

DIGNITY – Statement on detention and torture

UPR Pre-session – Denmark

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This statement is delivered by Elna Søndergaard, representing DIGNITY – Danish Institute Against Torture. Together with 25 other civil society organizations in Denmark, DIGNITY has submitted a joint stakeholder report identifying 41 human rights issues in Denmark. This statement will focus on three recommendations regarding detention and torture.

First, the use of solitary confinement as a disciplinary measure in Danish prisons is very widely and is used beyond 15 days of duration. In our view this practice is in violation of international obligations, such as the Mandela Rules. We therefore recommend Denmark to abolish the use of solitary confinement towards children and implement its use as a disciplinary sanction in accordance with the Mandela Rules.

Secondly, in psychiatric institutions in Denmark coercion is used widely compared to other countries. In September 2020, the European Court of Human Rights concluded that Denmark in a specific case related to belt fixation for 23 hours had violated the prohibition of inhumane treatment. We, civil society, recommends that Denmark amend the Psychiatric Act in order to significantly limit the use of coercion and use it only as a last resort and never in violation of the prohibition of inhumane treatment.

Finally, our third recommendation relates to the deportation center, Ellebæk. Rejected asylum seekers are held in administrative custody at Ellebæk while they await deportation. However, Ellebæk is run by the Department of Prisons and Probation, according to prison-like rules, although the detainees are neither accused of nor condemned for a crime. Civil society in Denmark agrees with the European Committee to the Prevention of Torture and recommends Denmark to remove the prison-like regime and ensure compliance with the obligation to prevent inhuman and degrading treatment.

Thank you.