

*Committee against Torture*

REFERENCE: CAT/Follow-up - Denmark

1 April 2025

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the eighth periodic report of Denmark, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 78<sup>th</sup> session held from 30 October to 24 November 2023, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/DNK/CO/8, para. 50) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 19, 25 and 37 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 22 November 2024 providing your Government's response to the above-mentioned paragraphs (CAT/C/DNK/FCO/8) and to make the following comments:

Conditions of detention (para. 19 of the Committee's concluding observations)

The Committee takes note of information provided by the State party indicating that efforts are underway to modernise and increase the capacity of detention centres, along with information regarding measures which have been put in place to support the recruitment and retention of qualified staff. It also takes note of the information provided indicating that a review of remand detention is underway in the context of penal reform in the State party. However, the Committee remains concerned over information provided by the State party indicating that overcrowding in the State party exceeded maximum capacity in the year following the State party's review, coupled with a lack of adequate staffing, which led to situations where pretrial and convicted prisoners were not detained separately. Additionally, no reference was made by the State party regarding efforts to increase the use of non-custodial measures in response to these issues. The Committee further takes note of information provided by the State party with regard to agreements to lease 300 detention cells in Kosovo\*, along with additional information provided with regard to the State party's follow-up to paragraph 17 of the Committee's concluding observations. In this regard, the Committee reiterates its recommendation that the State party should refrain from leasing detention facilities outside its territory.

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\* The above reference to Kosovo shall be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

The Committee takes note of information provided by the State party regarding the analysis and evaluation undertaken by the practitioner committee of staff and associations representing lawyers and prisoner's relatives on contact of remand prisoners with the outside world, along with information on the implementation of a digital booking system for visitors, and the provision of improved information to detainees and visitors. It also takes note of information provided regarding healthcare in detention and available translations of information on prisoners' rights and responsibilities in 16 languages. However, the Committee regrets that no information was provided with regard to the measures taken to reduce the number of court restrictions placed on contact of detainees with the outside world, known as *Brev-og Besøgsforbud*, which are allegedly applied without due consideration of the individual circumstances of detained persons and are disproportionate to the needs of the ongoing investigations they are implemented to serve.

The Committee also takes note of information provided by the State party regarding the development of national guidelines on the procedure of strip-searches. However, it remains concerned that, according to information provided by the State party, such searches continue to be carried out systematically in certain facilities in the context of visits and transfers and reiterates that, in all cases, strip-searches should be accompanied, at a minimum, by a reasonable suspicion of wrongdoing (B2/3).

#### Migration detention (para. 25 of the Committee's concluding observations)

The Committee appreciates the information provided by the State party regarding initiatives to separate foreign nationals who are detained administratively for the purposes of deportation from foreign nationals who are remanded in custody. The Committee also notes the information provided by the State party regarding planned improvements to facilities at Ellebæk Detention Centre, along with the revision of disciplinary sanctions applicable in administrative detention. Nevertheless, the Committee remains concerned that individuals under administrative detention may still be subject to solitary confinement as a disciplinary sanction.

While noting information provided by the State party that children will not be detained for the purpose of return, the Committee remains concerned that such an option continues to exist in law under the Aliens Act (B2/3).

#### Psychiatric institutions (para. 37 of the Committee's concluding observations)

The Committee appreciates information provided by the State party in relation to its 10-year plan to improve the psychiatric and mental health field, including its investment of 3 billion Danish kroner for this endeavour, and its target to reduce coercive measures by 30% by 2030. The Committee also notes with satisfaction the amendment to the Mental Health Act, which ensures that all patients, regardless of age, will have the same legal rights, including the right to access a patient advisor and to lodge complaints with the Psychiatric Complaints Board. The Committee further notes information provided regarding guidelines on the use of coercion published by the Danish Health Authority. However, the Committee remains concerned over information received indicating that, in spite of the existence of the Danish Health Authority's guidelines, practice on the application of restraint is not evenly applied across all psychiatric settings and across all regions (B1/3).

#### Implementation plan

Lastly, the Committee takes note of information provided by the State party as regards its efforts to implement recommendations relating to fundamental legal safeguards, extraterritorial incarceration, solitary confinement and voluntary exclusion from association, and children in social care (see paras. 13, 17, 21 and 27 of the Committee's previous concluding

observations). However, it regrets that the State party has not furnished information on its plans to implement the rest of the recommendations contained in the Committee's concluding observations within the next reporting period (B).

The Government of Denmark is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the ninth periodic report of Denmark or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Denmark on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture