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**SUBMISSION OF INFORMATION BY THE DANISH  
INSTITUTE FOR HUMAN RIGHTS (DIHR)-DENMARK'S  
NATIONAL HUMAN RIGHTS INSTITUTION - TO THE  
EUROPEAN COMMITTEE FOR THE PREVENTION OF  
TORTURE AND INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (CPT) ON THE  
TREATMENT OF PERSONS DEPRIVED OF THEIR  
LIBERTY IN DENMARK PRIOR TO THE 6<sup>TH</sup> PERIODIC  
VISIT OF CPT (2019)**

## **1. INTRODUCTION**

### **1.1 The Report**

This report by the Danish Institute for Human Rights (DIHR) contains information to The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in relation to its upcoming 6<sup>th</sup> periodic visit to Denmark pursuant to Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The report contains information concerning the treatment of persons deprived of their liberty in Denmark, places where they are held as well as any other information which may be of relevance to the CPT in carrying out its mandate. The report contains information about prisons (section 2), psychiatric institutions (section 3), the detention and treatment of rejected asylum seekers and immigrants (section 4) and treatment of detainees in Greenland (section 5).

### **1.2 The Danish Institute for Human Rights**

The Danish Institute for Human Rights is the national human rights institution (NHRI) in Denmark and Greenland. DIHR was established in 1987 and is regulated by act no. 553 of 18 June 2012.

DIHR is an independent, self-governing institution within the public administration and is established and functioning in accordance with the UN Paris Principles. DIHR is accredited as an A-status NHRI.

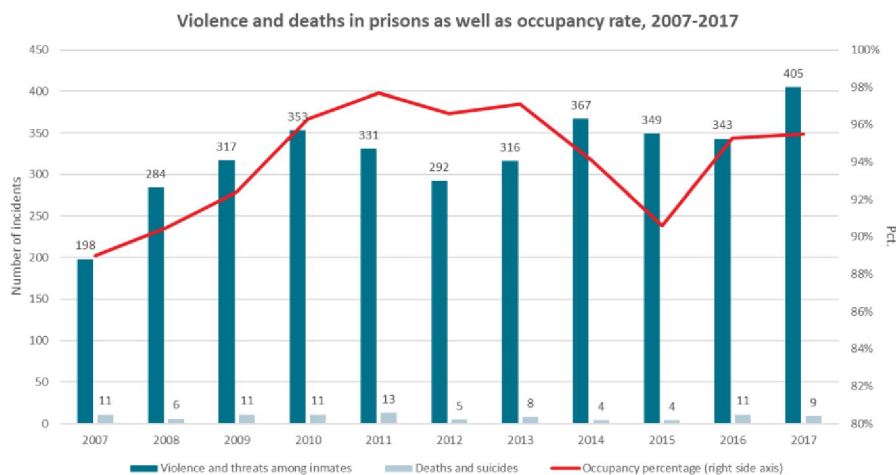
DIHR participates in OPCAT inspections together with DIGNITY - The Danish Institute Against Torture and the Parliamentary Ombudsman. The latter is appointed as NPM of Denmark. Whereas the Ombudsman for Inatsisartut is designated as the NPM for areas covered by Greenland’s Home Rule.<sup>1</sup>

DIHR is also appointed as National Equality Body in accordance with EU directives on equal treatment of all persons without discrimination on the grounds of gender and race or ethnic origin. Furthermore, DIHR is designated as independent mechanisms to promote, protect and monitor the implementation of the UN-CRPD.

## 2. PRISONS

### 2.1. A Stricter Prison Regime

There has within the last years and under the current government been a shift in Danish prison policy. The Prison regulation and practice has been amended and stricter regime has been introduced. In addition, there has been a significant increase in the use of forces (2.1.) and solitary confinement in prisons (2.2.).



Source: The Prison and Probation Service<sup>2</sup>

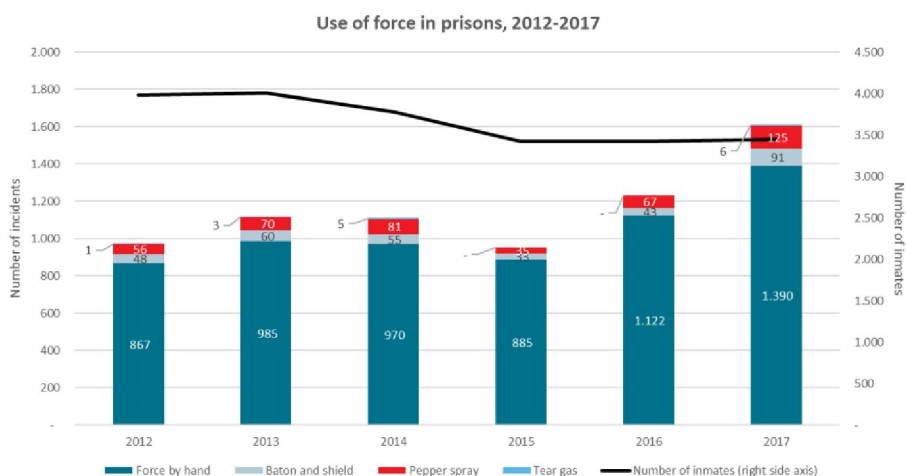
The graph shows that the occupancy rate after having declined in 2014 and 2015 increased again in 2017 and is approximately at 96 percent. Similarly, the number in relation to incidents of violence and threats between prisoners is fairly stable despite the fluctuations in the occupancy rate, although with an increase in the number of incidents in

2017 of 62 incidents. The number of deaths and suicides in 2017 has fallen to 9.

## 2.2. Use of Force

The use of force in prison facilities made pursuant to article 62 of the Sentence Enforcement Act ('Straffuldbyrdelsesloven') on the use of force against prisoners is increasing. The total use of force in prisons and in places of custody ('arrest') has increased by almost 60 percent from 2015 (897 cases) to 2017 (1,434 cases). In particular, the following means of force has increased significantly:

- Use of baton increased by 246 percent (2015: 13 cases; 2017: 45 cases)
- Use of shield increased by 130 percent (2015: 20 cases; 2017: 46 cases)
- Use of pepper spray by 257 percent (2015: 35 cases; 2017: 125 cases)
- Use of tear gas by 600 percent (2015: 0 cases; 2017: 6 cases)
- Use of security cell ('sikringscelle') where the inmate is fixed to a bed rose by almost 71 percent (2015: 140 cases; 2017: 239 cases)<sup>3</sup>



Source: The Prison and Probation Service's statistics on the use of force in open and closed prisons.

Pursuant to the Executive Order on Power Use<sup>4</sup>, § 4, Prison officers in a closed prison and in places of custody may carry a pepper spray. In 2014, the Institute examined the use of pepper spray in Danish prisons and in places of custody.<sup>5 6</sup>

The use of solitary confinement as a disciplinary measure in Denmark is regulated pursuant to the Administration of Justice Act ('Retsplejeloven') during pre-trial detention (decided by courts) and by the Sentence Enforcement Act as a disciplinary measure for convicts (decided by the prison management).

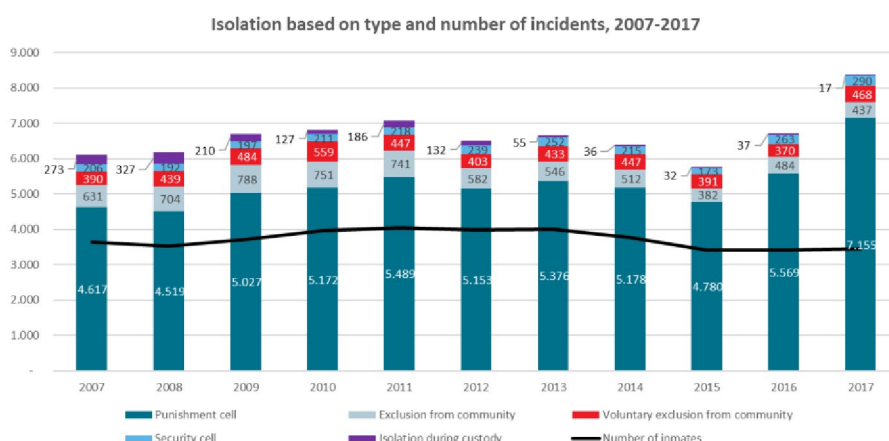
## 2.3. Solitary Confinement

Pursuant to the Sentence Enforcement Act there are different forms of solitary confinement which can be ordered by the prison authorities.

### 2.3.1. Solitary Confinement as Disciplinary Punishment (“strafcelle”)

Prisoners can be excluded from association with other prisoners as a punishment due to, inter alia, reasons of escape, smuggling or possession of alcohol, narcotics, or weapons, pursuant to article 68 (2) in the Sentence Enforcement Act.

The use of *prolonged* solitary confinement (‘strafcelle’) as disciplinary punishment has increased significantly by more than 8370 percent over the last four years.<sup>7</sup> Seven inmates were isolated for 15 days or more in 2015; 222 inmates in 2016; 511 inmates in 2017; and 593 in 2018 (only the first 10 months of 2018). DIHR has previously highlighted that especially the use of solitary confinement as a disciplinary measure is problematic.<sup>8</sup> One reason for the increase could be that in 2016 it was decided that if a prisoner is found in possession of a mobile phone he/she shall be punished with 15 days in solitary confinement (first time offence). Furthermore, the Sentence Enforcement Act was amended in 2016 to make it mandatory for prison authorities to impose “strafcelle” whereas previously it was left to the discretion of prison authorities whether it was needed and relevant to impose “strafcelle”.



Source: The Prison and Probation Service and the Ministry of Justice

In addition to being punished for disciplinary reasons with solitary confinement, i.e. for possessing a mobile phone - prisoners can also be punished for committing a criminal offence. Thus, in January 2018 the High Court (‘Østre Landsret’) found that a prisoner who had been disciplinary sanctioned by the prison authorities with 21 days solitary confinement for being in possession of a mobile phone also could be sentenced with 10 days imprisonment for possessing the same phone

as this is a criminal offence (section 124 (4) in the Danish Criminal Code).<sup>9</sup>

### **2.3.2. Solitary confinement of Minors as Disciplinary Punishment (“strafcelle”)**

There are still concerns regarding the continuous use of solitary confinement of minors (15-17-year olds) for disciplinary purposes.<sup>10</sup> However, in 2018 the authorities took steps to minimize the use of solitary confinement of minors with the Act Amending the Act on the Enforcement of Punishment, etc., the Administration of Justice Act, the Penal Code and the Act on the Primary School (‘Lov om ændring af lov om fuldbyrdelse af straf m.v., retsplejeloven, straffeloven og lov om folkeskolen’).<sup>11</sup> Thus, with the amendment the use of solitary confinement of minors is reduced to no more than 7 days and generally a maximum of three days for inmates or custodians who are minors. However, these time limits do not apply to young people who engage in violence against prison staff.

### **2.3.3. Solitary Confinement Preventive Reasons to Maintain Security and Order (“udelukkelse fra fællesskab”)**

Prisoners can be excluded from association with other prisoners if it is deemed necessary to i.e. prevent escape, criminal activity, or violent behavior or because the behavior of the prisoner is clearly irreconcilable with association with other prisoners, pursuant to section 63 (1) in the Sentence Enforcement Act. The decision to place a prisoner in preventive solitary confinement is taken by the prison authorities. Prisoners placed in preventive solitary confinement are not entitled to receive a reasoning from the prison authorities explaining the decision and thereby not in a position to argue their case.

The CPT has stated that any person placed in solitary confinement should be informed in writing of the reasons behind the confinement. The prisoner should be given an opportunity to express his or her view and there should be a possibility to appeal to authorities outside the prison should he wish to challenge the decision to place him in solitary confinement or to extend the duration of such confinement.

This type of solitary confinement was used 582 times in 2012; 546 times in 2013; 512 times in 2014; 382 times in 2015; 484 times in 2016 and 437 times in 2017.<sup>12</sup>

### **2.3.4. Solitary Confinement for an Inmates Own Security**

Pursuant to section 63 (2) in the Sentence Enforcement Act the prison authorities can order that an inmate shall be placed in solitary

confinement in up to five days to protect the inmate from other inmates. However, it follows from the statistics of the prison and probation services that 3 % of all inmates who was ordered solitary confinement for preventive reasons (“udelukkelse fra fællesskabet) in more than 28 days in 2017 that it was for the sake of their own security.<sup>13</sup> The practice of ordering solitary confinement for the inmate’s own security has been criticised by the European Court of Human Rights (ECtHR).<sup>14</sup>

### **3. PSYCHIATRIC INSTITUTION**

#### **3.1. Use of Coercive Measures in General<sup>15</sup>**

In February 2015, the Danish government enacted several amendments to the Psychiatric Act (‘Psykiatriloven’) regarding coercion in the psychiatric system.<sup>16</sup> The purpose was to increase the focus on equality, patient participation, dialogue and cooperation with regard to hospitalisation, accommodation, and treatment at psychiatric wards and thereby to ensure that coercion is only used when all other options have been exhausted. Accordingly, the purpose was also to reduce the use of coercion.<sup>17</sup> Despite the official strategy to reduce coercion in the psychiatric system, the number of psychiatric patients subjected to coercive measures has increased by 100 persons between 2012 and 2016. In 2016 coercive measures were applied towards 5,966 persons corresponding to 22.8 percent of all persons admitted to psychiatric wards.<sup>18</sup>

Forced physical restraint with belts is one of the most invasive measures available in the Danish psychiatric system. The use of forced physical restraint with belts amounted to 5,120 instances in 2016.<sup>19</sup> Of these restraints, 522 lasted more than 48 hours.<sup>20</sup> Whereas, the use of long-term physical restraints has decreased, there has been an increase in the use of other coercive measures, including of forced medication.<sup>21</sup> This may indicate that other coercive measures, such as forced medication with tranquilizers merely replaces long-term physical restraints with belts.

#### **3.2. Coercion of Children<sup>22</sup>**

According to the Danish Health Data Authority (‘Sundhedsstyrelsen’), the number of children subject to coercion in psychiatric treatment has increased since 2011. During the period 2011 to 2013, on average 243 children per year were exposed to coercive measures, corresponding to 16.6 percent of all children admitted to psychiatric wards. In 2017, the figures had risen to 340 children and 21.8 percent.<sup>23</sup> Furthermore, the above-mentioned amendment of the Psychiatric Act in 2015<sup>24</sup> changed the legal status of minors in relation to coercion in the psychiatric

system. The amendment of the act established that the use of forced admission to a hospital as well as forced treatment do not constitute 'coercion' if 1) the patient is under the age of 15 and 2) the holder of custody has consented to the admission of the treatment, c.f. Section 1(4) of the Psychiatric Act. Thereby a child below the age of 15 does not enjoy the procedural safeguards and standards provided for in the Psychiatric Act contrary to what applies to children above the age of 15 as well as adults.

### **3.3. Forensic Psychiatry**

According to the Criminal Code, persons who at the time of a criminal act were not accountable due to mental illness or mental retardation can be exempted from punishment.<sup>25</sup> Instead, such persons may be sentenced to treatment.<sup>26</sup> The number of persons with disabilities sentenced to treatment has increased significantly during the past decades. In 2001, 362 sentences to treatment were passed.<sup>27</sup> In 2016, the figure had risen to 779 sentences to treatment.<sup>28</sup> The applied measure of treatment in a specific case and the length of this measure depends on what is considered expedient for the prevention of further offences. Hence, there is no requirement that the measures of treatment must be proportionate in their severity to the seriousness of offences. Consequently, the length of sentences to treatment can be problematic when persons with disabilities are sentenced to up to five years or indeterminately for crimes that would have deprived them their liberty in a much shorter timespan if they had been given a prison sentence.<sup>29</sup> Moreover, it has been suggested that lengthy case handling at the Danish Prosecution Service and the Medico-Legal Council implicate a risk that court-ordered psychiatric patients will not be released from forensic psychiatric wards and institutions within a reasonable time after having been declared recovered.<sup>30</sup> These patients are thus confined for a longer period than their need for treatment necessitates.

### **3.4. Violence and Threats at Social Psychiatric Residential Facilities**

In 2019 DIHR published a report on the level of crimes related to threats and violence at social psychiatric residential facilities.<sup>31</sup> The report finds that reported violence and threats against persons living at social psychiatric residential facilities has been on the rise between year 2007 and 2016. Collaborating with The National Board of Social Services and Statistics in Denmark, the institute gained access to data on police reports on all adult residents with psychological difficulties at social psychiatric residential facilities between 2007 and 2016. The share of residents who were victims of reported offences to the person has more than doubled during the said period. In addition,

individual victims have been exposed to more reported incidents. Finally, the number of verdicts for offences to the person per resident has more than tripled. No clear documentation is currently available to explain why there has been an increase in reported offences. Several factors are likely contributing to the increase. Among others, there might have been a change in how inclined affected persons are to report to the police, as well as an actual increase in violence.

### **3. IMMIGRATION DETENTION**

#### **3.1. Detention of Rejected Immigrants/Asylum Seekers**

Rejected asylum seekers and immigrants without residence permit in Denmark can be detained in Ellebæk prison. In relation to CPT's visit in 2014, the Committee raised several concerns in relation to the conditions of detained foreigners under the Danish Aliens Act (udlændingeloven) in Ellebæk.<sup>32</sup>

According to article 36 of the Aliens Act ('Udlændingeloven'), the police can decide on administrative detention of foreigners – but continued detention must be heard and accepted by the court every fourth week. The police can - if less intrusive measures are not available - detain an asylum seeker who does not adequately contribute to the immigration authorities or police proceedings e.g. in relation to establishing their identity and obtain needed travel documents, cf. article 34 of the Aliens Act. An asylum seeker who is to be transferred under the Dublin Regulation can also be detained if there is significant risk that person will disappear. Moreover, the police can detain an asylum seeker to determine the identity of the person concerned but only so long it is necessary for the initial registration and case processing.<sup>33</sup> Statistics from the Prison and Probation Service show that in 2017 1,741 asylum seekers were detained out of which 159 were women.<sup>34</sup> Detained asylum seekers were in 2017 placed at Ellebæk prison, and in Vridsløselille Prison and Åbenrå Arrest.<sup>35</sup>

#### **3.2 Tolerated Stay**

Foreign nationals on tolerated stay are foreigners who meet the conditions to be granted a residence permit pursuant to article 7 (asylum) of the Aliens Act. They are considered by the authorities to be a danger to the states' security or they have committed crimes that exclude them from obtaining asylum after the refugee convention and the alien law's exclusion grounds pursuant to article 10 of the Aliens Act. Thus, persons on tolerated stay have lost their residence permit in Denmark because of a crime but they cannot be expelled or repatriated because of a risk of torture in their country of origin (non-refoulement),



cf. article 31 Aliens Act. On 30<sup>th</sup> of June 2017 the number of persons on tolerated stay amounted to 67 persons.<sup>36</sup>

Persons on tolerated stay primarily stay at Kærshovedgård.<sup>37</sup> The facility at Kærshovedgård is fenced and has an electronic entry control system as it used to serve as an open prison facility. The facility is run by the Danish Prison Service and staff are prison guards.<sup>38</sup> Persons on tolerated stay have a daily duty to report, they have to reside seven hours at the facility and they must notify staff if they leave the centre between 11 p.m. and 6 a.m. or will not return by 11 p.m.<sup>39</sup>

The Ombudsman acting as the Danish NPM visited Kærshovedgård in 2017 and did express serious concerns about the conditions and recommended that the government and parliament reconsider the system.

In February 2019 law (L140)<sup>40</sup> was passed to establish a new deportation centre on the island of Lindholm in Stege Bugt. The law proscribes a mixed regime whereby persons on tolerated stay and expelled criminal aliens will be moved to the island Lindholm upon its expected completion in 2021. DIHR is of the opinion that the conditions at Lindholm is expected to become more restrictive than at Kærshovedgård due to its geographically isolated location.<sup>41</sup>

### **3.2 Minors**

Rejected asylum seekers who are not cooperating with the police about their return have a duty to stay at Sjælsmark.<sup>42</sup> The centre is an open facility where residents, mainly families and children, can exit and enter at all times during the day. Thus, they have a duty to live in the centre. Even though the Ombudsman generally did not find the conditions of the regime at the centre contrary to the UN Convention on the Rights of the Child nor the UN Convention against Torture or the European Convention on Human Rights; The Ombudsman acting as the Danish NPM did express serious concerns about the conditions in which children reside at the facility.<sup>43</sup>

## **4. GREENLAND**

### **4.1 Introduction**

Greenland is a self-governed part of Denmark. Denmark's ratification of UN Convention against Torture and its optional protocol as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment apply to Greenland with no territorial exclusion. However, issues pertaining access to justice and loss of liberty are primarily under the jurisdiction of the Danish

Government. Legislation regulating these areas is adopted by the Danish parliament with special regard to the Greenlandic context as well as it is being administrated by the Danish Ministry of Justice. Pursuant to OPCAT the Ombudsman of Inatsisartut<sup>44</sup> is designated as the NPM with regard to legal areas taken over by the Greenlandic Government.

Greenland's Prison and Probation Service ('Kriminalforsorgen') is a part of the Danish Prison and Probation Service and manages six 'open prison institutions' ('åbne anstalter') and a closed section in the institution in Nuuk. The construction of a new closed-type prison in Nuuk has been finalised.<sup>45</sup> Yet, the repatriation of Greenlandic inmates in secure detention from Herstedvester is still to take place.<sup>46</sup>

Despite the overriding principle of the resocialisation of criminal offenders in Greenland's Criminal Code ('Kriminalloven') criticism has risen against the Prison and Probation Service that the open prison institutions are managed as de facto closed prisons.<sup>47</sup> Concerns have also been raised in relation to poor and dilapidated conditions in the prison institutions, including by Naalakkersuisut, the Greenlandic Self-Rule Government, in its 2017 Strategy and Action Plan for the justice sector.<sup>48</sup> Facilities in some of the smaller towns and settlements, the inmates do not have access to toilets or usable kitchens.<sup>49</sup> Furthermore, concern has been raised regarding the lack of capacity of the prison institutions leading to the accommodation of detainees, convicted and custodial sentenced in the same place without differential treatment.<sup>50</sup>  
<sup>51</sup> During a visit to the prison institution (anstalt) in Sisimiut in 2018, DIHR observed exceptionally poor material conditions of the facility as well as of the interior.

There are moreover concern regarding remand prisoners who, especially in settlements (bygder), are on remand in facilities where there are no full-time staff and where there are no adequate facilities to accommodate a remand prisoner. The Danish Parliamentary Ombudsman after its monitoring visits to five facilities in Greenland in 2013 criticized the conditions for remand prisoners. The Ombudsman followed up in letters in 2015, requesting information from the Danish Ministry of Justice, Greenland's police and the Prison and Probation Service on what was done to improve the facilities persons on remand.<sup>52</sup> The Police Commissioner in Greenland replied that there is focus on the conditions and that these situations occur seldom and are of short duration.<sup>53</sup> There exists little or no systematically collected data on how the authorities are addressing these concerns and whether the conditions at the prison institutions and concerning remand prisoners have in practice improved.

Since the establishment of a secured institution specifically for minors in custody in April 2014, there are no minors (15-17-year-old) in prison institutions. However, if assessed that a minor will not benefit from being held in the institution for minors, a minor can be detained in prison institutions together with adult convicts.

The majority of the inmates in Greenland's prisons are men.<sup>54</sup> Female inmates are numerically so few that they are referred to serve their sentence in prison institutions together with men.<sup>55</sup>

The Greenlandic Criminal Code allows for persons sentenced to forensic psychiatric treatment to be placed in Denmark.<sup>56</sup> In 2018, around 17 persons were admitted to the forensic psychiatric ward at Aarhus University Hospital. Even though this ward has a special section that provides particular care for persons from Greenland, these persons are placed far away from their home country, their families and networks.

#### **4.2. The Use of Pepper Spray in Prison Facilities**

As of April 2017, new legislation has introduced pepper spray as a legal measure in Greenland's prison facilities. The prison and probation service is currently revising its executive order on the use of force against prisoners and pre-trial seeking to specify the particular requirements for and rules related to the use of pepper spray. The new executive order is expected to enter into force in 2019. In a public consultation memo concerning the executive order, DIHR recommended that the executive order must ensure prisoners access to medical assistance after all types of physical conflicts with the prison authorities; that a complaint mechanism must be established and hierarchy in use of different forms of force must be introduced to ensure proportionality.

Yours sincerely,

Christoffer Badse

DEPARTMENT DIRECTOR, MONITORING

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<sup>1</sup> See the Danish authorities notification to the Subcommittee on Prevention of Torture, available at:

<https://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/GreenlandNPM.pdf>

<sup>2</sup> 2017 figures for deaths and suicides are preliminary. The inventory includes both prisons and prison houses, including open and closed prisons, but excluding asylum divisions. The occupancy rate is the number of inmates in relation to the number of places in prisons and prison houses and is calculated as an average per. day. In relation to violence and threats, an inmate may have been facing more than one of

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the above events. Therefore, the sum of events is greater than the number of inmates exposed to violence and / or threats.

<sup>3</sup> Directorate of the Prison and Probation Service yearly statistics:

<http://www.kriminalforsorgen.dk/Årlige-statistikberetninger-7541.aspx>

<sup>4</sup> [magtanvendelsesbekendtgørelsen](#)

<sup>5</sup> Report by DIHR on 'The Use of Pepper Spray in Prisons', 2014, available in Danish at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/peberspray\\_december\\_2014.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/peberspray_december_2014.pdf)

<sup>6</sup> Likewise has the Parliamentary Ombudsman has called on the Prison and Probation Service to consider whether further measures are needed to ensure that the rules are followed when using pepper spray, available in Danish at:

[http://www.ombudsmanden.dk/find/nyheder/alle/brug\\_af\\_peberspray/pdf](http://www.ombudsmanden.dk/find/nyheder/alle/brug_af_peberspray/pdf)

<sup>7</sup> <https://politiken.dk/indland/art6833363/F%C3%A6ngslers-brug-af-strafcelle-eksploderer>

<sup>8</sup> DIHR status report 2016-17, page 40 and status report 2015-16, page 27.

<sup>9</sup> Case number: U.2018.403Ø.

<sup>10</sup> CPT visit report 2014, para. 61, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069570e>

<sup>11</sup> Act amending the law on the enforcement of punishment, etc., the Administration of Justice Act, the Penal Code and the Act on the Primary School, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=205571>

<sup>12</sup> Prison and Probation Service, Statistics 2017, 2nd edition, available in Danish at: <https://www.kriminalforsorgen.dk/wp-content/uploads/2018/12/kriminalforsorgens-statistik-2017-2-udgave.pdf>

<sup>13</sup> Prison and Probation Service, Statistics 2017, 2nd edition, page 35, available in Danish at: <https://www.kriminalforsorgen.dk/wp-content/uploads/2018/12/kriminalforsorgens-statistik-2017-2-udgave.pdf>

<sup>14</sup> Onoufriou v. Cyprus, application no. 24407/04, para. 71, available at <https://hudoc.echr.coe.int/eng>.

<sup>15</sup> In 2016, The UN Committee against Torture expressed concern for the frequent recourse to coercive measures in psychiatric institutions, often accompanied by immobilization of patients.

<sup>16</sup> Denmark, Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint, amendment of the criteria for the opening and control of mail, inspection of wards and possessions and

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body search etc.), available in Danish at:

<https://www.retsinformation.dk/pdfPrint.aspx?id=169965>

<sup>17</sup> Travaux préparatoires of Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint, amendment of the criteria for the opening and control of mail, inspection of wards and possessions and body search etc.), available in Danish at,

<https://www.retsinformation.dk/Forms/R0710.aspx?id=167641>

<sup>18</sup> The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl' - årlig opgørelse, indicators 9.07 and 9.08, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>

<sup>19</sup> The Danish Health Data Authority, 'Tabel med årlige indikatorer, baseline og milepæl' - årlig opgørelse, indicator 1.03, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>

<sup>20</sup> The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl' - årlig opgørelse, indicator 1.11, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>

<sup>21</sup> The Danish Health Data Authority, 'Tabel med årlige indikatorer, baseline og milepæl' - årlig opgørelse, indicators 3.01, 3.02, 3.03, 6.01 and 6.02, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>

<sup>22</sup> In 2017, the UN Committee on the Rights of the Child noted with concern that forced treatment as well as the use of restraint remain legal under Danish legislation. Thus, the Committee urged Denmark to ensure that children, including children with psychosocial or intellectual disabilities, who are residing in institutions or psychiatric hospitals, are under no circumstances subjected to excessive restraint.

<sup>23</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicators 9.01 and 9.02, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>24</sup> Denmark, Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint, amendment of the criteria for the opening and control of mail, inspection of wards and possessions and body search etc.) available in Danish at:

<https://www.retsinformation.dk/pdfPrint.aspx?id=169965>

<sup>25</sup> The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 of 20. September 2018), sections 16 and 69, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

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<sup>26</sup> Denmark, The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 af 20. September 2018), sections 68 and 69, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

<sup>27</sup> Denmark, Ministry of Justice Research Division (Justitsministeriets forskningskontor) (2017), 'Nye foranstaltningdomme i 2016', newsletter, 4 December 2017, p. 2, available in Danish at: [http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomrader/Forskning/Forskningsrapporter/2017/foranstaltningdomme\\_2016.pdf](http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomrader/Forskning/Forskningsrapporter/2017/foranstaltningdomme_2016.pdf).

<sup>28</sup> Denmark, Ministry of Justice Research Division (Justitsministeriets forskningskontor) (2017), 'Nye foranstaltningdomme i 2016', newsletter, 4 December 2017, p. 2, available in Danish at: [http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomrader/Forskning/Forskningsrapporter/2017/foranstaltningdomme\\_2016.pdf](http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomrader/Forskning/Forskningsrapporter/2017/foranstaltningdomme_2016.pdf).

<sup>29</sup> The Danish Institute for Human Rights and the Council for Socially Marginalised People (Institut for Menneskerettigheder og Rådet for Socialt Udsatte) (2006), Brug af særforanstaltninger over for psykisk syge kriminelle i et menneskeretligt perspektiv, p. 169, available in Danish at: [https://menneskeret.dk/files/media/dokumenter/udgivelser/ifmr\\_udred\\_4.pdf](https://menneskeret.dk/files/media/dokumenter/udgivelser/ifmr_udred_4.pdf)

<sup>30</sup> Ejbye-Ernst, A. (2017), 'Stoffer, afpresning og tabte liv bag hegnet: Den store fortælling om et psykiatrisk system i krise', Zetland, 6 July 2017, available in Danish at: <https://www.zetland.dk/historie/sOLV5PnV-aoNVBA0x-af6d6>

<sup>31</sup> Report on violence and threats against persons living at social psychiatric residential facilities, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ligebehandling\\_2018/rapport\\_vold\\_og\\_trusler\\_paa\\_botilbud\\_2018.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ligebehandling_2018/rapport_vold_og_trusler_paa_botilbud_2018.pdf)

<sup>32</sup> Report to the Danish Government on the visit to Denmark carried out by the CPT from 4 to 13 February 2014, chapter 'C. Foreign nationals held under the aliens legislation', available at: <https://rm.coe.int/168069570e>.

<sup>33</sup> Asylum report 2018 by DIHR page 27, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2018/asyl\\_status\\_2018.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2018/asyl_status_2018.pdf)

<sup>34</sup> Directorate of the Prison and Probation Service, page 6, available in Danish at: <https://www.kriminalforsorgen.dk/wp-content/uploads/2018/12/kriminalforsorgens-statistik-2017-2-udgave.pdf>

<sup>35</sup> Directorate of the Prison and Probation Service page 4, available in Danish at: <https://www.kriminalforsorgen.dk/wp->

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[content/uploads/2018/12/kriminalforsorgens-statistik-2017-2-udgave.pdf](https://www.ombudsmanden.dk/content/uploads/2018/12/kriminalforsorgens-statistik-2017-2-udgave.pdf)

<sup>36</sup> Report by Parliamentary Ombudsman, page 3, para. 2.3, available in Danish at:

<https://www.ombudsmanden.dk/find/udtalelser/beretningssager/alle-bsager/2018-18/pdf/>

<sup>37</sup> Visit report to Kærshovedgård 2018 by the Parliamentary Ombudsman, available in Danish at:

<https://www.ombudsmanden.dk/find/udtalelser/beretningssager/alle-bsager/2018-18/pdf/>

<sup>38</sup> See report, available at: [http://refugees.dk/media/1757/stop-killing-us\\_uk.pdf](http://refugees.dk/media/1757/stop-killing-us_uk.pdf).

<sup>39</sup> Submission by SOS Racisme Denmark to the Parliament, available in Danish at:

<https://www.ft.dk/samling/20181/lovforslag/L140/bilag/21/2017730.pdf>.

<sup>40</sup> Act Amending the Aliens Act, Integration Act, Repatriation Act and other laws available in Danish at:

[https://www.ft.dk/ripdf/samling/20181/lovforslag/l140/20181\\_l140\\_som\\_vedtaget.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/l140/20181_l140_som_vedtaget.pdf)

<sup>41</sup> DIHR fact sheet on the human rights challenges in relation to Lindholm, available in Danish

at: <https://menneskeret.dk/sites/menneskeret.dk/files/Faktaark%20om%20de%20menneskeretlige%20udfordringer%20.pdf>

<sup>42</sup> Report on Sjælsmark by the Parliamentary Ombudsman, available in Danish at:

[https://www.ombudsmanden.dk/find/nyheder/alle/boern\\_i\\_udreisecenter\\_sjaelsmark/redegoerelse/](https://www.ombudsmanden.dk/find/nyheder/alle/boern_i_udreisecenter_sjaelsmark/redegoerelse/).

<sup>43</sup> Report on Sjælsmark by the Parliamentary Ombudsman, available in Danish at:

[https://www.ombudsmanden.dk/find/nyheder/alle/boern\\_i\\_udreisecenter\\_sjaelsmark/redegoerelse/](https://www.ombudsmanden.dk/find/nyheder/alle/boern_i_udreisecenter_sjaelsmark/redegoerelse/).

<sup>44</sup> Website of the Ombudsman in Greenland, available in Danish at: <https://www.ombudsmand.gl/>.

<sup>45</sup> Annemette Nyborg Lauritzen, 'Uden udsigt? Forvaringsdømt i Grønland – i dag og fremover', Retfærd, nr. 1, 2018, page 12.

<sup>46</sup> See CPT 2012 ad hoc visit [report](#) to Greenland, para. 22.

<sup>47</sup> Among others, Annemette Nyborg Lauritzen, 'The Great greenlandic Incarceration', Danish Sociology no. 4/25 2014 and The Danish Bar and Law Society, Rule of law in Greenland, 2016, page 11.

<sup>48</sup> Naalakkersuisut, 'Strategy and action plan for the Justice sector' 2017, page 14.

<sup>49</sup> Danish Institute for Human Rights, Human Rights in Greenland ' Status 2016, 2016 pp 90 and 91 available in Danish at:

<https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter>

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[r/udgivelser/stat us/2015-16/groenland/menneskerettigheder i groenland - status 2016.pdf](#) )

<sup>50</sup> Naalakkersuisut, 'Strategy and action plan for the Justice sector' 2017, page 14.

<sup>51</sup> Greenland's Statistic, on detainees in prison institutions, page 7, available in Danish at:

<http://www.stat.gl/publ/da/SA/201719/pdf/2017%20statistisk%20Arbog.pdf>.

<sup>52</sup> Danish Parliamentary Ombudsman, 'Greenland's Detentions in Ombudsman's spotlight' news from 15 January 2015

[http://www.ombudsmanden.dk/find/nyheder/alle/groenlandske\\_detentioner/](http://www.ombudsmanden.dk/find/nyheder/alle/groenlandske_detentioner/).

<sup>53</sup> Letter of 27 November 2015 from the Police Commissioner in Greenland to the Danish Ministry of Justice replying to the Danish Parliamentary Ombudsman's inquiry.

<sup>54</sup> Annemette Nyborg Lauritsen, 'Show me your prisoners...' – Insight into Greenland's inmate population, NFTK 2- 2017, page 165.

<sup>55</sup> Annemette Nyborg Lauritsen, 'Show me your prisoners...' – Insight into Greenland's inmate population, NFTK 2- 2017, page 165.

<sup>56</sup> Act no. 306 of 30 April 2008, Criminal Code for Greenland (Lov nr. 206 af 30. april 2008, Kriminallov for Grønland), sections 157, available in Danish at: <https://www.retsinformation.dk/eli/ta/2008/306>.