

DENMARK

NGO PROGRESS REPORT
ON THE FOLLOW-UP OF THE CONCLUDING
OBSERVATIONS
(CCPR/C/DNK/CO/5)

26 January 2010



With the support of :

Comments on the use of pre-trial detention (Paragraph 11)

11. The Committee remains concerned at the use of long-term solitary confinement during pretrial detention, and in particular at the possibility of unlimited prolongation of such a measure with regard to persons charged with a crime under parts 12 and 13 of the Criminal Code, including persons under 18 years of age (arts. 7, 9 and 10).

The State party should review its legislation and practice in relation to solitary confinement during pretrial detention, with a view to ensuring that such a measure is used only in exceptional circumstances and for a limited period of time.

Comments from NGOs

1. The use of solitary confinement during pre-trial has been reduced during recent years.
2. The use of solitary confinement during pre-trial is, however, still not used only in “exceptional circumstance” as recommended by, for example, the UN Special Rapporteur on Torture (see his latest report on his visit to Denmark)
3. Furthermore, those subjected to pre-trial solitary confinement are generally not secured access to adequate psychologically meaningful social contact and are therefore still vulnerable to the well documented negative health effects of solitary confinement.
4. It is still possible to subject children under 18 years of age to pre-trial solitary confinement.
5. According to “The Istanbul Statement on the use and effects of solitary confinement” it is however necessary “regardless of the circumstances, and whether solitary confinement is used in connection with disciplinary or administrative segregation or to prevent collusion in remand prisons (...) to raise the level of meaningful social contacts for prisoners”. Furthermore, the “use of solitary confinement should be absolutely prohibited (...) for children under the age of 18”. The Istanbul Statement on the use and effects of solitary confinement has been approved and recommended by the UN Special Rapporteur on Torture (see 2008 General Assembly Report - A/63/175, p.21).