are granted access to telephone calls as a rule?
- What steps are being taken to ensure that any restrictions on remand detainees' communication are authorized in advance by an independent body

¹⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Danish Government on the visit to Denmark from 23 May to 3 June 2024, CPT/Inf(2024)38, Strasbourg, 12 December 2024, pp. 54-55.

- (such as a judge), applied for a limited period, and justified in writing?
- Will the State party ensure that all correspondence to and from remand detainees under “B&B” restrictions is forwarded without undue delay, and that foreign prisoners are not effectively denied visits due to lack of interpretation?

5) Overcrowding in Danish prisons

Overcrowding continues to be a major problem in Danish prisons that face high occupancy levels. In the first ten months of 2024, the nationwide prison capacity utilization rate was at 100.9%.¹⁵ The Committee against Torture and the CPT have recommended the increased application of non-custodial measures and the recruitment of an adequate number of trained staff and called upon the Danish authorities to develop a comprehensive strategy to ensure that all prisons operate within their official capacities.¹⁶ We agree as a prison cannot function effectively when operating at 100 percent of its capacity. There must be some margin for e.g., transferring incompatible prisoners from one wing to another and for receiving additional prisoners.

The Danish Prison and Probation Service will increase the capacity in the coming years, including by up to 936 new cells¹⁷ and by renting prison space in Kosovo (see our concerns below). We agree with the CPT: “building new prisons cannot by itself provide a lasting solution to the overcrowding problem. This can only be achieved by combining the modernization of prison estate with an increased resort to alternatives to imprisonment.”¹⁸

Serious overcrowding and lack of staff increase the risk of violation of the ICCPR.

Suggested issues:

- Please provide information on the measures taken by the State party to ensure that all prisons operate within their official capacities.
- Please describe what steps have been taken to expand the use of non-custodial measures such as electronic monitoring, probation, and community sanctions.

6) Solitary confinement as a disciplinary measure

The amendments of the Sentence Enforcement Act in 2020 reduced the maximum duration of solitary confinement as a disciplinary measure (strafcelle) from 28 to 14 days for adults¹⁹. While this reform resulted in the positive reduction of the use of solitary confinement as a disciplinary measure in practice, in particular the measures

¹⁵ CPT Report to the Danish Government, 2024, para 58.

¹⁶ CAT/C/DNK/CO/8, para 18-19. The issue was selected for the follow-up procedure with the Committee against Torture, and we submitted additional information in February 2025 (Annex 6).

¹⁷ Information provided to the UN Committee against Torture, December 2014, CAT/C/DNK/FCO/8, para 2.

¹⁸ CPT Report to the Danish Government, 2024, para 61.

¹⁹ Chapter 70 of the law.

of a duration more than 14 days, the law still allows up to 28 days in “exceptional circumstances.” In practice, some inmates have been held in isolation for 24 days or more, especially gang-affiliated prisoners or those receiving consecutive sanctions. In 2023, that happened in 424 cases and in the first nine months of 2024, in 74 cases.²⁰

Juveniles can still be placed in solitary confinement for up to 7 days, and in rare cases, up to 28 days, despite the CPT’s repeated recommendation that this practice be abolished due to its harmful effects.²¹ This happened in 15 cases in 2023 and in 20 cases in the first nine months of 2024.²² The Committee recommended to Denmark in 2016 to abolish the use of solitary confinement of minors and generally to comply with the UN Mandela Rules.²³

Suggested issues:

- Will the State party consider further amendments of the legislation to prohibit solitary confinement exceeding 14 consecutive days and prevent the practice of consecutive sanctions without breaks, as recommended by the CPT?
- Will the State party abolish the use of solitary confinement as a disciplinary measure for juveniles and replace it with alternative, non-isolating sanctions?

7) Extraterritorial incarceration (Prison Transfer Agreement with Kosovo)

In 2022, Denmark and Kosovo entered into an agreement allowing Denmark to transfer 300 detainees, slated for deportation, to serve their sentences in Kosovo's Gjilan prison.²⁴ While the facility, which has not yet opened, is expected to meet Danish standards²⁵, concerns persist regarding the treatment of prisoners, including potential exposure to violence, limited access to healthcare and to seek asylum, and challenges in maintaining family and legal connections due to distance and language barriers, as well as questions of jurisdiction concerning complaints of the above. The focus on foreign nationals raises additional concerns about discriminatory practices. The view of the Committee against Torture is to refrain from leasing detention facilities extraterritorially, and the CPT has also expressed its strong concern.²⁶

Suggested issues:

- Please explain how the State party will ensure that the agreement complies

²⁰ Information provided to the UN Committee against Torture, December 2014, CAT/C/DNK/FCO/8, annex 1.

²¹ CPT Report to the Danish Government, CPT/Inf(2024)38.

²² Information provided to the UN Committee against Torture, December 2014, CAT/C/DNK/FCO/8, annex 1.

²³ CCPR/C/DNK/CO/6, paras. 24. The Committee against Torture made a similar recommendation in 2023, CAT/C/DNK/CO/8, paras 20-21.

²⁴ Treaty between the Kingdom of Denmark and the Republic of Kosovo on the use of the Correctional Facility in Gjilan for the purpose of the execution of Danish sentences, signed April 2022. Available at: <https://www.justitsministeriet.dk/wp-content/uploads/2022/04/Final-treaty-Denmark-Kosovo.pdf>

²⁵ Follow-up information to the Committee against Torture, December 2014, CAT/C/DNK/FCO/8, para 35ff.

²⁶ CAT/C/DNK/CO/8, para 17 and CPT Report to the Danish Government, CPT/Inf(2024)38.

with its obligations under the Covenant, particularly concerning the prohibition of inhuman or degrading treatment, humane treatment of detainees, protection of family life, and non-discrimination.

- Please provide information on the monitoring mechanisms in place to oversee the treatment of transferred detainees and the measures taken to address any identified human rights concerns.

8) Use of coercive measures in psychiatric institutions

Generally, for many years, a major concern for international and national bodies has been the high frequency of recourse to and long duration of measures of restraint, including mechanical restraint (fixation) in Danish psychiatric establishments. The Committee expressed its concerns about this issue again in 2016.²⁷ The European Court of Human Rights (ECHR) found in 2020 that Denmark had violated Article 3 of the European Convention on Human Rights in a case of a patient who had been fixated (the “Aggerholm case”, see below). Other court cases are pending at the ECHR²⁸ and at Danish courts²⁹.

The Danish Government have implemented different measures and most recently negotiated funding for 4,6 billion DKK for the psychiatric sector and the 10-year plan to improve the psychiatric and mental health field with the overall aim to reduce coercive measures by 30% by 2030.³⁰

However, it is important to stress that the various initiatives adopted over the last years have fallen short of reducing the level of coercion in the psychiatric sector. In fact, when focusing on the use of coercion (and not on the number of persons subjected to coercion) the total use of coercion has generally increased, and psychiatric patients are, on average, subjected to coercion more often today than 10 years ago.³¹

In February 2025, DIGNITY, Better Psychiatry and the Danish Institute for Human Rights submitted a new communication concerning the case of AGGERHOLM v. DENMARK to the Department for the Execution of Judgments of the ECHR (Annex 3). We identified concrete and necessary changes to address the issue of excessive coercion while referring to the Health Authority’s own recommendations from 2021 that focused on six core strategies to reduce coercion by, e.g., preventive approaches, practices of early interventions, therapeutic engagement, and de-escalation techniques to create less restrictive environments. Similar projects have been

²⁷ CCPR/C/DNK/CO/6 paras. 25-26. The Committee against Torture and the CPT have also expressed strong concern, CAT/C/DNK/CO/8, para 36-37 and CPT Report to the Danish Government, CPT/Inf(2024)38.

²⁸ Eg. Makki v. Denmark.

²⁹ Case BS-57359-2024/OLR at the Eastern High Court.

³⁰ The Government completes 10-year plan for psychiatry with new proposal, Ministry of Social Affairs, Housing and Senior Citizens, 3 April 2025. Available at: <https://www.sm.dk/nyheder/nyhedsarkiv/2025/apr/-regeringen-fuldender-10-aarsplan-for-psykiatrien-med-nyt-udspil>

³¹ Danish Institute for Human Rights, Unnecessary Coercion in Psychiatry – when coercion replace treatment, care and nursing, January 2025, p. 20.

implemented, including belt free wards, and these showed that belt restraints can be almost entirely avoided without an increase in the use of other coercive measures.

Suggested issues:

- Would the State party commit to adopting a preventive approach in psychiatric care by ensuring that adequate support, care, and treatment are provided to reduce the need for coercive measures?
- Please provide information on how it will ensure that mechanical restraint is used as a last resort and if used the duration will as short as possible.
- Would the State party explain how to ensure the required staffing levels and staff competencies in psychiatric institutions in order to reduce the recourse to coercion in the psychiatric hospitals?

9) Violence against women, including domestic violence

According to a recent survey conducted by the European Union Agency for Fundamental Rights (FRA), Denmark has one of the highest rates in the EU regarding violence against women, including physical violence or threats, sexual violence and/or psychological violence by an intimate partner.³²

Also, GREVIO has recently raised concerns in their first thematic country report for Denmark³³ regarding the insufficient recognition of the gendered nature of violence against women in the overall policy framework, and the need to expand training initiatives to encompass all relevant social welfare professionals, family law agency, judges and prosecutors. GREVIO further expressed concern regarding custody and visitation proceedings conducted without sufficient consideration for domestic violence experienced, the risks this may present to women and children separating from the abuser. It noted undue emphasis placed on parental collaboration in such cases, and victim-blaming attitudes frequently displayed, including by portraying women victims of domestic violence as engaging in “collaborative harassment” with the alleged aim of preventing children from maintaining contact with the abusive parent. In this context, GREVIO cautions against the inclusion of the concept of “parental alienation” into national legislation, as such measure could undermine the position of women victims of violence who seek safe custody and visitation arrangements.

Some progress has been noted with regards to combatting violence against women, especially by the adoption of the consent-based rape legislation and the criminalization of psychological violence in close relations. We also refer to the National Action Plan to Combat Intimate Partner Violence and Partner Killings (2023–

³² FRA, EIGE, Eurostat (2024), EU gender-based violence survey – Key results. Experiences of women in the EU-27, Publications Office of the European Union, Luxembourg.

³³ GREVIO publishes its first thematic report on Denmark - Istanbul Convention Action against violence against women and domestic violence

2026) and to the expansion of support services and national awareness campaigns to protect and empower victims.³⁴

However, the problem persists. Specifically with regards to the National Action Plans, we would like to note that the previous plans on intimate partner violence did not undergo evaluation and apparently, there is no plan to evaluate the current one either. Moreover, the National Action Plans do not systematically recognize nor address the underlying gender norms and stereotypes fueling violence against women. The few primary prevention measures on GBV used in recent years and included in the current plans are sporadic campaigns and a small-scale school programme, neither of which have documented effects.

This issue was raised by the Committee during the last review, cf. CO para 19-20, and by the Committee against Torture.³⁵

Suggested issues:

- Please provide information on the State party's strategy for future efforts to address violence against women, particularly intimate partner violence, including preventive strategies, victim protection, and access to shelters and specialized services.
- What steps has the State party taken to improve reporting rates and ensure that survivors of partner violence receive adequate support?

Women's Council in Denmark has added other suggested issues regarding how to improve the Legal and Ethical Framework for Altruistic Surrogacy (See Annex 7).

10) Conditions at Ellebæk

The environment at Ellebæk remains overly punitive and "prison-like"³⁶ with barred windows, gated partitions, and enforcement by staff equipped with handcuffs and pepper spray. Moreover, prison rules are applied by analogy, e.g. prohibition of cell-phones. Such conditions risk undermining the dignity and rights of the detainees pursuant to the Covenant.

This issue was raised by the Committee during the last review and selected for the follow-up procedure,³⁷ as well as by the Committee against Torture and the CPT.³⁸

³⁴ Ministry for Digital Government and Gender Equality, *National Action Plan to Combat Intimate Partner Violence and Partner Killings 2023–2026*, June 2023.

³⁵ CAT/C/DNK/CO/8, para 30-31.

³⁶ CPT Report to the Danish Government, CPT/Inf(2024)38, pp. 19–20.

³⁷ CCPR/C/DNK/CO/6, para. 32.

³⁸ CAT/C/DNK/CO/8, paras 24-25.

Moreover, Denmark continues to fail in ensuring that victims of torture are not detained at Ellebæk despite international and national criticism.³⁹ See further below regarding torture identification.

Suggested issues:

- Will Denmark take measures to remove the prison-like features at Ellebæk?
- Will the State party consider no longer applying prison rules to individuals administratively detained at Ellebæk?
- Will the State Party take measure to ensure screening at arrival at Ellebæk so ensure that victims of torture and other traumatized persons are not administratively detained?
- How will the State party ensure the compliance with the prohibition of inhuman and degrading treatment in individual cases at Ellebæk?

11) Conditions at deportation center Kærshovedgård

In 2016, Kærshovedgård – a former open prison - was opened as a deportation center for foreign nationals who no longer have legal residence in Denmark and who either refuse to leave or are unable to leave.

Currently, approximately, 200 foreigners are administratively placed at Kærshovedgård. The administrative decision can only be appealed through the court system. For the majority, there is no upper time limit on the length of stay.⁴⁰ The person who has stayed there the longest has lived there since 2016. The largest group of foreigners are rejected asylum seekers and individuals with a deportation order following a criminal conviction.

Residents are subject to three restrictions stipulated in law (Hjemrejseloven), including a requirement to stay at the center (“opholdspligt”), cf. section 13 (1 and 2), reporting obligations, cf. section 13 (4), and — for many — an obligation to notify the authorities if absent in the period between 23:00 hrs at night and 6 hrs in the morning, cf. section 12 (1 no. 4, and 3). Residents are not formally deprived of their liberty, but in order to fulfil the above-mentioned residency requirement, they must sleep at the center every night. They are allowed to be outside during the evening, as long as the center continues to be their primary place of residence.

All violations of the law are reported by the Danish Return Agency (Hjemrejsestyrelsen) to the police. Whether to impose the residency requirement and whether it has been violated is administratively determined by the Danish Return Agency whose assessment is primarily based on electronic — and at times manual — registration of entries and exits. The resident receives no receipt or confirmation of his

³⁹ Amnesty International report June 2024: [Udrejsecentret Ellebæk](#)

⁴⁰ For foreigners on “tolerated stay”, an upper time limited has been developed through jurisprudence.

registration.

The duration of the final sentence is based on a fixed scale. For example, individuals with a deportation order based on a criminal conviction may be sentenced to seven days in prison for a single violation, and the sentencing framework for multiple violations can reach up to two years of imprisonment — or up to four years in particularly aggravating circumstances (such as prolonged absence).

Overall, this is a heavily punitive system based on a non-transparent administrative discretion by the Danish Return Agency, which relies on registration mechanisms that provide no option for verification by the residents.

The Parliamentary Ombudsman visited Kærshovedgård in November 2023⁴¹ and concluded that the center provides a very restrictive regime with very limited possibilities for normal life activities.

Suggested issues:

- Will the State Party take steps to ensure an upper time limit for all foreigners at Kærshovedgård to match the time limit set out by the Danish Supreme Court for people on tolerated stay which is 3 years and 11 months?
- Will the State party consider initiatives to ensure proper legal safeguards regarding the administration of the control measures, particularly the content and application of the residency requirement?
- How will the State party ensure the compliance with the prohibition of inhuman and degrading treatment in individual cases at Kærshovedgård?
- Will the State party provide information on the considerations behind the regime at Kærshovedgård?

12) Identification of victims of torture

Approximately 30% of the asylum seekers are victims of torture (Annex 8). Newly arrived asylum-seekers are screened at arrival center Sandholm to identify victims of torture (based on a screening instrument developed by Red Cross and DIGNITY, see Annex 8). However, this information does not follow the victims throughout the asylum process, resulting in their detention at Ellebæk, in some cases, or in them being placed at Kærshovedgård.

An addition problem consists in the lack of torture examination during the asylum process, as it is at the discretion of the Immigration Authorities (Udlændingestyrelsen) and the Refugee Appeals Board (Flygtningenævnet), to recommend that the asylum seeker undergo a forensic medical examination regarding torture based on the Istanbul Protocol. On numerous occasions, the Committee against Torture has

⁴¹ See report: [Udtalelse til Udrejsecenter Kærshovedgård](#)

strongly criticized this practice by the Danish authorities,⁴² and the Committee has also requested the Refugee Appeals Board to request a torture examination in individual cases.

Suggested issues:

- Please inform how many torture examinations in accordance with the Istanbul Protocol are carried out by the Forensics Institutes in Denmark.
- Please provide statistics on how many requests made by the Immigration Authorities and by the Refugee Appeals Board during the last 10 years.
- What efforts have the State party taken to ensure coordination between all branches of the asylum service so that the information about torture “follows” the victim of torture.

13) Investigation of allegations regarding the crime of torture

Since January 2025, torture is criminalized in the Danish Criminal Code, cf. § 118 1⁴³, as well as other international crimes, and Denmark has international obligations to uphold the prohibition of torture and investigate any reasonable suspicion and allegation of torture. With this new legislation Denmark can demonstrate that it stands on the side of the victims of the world’s most heinous crimes. Denmark’s investigations and its contribution to foreign investigations, e.g. through the collection and sharing of evidence, will greatly contribute to the fight against impunity for international crimes.

In Denmark, the investigation and prosecution of international crimes are carried out by NSK – National enhed for Særlig Kriminalitet and SSK – Statsadvokaten for Særlig Kriminalitet. Both authorities will now have to act as the driving force to ensure the law’s operational functionality by living up to their mandate to initiate investigations, to prosecute international crimes if the alleged perpetrator is present in Denmark, and to secure evidence of international crimes that is available in Denmark. Such evidence can consequently be shared via the databases of Eurojust and Europol in order to support the war crimes units and law enforcement agencies in other European Union member states in their investigations. Danish authorities would vice versa benefit from evidence sharing for their own investigations. By successfully implementing this new legislation, Denmark can contribute to and foster united and strong European cooperation in the investigation and prosecution of international crimes.

⁴² CAT/C/DNK/CO/8, paras 42-43.

⁴³ Torture is punishable by imprisonment of up to 12 years for anyone working in a Danish, foreign or international public service or office, or who exercises a function corresponding or equivalent thereto, and who inflicts severe physical or mental pain or suffering on another person, or who encourages, consents or similarly agrees to such pain or suffering being inflicted by a third person 1) to obtain information or a confession from someone, 2) to punish, intimidate or coerce someone to do, suffer or abstain from doing something; 3) on the basis of any form of discrimination, including that person's sex, race, colour, national or ethnic origin, political opinion, social status, disability, belief, sexual orientation, gender identity, gender expression or sex characteristics; or 4) for a purpose of a similar nature.

However, the current situation is that NSK is not fulfilling its mandate in our view; is not acting proactively and is not initiating structural investigations regarding international crimes (i.e. on specific conflict situations and not person-specific).

Suggested issues:

- How will the State party empowering all stakeholders involved in the enforcement of the new chapter 13 a of the criminal code (i.e., investigators, prosecutors, judges and lawyers) via adequate training to ensure effective implementation of the new legislation?
- Will the State party ensure sufficient resource allocation to NSK and SSK?
- Will the State party take steps to ensure that NSK will act proactively and e.g. initiate structural investigations regarding torture?

On another issue, a draft law proposal regarding defence cooperation between Denmark and the United States of America was put forward to the Danish Parliament on 11 April 2025. The new agreement between Denmark and the US was signed by the two governments in December 2023 and establishes the framework for a strengthened cooperation between Denmark and the US on defence and security. The agreement supplements and expands the terms set out in the NATO Status of Forces Agreement (SOFA), and this means that US soldiers can be stationed on Danish territory and stay on Danish military bases, where they will have exclusive access to certain areas. DIGNITY and other civil society organisations submitted critical comments to the law proposal (see Annex 5).

It is highly criticized that the agreement does not address whether US forces are entitled to bring prisoners of war or other detainees to Danish military bases and to conduct interrogations in Denmark. As far as we understand, there is nothing to prevent this from happening and that US forces will conduct interrogations in Denmark. It is well documented that US forces, during the war on terror in the aftermath of 11 September 2001, used torture during interrogation of detainees. There is no guarantee that a similar US-led programme could not be implemented again in the future. The Ministry of Justice has been asked to clarify whether US forces will be authorized to bring detainees to Danish military bases with a view to conduct interrogations.

Suggested issues:

- Will the State Party explain what measures will be taken to ensure that the new defence agreement with the US will fully comply with the ICCPR?
- Will the State party explain whether the defence agreement would allow US forces to conduct interrogations in Denmark?

14) Strip searches on detainees

According to Danish law, police officers and prison staff are authorised to do strip-

searches on detainees without a court order, when it is considered necessary for security reasons or to prevent disorder or crime and when complying with the principle of proportionality.

Copenhagen police has issued new guidelines regarding visitations (so-called “action card”, Annex 1) according to which strip searches should be limited to “special cases”. That is a positive development that will likely reduce the use of strip-searches. The Prison and Probation Service plans to introduce national written guidelines on the procedure of strip-searches in 2025.⁴⁴

We remain concerned that under specific circumstances, strip-searches, which involve removing all clothes (thus not in two steps, as recommended by the CPT) could violate the prohibition of degrading treatment.

Suggested issues:

- Will the State party consider expanding the action card from Copenhagen police to the other police districts in Denmark?
- How will the State party ensure that the new guidelines on the procedure of strip-searches in prisons comply with the prohibition of degrading treatment?

C) Article 9

15) Administrative detention

Administrative detention of foreigners by the police continues to be permitted under the Danish Aliens Act and it is for example being used against rejected asylum seekers awaiting deportation who are then detained at Ellebæk (see above). The Committee has raised concerns about the compliance with article 9 as lengthy administrative detention without basic safeguards would present a severe risk of arbitrary deprivation of liberty.⁴⁵

Suggested issue:

- Please explain measures taken to ensure compliance with article 9 ICCPR.

D) Article 26

16) Intersex persons

Intersex children in Denmark are subjected to irreversible medical procedures during infancy or early childhood without their free and informed consent and before they can express their gender identity. This may result in long-term physical and psychological

⁴⁴ Follow-up information to the UN Committee against Torture, December 2014, CAT/C/DNK/FCO/8.

⁴⁵ The link between article 9 and the prohibition of torture etc. was elaborated in comments submitted by DIGNITY and other anti-torture organizations prior to the adoption of the General Comment No. 35.

harm. International human rights bodies, including the Committee against Torture⁴⁶, have repeatedly called on states to prohibit such practices and ensure respect for the bodily integrity of intersex persons (see Annex 2).

Moreover, intersex adults in need of gender-affirming care who disagree with their assigned gender at birth experience discrimination in treatment when compared with intersex persons who access medical care based on their originally assigned gender.

Suggested issues:

- Will the State party consider adopting legislation to ensure a prohibition of medically unnecessary surgeries or other interventions on intersex children?
- What steps are being taken to ensure access to independent counselling and support for intersex children and their families?
- Will the State party establish mechanisms to investigate past non-consensual procedures and provide access to redress for intersex individuals subjected to irreversible interventions in childhood?
- Please provide information on steps taken to ensure that intersex adults, who do not identify with their assigned gender, are not discriminated against and treated as transgender when accessing medical care.

Annexes:

Annex 1	Action Card adopted by Copenhagen Police (2024)
Annex 2	Additional input by Intersex Denmark to the Human Rights Committee
Annex 3	Communication regarding Aggerholm v. Denmark (2025)
Annex 4	Investigation of torture and other international crimes: Meeting with the legal committee in the Danish Parliament, DIGNITY and ECCHR (2024)
Annex 5	Translation of DIGNITY's hearing response to new defence agreement between Denmark and the USA (2025)
Annex 6	NGO input to the Committee against Torture (2025)
Annex 7	Input by the Women's Council Denmark to the Human Rights Committee
Annex 8	Jens Modvig and others: Screening Instrument (2021)

⁴⁶ Ib, paras 32-33.

