

## Presentation to the UPR-Info Pre-session Meeting

Geneva, 13 February 2026

### DIGNITY – Danish Institute against Torture

#### Introduction

As the chair of the Danish NGO coalition and as a representative of DIGNITY – Danish Institute against Torture, I would like to present our views on the implementation of the prohibition of torture and other inhuman or degrading treatment in Denmark.

Let me start with the good news that since January last year, torture has been criminalized in the Danish criminal code as a stand-alone crime as well as a war crime and a crime against humanity. Having a legislative framework in place is an essential first step in ensuring the enforcement of international criminal law domestically. Following it up with fit-for-purpose implementation measures is essential in allowing the legislation to unfold its full potential. We are critical of the lack of allocation of additional funds to the National Investigation Institution (NSK – National enhed for Særlig Kriminalitet), and we therefore urge the various states to make recommendations **to Denmark to ensure full effect of the new provisions in the Danish criminal code, for example by adopting a more pro-active approach to the investigation of international crimes.** Institutionally, NSK should be empowered to act proactively and initiate structural investigations (i.e. on specific conflict situations and not person-specific). NSKs role should not be limited to reacting to complaints being submitted but should include the capability to act ex-officio.

Moreover, let me briefly discuss three issues in relation to the prohibition of inhuman and degrading treatment that are addressed in more detail in our joint report from October last year.

#### 1) Solitary confinement

With the recent reform of the Danish disciplinary system in prisons, the maximum duration of solitary confinement as a disciplinary sanction has been reduced from 28 to 14 days for adults. However, the law still allows up to 28 days in “exceptional circumstances”, cf. Law Enforcement Act section 70, and moreover juveniles can still be placed in solitary confinement.

Since the new disciplinary system entered into force in September 2023, the use of prolonged solitary confinement (over 14 days) has been reduced significantly, and also a reduction in the use of solitary confinement of shorter duration has occurred. This is a positive development.

The psychological impact on adults and juveniles of solitary confinement can be severe and effects can occur after only a few days [and] rise with each additional day spent in such conditions, as documented by researchers<sup>1</sup>. **We therefore recommend** prohibiting solitary confinement as a disciplinary measure exceeding 14 consecutive days, and abolishing the use of solitary confinement for juveniles.

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<sup>1</sup> See DIGNITY Conference Report on Solitary Confinement 2017, at [conference-report-solitary-confinement.pdf](#)

## 2) Pre-trial detention

Pre-trial detention can have severe psychological consequences for the remand prisoners, and especially for first time offenders and for young offenders.

Traditionally pre-trial detention has been used more extensively in Denmark than in neighboring countries. In comparison with Europe, Denmark is one of the countries that uses pre-trial detention most widely. Today 38% of all detainees are pre-trial detainees. Moreover, we have witnessed longer duration of the pre-trial detention period so that last year, 2025, for the first time, the average length of pre-trial detention was more than 6 months, and the number of detainees spending more than 2 years in pre-trial detention is six times higher than before.<sup>2</sup>

Remand prisoners often have only limited contact with the outside world due to the official restrictions on phone calls, correspondence, and family visits, while the criminal investigation is ongoing. Many remand prisoners are even held in *de facto* isolation (23 hours a day in their cells) with limited access to education, work and leisure activities because of lack of staff and outdated remand prisons.

**We recommend** enhancing efforts to reduce the use of pre-trial detention by reviewing the legal framework and practice concerning remand prisoners' contact with the outside world.

## 3) Use of coercive measures

In the psychiatric sector the excessive use of coercive measures continues, notably belt fixation. The various initiatives adopted over the last years have fallen far short of reducing the amount of coercion in the psychiatric sector. The new 10-year plan for the sector (adopted in 2025) aims at reducing coercive measures by 30% by 2030. However, we continue to see cases about the use of belt fixation in violation of the prohibition of inhuman or degrading treatment litigated at the Danish courts and at the European Court of Human Rights.<sup>3</sup>

We fear that it lacks a necessary preventive approach, and that it will lead to some coercive measures only being replaced by others, such as belt fixation being replaced by chemical restraint.

**We recommend** adopting a preventive approach in psychiatric care by ensuring that adequate support, care, and treatment are provided to reduce the need for coercive measures.

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<sup>2</sup> [Rapport: Varetægtsfængsling - Retssikkerhed før dom - Justitia - Danmarks første uafhængige juridiske tænketank](#)

<sup>3</sup> By way of example, Makki v. Denmark at the European Court of Human Rights about 11 days belt fixation.