

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

Country: Denmark

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Date: [23 May 2024]

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Part I: National standards

1. Cells

a. Cell space

The minimum cell space in prison facilities administered by the Prison and Probation Service (*Kriminalforsorgen*) is regulated by Circular on the size and equipment of the living quarters in the Prison and Probation Service's institutions.¹ The regulation applies to cell space for both person of pre-trial detention (hereinafter detainees) and persons serving a post-trial sentence (hereinafter inmates).

For individual cells, the floor space shall be minimum six m² and for double cells, the floor space shall be minimum eight m².²

These minimum cell size requirements do not, however, establish minimum requirements for the floor space that each inmate must have at his or her disposal if more than one or two inmates are placed in a single or double cell due to overcrowding.³ This means that, in principle, a situation could arise where three inmates are accommodated in a double cell, leaving them with less than three m² per person. However, the Prison and Probation Service are aware of the space requirements and during the reference period, the Parliamentary Ombudsman (NPM) has not made any observations of three or more people being accommodated in a double cell with less than three m² each.

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

Furniture is regulated in Circular on the size and equipment of the living quarters, section 2,⁴ whereby the living space should, as a minimum, contain a bed with a mattress, duvet and pillow, a table, an upholstered chair, closet, mirror, ashtray, bin, bulletin board and lightning.⁵ Upon admission, sheet and covers for duvet and pillow, and a towel is handed out.⁶

c. Video-surveillance of cells

As to our finding, there are no publicly accessible standards regarding video-surveillance of cells.

¹ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner).

² Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 1.

³ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 1(2).

⁴ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 2.

⁵ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 2.

⁶ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 3(1).

Cells are not under video-surveillance. Common areas, corridors, workplaces etc. can be under video-surveillance. The Prison and Probation Service is exempt from the regulations on clearly signalling or in other ways indicating that an area is under video-surveillance.⁷

d. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at:

https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility 'Frederikshavn Arrest' (remand centre in Frederikshavn) on 12 October 2022. The NPM recommended, among others, that the management of the facility should consider the following, "[a]t ledelsen sikrer, at motionsrummet ikke bliver brugt til indkvartering."⁸ In English, "[t]hat management ensures that the gym is not used for accommodation."

In another instance, the NPM recommended at their visit to the facility 'Aarhus Arrest' (remand centre in Aarhus) on 11 May 2022, "[a]t ledelsen sikrer, at lokalet, der bliver brugt til midlertidigt ophold for nye indsatte (det tidligere motionsrum), er indrettet således, at det ikke indebærer risiko for, at indsatte kan gøre skade på sig selv."⁹ In English, "[t]hat the management ensures that the room used for temporary accommodation for new detainees (the former gym) is designed in such a way that it does not pose a risk of inmates harming themselves."

In addition, the NPM visited Kragshovhede Fængsel (prison in Jerup) on 17 and 20 May 2021. The NPM recommended, among other things, that the management should consider the following, "[a]t ledelsen sikrer, at det undersøges, om der er hjemmel til at videoovervåge arbejdsvægringsrummet, og at det i den forbindelse undersøges, hvilke betingelser der skal være opfyldt, herunder hvilken information om overvågningen indsatte, der placeres i arbejdsvægringsrummet, skal have."¹⁰ In English, "[t]hat the management ensures that an investigation is made into whether there is a legal basis for video surveillance of the "arbejdsvægrings"-room (*room for those who refuse to work*), and in this connection look into which conditions must be met, hereunder to what extent inmates placed in the room must be informed about the surveillance."

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"In general, it is my assessment that the standard of cells and the available square meters for each inmate is in line with human rights requirements. Due to overcrowding it has in some prisons been necessary to transform e.g. visits rooms to cells for inmates and there has been an increase number of inmates who have to share a cell. There is only video-surveillance of common areas and rooms."

⁷ Denmark, [Video Surveillance Act no. 182 of 24 February 2023](#) (Bekendtgørelse af lov om tv-overvågning af 24. februar 2023), section 3a.

⁸ Denmark, Ombudsman, [visit report of 6 March 2023](#).

⁹ Denmark, Ombudsman, [visit report of 20 December 2022](#).

¹⁰ Denmark, Ombudsman, [visit report of 1 October 2021](#).

2. Allocation of detainees

a. Geographical allocation

The regulation of the allocation of inmates is found in the Criminal Enforcement Act¹¹ and the Executive Order on the placement and transfer of persons serving a prison sentence or custody (*anbringelses- og overførselsbekendtgørelsen*).¹² For pre-trial detainees, allocation is regulated by the Executive Order on custody (*varetægtsbekendtgørelsen*).¹³

Post-trial imprisonment shall, to the extent it is practically possible, take place near the sentenced person's place of residence, cf. the principle of proximity (*nærhedsprincippet*). When determining what prison inmates shall serve their sentence in, regard shall also be had to the inmates' own wishes, namely in relation to work, education, family or health.¹⁴

There are several exceptions to the general rule, whereby the Prison and Probation Service (*Kriminalforsorgen*) may refuse a person to serve a sentence close to his or her place of residence, including capacity reasons, to protect the convicted person from abuse, to prevent offences against fellow inmates or staff, or to prevent radicalisation and extremism.¹⁵

Persons convicted of serious and dangerous offences, including violence against public officials, threats, possession of weapons, violence, etc. shall be placed in prison without delay. In relation to this group of convicted, capacity considerations may therefore to a greater extent justify a deviation from the principle of proximity (*nærhedsprincippet*).¹⁶

According to the catch-all clause in section 23(2)(9) of the Criminal Enforcement Act,¹⁷ the principle of proximity may also be derogated from if considerations of law enforcement or other special circumstances justify it. The clause may, inter alia, be applied in a situation where a convicted person has committed a serious crime close to the prison to which the convicted person geographically "belongs". It may also be applied where two or more persons convicted in the same case regarding serious violence or sexual abuse would serve their sentences in the same institution and thereby could support each other in the view that they have done nothing wrong, thus undermining the effect of a treatment programme. However, it is assumed in the *travaux préparatoires* to the law that the clause

¹¹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023).

¹² Denmark, [Executive Order No. 174 of 31 January 2022 on the placement and transfer of persons serving a prison sentence or custody](#) (Bekendtgørelse nr. 174 af 31. januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsbekendtgørelsen)).

¹³ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)).

¹⁴ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 23(1).

¹⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 23(2).

¹⁶ Denmark, [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), Chapter 3, paragraph 9.

¹⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 23(2)(9).

Denmark, (Bekendtgørelse nr. 174 af 31. januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsbekendtgørelsen)).

will have a very limited scope and that imprisonment shall, as a clear rule, take place near the convicted person's place of residence.¹⁸

Additionally, under sections 20(3) and 78 a-f of the Criminal Enforcement Act, it is possible for convicted persons to serve their sentences in their own homes with an electronic tag. There are two types of electronic tagging programs. The first type is the so-called "front door" electronic tagging, whereby the convicted persons serve their entire sentences in their own homes. The second type is the so-called "back door" electronic tagging, used as a part of the release process, where the inmates are allowed to return to their homes with an electronic tag for the final part of the sentence.

Only persons who have been sentenced to imprisonment for up to 6 months can serve their sentences with an electronic tag in their own homes. Regardless of the length of the sentence, individuals convicted of rape or other sexual offences cannot serve their sentences with an electronic tag, cf. section 78 a(3) of the Criminal Enforcement Act.

The Prison and Probation Service or the Directorate of Prisons and Probation have the authority to decide where inmates shall serve their sentences, cf. section 1 of the Executive Order on the placement and transfer of persons serving a prison sentence or custody.

The principle that convicted persons should be accommodated as close to their residence as possible does not apply to pre-trial detainees, who instead are accommodated in a remand centre in the district where the criminal case is being processed, cf. section 8(1) of the Executive Order on custody (*varetægtsbekendtgørelsen*).¹⁹ Pursuant to the Administration of Justice Act, criminal proceedings are conducted in the district where the offence was committed.²⁰ Detainees may, however, be placed in or transferred to a remand centre elsewhere than the place where the criminal case is being processed due to the investigation, lack of space, security considerations or other special circumstances, including personal conditions of the detainee.²¹

b. Allocation within detention facilities

Imprisonment must be carried out in prison or remand centre, cf. section 20(1) of the Criminal Enforcement Act. Pre-trial detainees are typically placed in remand centres or wards, and convicted inmates are placed in open or closed prisons. However, persons serving sentences of less than 6 months may also serve their sentences in remand centres to the extent necessary to ensure the overall capacity of the Prison and Probation Service's institutions.²²

As a general rule, convicted inmates may serve their sentences in open prison, cf. section 22(1) of the Criminal Enforcement Act. The rule is based on the fundamental principle that deprivation of liberty

¹⁸ Denmark, [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), Chapter 3, paragraph 8.

¹⁹ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)).

²⁰ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 696.

²¹ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)), section 10 and [Guideline No. 9660 of 30 August 2023 on custody](#) (Vejledning nr. 9660 om bekendtgørelsen om ophold i varetægt (varetægtsvejledningen)), Chapter 4, paragraphs 25.

²² Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 21(2).

must not be more intrusive than the objective requires. A convicted person is therefore placed in open prison if there is no reasonable assumption that there is a risk of escape or that the inmate will take advantage of the freer conditions in an open prison to engage in criminal behaviour.²³ Additionally, consideration shall also be given to the inmate's own wishes, in particular with regard to work, education, family or health.

The sentence must be served in a closed prison when the sentence exceeds 5 years.²⁴ However, the sentence may also in this case be served in an open prison if it is not considered objectionable. Life sentenced inmates must always serve their sentence in a closed prison.²⁵

Imprisonment shall also take place in a closed prison if it is deemed necessary to prevent abuse of fellow inmates, staff or as part of the Prison and Probation Service's efforts to combat radicalisation and extremism. Inmates shall also be placed in closed prison if there is a risk of the inmate escaping or committing a criminal offence or serious disciplinary offence, should he or she be placed in an open prison.²⁶

Special measures can be taken to prevent inmates from committing offences against fellow inmates or staff. These measures are often used on groups of inmates including, among others, gang members and their supporters, who can create such a position of power in prisons that they constitute a particularly negative controlling factor in relation to fellow inmates.²⁷ The inmates can be placed in special wards where there is limited social interaction with the community in the wards, cf. section 33(2) of the Criminal Enforcement Act. The inmates may also be transferred from open to closed prison, between similar institutions, from remand centres to prisons and vice versa while serving their sentence, cf. sections 24-28 of the Criminal Enforcement Act.

To counter the risk of negative influence or build-up of further negative power structures, gang members are usually separated and placed in different wards in case of conflict between the gangs.²⁸ In addition, gang members from the same gang can be separated into smaller groups to break down hierarchical structures and for the purpose of re-socialisation.

²³ Denmark, [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), Chapter 3, paragraph 7.

²⁴ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. Februar 2023), section 22(2).

²⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 22a.

²⁶ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 22(3) and (4).

²⁷ Denmark, [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), Chapter 5, paragraph 17-23.

²⁸ See [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. Februar 2023), section 26(2) and [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), Chapter 5, paragraph 22.

Inmates may also be transferred to closed prison or to a detention facility for several other reasons, namely due to possession, smuggling or selling of narcotic drugs, risk of escape or to protect a inmate from being assaulted by other inmates.²⁹

c. NPM assessment

An overall review of reports from the NPM from the reference period shows that no criticism has been raised by the NPM specifically regarding the allocation of inmates.³⁰

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“The Danish prison system is generally under much pressure in these times due to increased overcrowding (101.2 % in 2023 - the highest percentage since World War II according to the Danish Prison Union³¹) and not enough prison guards (1,877 in 2023 according to the Danish Prison Union.³² This is the lowest number over the last 10 years. The political goal in 2021 was to have 2,600 prison guards employed³³). One of the consequences of this situation is that it can be difficult to find a remand-centre/prison that is close to the family of the detainee/inmate. There is an increased risk of being imprisoned far away from family and one’s normal place of residence with the consequence that the inmate will receive fewer visits by family, etc. A number of inmates have to serve their sentence in a remand centre for several months after receiving their sentence, waiting to be transferred to an ordinary prison.

In general, the conditions with regard to visits, activities, education, common activities, training, etc. are better in prisons than in remand centres (that often are very old and, in some regards, outdated).

The difficult situation in the current Danish prison system also affects the allocation of detainees within the remand centres. Due to overcrowding/high occupancy rate, it is difficult to find empty cells and rooms made for common activities like training, education or visits have in some instances been transformed to ordinary prison cells. As a consequence, it is often difficult to relocate inmates inside the prison, e.g. if there is a security risk, because there are no available cells.”

²⁹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrddelsesloven nr. 201 af 28. Februar 2023), section 21(3) and 22(4).

³⁰ This conclusion is based on a review of the annual reports from 2021 from the Danish NPM, the Danish Parliamentary Ombudsman (Folketingets Ombudsmandsberetninger fra 2021 til 2024). For an overview of annual reports and visit reports from the Danish NPM, see: [The Parliamentary Ombudsman website](#).

³¹ Denmark, Danish Prison Union, Fængselsforbundet, ‘Fængselsfunktionæren’, April 2024, p. 24.

³² Denmark, Danish Prison Union, Fængselsforbundet, ‘Fængselsfunktionæren’, April 2024, p. 6.

³³ Ibid.

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

a. Access to toilets

Sanitary facilities in prison and detention facilities in regard to toilets are not regulated in any legal instrument. Furthermore, no public guidelines or manuals on sanitary facilities are available. The sanitary conditions vary from institution to institution. Newer prison and remand facilities have better conditions, including toilets in the cells.

The Prison and Probation Service has stated in a report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 2019, that they strive to establish spatial separation when toilets are located in prison cells and where the inmates, due to overcrowding, will have to share a cell. However, there may be physical and/or security conditions that make it difficult or impossible to establish such a separation in the existing buildings.³⁴

In remand centres, most cells are not equipped with toilet facilities; instead, the detainees must use an electronic call system to contact the prison staff who will escort them to the toilet. Sometimes the detainees will utilise the sink, rather than wait to be escorted to the toilet if the waiting time is long. The Parliamentary Ombudsman (the NPM) has on several occasions criticised that calls are not answered quickly enough by prison personnel. The Ombudsman has also criticised that the inmates are given urine bottles instead of being escorted to the toilet, even though urine bottles have not been requested by the inmates.³⁵

b. Access to showers and warm and running water

Access to showers and running water in prisons and detention facilities is not regulated in any legal instrument. Furthermore, no public guidelines or manuals on this topic are available. The sanitary conditions vary from institution to institution. In general, newer prison and remand centres have better conditions. There is access to shower and warm and running water in all prisons and remand-centres. How often, will depend on each institution and the occupancy rate. In general, the right to privacy is respected.

c. Access to sanitary products

To the extent that self-management has not been introduced in the institutions, the inmates may, upon request, be provided with articles for personal hygiene.³⁶ The same applies to pre-trial detainees.

In addition, prisons are equipped with on-premises shops where inmates can buy products including toiletries and personal care products.

d. Hygienic conditions in cells

Inmates and detainees must clean their own rooms.³⁷

³⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 43.

³⁵ See as an example, cf. Denmark, Parliamentary Ombudsman, [visit report of 6 March 2023](#).

³⁶ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsattes opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsattes opholdsrum i kriminalforsorgens institutioner), section 4.

³⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 43 (1).

Bed linen is changed every 14 days unless special circumstances require more frequent changes.³⁸ Towels, bath towels, dish towels and dishcloths are changed once a week or when needed. Other items are renewed as needed.³⁹

e. NPM assessment

For an overview of visit reports from the NPM in the period from 15 April 2021 to 31 March 2024, see: The Parliamentary Ombudsman, information available in Danish, at: https://www.ombudsmanden.dk/find/?query=&mat_type=Tilsyn&aarstal=&myndighed=&inspektions_typ%20e=&inspektionsomraade=&sagsomraade=&forvrettemne=&viewmode=grid#cp-title

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Nørre Snede Fængsel (prison in Nørre Snede) on 4 July 2023. The NPM recommended, among other things, that the management of the facility should consider the following, "[a]t ledelsen sikrer adgangen for de indsatte til at foretage cellekald for at komme på toilettet, samt at både indsatte og ansatte ved, at det er fuldt acceptabelt, at indsatte foretager cellekald for at komme på toilettet".⁴⁰ In English, "[t]hat the prison management ensures access for inmates to make a cell call to go to the toilet, and that both inmates and staff know that it is fully acceptable for inmates to make cell calls to go to the toilet".

In addition, the Danish NPM visited Bornholm Arrest (remand centre in Rønne) on 23 May 2023. The NPM recommended, among other things, that the facility should consider the following, "[a]t ledelsen sikrer, at de indsatte ved, at det er fuldt acceptabelt at foretage cellekald for at komme på toilettet, og at der ikke uanmodet bliver udleveret urinkolber".⁴¹ In English, "[t]hat prison management ensures that detainees are aware that it is fully acceptable to make cell calls to go to the toilet, and that no urine flasks are handed out unsolicited".

The NPM visited Holsterbro Arrest (remand centre in Holsterbro) on 30 January 2023. The NPM recommended the following, "[a]t ledelsen sikrer, at de indsatte ikke har den opfattelse, at brug af natkolbe er obligatorisk".⁴² In English, "[t]hat the management ensures that the detainees do not have the impression that the use of a night flask is mandatory".

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"In general, the hygiene and sanitary conditions are ok. There is a problem with access to toilets, particularly during the night in older prisons and remand centres where there is no toilet in the cell."

³⁸ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 3(2).

³⁹ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsatte opholdsrum i kriminalforsorgens institutioner), section 3(3).

⁴⁰ Denmark, Ombudsman, [visit report of 4 July 2023](#).

⁴¹ Denmark, Ombudsman, [visit report of 23 May 2023](#).

⁴² Denmark, Ombudsman, [visit report of 30 January 2023](#).

4. Nutrition

a. Quality and quantity of food

The principle of self-administration (*selvforvaltningsprincippet*) implies that inmates should, as far as possible, take care of practical tasks related to their personal affairs, including cooking.⁴³ The scheme enables inmates to – to some extent – spend their free time as citizens in the surrounding society usually would, e.g. by doing practical chores.⁴⁴ The purpose of the scheme is to support inmates in taking responsibility for their own everyday life and function in society after completion of their sentence with the aim of preventing new crime.⁴⁵

Generally, inmates buy their own groceries from the prison grocery store on the premises and cook their own food in a common kitchen. However, security considerations or institutional conditions may prevent the arrangement from being possible.⁴⁶

The conditions regarding food and nutrition for inmates who cannot cook for themselves are regulated by Circular on catering for inmates who are not covered by the self-catering programme in prisons and detention facilities.⁴⁷ Most remand centres are not equipped with kitchens, as is the case with e.g. Holbæk Arrest (remand centre in Holbæk). In these cases, pre-trial detainees will receive three meals a day.⁴⁸

b. Drinking water

The availability of clean drinking water in prison and remand centres is not regulated in any legal instrument. Furthermore, no public guidelines or manuals on access to drinking water in such facilities are available. The sanitary conditions vary from institution to institution.

Prison cells and cells in remand centres are often equipped with sinks, making it possible for inmates and detainees to drink tap water directly from the tap or from a cup. Tap water is clean enough to drink in Denmark.

c. Dietary requirements

It follows from section 3 of the Circular on catering for inmates who are not covered by the self-catering programme in prisons and remand centres,⁴⁹ that vegetarian diet can be offered to the inmates. Inmates and detainees should also be offered diet according to the doctor's instructions for diabetes or other

⁴³ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 43 (1).

⁴⁴ This is reflected in the travaux préparatoires to the law, cf. special remarks on section 43 of the [proposal for an Act on the Criminal Enforcement etc.](#) presented on 8 December 1999 by the Minister of Justice.

⁴⁵ Denmark, [Reply from the Minister of Justice to question no. 1381](#) (Besvarelse af spørgsmål nr. 1381 (Alm. del) fra Folketingets Retsudvalg), 23 October 2023, p. 4.

⁴⁶ Denmark, [Reply from the Minister of Justice to question no. 1381](#) (Besvarelse af spørgsmål nr. 1381 (Alm. del) fra Folketingets Retsudvalg), 23 October 2023, page 4.

⁴⁷ Denmark, [Circular Letter no. 9301 of 4 May 2015](#) (Cirkulæreskrivelse nr. 9301 af 4. maj 2015 om forplejning af indsatte, som ikke er omfattet af selvforplejningsordningen i fængslerne og arresthusene).

⁴⁸ Denmark, [Circular Letter no. 9301 of 4 May 2015](#) (Cirkulæreskrivelse nr. 9301 af 4. maj 2015 om forplejning af indsatte, som ikke er omfattet af selvforplejningsordningen i fængslerne og arresthusene), section 1.

⁴⁹ Denmark, [Circular Letter no. 9301 of 4 May 2015](#) (Cirkulæreskrivelse nr. 9301 af 4. maj 2015 om forplejning af indsatte, som ikke er omfattet af selvforplejningsordningen i fængslerne og arresthusene).

types of diseases that require a specially adapted diet. As far as possible, the religious beliefs of inmates and detainees are taken into consideration when preparing and delivering the meals, cf. section 5.

d. NPM assessment

An overall review of reports from the NPM shows that no criticism has been raised by the NPM specifically regarding nutrition in prison and remand centres.⁵⁰

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024, are available in Danish, at:

https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“In general the nutrition standards are fine and the detainees can have special diets if needed.”

5. Time spent outside the cell and outdoors

a. Time spent outdoors

The Executive Order on access to common areas regulates both inmates' and detainees' access to time out of cell in all prison and remand centres administered by the Danish Prison and Probation Service. Inmates and detainees have the right to spend at least one hour a day in the open air, unless this would be incompatible with the institution's security considerations or the inmate is placed in a security cell pursuant to section 66, including to avert threatening violence or overcome violent resistance, or to prevent suicide or other self-harm.⁵¹

b. Time spent indoors

For post-trial inmates, most prisons have wide access to common areas and to association with other inmates. In closed facilities inmates may be locked in their cells for a maximum of 12 hours between 20h00 and 09h00 or engaged in other activities such as work, education, or other recreational activities.⁵² In open prison facilities, inmates can be confined in the cell in the period from 21h00 to 08h00, if it is considered appropriate to ensure order and security. In the remaining period, inmates have access to the common area.⁵³

The right is not absolute as sections 63 and 64 in the Criminal Enforcement Act allows for inmates to be excluded from the community with other inmates for up to 3 months in order to (1) prevent escape, criminal activity or violence; (2) ensure safety or avoid danger of infection; or (3) if the inmate grossly

⁵⁰ This conclusion is based on a review of the annual reports from 2021 from the Danish NPM, the Danish Parliamentary Ombudsman (Folketingets Ombudsmandsberetninger fra 2021 til 2024). For an overview of annual reports and visit reports from the Danish NPM, see: [Gennemførte tilsynsbesøg på voksenområdet \(ombudsmanden.dk\)](https://www.ombudsmanden.dk/gennemførte-tilsynsbesøg-på-voksenområdet)

⁵¹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 43(1).

⁵² Denmark, [Executive Order No. 866 of 25 June 2018](#) (Bekendtgørelse om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)), section 6.

⁵³ Denmark, [Executive Order No. 866 of 25 June 2018](#) (Bekendtgørelse om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)), section 7.

or repeatedly demonstrates inadmissible behaviour.⁵⁴ In addition, inmates can be imposed solitary confinement in a number of cases.

Pursuant to the Criminal Enforcement Act and the Executive Order on Custody, pre-trial detainees also a right to access to common areas and to associate with other detainees, to the extent possible.⁵⁵

In detention facilities in Copenhagen (*Københavns Fængsler*) inmates may be locked in their cells all day.⁵⁶ These detention facilities may, however, also provide pre-trial detainees with access to common rooms, leisure activities, etc., if it is physically possible and security considerations allow it.

In reality, many pre-trial detainees spend up to 23 hours a day alone in their cell. Many buildings that house remand centres are more than 100 years old, and outdoor areas, common living spaces and opportunities for social activities are therefore very limited in the remand centres.⁵⁷

c. Recreational facilities

Pursuant to the Criminal Enforcement Act section 43(2), the Prison and Probation Service is required to offer activities to inmates in their spare time.⁵⁸ In prisons, there is access to several recreational activities such as sports, hobby activities or library visits. These facilities are different for each prison.⁵⁹

There may be limited access to recreational facilities for pre-trial detainees, as remand centres are often old and not equipped with a variety of activities.

d. Educational activities

Pursuant to the Criminal Enforcement Act, inmates serving a prison sentence have a right and an obligation to occupation in accordance with section 38 of the Criminal Enforcement Act.⁶⁰ Pre-trial detainees have the right to occupation, but are not obliged.⁶¹ Occupation can also be education, offered by the Prison and Probation Service. Education may be preparatory adult education (FVU) with a strong emphasis on Danish and maths. In addition, general education for adults (AVU) is offered, corresponding to primary school level, which may include classes in English, social studies, IT etc.⁶² Some prisons offer individual subjects at upper secondary school level or the option to take such subjects via distance learning. In addition, some prisons offer in-house vocational training programmes (EUD) and shorter vocational training courses (AMU), which qualify for credit if the inmates wish to be admitted to an

⁵⁴ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 63 and 64.

⁵⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 33 and [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)), section 23.

⁵⁶ Denmark, [Executive order No. 866 of 25 June 2018](#) (Bekendtgørelse om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)), section 6(2).

⁵⁷ Kessing, P. V. (2023), 'Varetægtsfængsling og menneskeret', Ugeskrift for retsvæsen (UfR), Copenhagen, p. 152f.

⁵⁸ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 43(2).

⁵⁹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 43(2), and [The Danish Prison and Probation Service website, 'Everyday in Prison'](#) (Kriminalforsorgens hjemmeside, 'Hverdag i fængslet').

⁶⁰ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 38.

⁶¹ Denmark, [Executive Order No. 1016 of 28 June 2022](#) (Bekendtgørelse nr. 1016 af 28 juni 2022 om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner), section 2.

⁶² Denmark, [Prison and Probation website on education](#) (Kriminalforsorgens hjemmeside om Uddannelse).

education programme after serving their sentences. In some cases, convicted inmates can also take classes outside of prison at educational institutions. However, this requires authorisation as well as meeting the criteria for leave.

However, due to the limitations of access to computers and internet, the opportunity to pursue an education is limited. It is possible to borrow a computer for educational purposes when in open prison.⁶³ The Prison and Probation Service uses a specially secured PC network for educational purposes (SK network), limiting the websites that inmates and detainees can access.⁶⁴ The network was temporarily suspended due to security reasons, but was reopened in 2020 with a number of safety adjustments, limiting the access to the internet and providing access only to websites that have been pre-approved by the Prison and Probation Service.⁶⁵

e. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility 'Frederikshavn Arrest' (remand centre in Frederikshavn) on 12 October 2022. The NPM recommended, among others, that the management of the facility should consider the following, "[a]t ledelsen sikrer, at motionsrummet ikke bliver brugt til indkvartering" and "[a]t ledelsen sikrer en velfungerende biblioteksordning".⁶⁶

In English, "[t]hat management ensures that the gym is not used for accommodation" and "[t]hat management ensures a well-functioning library service."

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"In 2024 the NPM has a special focus (focus area) on education and recreational activities during the visits undertaken. A final report on the results and outcome of the focus area is expected to be published in spring 2025."

6. Solitary confinement

a. Placement in solitary confinement

Placement in solitary confinement is regulated by the Criminal Enforcement Act, section 63 and 64, Executive Order no. 866 of 25 June 2018 on inmates' access to community etc. with other inmates within

⁶³ Denmark, [Executive Order No. 1023 of 28 June 2022](#) (Bekendtgørelse om indsattes adgang til at medtage, besidde og råde over egne genstande m.v. og penge i kriminalforsorgens institutioner (genstandsbekendtgørelsen)), section 15.

⁶⁴ Denmark, [Reply from the Minister of Justice to question no. 936](#) (Besvarelse af spørgsmål nr. 936 (Alm. del) fra Folketingets Retsudvalg), 31 August 2018, p. 2.

⁶⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 123.

⁶⁶ Denmark, Ombudsman, [visit report of 6 March 2023](#).

the prison and probation service⁶⁷ as well as a guidance note.⁶⁸ There are five types of solitary confinement: (1) exclusion from association for preventive security or order reasons, (2) voluntary exclusion from association, (3) solitary confinement in a security cell, (4) solitary exclusion as a disciplinary sanction, and (5) court ordered solitary confinement during pre-trial detention. The different types of solitary confinement are described below:

1. Exclusion from association for preventive security or order reasons, cf. the Criminal Enforcement Act, section 63: Exclusion from association limits the inmate's access to association with other inmates, but the inmate can still to some degree participate in work, education or other recreational activities.⁶⁹ An inmate can be excluded from association to (1) prevent escape, criminal activity, or violence, (2) ensure safety or avoid danger of infection or (3) if the inmate demonstrates gross or repeated inadmissible behaviour. Exclusion from association may not take place for more than 3 months, unless due to extraordinary circumstances. The use of exclusion from association is regulated in Executive Order on the access to community etc. with others within the prison and probation service. The use of exclusion from association has generally decreased in the last years, dropping from 751 cases in 2010 to 413 cases in 2022.⁷⁰

2. Voluntary exclusion from association, cf. the Criminal Enforcement Act, section 33(3)-(4): An inmate can choose to be excluded from association. If an inmate chooses so, the inmate will be excluded completely from association or placed in a special department with limited association.⁷¹ Inmates have the right to revoke the decision at any time, cf. section 33 of the Criminal Enforcement Act. There has been a steady number of voluntary exclusions over the last decade of approximately 650-800 cases annually. In 2022, there were 821 cases.⁷²

3. Solitary confinement in a security cell, possibly under forced physical restraint, cf. Criminal Enforcement Act, section 66 and Executive Order on the use of security cell.⁷³ There are no fixed time limits on the use of security cell in general, but the duration shall be as short as possible, usually for a few hours, cf. section 66 of Criminal Enforcement Act. Furthermore, solitary confinement in a security cell under forced physical restraint may only in extraordinary circumstances exceed 24 hours, cf. section 8 of the executive order. In 2022, security cell was used in 242 cases.⁷⁴ 77 % of these were under forced physical restraint. In 48 % of the cases, the use of security cell was for less than six hours.⁷⁵

⁶⁷ Denmark, [Executive Order No. 866 of 25 June 2018 on inmates access to community etc. with other inmates within the prison and probation service](#) (*Bekendtgørelse nr. 866 af 25. juni 2018 om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)*).

⁶⁸ Denmark, [Guidance note no. 9745 28 June 2022](#) (*Vejledning nr. 9745 af 28 juni 2022 om udelukkelse af indsatte fra fællesskab, herunder anbringelse i observationscelle m.v., i fængsler og arresthuse (vejledning om udelukkelse fra fællesskab)*).

⁶⁹ An inmate who has been excluded from association for more than 14 days shall be offered access to exclusive education and work, cf. [Guidance note no. 9745 28 June 2022](#) (*Vejledning nr. 9745 af 28 juni 2022 om udelukkelse af indsatte fra fællesskab, herunder anbringelse i observationscelle m.v., i fængsler og arresthuse (vejledning om udelukkelse fra fællesskab)*), paragraph 5.

⁷⁰ Denmark, The Prison and Probation Service, [Statistic 2022](#) (*Kriminalforsorgen Statistik 2022*), p. 40.

⁷¹ Denmark, Dragsted, Ane, and Schiøler, Jakob. *Straffuldbyrdsloven Med Kommentarer*. 2. Udg. ed. København: Jurist- Og Økonomforbundets Forlag, 2017, p. 159.

⁷² Denmark, The Prison and Probation Service, [Statistic 2022](#) (*Kriminalforsorgen Statistik 2022*), p. 41.

⁷³ Denmark, [Executive Order No. 175 of 31 January 2022](#) on the use of security measures in the Danish Prison and Probation Service's institutions (*Bekendtgørelse nr. 175 af 31 januar 2022 om anvendelse af sikringsmidler i kriminalforsorgens institutioner*).

⁷⁴ Denmark, The Prison and Probation Service, [Statistic 2022](#) (*Kriminalforsorgen Statistik 2022*), p. 42.

⁷⁵ Denmark, The Prison and Probation Service, [Statistic 2022](#) (*Kriminalforsorgen Statistik 2022*), p. 42.

4. Solitary confinement as a disciplinary sanction, cf. the Criminal Enforcement Act, section 68 and Executive Order on disciplinary punishment.⁷⁶ Inmates who do not comply with the rules of the detention facility may be subject to disciplinary sanctions such as being excluded from the common areas of the prison, whereby the inmate will typically sit alone in a cell for 23 hours a day. Offences such as (attempted) escape, violence, serious vandalism, possession of drugs, possession of a mobile phone, smoking in one's own cell and inappropriate language can be punished with solitary confinement. For adult inmates, punitive solitary confinement can be imposed for up to 14 days at a time, however the duration can be extended to up to 4 weeks under special circumstances, cf. the Criminal Enforcement Act, section 70(1) and (2).

There has been a slightly decrease in the use of solitary confinement as a disciplinary measure for more than 14 days in recent years, the numbers coming closer to the level before 2017-2020, where there was an unprecedented increase. In 2018 there were 4,752 cases and in 2022 3,653 cases.⁷⁷

5. Solitary confinement/exclusion from association by court order pursuant to the Administration of Justice Act, section 770 a: Pre-trial detainees can be excluded from association if there are reasons to assume that pre-trial detention is insufficient to prevent obstruction of legal proceedings or collusion. The use of exclusion from association, including conditions, procedure, and duration, is in detail regulated in sections 770 a-770 d of the Act.⁷⁸ The number of cases of court-ordered solitary confinement has decreased very much in recent years. It is used very rarely.

b. Monitoring of detainees

There is a general obligation for prison staff to be constantly aware of the individual inmate's or detainee's condition, and they must immediately notify the Prison and Probation Service if they suspect that an inmate is suffering psychological harm while staying in the ward.⁷⁹

Pursuant to Guidance on the access to community,⁸⁰ inmates and detainees who have been excluded from community by force must be given certain offers after 14 days, such as increased staff contact, supervision of a doctor, including a psychiatrist, opportunity to work together with others, leisure activities with one or more other inmates, detainees or with staff, or offers of regular and long conversations with e.g. a priest, doctor or psychologist. Similar safeguards for the wellbeing of inmates are not applicable to persons subject to solitary confinement as a disciplinary sanction.⁸¹

⁷⁶ Denmark, [Executive Order No. 1129 of 17 August 2023 on Disciplinary Punishment](#) (*Bekendtgørelse nr. 1129 af 17 august 2023 om udståelse af strafcelle, anvendelse af forhørs-celle og behandlingen af disciplinærsager (disciplinærstrafbekendtgørelsen)*).

⁷⁷ Denmark, The Prison and Probation Service, [Statistic 2022](#) (*Kriminalforsorgen Statistik 2022*), p. 39.

⁷⁸ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)).

⁷⁹ Denmark, [Executive order No. 866 of 25 June 2018 on inmates access to community etc. with other inmates within the prison and probation service](#) (*Bekendtgørelse nr. 866 af 25. juni 2018 om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)*), section 3, and [Guidance no. 9746 of 28 June 2022 on inmates access to community](#) (*Vejledning om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsvejledningen)*).

⁸⁰ Denmark, [Guidance no. 9746 of 28 June 2022 on the access to community](#) (*Vejledning om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsvejledningen)*).

⁸¹ Denmark, Ombudsman, [thematic report on solitary confinement](#) as a disciplinary measure (*Temarapport om Strafceller*), available in Danish at p. 32.

If an inmate chooses to be voluntarily excluded from association there is no systematic monitoring of the person's well-being or special offers.

c. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Enner Mark fængsel (prison in Horsens) on 29 and 30 March 2023. The NPM recommended, among others, that the management of the facility should consider the following, '[a]t der sikres et løbende ledelsesmæssigt fokus på udviklingen i antal indsatte i og varigheden af isolation, samt de bagvedliggende årsager hertil' and '[a]t ledelsen, på den måde som den skønner relevant, sikrer, at sundhedspersonalet får meddelelse, når en indsat isoleres'.⁸²

In English, '[t]he management ensures an ongoing focus on the development in the number of inmates in [solitary confinement] and the duration of solitary confinement, as well as the underlying reasons for it' and '[t]he management, in the way it deems relevant, ensures that healthcare staff are notified when an inmate is placed in solitary confinement'

The NPM visited the Kragshoved fængsel (prison in Jerup) on 17 and 20 May 2021. The NPM recommended, among others, that the management of the facility should consider the following, '[a]t ledelsen sikrer sig, at fængslets praksis med at anbringe indsatte til skærpet opsyn i en isolationscelle er i overensstemmelse med reglerne om udelukkelse fra fællesskab, herunder reglerne om anbringelse i observationscelle'.⁸³

In English, '[t]hat the management ensures that the prison's practice of placing inmates for enhanced supervision in an isolation cell is in accordance with the rules on exclusion from association, including the rules on placement in an observation cell.'

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"There has in recent years been a strong focus on reducing forced solitary confinement/exclusion from association in Danish prisons and remand centres – this has led to a decrease in its use. However, with regard to voluntary exclusion from association there has not been the same focus. There is no systematic monitoring or mitigating activities or an obligation for prison staff to assist the detainee in ending the exclusion from association e.g. by being transferred to another prison.

Many detainees who decide to be excluded from association claim that it is due to security concerns – and thereby it can, in effect, be questioned how voluntary the isolation is."

⁸² Denmark, Ombudsman, [visit report of 4 July 2023](#).

⁸³ Denmark, Ombudsman, [visit report of 1 October 2021](#).

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

Section 3 of the Criminal Enforcement Act states that the execution of a sentence must be carried out with due consideration for both the completion of the sentence and the need to help or influence the convicted person to live a crime-free life.

The Prison and Probation Service and the municipalities must draw up a plan of action for pre-trial detainees and post-trial inmates facing release.⁸⁴ In collaboration with the Danish Prison and Probation Service, municipalities must ensure that there is an action plan focusing on preventing released inmates and detainees from being on the streets without housing, means of support or contact with public authorities.⁸⁵

At least three months before the post-trial inmate is released from prison, a meeting is initiated by the Prison and Probation Service, with the attendance also of the inmate and the municipality.⁸⁶ In addition, the Prison and Probation Service and the municipalities can initiate mentoring programmes to support the inmate for a period to live a crime-free life. The job centres in the municipalities can also offer a mentor as part of the employment initiative.⁸⁷ The purpose of a mentor is to support former inmates in obtaining or maintaining education and employment. Mentors also support individuals in dealing with mental and social problems and substance abuse issues.

According to the Act on Social Policy, the inmate can apply for one-time financial support upon release.⁸⁸ The municipality is required to process the application no later than 14 days before release. The one-time financial support must be paid to the former inmate on the day of release.

Additionally, there is a special exit program for former gang members (i.e. former members of organized crime groups), which provides assistance and support for housing, financial aid, abuse treatment, employment and education, security and safety, etc.⁸⁹ The initiatives are regulated by existing social legislations, including the abovementioned mentoring programs. The exit program is provided by the municipality, the correctional service, and the police in cooperation.

Just like with post-trial inmates, the Prison and Probation Service and municipalities collaborate when detainees are released from pre-trial detention.⁹⁰ The Prison and Probation Service shall assist the detainee in applying for financial support from the municipality. However, pre-trial detainees generally do not receive the same level of assistance from the Prison and Probation Service as post-trial inmates,

⁸⁴ Denmark, [Circular No. 9741 of 28 June 2022 on the preparation of action plans in the Danish Prison and Probation Service](#) (Cirkulære nr. 9741 af 28. Juni 2022 om udarbejdelse af handleplaner i Kriminalforsorgen (handleplanscirkulæret)), section 10 and [Executive Order No. 624 of 15 June 2006 on the municipalities' obligation to coordinate action plans with the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 624 af 16. juni 2006 om kommunernes pligt til at koordinere handleplaner med kriminalforsorgen for visse persongrupper).

⁸⁵ Denmark, [Act on Social Services No. 67 of 22 January 2024](#) (lov nr. 67 af 22. januar 2024 om social service), section 141.

⁸⁶ Denmark, [Prison and Probation Service's guide on co-operation with authorities](#) for post-trial inmates (2019), p. 13.

⁸⁷ Denmark, [Act on Employment Programme No. 701 of 22 May 2022](#) (Lov nr. 701 af 22. maj 2022 om en aktiv beskæftigelsesindsats, Chapter 26.

⁸⁸ Denmark, [Act on Social Policy No. 1031 of 22 June 2023](#) (Lov nr. 1031 af 22. juni 2023 om aktiv socialpolitik), section 25 a.

⁸⁹ In 2011, the Ministry of Justice launched a national strategy for exit programs. The strategy provided authorities with the opportunity to implement individually tailored exit pathways for gang members who wished to leave the environment, cf. Ministry of Justice strategy '[Exit Program](#)' (2011), pp. 1-2.

⁹⁰ Denmark, [Prison and Probation Service's guide on co-operation with authorities](#) for pre-trial detainees (2019), p. 12.

and they typically do not have the same opportunities for entering into mentor support-programs provided by the Prison and Probation Service.⁹¹ Nonetheless, the mentor programs provided by the municipalities, as well as the exit program, are also accessible to pre-trial detainees.

b. Access to work

Pursuant to the Criminal Enforcement Act, pre-trial detainees and post-trial inmates have the right to occupation in accordance with section 38 of the Criminal Enforcement Act and section 1 and 2 of Executive Order on occupation.⁹² In the case of a long-term pre-trial confinement, the Prison and Probation Service must offer employment that is suitable to compensate for the detainee's lack of schooling or lack of training.⁹³ Exemption can be made in relation to i.e. retirees, as well as for pre-trial detainees and people on tolerated stay.⁹⁴

Under section 46 of the Criminal Enforcement Act, inmates may be allowed leave if justified by occupational considerations. Leaves enable inmates – to a higher extent – to continue their lives in the same way as before they were imprisoned. This promotes reintegration into society by allowing inmates to pursue or keep ordinary employment outside of prison.

Inmates often work on the production of various products in workshops, including metalwork, carpentry, and cardboard production, as well as work in e.g. forestry and agricultural facilities owned by the Prison and Probation Service.⁹⁵ The purpose of the work is to help inmates maintain a structure in their everyday life and to enable them to keep a regular job upon release.

Pursuant to section 42 of the Criminal Enforcement Act, all inmates have the right to wages for the work they perform. In addition, inmates are required to save a portion of their wages, which they can use upon release.⁹⁶ The wage for 2024 is 11.82 DKK (€1.59) per hour, with the possibility of various supplements.⁹⁷

c. Access to education

The right to occupation in accordance with the Criminal Enforcement Act and of Executive Order on occupation also includes the right to education.

Please see the answer to topic, question d, for a more detailed description of the educational programmes available.

⁹¹ Denmark, [Prison and Probation Service's guide on co-operation with authorities](#) for pre-trial detainees (2019), pp. 12-14.

⁹² Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 38 and [Executive Order No. 1016 of 28. June 2022](#) (Bekendtgørelse nr. 1016 af 28 juni 2022 om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner), sections 1 and 2.

⁹³ Denmark, Executive Order No. 1016 of 28 June 2022 on employment (Bekendtgørelse nr. 1016 af 28. juni 2022 om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner (beskæftigelsesbekendtgørelsen)), section 2.

⁹⁴ Denmark, [Guidance note No. 9734 of 28 June 2022](#) (vejledning nr. 9734 af 28. juni 2022 om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner (beskæftigelsesvejledningen)).

⁹⁵ Denmark, [Prison and Probation Service website on work](#) (Kriminalforsorgens hjemmeside om arbejde).

⁹⁶ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 42(4).

⁹⁷ Denmark, [Executive Order No. 1700 of 29 November 2023 on rates for compensation, etc. for inmates in the institutions of the Prison and Probation Service \(2024\)](#) (Bekendtgørelse nr. 1700 af 29. November 2024 om satser for vederlag m.v. til indsatte i kriminalforsorgens institutioner (2024)).

d. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For an example of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Nørre Snede Fængsel (prison in Nørre Snede) on 21 and 22 February 2023. The NPM recommended, among others, that the management of the facility should consider the following, "At ledelsen sikrer, at indsatte i arresten tilbydes beskæftigelse i overensstemmelse med beskæftigelsesbekendtgørelsen".⁹⁸ In English, "That the management ensures that detainees in the detention centre are offered employment in accordance with the Executive Order on Employment."

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"In 2024 the NPM had a special focus (focus area) on education and recreational activities and possibilities for work during the visits undertaken. A final report on the results and outcome of the focus area is expected to be published in spring 2025."

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

Inmates' access to health care is regulated by the Act on Health Care,⁹⁹ the Criminal Enforcement Act, section 45, and the Executive Order no. 399 of 9 June 2015 on health assistance to inmates and detainees in the institutions under the Prison and Probation Service.¹⁰⁰ Pursuant to the Act on Health Care, inmates and detainees are entitled to regular access to health care.¹⁰¹ The Executive Order gives the inmates and detainees access to be examined and treated by a doctor or dentist associated with the Prison and Probation Service, cf. section 2 and 13 upon their request. Pre-trial detainees have the right to request to be seen by a doctor of their own choice.¹⁰² In addition, inmates and detainees have a right to be examined and treated by a specialist or in a hospital if the prison doctor deems it necessary.¹⁰³ Inmates and detainees with psychiatric health issues may be admitted to a psychiatric ward, hospital or

⁹⁸ Denmark, Ombudsman, [Visit report of 4 July 2024](#).

⁹⁹ Denmark, [Act no. 1011 of 17 June 2023](#) on health (the Healthcare Act) (Sundhedsloven nr. 1011 af 17 juni 2023).

¹⁰⁰ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner).

¹⁰¹ Denmark, [Reply from the Minister of Justice to question no. 479](#) (Besvarelse af spørgsmål nr. 479 (Alm. del) fra Folketingets Retsudvalg), 26 March 2018, p. 2.

¹⁰² Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(2).

¹⁰² *Ibid.* section 3.

¹⁰³ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(2).

Herstedvester Prison (Herstedvester Fængsel – a special facility for inmates who require psychiatric, psychological or sexological assessment or treatment).¹⁰⁴

b. Availability of medical staff

The availability of qualified medical and nursing personnel in prison and remand centres is not regulated in any legal instrument. Furthermore, no public guidelines or manuals thereon is available.

c. Medical examination upon admission

It follows from section 7(1) of Executive Order no. 965 of 22 June 2022 on health assistance to inmates in the institutions under the Prison and Probation Service that inmates and detainees shall be given a general briefing on the health services of the institution as soon as possible after the incarceration and that inmates and detainees shall be offered a consultation with a medical doctor or nurse affiliated with the Prison and Probation Service. A medical examination should also be offered upon transfer if it has not been carried out previously. There are no legally binding national standards describing the content of such an examination.

There is not as such a national standard for an initial medical examination upon deprivation of liberty, as it is a basic principle that contact with health-care providers is only established if the inmate and detainee wish it. The health-care services in the prisons and detention centres are organised in accordance with this principle, so that an inmate who is considered capable of making decisions about his or her own life and does not express a desire to be examined or receive treatment, is not forced to be examined or treated.¹⁰⁵

If the inmate or detainee wishes to have a medical examination upon admission, they are entitled to in accordance with Executive Order on the Access to Health Care in prison facilities, section 8.

d. Preventive care

In general, inmates and detainees are covered by the same healthcare services as everyone else, both in terms of treatment and preventive measures. For instance, inmates and detainees are offered help to quit smoking and preventive screening for certain cancers. Detainees and inmates were among the prioritised groups when COVID-19 vaccinations were rolled out.¹⁰⁶

Regulations for vaccinations, health screenings and other forms of preventive care are regulated in healthcare legislation.

e. Specialised care

Inmates and detainees have access to treatment hospitals outside the prisons and remand centres or – for minor diseases or long-term care – can be placed in special hospital sections in certain prisons for treatment of somatic diseases or at Herstedvester Prison (Herstedvester Fængsel) for treatment of

¹⁰⁴ *Ibid.* section 2(3).

¹⁰⁵ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 61.

¹⁰⁶ See for instance [Executive Order no. 42 of 11 January 2024 on free COVID-19 vaccination for certain groups of individuals](#) (Bekendtgørelse nr. 42 af 11. januar 2024 om gratis vaccination mod COVID-19 til visse persongrupper) or [the Act on Health No. 1011 of 17 June 2023](#) (Sundhedsloven nr. 1011 af 17 juni 2023), section 85 a.

mental illnesses.¹⁰⁷ In addition, inmates and detainees have access to treatment of drug addiction and alcohol abuse. Inmates and detainees may be placed in special treatment units.¹⁰⁸

f. Treatment of the detainee's choosing

It follows from section 3 of Executive Order no. 965 of 22 June 2022 on health assistance to inmates and detainees in the institutions under the Prison and Probation Service that remand detainees have access to call their own doctor.¹⁰⁹ Such calls may be refused by the police if it runs counter to the purpose of placement on remand.

g. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility 'Esbjerg Arrest' (remand centre in Esbjerg) on 15 June 2022. The NPM recommended, among others, that the management of the facility should consider the following, "[a]t ledelsen sikrer, at den sundhedsfaglige journalføring lever op til kravene i de gældende regler og retningslinjer."¹¹⁰

In English, "[t]hat management ensures that healthcare record-keeping meets the requirements of the regulations and guidelines in force." In addition, the NPM also recommended, "[t]hat management ensure that medicines management lives up to the requirements of applicable rules and guidelines."¹¹¹

The NPM recommended in their annual rapport of 2022, that the Prison and Probation Service ensures that staff receive guidance or training in identifying mental health issues, including suicidal thoughts, when receiving new inmates.¹¹²

From 2019 to 2022, the Danish Patient Safety Authority conducted a total of 65 inspections in prisons and remand centres. Random checks in 2019 found that there was a need for focused efforts in a number of areas, including the handling and storage of medicines, record keeping, and the delegation

¹⁰⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 45, and [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(4).

¹⁰⁸ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023). For more information, see also: [The Danish Prison and Probation Service](#).

¹⁰⁹ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 3.

¹¹⁰ Denmark, Ombudsman, [visit report on 21 December 2022](#).

¹¹¹ Denmark, Parliamentary Ombudsman (2020), [Annual Report 2022 - Overview: Monitoring visits to institutions for adults in 2022](#), Copenhagen, pp. 37-38 or the [Parliamentary Ombudsman's website under 'Monitoring visits to institutions for adults in 2022'](#).

¹¹² Denmark, Parliamentary Ombudsman (2020), [Annual Report 2022 - Overview: Monitoring visits to institutions for adults in 2022](#), Copenhagen, p. 11 or the [Parliamentary Ombudsman's website under 'Monitoring visits to institutions for adults in 2022'](#).

of responsibilities and management accountability.¹¹³ The subsequent results of the inspections up to 2022 indicated that there had been a significant improvement in the level of patient care during the period.

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“There have been problems with handling and storage of medicines and record keeping – this has been criticised by the NPM in certain prisons and by Danish authorities. It has been proposed by e.g. NGOs that the overall responsibility of the health care system in prisons and remand centres should be removed from the Ministry of Justice to the Ministry of Health with a view to ensure that there is more focus on health issues. It has been discussed in the Prison and Probation Service, but no decisions have yet been made.”

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

Security in the Prison and Probation Service institutions is based on a static security approach (walls, locks and CCTV in the common areas and outdoors) and a relational approach focusing on constructive interaction between prison guards and inmates in order to prevent threats and violence.¹¹⁴

According to the Criminal Enforcement Act,¹¹⁵ section 62, and Executive Order on the Use of Force (*magtanvendelsesbekendtgørelsen*),¹¹⁶ the Prison and Probation Service may use force if it is necessary and proportionate, *inter alia*, to avert threatening violence, to overcome violent resistance or to prevent suicide or other self-harm. Prison officers are trained to handle serious situations and may use various means of force, such as handcuffs, batons, shields and pepper spray.

It follows from section 8 of the Executive Order on the Use of Force that, when force has been used, the Prison and Probation Service shall as soon as possible make a report in the case handling system. The report shall include a notification that the inmate or detainees has been informed of his or her right to file a complaint about the use of force to the Directorate of the Prison and Probation Service. Section 9 stipulates that a decision of the Prison and Probation on the use of force grants inmates and detainees an administrative right of appeal.

There is no public information from the Prison and Probation Service regarding regulation or policy considerations concerning the prevention of sexual violence in prisons.

Inmates can lodge a complaint over the conduct of prison guards, *inter alia* over the excessive use of force, with the Department of Prisons and Probation (*Direktoratet for Kriminalforsorgen*). If the inmate's

¹¹³ Denmark, the Patient Safety Authority (2022), [Report on Prisons and Remand Centres 2019-2022](#).

¹¹⁴ Denmark, Prison and Probation Service, [Safety \(Sikkerhed\)](#).

¹¹⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 62.

¹¹⁶ Denmark, [Executive Order No. 1026 of 30 June 2023 on the Use of Force](#) against Inmates in Prison and Probation Service Institutions (Bekendtgørelse nr. 1026 af 30 juni 2023 om anvendelse af magt over for indsatte i kriminalforsorgens institutioner (magtanvendelsesbekendtgørelsen)), section 2-6.

or detainee's complaint concerns violence or any other criminal offence, the inmate or detainee can also address his or her complaint directly to the police.

b. Protection from violence by other detainees

It is a core task for the Prison and Probation Service to maintain safety and security, including to handle conflicts in the prison and to protect inmates and detainees from violence from others. Prison officers are taught conflict management during their education.¹¹⁷

The Danish Prison and Probation Service conducted a survey on violence among inmates in 2015, but no similar survey has been conducted since. The survey showed that approximately every fourth inmate in Danish prisons and detention centres stated that they had been threatened by fellow inmates one or more times during their current detention.¹¹⁸ In addition, between every 6th and 8th inmate had been a victim of violence at least once. However, only about 1/3 of the inmates had reported incidents to staff.¹¹⁹

c. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024, are available in Danish, at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited Kragsskovhede Fængsel (prison in Jerup) on 17 and 20 May 2021. The NPM recommended, among others, that the management of the facility should consider the following, '[a]t ledelsen sikrer, at der udarbejdes en politik om håndtering af vold og trusler mellem de indsatte, der bl.a. bør omhandle registrering og opfølgning på episoder, herunder opfølgning på ikke-konkretiserede oplysninger om trusler og vold mellem indsatte.'¹²⁰

In English, '[t]hat the management ensures that a policy on handling violence and threats between inmates is drawn up, covering, among other things, registration and follow-up on incidents, including follow-up on non-concretised information about threats and violence between inmates.'

On a visit to Sdr. Omme Fængsel (prison in Sønder-Omme) on 3 and 8 June 2021, the NPM recommended, among others, '[a]t ledelsen i samarbejde med sygeplejerskerne forsøger at afdække, om der er et mørketal i relation til vold og trusler mellem indsatte.'¹²¹

In English, '[t]hat management, in collaboration with the nurses, tries to uncover whether there are unreported incidents in relation to violence and threats between inmates.'

¹¹⁷ Denmark, Prison and Probation Service, [about the education](#) (*Om uddannelsen*), see theme 5 on Conflict management, control and security, p. 8.

¹¹⁸ Denmark, Prison and Probation Service, [survey 2015](#), Inmates' vulnerability and propensity to report abuse (*Indsattes udsathed og tilbøjelighed til at anmelde overgreb*).

¹¹⁹ Denmark, Prison and Probation Service, [survey 2015](#), Inmates' vulnerability and propensity to report abuse (*Indsattes udsathed og tilbøjelighed til at anmelde overgreb*), p. 3.

¹²⁰ Denmark, Ombudsman, [visit report of 1 October 2021](#).

¹²¹ Denmark, Ombudsman, [visit report of 28 September 2021](#).

Following their visit in 2019, the CPT recommended that the Danish authorities clearly stated to prison officers in all prisons in Denmark that any form of ill-treatment, including verbal abuse, is totally unacceptable and will be punished accordingly.¹²² In addition, the CPT reiterated their recommendation that a more rigorous approach towards combating inter-inmate violence in prisons should be put in place, including systematic recording and reporting of all such incidents.¹²³

The Danish Institute for Human Rights (DIHR) published a report in October 2021 investigating how issues of lack of prison capacity, overcrowding, shortage of prison officers, etc. affected inmates in Danish prisons and their human rights.¹²⁴ The report found, among other things, that there had been an increase in violence and threats towards prison officers and that there were unreported numbers of violence between inmates, as incidents were not always reported.¹²⁵ In addition, the report found that the problem was greater in open prisons compared to closed prisons, presumably because open prisons have less prison staff. DIHR recommended that the Danish Prison and Probation Service should, among other things, have an increased focus on gathering information about violence and threats in prisons, e.g. through annual surveys among inmates, which had been carried out by the Danish Prison and Probation Service until 2015.¹²⁶

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“To my knowledge, there have been no reports on violence committed by prison staff. There are examples of inter-prisoner violence. It is the assessment that many incidents of inter-prisoner violence is not reported due to fear of reprisals. It is more difficult to counter this due to the general problems with prison overcrowding and lack of prison staff. Furthermore, it is the assessment that some detainees prefer to serve their sentence in “voluntary” isolation/solitary confinement due to fear of harassment or violence by other inmates.”

10. Contact with the outside world

a. Visits

For post-trial inmates, access to visits is regulated by the Criminal Enforcement Act¹²⁷ and the Visit Order,¹²⁸ while for pre-trial detainees, the rules are set out in the Administration of Justice Act¹²⁹ and the Custody Order.¹³⁰

¹²² Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 31.

¹²³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 32.

¹²⁴ Denmark, Institut for Human Rights, [Increased Risk of Offence](#) (Forhøjet risiko for krænkelse).

¹²⁵ Denmark, Institut for Human Rights, [Increased Risk of Offence](#) (Forhøjet risiko for krænkelse), p. 64.

¹²⁶ Denmark, Institut for Human Rights, [Increased Risk of Offence](#) (Forhøjet risiko for krænkelse), p. 68.

¹²⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023).

¹²⁸ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)).

¹²⁹ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)).

¹³⁰ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)).

Overall, visits can be categorised into three groups: 1) unrestricted visits, 2) supervised visits, and 3) prohibitions or other restrictions on access to visits.

1) Unrestricted visits:

Post-trial inmates have a right to receive visits from their families and others for at least one hour – and to the extent possible, two hours – every week.¹³¹ If possible, visits can be longer. Visitors can be asked to obtain a visitor's permit previous to the visit.¹³² The process can take about 14 days.

Inmates have the right to receive a visit from their defence lawyer for the pending criminal proceedings at any time.¹³³ In addition, foreign nationals have the right to visits from diplomatic or consular representatives. These visits are exempt from visit control, where staff from the Danish Prison and Probation Service supervise the visit.¹³⁴

Pre-trial detainees can receive visits in remand centres or prisons. The visitor must apply for a visitor's permit from the police. The police can deny visiting rights or decide to observe the visit to ensure that the inmate does not impact or interfere in the investigation of his or her case, cf. below. Pre-trial detainees have unlimited rights to visits from their defence lawyer.¹³⁵

2) Supervised visits:

Supervised visits are visits that are observed by staff from the Prison and Probation Service.

For post-trial inmates, there are certain circumstances that may restrict access to visits, including security and safety reasons, or where an inmate is radicalised or has a leading position in a gang.¹³⁶ In addition, visits to inmates convicted of treason and crimes against national security, the constitution and the highest state authorities or terrorism must be supervised at all times.¹³⁷

For post-trial inmates in closed prisons, visits can (in exceptional circumstances) be carried through in a room with a glass partition between the inmate and the visitor, instead of under the supervision of staff.¹³⁸

¹³¹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 51(1).

¹³² Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 52.

¹³³ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 51(2).

¹³⁴ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 6(1) and (3).

¹³⁵ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 771(1) and [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)), sections 40-49.

¹³⁶ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 53(1)-(3).

¹³⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 53(2).

¹³⁸ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 6(5).

For pre-trial detainees, supervision may be used if it is deemed necessary to ensure that the detainee does not affect the investigation,¹³⁹ to prevent evasion,¹⁴⁰ if the detainee is associated with a gang involved in an active conflict,¹⁴¹ or if the detainee has a leading or coordinating role in a gang.¹⁴²

If a detainee is subject to supervised visits, consideration must also be given to whether it is necessary for the supervision to include the detainee's immediate family, especially minor children. Visits from close relatives must, however, generally take place under supervision if the detained person is subject to visitor control for having a leading role in a gang and the close relative is affiliated with the same group as the detainee.¹⁴³

3) Prohibitions or other restrictions on access to visits

In some cases, visits can be denied entirely for both pre-trial detainees and post-trial inmates.

For post-trial detainees, visits from certain persons may be denied for the same reasons as mentioned above, cf. section 51 of the Criminal Enforcement Act and section 4 of the Visit Order. In particular, section 51(4) of the Criminal Enforcement Act states that imprisoned gang members are not entitled to visits from persons associated with the group in question during an ongoing conflict, unless there are special reasons for this.

For pre-trial detainees, the possibility of entirely restricting access to visits is determined by section 771 of the Administration of Justice Act, following the same assessment as mentioned in the preceding topic regarding supervised visits. In making the assessment, regard must be had to information provided by the police about the offence and any previous offences, as well as about the detainee and the person applying to visit the detainee.¹⁴⁴

In addition, an inmate serving a life sentence or an inmate sentenced to custody for a life time sentence cannot receive visits without permission for the first 10 years of imprisonment or custody placement.¹⁴⁵ Visitors, who are close relatives or friends and whom the inmate was in contact with prior to pre-trial detention, are permitted.¹⁴⁶ However, the restriction does not limit the right to receive visits by a legal representative.¹⁴⁷

¹³⁹ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 771(1).

¹⁴⁰ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 771(2).

¹⁴¹ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 771(3).

¹⁴² Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 771(4).

¹⁴³ Denmark, [Prosecutor General's Communication no. 9108 of 1 February 2022 on Letter and Visitor Control](#) (Rigsadvokatmeddelelse nr. 9108 af 1 februar 2022 om Brev- og besøgskontrol), chapter 2.1.

¹⁴⁴ Denmark, [Prosecutor General's Communication no. 9108 of 1 February 2022 on Letter and Visitor Control](#) (Rigsadvokatmeddelelse nr. 9108 af 1 februar 2022 om Brev- og besøgskontrol), chapter 4.5.

¹⁴⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 51 a.

¹⁴⁶ *Ibid.* section 51 a (2).

¹⁴⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 51 a(3).

For inmates and detainees with little contact with the outside world, an arrangement with regular visitors (*besøgsven*) can be facilitated where possible and to the extent that it is justifiable from a security and safety perspective.¹⁴⁸ The regular visitors are volunteers from Danish Red Cross.¹⁴⁹

b. Correspondence

The specific provisions governing correspondence are found in the Criminal Enforcement Act, the Administration of Justice Act, and the Executive Order on Letters.¹⁵⁰

For pre-trial detainees, it is stipulated in section 772(1) of the Administration of Justice Act that a detainee has the right to send and receive letters. The police may inspect the letters before receipt or dispatch. The police may withhold letters if their content could be harmful to the investigation, for the maintenance of order and security in the remand facility, or if the detainee's circumstances necessitate it to prevent escape. If a letter is withheld, the matter must be brought before the courts. If the decision to withhold the letter is upheld, the sender must be promptly notified, unless the judge – for the sake of the investigation – decides otherwise.

According to section 772(2), pre-trial detainees have the right to unrestricted correspondence with the court, their legal representative, the Minister of Justice, the Director of the Prison and Probation Service, and the Parliamentary Ombudsman.

For post-trial inmates, section 55(1) of the Criminal Enforcement Act provides a general right to correspondence by letter. However, mail control measures may be initiated if necessary for reasons of order or security, for the sake of the Prison and Probation Service's efforts against radicalisation and extremism or for crime prevention, as well as in order to protect the victim of the offense.¹⁵¹ Letters to and from an inmate, deemed by the police to have a leading or coordinating role in a gang or convicted of treason, terrorism, etc., shall always be inspected and read through, unless it is evident that it is not necessary for reasons of order or security, for the correctional service's efforts against radicalisation and extremism, or for crime prevention.¹⁵²

Letters may also be entirely withheld based on the considerations mentioned above.¹⁵³

¹⁴⁸ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 19-23 and [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)), section 57.

¹⁴⁹ Denmark, [Prosecutor General's Communication no. 9108 of 1 February 2022 on Letter and Visitor Control](#) (Rigsadvokatmeddelelse nr. 9108 af 1 februar 2022 om Brev- og besøgskontrol), chapter 2.4.

¹⁵⁰ Denmark, [Executive Order No. 1026 of 28 June 2022 on the access to correspondence for inmates serving prison sentences or preventive detention in correctional institutions](#) (Bekendtgørelse nr. 1026 af 28. Juni 2022 om adgangen til brevveksling for indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (brevbekendtgørelsen)).

¹⁵¹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbydelsesloven nr. 201 af 28. februar 2023), section 55(3).

¹⁵² Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbydelsesloven nr. 201 af 28. februar 2023), section 55(4) and (5).

¹⁵³ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbydelsesloven nr. 201 af 28. februar 2023), section 55(6)-(8).

An inmate serving a life sentence or sentenced to custody may not engage in correspondence without permission for the first 10 years of the sentence or custody placement.¹⁵⁴ However, The Prison and Probation Service grants permission for correspondence with close relatives or individuals with whom the inmate had contact prior to imprisonment.¹⁵⁵ The limitation on correspondence does not apply to correspondence with the inmate's lawyer and a number of public authorities, international organisations, etc.¹⁵⁶

Post-trial inmates have a similar right to make telephone calls, with a corresponding possibility to restrict this right or condition telephone calls on their recording, monitoring, or interception, according to sections 57 and 57 a of the Criminal Enforcement Act. In open prisons, there are coin-operated telephones available to the inmates. It is also possible to rent a special mobile phone, which is fixed in the cell. Inmates are responsible for covering the costs of the calls. In closed prisons, inmates are allowed to call up to ten pre-approved individuals.¹⁵⁷

Additionally, inmates have an extended right to speak to and to be photographed by the media.¹⁵⁸ However, this right is restricted for inmates serving a life sentence or who are sentenced to custody.¹⁵⁹

c. Visits with children

For post-trial inmates, visits with children are regulated in more detail in section 15 of the Executive Order no. 1022 of 28 June 2022 on Visits (*besøgsbekendtgørelsen*),¹⁶⁰ while visits with children for pre-trial detainees are regulated in the Executive Order on custody section 53 (*varetægtsbekendtgørelsen*).¹⁶¹ Generally, visits by children can only take place when accompanied by an adult and only with the consent of the custodial parent.¹⁶² Permission for children to visit inmates serving sentences for murder or serious violent or sexual offences against minors requires that social authorities have been heard beforehand.¹⁶³ The same applies if the visit involves an overnight stay in a visitor flat provided by the Prison and Probation Service.

Most closed prisons and remand centres have visitor flats that are designed to resemble ordinary homes as much as possible. The flats are set up for inmates and detainees with children to spend time together in a natural setting and to foster and develop personal relationships. The flats usually have room for the

¹⁵⁴ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 55 a(1).

¹⁵⁵ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 55 a (2).

¹⁵⁶ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 55 a (2).

¹⁵⁷ Se [Prison and Probation Service website, 'Mail and Telephone' under 'Everyday Life in Prison'](#) (Kriminalforsorgens hjemmeside, 'Post og telefon' under 'Hverdag i fængslet').

¹⁵⁸ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 59.

¹⁵⁹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 59 a.

¹⁶⁰ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Executive Order on the access to visits) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 15.

¹⁶¹ [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)).

¹⁶² Denmark, [Executive Order on the access to visits](#) section 15(1) and (2) and [Executive Order on custody](#) section 53(1) and (2).

¹⁶³ Denmark, [Executive Order on the access to visits](#) section 15(3).

inmate or detainees, another adult and two children. There may also be a small child in a weekend bed. If the inmate is visited by siblings or parents, there can be three adult guests.¹⁶⁴

d. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Nykøbing Falster Arrest (remand centre in Nykøbing Falster) on 30 August 2023. The NPM recommended, among others, that the management of the facility should consider the following, "[a]t ledelsen sikrer, at der i overensstemmelse med gældende ret foretages en vurdering af de indsattes anmodninger om at telefonere, herunder af om det er nødvendigt at påhøre samtaler" and "[a]t ledelsen overvejer mulige tiltag med henblik på at sikre diskretion i forhold til arrestens øvrige indsatte, når en indsat telefonere."¹⁶⁵

In English, "to ensure that the management conducts an assessment, in accordance with applicable law, of detainees' requests to make telephone calls, including whether it is necessary to monitor conversations" and "to consider possible measures to ensure discretion in relation to other detainees in the facility when an inmate is making a phone call."

In addition, the NPM visited the facility Bornholm Arrest (remand centre in Rønne) on 20 February 2023. The NPM recommended, among other things, "[a]t ledelsen sikrer, at der i de tilfælde, hvor indsattes telefonsamtaler påhøres eller aflyttes, gives oplysning herom på forhånd til de indsattes samtalepartnere i overensstemmelse med straffuldbyrdelseslovens § 57, stk. 3, 2. pkt., og varetægtsbekendtgørelsens § 72, stk. 4, 2. pkt."¹⁶⁶

In English, "[t]hat the management ensures that in cases where an detainee's telephone calls are monitored or intercepted, information is provided in advance to the detainee's conversation partners in accordance with section 57(3) of the Criminal Enforcement Act, and section 72(4) of the Custody Order.

Regarding visits with children, the NPM visited Jyderup Prison (women's prison in Jyderup) in February 2023. Among other things, the NPM recommended measures to ensure better conditions for children in the prison, including that the management "[s]ikrer, at børn, uanset hvilken afdeling af fængslet de opholder sig i, har adgang til alderssvarende faciliteter både indendørs og udendørs."¹⁶⁷

In English, "ensures that children, regardless of which section of the prison they are in, have access to age-appropriate facilities both indoors and outdoors."

¹⁶⁴ Se Denmark, [Prison and Probation Service website](#), 'Visits and release' under 'Visitor flats' (Kriminalforsorgens hjemmeside, 'Besøg og udgang' under Besøgslejligheder).

¹⁶⁵ Denmark, Ombudsman, [visit report of 30 November 2023](#).

¹⁶⁶ Denmark, Ombudsman, [visit report on 23 May 2023](#).

¹⁶⁷ Denmark, Ombudsman report, '[Ombudsmanden anbefaler tiltag for at sikre bedre forhold for børn i Jyderup Fængsel](#)', FOB 2023-22, 27 June 2023, p. 4.

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“It can be mentioned that many pre-trial detainees have restricted access to visits and telephone/mail correspondence due to a decision taken by the police for reasons of protecting the investigation and not hampering the evidence/witnesses (so-called B & B). Hence, in 2023 66,8 % of all pre-trial detainees had restricted access to visits and telephone/mail-correspondence.¹⁶⁸”

The Danish NPM has in 2024 a special focus on visits to inmates and how the visits are arranged and organized. An outcome report will be published in spring 2025.”

11. Special measures for female detainees

a. General conditions of detention for women and girls

Male and female inmates have traditionally not been placed in separate prisons. However, questions were raised in 2018 about potential security implications for women and a desire to strengthen rehabilitation efforts.¹⁶⁹ Therefore, it was decided to create a prison exclusively for women, resulting in Jyderup Fængsel (prison in Jyderup) being inaugurated as a women's prison on 11 October 2021.¹⁷⁰

Jyderup Fængsel is a hybrid institution, which has both open and closed wards, as well as wards for pre-trial detainees. As a rule, female post trial-inmates are placed in Jyderup Fængsel. However, due to special circumstances, female detainees can be placed in other prisons, e.g. because they need to be placed in higher-security facilities or they need to be in a prison with special medical or other treatment facilities.

Female pre-trial detainees are also as a rule to be placed in Jyderup Fængsel. However, they are in fact to a higher extent than post-trial inmates spread throughout the country. This can be due to the fact that the police assess that two women connected to the same criminal case should not be placed in the same remand ward; that the female detainee needs to be placed closer to the court where her criminal case is being processed; that a female detainee is placed in a facility closer to her family; or that there are no available remand cells in Jyderup Fængsel.¹⁷¹

The women's prison will be equipped with a dedicated family and visitor centre. A few small children under the age of three have been allowed to stay with their mothers for a shorter or longer period of time while the women have been serving their sentences.¹⁷²

¹⁶⁸ Denmark, Danish Institute for Human Rights website on '[Prisons and deprivation of liberty](#)' (Institut for menneskerettighedens hjemmeside under 'Fængsler og frihedsberøvelse').

¹⁶⁹ Denmark, Fængslede kvinder er andet og mere end stereotyper - Kvindefængsel i Danmark anno 2021, Charlotte Mathiassen, Lektor ved Aarhus Universitet, DPU, Nordisk Tidsskrift for Kriminalvidenskab – nr. 1/2021, p. 28.

¹⁷⁰ Denmark, The Prison and Probation Service website, [Jyderup Prison](#) (Jyderup Fængsel).

¹⁷¹ This information was provided by The Prison and Probation Service by e-mail of 25 April 2024 to the Danish Institute for Human Rights.

¹⁷² Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelsenr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), sections 16-18.

b. Separation from men

For post-trial inmates, section 33(4) of the Criminal Enforcement Act,¹⁷³ provides a right to serve a sentence without association with inmates of the opposite gender, except during working hours and provided it is possible. There is no such right for pre-trial detainees.

The Prison and Probation Service has given the following comment¹⁷⁴: “When female and male detainees are placed in the same institution, there is extra attention and awareness from the prison staff in regard to ensuring the safety and welfare of female detainees. At bigger facilities, where it is possible, separate wards can be created in order for female detainees to associate with one other without the presence of male detainees. Such wards have been created e.g. at Vestre Fængsel¹⁷⁵”

c. Hygiene

Female inmates and detainees have access to the same health-care treatment as their male counterparts. For post-trial inmates, the Prison and Probation Service may disburse a daily amount for self-administration (*selvforvaltningsbeløb*).¹⁷⁶ Inmates will be able to spend their daily allowance in the on-premise store to buy women-only sanitary products.

To the extent that self-management has not been introduced in the institutions, the inmates may, upon request, be provided with articles for personal hygiene free of charge.¹⁷⁷ The same is applicable for pre-trial detainees.

d. Healthcare

Female inmates and detainees have access to the same health-care treatment as male inmates. Inmates and detainees are offered a consultation with a medical doctor or nurse at the admission. It is possible to request advice on gynaecological issues and/or other specific health problems. If needed, reference can be made to a specialist, including a gynaecologist.¹⁷⁸ Pre-trial detainees have the right to consult their personal physician, unless this would be incompatible with the reasons for placing the detainee in custody.¹⁷⁹

Section 10 and 11 of the Executive Order on inmates’ access to health care in prison facilities regulates treatment of female inmates and detainees in case of pregnancy.¹⁸⁰ Prison staff are obliged to immediately contact a doctor and as soon as possible provide access for the female inmate or detainee to consult with the doctor.

¹⁷³ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023).

¹⁷⁴ This comment was provided by The Prison and Probation Service by e-mail of 25 April 2024 to the Danish Institute for Human Rights.

¹⁷⁵ One of Denmark’s largest remand centres, placed in Copenhagen.

¹⁷⁶ Denmark, [Executive Order No. 1016 of 28. June 2022](#) (Bekendtgørelse nr. 1016 af 28 juni 2022 om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner), section 21.

¹⁷⁷ Denmark, [Circular Letter no. 9853 of 26 October 2021](#) (Cirkulæreskrivelse nr. 9853 om størrelse af og udstyr af indsattes opholdsrum i kriminalforsorgens institutioner om størrelse af og udstyr af indsattes opholdsrum i kriminalforsorgens institutioner), section 4.

¹⁷⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 72.

¹⁷⁹ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 3.

¹⁸⁰ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), sections 10 and 11.

e. Pregnancy and women with babies or young children

It is stated in the Executive Order on the access to health care, section 11, that the Prison and Probation Service must, to the extent possible, ensure that childbirth does not take place in the institution.

If there are three months or less until the date when a pregnant inmates and detainees is expected to give birth, the Department of Prisons and Probation shall, in co-operation with a doctor, determine the hospital or similar facility where the birth shall take place, and as soon as possible establish contact with the midwife and hospital.¹⁸¹

It follows from section 54 of the Criminal Enforcement Act, that the inmates and detainees have the right to have his/her child, who is less than one year old, living at the institution, if the inmate is capable of taking care of the child.

In addition, it is possible for a child under three years of age to remain with the parent in prison if the parent can look after the child themselves and the Prison and Probation Service and the social authorities find that the conditions in the prison are compatible with the best interests of the child. The provisions regulation the possibility of a parent and child staying together in prison are found in Executive Order on Visits (*besøgsbekendtgørelsen*).¹⁸²

The Prison and Probation Service will initially consider whether it is possible to place the convicted person outside prison and remand prison, cf. section 78(1) of the Criminal Enforcement Act.

Such placement may, for example, take place in one of the Prison and Probation Service's pensions, including in one of the pensions' two family-houses, or in an institution outside the Prison and Probation Service.¹⁸³ It is a prerequisite for placement outside prison and remand centre that decisive considerations for the enforcement of law do not preclude this, cf. section 78(1)(3) of the Criminal Enforcement Act.

f. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Jyderup Fængsel (prison in Jyderup) on 9 February 2023 in order to assess the treatment of children under the age of three, imprisoned together with their mothers. The NPM recommended, among other things, that the management of the facility should ensure, "at

¹⁸¹ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 11.

¹⁸² Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelsenr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 16-18.

¹⁸³ Denmark, Reply from the Minister of Justice to question no. 144 (Besvarelse af spørgsmål nr. 144 (Alm. del) fra Folketingets Social- Indenrigs- og Børneudvalg), 18 January 2018, p. 2.

anmodninger om at have sit barn hos sig i institutionen behandles i overensstemmelse med reglerne herom, og at der foretages fornøden dokumentation.”¹⁸⁴

in English, “that requests to have ones child with the inmate in the facility are processed in accordance with the regulations, and that the necessary documentation is made.”

The CPT did not renew recommendations from their last report, but only expressed the need for information about the former women's ward of Storstrøm Fængsel (prison in Nørre Alslev).¹⁸⁵

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“A special prison for female prisoners (Jyderup prison) was established in 2021. In this prison there is focus on the treatment of female prisoners, including possible children under the age of 3 years (that in exceptional circumstances can stay in the prison with the mother). The Danish NPM is going to inspect the prison in 2024.”

12. Special measures for foreign nationals

a. General measures for foreign nationals

In 2022, a bilateral treaty between the Republic of Kosovo and the Kingdom of Denmark regarding the lease of 300 prison places in Gjilan prison in Kosovo for foreigners sentenced to expulsion from Denmark was signed.¹⁸⁶ The purpose of the agreement is to allow foreigners – who will be expelled from Denmark after completing their sentence according to the rules of the Criminal Enforcement Act and the Return Act¹⁸⁷ - to serve their sentences outside Denmark's territory and thus to help with problems of overcrowding in Danish prisons.

The agreement has been criticized by, among others, the Danish Institute for Human Rights for giving rise to issues concerning Denmark's international obligations, particularly in regard to the prohibition against torture, as well as creating uncertainty about the division of responsibilities between Danish and Kosovar authorities.¹⁸⁸

The treaty has not been finally ratified by the Kosovar Parliament and is therefore not yet in force.

Foreigners who have served their sentence in Denmark and who do not have a residence permit, may be deprived of their liberty until they can be expelled from Denmark, cf. the Return Act. If the foreigner has a permanent address in the country, they may only be deprived of their liberty, if they pose a serious

¹⁸⁴ Denmark, Ombudsman, [visit report of 27 June 2023](#).

¹⁸⁵ This conclusion is based on a review of the Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020.

¹⁸⁶ Denmark, [Act no. 893 of 21 June 2022 amending the Act on the Execution of Sentences, the Criminal Code, the Administration of Justice Act, and various other laws](#) (Lov nr. 893 a 21. juni 2022 om ændring af lov om fuldbyrdelse af straf m.v., straffeloven, retsplejeloven og forskellige andre love).

¹⁸⁷ Denmark, [Return Act no. 1139 of 17 August 2023](#) (Lov nr. 1139 af 17. august 2023 om hjemrejse for udlændinge uden lovligt ophold (hjemrejseloven)), section 1 a(2) and [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 75 b.

¹⁸⁸ See the Danish Institute for Human Rights' supplementary response of 5 May 2022 regarding the leasing of prison spaces abroad, [Institute for Human Rights \(2022\)](#), 'Supplerend ehøringssvar til leje af fængselspladser I udlandet (L189)'.

threat to public order or security.¹⁸⁹ The foreigner may be placed in one of the return centres pending their departure.

Inmates who have been sentenced to deportation may not participate in educational programs, unless special circumstances justify it, cf. section 38(2) of the Criminal Enforcement Act.

Inmates sentenced to deportation can generally only be offered employment through participation in work at the institution, such as workshop or work which can be done from the cell, internal maintenance or participation in approved activities, but may not participate in e.g. basic education in general subjects (general adult education), upper secondary education (HF), qualifications-based education courses (AMU) and vocational training, higher education or teaching of basic skills in reading and mathematical skills (preparatory adult education) and dyslexic education.¹⁹⁰

Furthermore, foreign inmates who have been expelled or have no residence permit in Denmark have more limited access to health services compared to nationals.

b. Interpretation and translation

It follows from the principles behind the Public Administration Act,¹⁹¹ hereunder section 7, that authorities shall provide guidance and assistance within their area in a manner that the citizen can understand. This entails that the authority may be obliged to provide interpretation or translation when communicating with a foreign national.

Prison authorities ensure that communication with inmates and detainees happen in a language that they understand. If the prison guards or fellow inmates or detainees cannot communicate with the person, an external interpreter can be used. The Prison and Probation Service also hands out information leaflets, one about post-trial detention and one about arrest and pre-trial detention, which have been translated into 23 different languages.¹⁹²

c. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility 'Nykøbing Mors Arrest' (remand centre in Nykøbing Mors) on 4 October 2022. The NPM recommended, among other things, that the management of the facility should consider

¹⁸⁹ Denmark, [Return Act no. 1139 of 17 August 2023](#) (Lov nr. 1139 af 17. august 2023 om hjemrejse for udlændinge uden lovligt ophold (hjemrejseloven)), section 16.

¹⁹⁰ See the [travaux préparatoires to section 38\(2\) of the amendment of Act no. 429 of 3 May 2017 on the Execution of Sentences, etc.](#) under special comments to no. 2 (ændring af lov nr. 429 af 3. Maj 2017 om fuldbyrdelse af straf m.v. (Skærpe af afsoningsvilkårene for udvisningsdømte indsatte)).

¹⁹¹ Denmark, [Public Administration Act No. 433 of 22 April 2014](#) (Bekendtgørelse nr. 433 af 22. april 2014 om forvaltningsloven), section 7.

¹⁹² Denmark, [Circular No. 106 of 22 December 2010 on interpretation](#) (Cirkulære nr. 106 af 22. December 2010 om tolkning).

the following, “[a]t ledelsen sikrer brug af tolk i nødvendigt omfang, herunder ved modtagelses- og sundhedssamtaler og samtaler om afdækning af psykiatriske forhold.”¹⁹³

In English, “[t]hat the management ensures the use of interpreters when necessary, including during intake and health consultations, and conversations regarding psychiatric issues.”

Additionally, the NPM has in more general terms recommended to remand centres, “[a]t ledelsen sikrer, at husordenen oversættes til relevante sprog”¹⁹⁴ and “[a]t ledelsen sikrer brug af tolk i nødvendigt omfang.”¹⁹⁵

In English, “[t]hat the management ensures that the house rules are translated into relevant languages” and “the management ensures the use of interpreters as necessary.”

Following their visit in 2019, the CPT recommended that translation and interpretation services should be made available for detained migrants in the Prison and Probation Service institutions.¹⁹⁶

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“The NPM has several times recommended that translators and interpreters are used more often, in particular in relation to provision of health services and in disciplinary proceedings leading to solitary confinement.”

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

The minimum age of criminal responsibility is 15 years; thus, juveniles are between 15 and 17 years old.¹⁹⁷ Juveniles are generally subject to the same regulations as adults, but as a clear rule, juveniles between 15-17 are separated from adults.¹⁹⁸

b. General measures for detained children and young adults

Pursuant to the Criminal Enforcement Act, section 78(2) and (4), juveniles in detention should be placed in family care, in their own home or in an institution instead of in prison facilities, unless there are serious considerations against it.

Juveniles will typically be placed in an institution which is not part of the Prison and Probation Service or exceptionally in one of the Prison and Probation Service's pensions. If such placement is not deemed suitable and the juvenile does not qualify for home detention with an electronic tag, the juvenile will serve a post-trial sentence in a special section for young people at Søbysøgård Prison (Søbysøgård

¹⁹³ Denmark, Ombudsman, [visit report of 6 March 2023](#).

¹⁹⁴ Denmark, Ombudsman, [visit report of 13 December 2022](#).

¹⁹⁵ Denmark, Ombudsman, [visit report of 18 August 2022](#).

¹⁹⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 128.

¹⁹⁷ Denmark, the Criminal Code, Consolidated Act No. 1360 of 28 September 2022 (Straffeloven, lovbekendtgørelse nr. 1360 af 28. September 2022), section 15.

¹⁹⁸ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdelsesloven nr. 201 af 28. februar 2023), section 78.

Fængsel),¹⁹⁹ or – if vital for the juvenile to keep in contact with family and/or attend education – in a regular prison facility.²⁰⁰ If the juvenile is in pre-trial detention and cannot be placed in an alternative to custody, the juvenile will be placed in a remand centre close to home.²⁰¹

Juveniles shall have the opportunity to associate with other inmates in their own age-group separately from other inmates.²⁰² If a juvenile is placed in a prison or detention facility administered by the Prison and Probation Service, a treatment programme shall be initiated focusing on educational or other recreational activities based on the juveniles wishes and motivation, cf. the Executive Order on juveniles, section 12.

Pursuant to the Executive Order on juveniles, section 14, juveniles shall have daily access to two hours of physical activities, including one hour access to outdoor areas.

c. Separation from adults

Juveniles between the ages of 15-17 are generally not imprisoned with people over the age of 18. Juveniles are placed in Søbysøgård Prison's open youth ward, where they are separated from the other inmates to protect them from harmful influences.²⁰³

15 to 17-year-olds may only in exceptional cases share living quarters with inmates and detainees over 18 years of age.²⁰⁴ Cohabitation between the juveniles and persons over the age of 18 may be permitted if this is deemed not to pose a risk of negative impact on the juvenile. Cohabitation in the common areas may also be permitted under the supervision of prison staff.²⁰⁵

d. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

¹⁹⁹ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 4.

²⁰⁰ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 5.

²⁰¹ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 1.

²⁰² Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), sections 2(2), 3, 5 and 9.

²⁰³ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 2.

²⁰⁴ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 2(2).

²⁰⁵ Denmark, [Executive Order on juveniles aged 15 -17 years placed in facilities administered by the Prison and Probation Service no. 1067 of 28 June 2022](#) (Bekendtgørelse om behandlingen af 15-17 årige, der anbringes i kriminalforsorgens institutioner nr. 1067 af 28 juni 2022), section 2(4) and (5).

The NPM visited the facility Sønderbro (secure residential centre for juveniles in Copenhagen) on 13 and 14 October 2021. The NPM recommended, among other things, that the management of the facility should consider the following, “[o]verholder fristerne for at registrere og indberette fysisk magtanvendelse og undersøgelse af person og opholdsrum.”²⁰⁶

In English, “comply with the deadlines for registering and reporting physical use of force and searches of individuals and living spaces.”

Following their visit in 2019, the CPT recommended that solitary confinement as a disciplinary punishment for juveniles should be abolished.²⁰⁷

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“In general, very few children and young detainees are placed in normal prisons. Instead, they are placed in specialized institutions for children and juveniles. If they – for exceptional reasons – are in a normal prison, they will only stay there for short periods of time, according to information from the Prison and Probation Service.

The NPM has decided to choose children in prisons as the focus area for 2025 - so we will have more on information on this topic next year.”

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

According to the Criminal Enforcement Act section 45 and the Executive Order on Custody section 31²⁰⁸ inmates and detainees are entitled to medical treatment and other health care. All prisons have affiliated physician.²⁰⁹ Inmates and detainees may also be referred to specialised doctors outside the prison. If inmates and detainees need to be hospitalised during their sentence, this will be done at the local hospital or by admission to the special wards at Vestre Hospital at Vestre Fængsel (hospital wing in a prison located in Copenhagen).²¹⁰ For further details, please see topic 8.a above.

If post-trial inmates are suffering from illness or have special needs, they may serve their sentence in a hospital or other suitable place, such as one of the Prison and Probation Service's pensions.²¹¹ If inmates

²⁰⁶ Denmark, Ombudsman, [visit report of 8 March 2022](#).

²⁰⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 82.

²⁰⁸ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)).

²⁰⁹ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(1).

²¹⁰ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(3).

²¹¹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 78(1)(1) or (2).

need psychological, psychiatric and/or sexological assessment or treatment, they can be transferred to Herstedvester Fængsel, where specialised staff are trained to deal with mental health issues.²¹²

Access to treatment outside prison requires that the inmate meets the criteria for obtaining leave from prison. According to section 46 of the Criminal Enforcement Act, leave may be authorised for the sake of access to treatment. In some cases the inmate may be required to be escorted by police. However, leave may be denied in certain cases as described under topic 7, question b.

According to section 16 of the Criminal Code,²¹³ a person who at the time of committing a criminal offence was insane or mentally retarded, shall not be punished. Such persons, as well as persons who are severely mentally ill or retarded, may be sentenced to special psychiatric wards or institutions in order to prevent new offences, cf. section 68 of the Criminal Code, e.g. Kofoedsminde, a specialised institution for mentally disabled adults who have committed serious offences.²¹⁴

b. Continuity of care

Those who have been receiving medical treatment in the prisons from the prison's own physician can transfer to their personal physician upon release. Inmates who have undergone treatment in a medical facility outside the Prison and Probation Service's institutions will be able to continue their treatment, after serving their sentence, in either the same or a similar facility. This treatment will be regulated by the Health Act, the Psychiatry Act or similar health legislation instead of the Criminal Enforcement Act.

Pre-trial detainees have the right to consult their personal physician instead of the affiliated physician at the remand centre, unless this would be incompatible with the reason for the remand in custody.²¹⁵ However, this happens very seldom in practice.

c. Reasonable accommodation and accessibility

As outlined under question a, if the inmate's or detainee's health needs cannot be met while serving a sentence in the Prison and Probation Service's prisons or during detention in the remand centres, it will be possible to serve a sentence in one of the Prison and Probation Service's pensions or in an institution outside the Prison and Probation Service.

For people with physical disabilities, some of the prisons, including Enner Mark Fængsel and Storstrøm Fængsel, are designed to be wheelchair accessible with e.g. sufficient space for turning around in the cell as well as in the shower and toilet. These cells are between 16 to 17 m² including shower and toilet.²¹⁶

d. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at:

²¹² Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 2(4).

²¹³ Denmark, [the Criminal Code, Consolidated Act No. 1360 of 28 September 2022](#) (Straffeloven, lovbekendtgørelse nr. 1360 af 28. September 2022).

²¹⁴ See the institution '[Kofoedsminde' website](#) for more information regarding the facility.

²¹⁵ Denmark, [Executive Order No. 965 of 22 June 2022](#) on the Access to Health Care in prison facilities (Bekendtgørelse nr. 965 af 22 juni 2022 om sundhedsmæssig bistand til indsatte i kriminalforsorgens institutioner), section 3.

²¹⁶ Denmark, [Reply from the Minister of Justice to question no. 1012](#) (Besvarelse af spørgsmål nr. 1012 (Alm. del) fra Folketingets Retsudvalg), 18 September 2023, p. 2.

https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Nykøbing Mors Arrest (remand centre in Nykøbing Mors) prison on 4 October 2022. The NPM recommended, among other things, that the management of the facility should consider the following, “[a]t ledelsen sikrer, at personalet modtager vejledning eller undervisning om afdækning af psykiatriske forhold, herunder afdækning af selvmordstanker, ved modtagelsen af nye indsatte.”²¹⁷

In English, “that management ensures that staff receive counselling or training on how to identify psychiatric conditions, including suicidal thoughts, when receiving new detainees.”

In addition, the NPM visited the facility Sønder Omme Fængsel (prison in Sønder Omme) on 3 and 8 June 2021. The NPM recommended, among other things, “at ledelsen sikrer en øget opmærksomhed på håndteringen af psykisk sårbare indsatte, herunder at ledelsen sikrer efteruddannelse af personalet eller på anden måde instruerer personalet i, hvad de skal holde øje med, og hvordan personalet håndterer denne type af indsatte.”²¹⁸

In English, “that the management ensures increased awareness of the handling of mentally vulnerable inmates, including that the management ensures further training of the staff or otherwise instructs staff in what to keep an eye out for as well as how the staff handles this type of inmate.”

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“In general, the main problem is, as described above, lack of support for detainees with mental health problems. It can be difficult to receive treatment by a psychiatrist. Inmates with severe mental health problems should be transferred to professional treatment at a psychiatric hospital, but these hospitals are severely overcrowded and there is at a national level a severe lack of psychiatrist with the consequence that inmates with severe mental problems often will have to remain in prisons with more limited access to professional treatment.”

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

There are currently no special measures for protecting transgender detainees. However, as part of the government's LGBTI action plan for 2022 to 2025 the Danish Prison and Probation Service shall draw up guidelines for gender minorities in prisons and remand centres.²¹⁹

²¹⁷ Denmark, Ombudsman, [visit report 6 March 2023](#).

²¹⁸ Denmark, Ombudsman, [visit report 28 september 2021](#).

²¹⁹ Denmark, [Danish government LGBTQ+ action plan for 2022 to 2025, 'Plads til forskellighed i fællesskabet'](#), August 2022, Ministry of Transportation, p. 19.

Sections 21(3)(3) and 22(5)(1) of the Criminal Enforcement Act²²⁰ enable post-trial inmates to be placed in a remand centre or closed prison in order to protect the inmate from abuse or assault. In addition, an inmate can choose to be excluded from association voluntarily, cf. the Criminal Enforcement Act, section 33(3)-(4). If an inmate chooses so, the inmate will be excluded completely from association or placed in a special department with limited association.²²¹ Inmates have the right to revoke the decision at any time, cf. section 33 of the Criminal Enforcement Act. Both measures can be applied to protect individuals from abuse or assault by other inmates.

For pre-trial detainees, the courts decide whether solitary confinement is necessary for the purpose of the detention, cf. Sections 770 a-e of the Administration of Justice Act. It is not possible under the Administration of Justice Act to go into voluntary solitary confinement. However, in detention facilities in Copenhagen (*Københavns Fængsler*) detainees may be locked in their cells all day,²²² meaning that pre-trial detainees spend up to 23 hours a day in their cells. For more information, see topic 5 under question b.

b. Protection of trans detainees

Section 33(4) of the Criminal Enforcement Act,²²³ provides post-trial inmates a right to serve a sentence without association with inmates of the opposite sex, except during working hours and provided it is possible. There is not the same right for pre-trial detainees.

Jyderup Fængsel (prison in Jyderup) opened as a women's prison on 11 October 2021,²²⁴ allowing post-trial inmates to serve their sentences in either an all-male prison, all-women prison or in wards with persons of the same sex. No special wards have been established for the placement of people belonging to the LGBTI community.

There are no national standards for the allocation of trans detainees within detention facilities. Under section 3(6) of the Civil Registration System Act (*CPR-loven*),²²⁵ it is possible to undergo a legal sex reassignment without surgical procedures, whereby a person can obtain a new social security number belonging to the other sex than the one assigned to the person at birth. However, the assessment of where a person shall be allocated based on sex will be based on the person's biological sex, which is to be determined by a medical doctor.²²⁶ In addition, a security assessment may be decisive for where a person is allocated. For more information, see case *BS-9354/2022-OLR* under part II.

c. Protection of other vulnerable detainees

There is no regulation regarding special measures for protecting persons belonging to a different racial or ethnic origin or religious background than the majority of detainees.

²²⁰ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023).

²²¹ Denmark, Dragsted, Ane, and Schiøler, Jakob. *Straffuldbyrdsloven Med Kommentarer*. 2. Udg. ed. København: Jurist- Og Økonomforbundets Forlag, 2017, p. 159.

²²² Denmark, [Executive order No. 866 of 25 June 2018](#) (Bekendtgørelse om indsattes adgang til fællesskab m.v. med andre indsatte i kriminalforsorgens institutioner (fællesskabsbekendtgørelsen)), section 6(2).

²²³ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023).

²²⁴ Denmark, The Prison and Probation Service website, [Jyderup Prison](#) (Jyderup Fængsel).

²²⁵ Denmark, [Act no. 1010 of 23 June 2023 on Civil Registration System](#) (Lov nr. 1010 af 23. juni 2023 om Det Centrale Personregister (CPR-loven)).

²²⁶ Denmark, Eastern High Court (Østre Landsret), Copenhagen, [BS-9354/2022-OLR](#), 24 May 2023.

However, a person may be placed in voluntary solitary confinement in accordance with the rules in section 33 of the Criminal Enforcement Act or allocated to a closed prison or remand centre in order to protect the person from abuse by other inmates and detainees.

d. NPM assessment

An overall review of reports from the NPM shows that no criticism has been raised by the NPM specifically regarding measures to protect detainees with special needs or other vulnerabilities in the reference period.²²⁷

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024, are available in Danish, at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

The Danish Institute for Human Rights (DIHR) criticises the fact that Denmark has not initiated any research on the number of individuals in the Prison and Probation Service's institutions that are a part of the LGBTI community, including transgender, queer or intersex individuals in particular, meaning that the extent of the group cannot be assessed due to hidden figures.²²⁸ On this basis, DIHR has urged the Ministry of Justice to issue guidelines for the treatment of gender minorities in Danish prisons and remand centres, including principles for placement in male and female wards, rules for body searches, initiatives for protection against abuse, threats and harassment, and access to health services.²²⁹

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

"This is a rather new issue in Danish prisons. The Prison Service pay attention to how to deal with these situations and guidance has been adopted. There is a pending case²³⁰ regarding the matter before the Danish Supreme court – and the authorities are awaiting the outcome of this case – probably in late 2024."

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

There are several measures whereby the ability of radicalised inmates to influence other inmates or to make contact with individuals outside the prison can be reduced, cf. the Criminal Enforcement Act. More specifically, restrictions may be imposed on radicalised inmates right to visits,²³¹ and access to telephone calls.²³²

²²⁷ This conclusion is based on a review of the annual reports from 2021 from the Danish NPM, the Danish Parliamentary Ombudsman (Folketingets Ombudsmandsberetninger fra 2021 til 2024). For an overview of annual reports and visit reports from the Danish NPM, see: [Gennemførte tilsynsbesøg på voksenområdet \(ombudsmanden.dk\)](https://www.ombudsmanden.dk/gennemførte-tilsynsbesøg-på-voksenområdet).

²²⁸ Danish Institute for Human Rights, 'Kønsminoritetets Rettigheder I Fængslerne', January 2022, p. 7.

²²⁹ Danish Institute for Human Rights, 'Kønsminoritetets Rettigheder I Fængslerne', January 2022, pp. 4-5.

²³⁰ Please see the description of the Eastern High Court judgement in the case in Part II, below.

²³¹ *Ibid.* section 53(2).

²³² *Ibid.* section 57(2) and (5).

Additionally, the government's national action plan on preventing and combating extremism and radicalisation²³³ includes a range of initiatives both within the framework of the Prison and Probation Service, as well as initiatives involving the police, intelligence services, and municipalities in their efforts towards individuals suspected of radicalisation or extremism. Such initiatives are regulated by social legislation, police legislation, or other legislation that does not directly regulate conditions within prisons.

b. Risk assessments

The Prison and Probation Service regularly reports on inmates and detainees suspected of radicalisation.²³⁴ Prisons and remand centres are required to report observations that give cause for concern, such as inmates' behaviour, statements, changes in appearance, literature, belongings, symbols, and similar indicators suggestive of extremism.²³⁵ Additionally, there is enhanced screening and supervision of religious preachers in the prisons.

To mitigate radicalisation in prisons, individuals deemed to be radicalised may be transferred to closed prisons or detention centres to limit their influence on fellow inmates and detainees.²³⁶ The placement in question must be necessary due to a specific risk that the inmate or detainee will seek to influence others through the dissemination of violently extremist views, and the placement must be suitable for limiting the risk of influencing others towards violent extremism.²³⁷ It is also possible to either segregate these inmates and detainees, so they do not serve time together or segment them into specific wards for gang members and radicalised individuals.²³⁸ The abovementioned restrictions entails an expansion of the possibility to deviate from the principle of proximity (*nærhedsprincippet*) when deciding where the inmates' sentence shall be served, as described under topic 2.

c. Training of staff

There is a specific module about radicalisation in the training program for prison officers. Under topic 2 on the Prison and Probation Service's inmates and institutions, staff are trained to observe and report concerns about radicalisation among inmates.²³⁹ The purpose of this training includes assisting the Prison and Probation Service in conducting risk assessments on inmates in prisons, as described in the above question.

²³³ Denmark, Danish Government, [National Policy on prevention and combating of extremism and radicalization](#), October 2016 (Regeringen, Forebyggelse og bekæmpelse af ekstremisme og radikalisering, National handlingsplan, oktober 2016).

²³⁴ Denmark, Danish Government, [National Policy on prevention and combating of extremism and radicalization](#), October 2016 (Regeringen, Forebyggelse og bekæmpelse af ekstremisme og radikalisering, National handlingsplan, oktober 2016), pp. 20 and 31.

²³⁵ Danish Institute for Human Rights, [publication on Prevention of Radicalisation in Prisons: Human Rights and legal Security for Detainees](#), 2017 (Institut for Menneskerettigheder, 'Forebyggelse af radikalisering i fængsler: Menneskerettigheder og retssikkerhed for de indsatte', 2017), pp. 19-22.

²³⁶ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbydelsesloven nr. 201 af 28. februar 2023), sections 21(3)(1) and 22(3).

²³⁷ Denmark, [Guideline No. 9073 of 31 January 2022 on the placement and transfer of persons who are to serve a prison sentence or detention](#) (Vejledning nr. 9073 af 31 januar 2022 om anbringelse og overførsel af personer, som skal udstå fængselsstraf eller forvaring (anbringelses- og overførselsvejledningen)), para. 34.

²³⁸ *Ibid.* sections 23(2)(5), 25(2) and 26(1)(4).

²³⁹ Denmark, Prison and Probation Service, [about the education](#) (*Om uddannelsen*), see Appendix 1, theme 2 on Prison and Probation Service Inmates and Institutions.

d. Deradicalisation measures

The Prison and Probation Service can collect, process, and disclose information about inmates and persons with whom inmates have had contact to other authorities if the interests of the Prison and Probation Service or other authorities in combating radicalisation and extremism warrant it, cf. section 66 b of the Criminal Enforcement Act. A specialised unit has been established within the security organisation of the Prison and Probation Service,²⁴⁰ which specifically focuses on radicalisation and violent extremism.²⁴¹ This unit collaborates with, among others, the Danish Security and Intelligence Service (PET), and special contact points are set up between the two institutions to ensure the collection and transfer of information about individuals in prisons and remand centres who give rise to concern.²⁴²

The Danish Security and Intelligence Service (PET) has, in collaboration with the Prison and Probation Service, police and municipalities, initiated exit programs for convicted terrorists and radicalised inmates prior to their release. The exit program entails, among other things, the introduction of new motivation programs and action plans for inmates showing signs of radicalisation and extremism. Participation in an exit program is made a condition for parole, requiring radicalised inmates convicted of terrorism-related offenses to actively and constructively engage in the program.²⁴³

To prevent radicalised individuals from relapsing into the same patterns after release, it is possible under section 79 b of the Criminal Code,²⁴⁴ to impose a residence and contact ban for individuals after they have served their sentence, prohibiting them from frequenting or residing in one or more specifically defined areas or to contact certain people, where there is a particular risk that the former inmate will return to a radicalised environment or could influence individuals at risk of radicalisation in a negative direction. The provision is, however, conditional on the individual being convicted of one of the terrorism provisions in the Criminal Code.

A committee established by the Ministry of Justice to assess the efforts toward released radicalised and terror sentenced inmates submitted its report in March 2024.²⁴⁵ A number of measures are proposed to strengthen control with the group – some of the proposed initiatives might also impact radicalised inmates still serving their sentence.

e. NPM assessment

An overall review of reports from the NPM shows that no criticism has been raised by the NPM specifically regarding measures to address radicalisation in prisons.²⁴⁶

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024, are available in Danish, at:

²⁴⁰ Denmark, [Prison and Probation Service website on the new security unit](#), 6 December 2019 (Kriminalforsrogens hjemmeside, 'Kriminalforsrogens nye sikkerhedsorganisation tager form', 6. december 2019).

²⁴¹ Denmark, Danish Government, [National Policy on prevention and combating of extremism and radicalization](#), October 2016 (Regeringen, Forebyggelse og bekæmpelse af ekstremisme og radikaliseringsplan, oktober 2016).

²⁴² Denmark, Ministry of Justice, The inter-ministerial task force on the release of convicted terrorists and radicalized inmates, [Efforts towards convicted terrorists and radicalized inmates in detention and imprisonment](#), Report 1, p. 36.

²⁴³ Denmark, Danish Government, [National Policy on prevention and combating of extremism and radicalization](#), October 2016 (Regeringen, Forebyggelse og bekæmpelse af ekstremisme og radikaliseringsplan, oktober 2016), p. 31.

²⁴⁴ Denmark, [the Criminal Code, Consolidated Act No. 1360 of 28 September 2022](#) (Straffeloven, lovbekendtgørelse nr. 1360 af 28. september 2022).

²⁴⁵ Denmark, Ministry of Justice, [Recommendations to strengthen the efforts towards releasing convicted terrorists and radicalised persons](#), 14. March 2024.

²⁴⁶ This conclusion is based on a review of the annual reports from 2021 from the Danish NPM, the Danish Parliamentary Ombudsman (Folketingets Ombudsmandsberetninger fra 2021 til 2024). For an overview of annual reports and visit reports from the Danish NPM, see: [Gennemførte tilsynsbesøg på voksenområdet \(ombudsmanden.dk\)](#)

https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

The CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) has not made any recommendations in its last report from 2019 that are directly related to radicalisation in prisons.

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“There has in recent years been much focus on de-radicalization programmes in Danish prisons and there is also awareness about possible human rights implications.”

17. Inspections and monitoring

a. Inspections

The Danish Parliamentary Ombudsman carries out regular inspections of state and local prisons, as well as the Prison and Probation Service's other institutions and police detentions.²⁴⁷ In accordance with the Ombudsman Act, the Danish Parliamentary Ombudsman can also conduct investigations and inspections at the above-mentioned facilities on their own initiative.²⁴⁸

The Danish Parliamentary Ombudsman has the function of National Preventive Mechanism (NPM) in cooperation with the Danish Institute for Human Rights (DIHR) and DIGNITY – the Danish Institute Against Torture, who contribute with human rights and medical expertise. The co-operation between the three entities is regulated in their mutual agreement from 2021.²⁴⁹

In accordance with the Ombudsman Act, the Parliamentary Ombudsman has free accesses to state owned facilities within their jurisdiction.²⁵⁰ Monitoring visits are carried out by Ombudsman staff, in many cases with participation of external collaborative partners or consultants.²⁵¹ Depending on the type of monitoring visit, the Ombudsman collaborates with physicians and human rights experts, as described above.

In 2022, the NPM carried out a total of 29 inspections in various prison and detention facilities. Visit reports from 2022 from the Parliamentary Ombudsman are available in Danish, at: [Gennemførte tilsynsbesøg på voksenområdet i 2022 \(ombudsmanden.dk\)](#)

²⁴⁷ Denmark, Act No. 473 of 12 June 1996 concerning the Ombudsman as amended by Consolidated Act No. 556 of 24 June 2005, Consolidated Act No. 502 of 12 June 2009, Consolidated Act No. 568 of 18 June 2012 and [Consolidated Act No. 349 of 22 March 2013](#) (lov nr. 349 af 22 marts 2013 om Folketingets Ombudsmand (Ombudsmandsloven)).

²⁴⁸ *ibid.* section 17(1).

²⁴⁹ Denmark, The Danish Parliamentary Ombudsman, '[Agreement between DIGNITY - Danish Institute Against Torture, the Danish Institute for Human Rights and the Danish Parliamentary Ombudsman on OPCAT co-operation](#)' (Folketingets Ombudsmand, Aftale mellem DIGNITY - Dansk Institut Mod Tortur, Institut for Menneskerettigheder og Folketingets Ombudsmand om OPCAT-samarbejde).

²⁵⁰ Denmark, [Consolidated Act No. 349 of 22 March 2013](#) (lov nr. 349 af 22 marts 2013 om Folketingets Ombudsmand (Ombudsmandsloven)), section 18 and 21.

²⁵¹ Denmark, Parliamentary Ombudsman (2020), [Annual Report 2022 - Overview: Monitoring visits to institutions for adults in 2022](#), Copenhagen, p. 39.

Some decisions by the Danish Prison and Probation Service cannot be appealed, but may be brought before the Parliamentary Ombudsman. The Ombudsman cannot issue legally binding decisions for public authorities, only recommendations. However, in practice, recommendations from the Ombudsman are followed.²⁵² Some decisions, e.g. regarding solitary confinement or restrictions in correspondence and visits, may be brought before the courts.

b. Access to detention facilities by national authorities

See answer under *a. inspections*.

c. Access to detention facilities by international bodies

Like the Parliamentary Ombudsman (NPM), the CPT has similar access to prisons and remand centres in Denmark. The access of other international organisations is not directly regulated, but it is stated in section 56 of the Criminal Enforcement Act²⁵³ stipulates that inmates have the right to uncontrolled correspondence with the European Court of Human Rights, the CPT, the UN Commission on Human Rights, the UN Committee against Torture, etc. The CPT has organised several visits, most recently in 2019, and has planned a new visit in 2024. In addition, the UN Special Rapporteur Mr. Manfred Nowak has previously visited Denmark and Danish prisons and remand centres.

There have not previously been visits from members of the European Parliament, and no separate legal basis for such visits exists directly under the Criminal Enforcement Act or the Ombudsman Act.

d. NPM assessment

An overall review of reports from the NPM shows that no criticism has been raised by the NPM specifically regarding the access to government institutions or monitoring of such institutions.²⁵⁴

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024, are available in Danish, at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

The CPT has not made any recommendations in its last report from 2019 that are directly related to monitoring and inspections in prisons and remands centres.

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“The Danish NPM has since its establishment had full and unhindered access to all places of detention in Denmark.”

²⁵² Denmark, *Prison and Probation Service (Kriminalforsorgen)*.

²⁵³ Denmark, *Criminal Enforcement Act No. 201 of 28 February 2023* (Straffuldbyrdsloven nr. 201 af 28. februar 2023).

²⁵⁴ This conclusion is based on a review of the annual reports from 2021 from the Danish NPM, the Danish Parliamentary Ombudsman (Folketingets Ombudsmandsberetninger fra 2021 til 2024). For an overview of annual reports and visit reports from the Danish NPM, see: [Gennemførte tilsynsbesøg på voksenområdet \(ombudsmanden.dk\)](https://www.ombudsmanden.dk/gennemførte-tilsynsbesøg-på-voksenområdet).

18. Access to remedy

a. Legal remedies

Inmates and detainees can appeal certain of the Prison and Probation Service's decisions to the Department of the Prisons and Probation, including decisions about placement and transfer, disciplinary cells, exchange of letters, visits, etc.²⁵⁵

The decisions that cannot be appealed to the directorate, as well as the directorate's decisions, can be brought before the Parliamentary Ombudsman. The Ombudsman cannot change a decision but can criticise the authorities' handling of a specific case or a general practice and give recommendations. In practice recommendations from the Ombudsman are followed.²⁵⁶

In addition, administrative decisions regarding correspondence control, solitary confinement, etc., can be appealed to the courts.²⁵⁷

b. Legal assistance

In general, individuals faced with criminal charges are entitled to have a lawyer appointed, whereby the state will cover the defence lawyer's expenses, particularly salary, until the case is decided by the court.²⁵⁸ The appointment of a defence lawyer lasts until the criminal proceedings are ended and does not cover the subsequent period during which the inmate serves his or her sentence. However, the inmate may personally hire a lawyer at any time, and the Criminal Enforcement Act²⁵⁹ and the Visitation Order²⁶⁰ provide for extended protection in the form of visits and correspondence between the inmate and lawyer. The same applies for pre-trial detainees under the Executive Order on Custody.²⁶¹

Inmates may also seek assistance from voluntary legal aid organisations regarding any issues that may arise while they are incarcerated.

According to section 323 of the Administration of Justice Act,²⁶² the Minister of Justice grants subsidies for legal aid in the form of basic oral counselling to persons who fulfil certain economic conditions (there is a maximum for yearly income). In addition, public subsidies are granted for more extensive legal counselling and for counselling connected to settlement negotiations. Additional rules are set out in the

²⁵⁵ Denmark, Prison and Probation Service folder, '[Information on serving a prison sentence](#)', Department of Prisons and Probation, 7 April 2017, p. 8.

²⁵⁶ Denmark, [Prison and Probation Service website, 'Inmates Rights'](#) (Kriminalforsorgens hjemmeside, 'Indsattes rettigheder').

²⁵⁷ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 112.

²⁵⁸ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 732.

²⁵⁹ Denmark, [Criminal Enforcement Act No. 201 of 28 February 2023](#) (Straffuldbyrdsloven nr. 201 af 28. februar 2023), section 51(2).

²⁶⁰ Denmark, [Executive Order No. 1022 of 28 June 2022 on access to visits, etc. to inmates serving a prison sentence or detention in the institutions of the Danish Prison and Probation Service](#) (Bekendtgørelse nr. 1022 af 28 juni 2022 om adgangen til besøg m.v. til indsatte, der udstår fængselsstraf eller forvaring i kriminalforsorgens institutioner (besøgsbekendtgørelsen)), section 6(3).

²⁶¹ Denmark, [Executive Order No. 1130 of 17 August 2023 on custody](#) (Bekendtgørelse nr. 1130 af 17. august 2023 om ophold i varetægt (varetægtsbekendtgørelsen)), section 40 and 41.

²⁶² Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)).

executive order on legal aid.²⁶³ Depending on the degree of legal counselling, the inmate must pay a fee ranging from €200-400.²⁶⁴ The state pays 75 pct. while the person seeking legal aid pays the rest.

Additionally, free legal counselling is to some extent available from voluntary legal aid organisations, which also receive public funding.²⁶⁵ Further regulation on the legal aid organisations is laid down in Executive Order for legal aid organisations and lawyers.²⁶⁶

There are specialised legal aid organisations in the field of criminal law and enforcement of criminal sentences.

c. Request and complaints

Upon arrival to the facilities of the Prison and Probation Service, detainees will be advised about their rights, duties, and other matters relevant for their stay.²⁶⁷ Furthermore, complaint guidance is provided in the regulations of the prisons and remand centres.

Please also refer to the answers above.

d. Independent authority

As described under a), some decisions can be appealed to the Department of Prisons and Probation. Furthermore, it is always possible to complain about a decision to the Ombudsman. The Ombudsman's opinions are not binding on the Prison and Probation Service, but in practice they are followed.

The Ombudsman can open cases on his own initiative or when receiving complaints.²⁶⁸

If the complaint concerns, for example, violence by prison staff against an inmate or other offences under the Criminal Code, the complaint is examined by the police and the prosecutor's office. In October 2023, the European Court of Human Rights found that Denmark had not sufficiently investigated the use of pepper spray by prison officers against an inmate.²⁶⁹ The investigation was conducted by the Southeast Jutland Police and was subsequently rejected by the prosecutor's office. However, the Court found that the investigation was insufficient, inter alia because it had not been considered whether the use of force was strictly necessary due to the inmate's behaviour.²⁷⁰ Furthermore, it had also not been investigated whether the officers could have planned the intervention better and, thus, acted differently in the situation, or whether they complied with the national rules on the use of pepper spray.

²⁶³ Denmark, [Executive Order No. 1522 of 8 December 2023](#) (Bekendtgørelse nr. 1522 af 8. december 2023 om offentlig retshjælp ved advokater).

²⁶⁴ Denmark, [Executive Order No. 1522 of 8 December 2023](#) (Bekendtgørelse nr. 1522 af 8. december 2023 om offentlig retshjælp ved advokater), section 6.

²⁶⁵ Denmark, [Administration of Justice Act no. 1655 of 25 December 2022](#) (Lov nr. 1655 af 25 december 2022 om rettens pleje (retsplejeloven)), section 324.

²⁶⁶ Denmark, [Executive Order No. 637 of 11 June 2014](#) (Bekendtgørelse nr. 637 af 11. juni 2014 om tilskud til retshjælpskontorer og advokatvagter).

²⁶⁷ Denmark, Prison and Probation Service folder, '[Information on serving a prison sentence](#)', Department of Prisons and Probation, 7 April 2017, pp. 2-3.

²⁶⁸ Denmark, Act No. 473 of 12 June 1996 concerning the Ombudsman as amended by Consolidated Act No. 556 of 24 June 2005, Consolidated Act No. 502 of 12 June 2009, Consolidated Act No. 568 of 18 June 2012 and [Consolidated Act No. 349 of 22 March 2013](#) (lov nr. 349 af 22 marts 2013 om Folketingets Ombudsmand (Ombudsmandsloven)), section 17(1).

²⁶⁹ European Court of Human Rights (ECtHR), [El-Asmar v. Denmark](#), No. 27753/19, 3 October 2023.

²⁷⁰ *Ibid.* para. 74.

e. NPM assessment

Visit reports from the Danish NPM (The Parliamentary Ombudsman) in the period from 15 April 2021 to 31 March 2024 are available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/tilsyn/voksenomraadet/

For examples of the NPM's comments on the specific topic in the relevant period, please see below:

The NPM visited the facility Kolding Arrest (remand in Kolding) on 25 April 2023. The NPM recommended, among other things, that the management of the facility should consider the following, “[a]t ledelsen sikrer, at der gives korrekt klagevejledning ved visitation, herunder at oplysninger om klageadgang i arrestens husorden er korrekte.”²⁷¹

In English, “that the management ensures that correct complaint guidance is provided during the search, including ensuring that information about the complaint process in the remand center's rules is accurate.”

Additionally, the NPM visited Odense Arrest (remand in Odense) on 5 April 2022. The NPM recommended, “[a]t ledelsen sikrer, at der i relevant omfang vejledes om den særlige klageordning og adgang til domstolsprøvelse efter retsplejelovens § 778, f.eks. ved at lade vejledning herom indgå i husordenens afsnit om klagevejledning.”²⁷²

In English, “the management ensures, to the extent possible, guidance is provided on the special complaint procedure and access to judicial review pursuant to section 778 of the Administration of Justice Act, for example, by including guidance on this matter in the section of the rules concerning complaint guidance.”

CPT recommended that the authorities should maintain a record on any request by a detained person to see a lawyer and whether such a request was granted. Furthermore, that the waiver of the right to legal assistance should be systematically signed by the detained person if he/she does not wish to exercise his/her right to consult with a lawyer.²⁷³

Peter Vedel Kessing from the Danish Institute of Human Rights (DIHR), who participates in the Danish Parliamentary Ombudsman's (NPM) monitoring of prison conditions in Denmark, gave the following comment:

“The recent judgment from the ECHR [El-Asmar v. Denmark - Disregard of legal safeguards and an inadequate investigation into use of pepper spray on prisoner.pdf](#) - might indicate that the complaints system in Danish prisons is not sufficiently effective. The Danish NPM has not assessed the complaints system in a more general and overall way, but has in some cases made specific comments and recommendations regarding the complains system after visits to specific prisons.”

²⁷¹ Denmark, Ombudsman, [Visit report on 11 August 2023](#).

²⁷² Denmark, Ombudsman, [Visit report on 28 October 2022](#).

²⁷³ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020), [Report on Denmark](#), Strasbourg, 1 September 2020, para. 18.

Part II: National case-law

Denmark, Eastern High Court (Østre Landsret), BS-9354/2022-OLR, 24 May 2023

Thematic area	<i>Regarding question A ‘Protection of trans detainees’ under topic 15. ‘Specific measures to protect detainees with special needs or other vulnerabilities’</i>
Decision date	24 May 2023
Reference details	<p>Eastern High Court judgement case number: BS-9354/2022-OLR, available in Danish at: https://domstol.dk/media/eknpt0bj/landsrettens-begrundelse-og-resultat.pdf</p> <p>On 9 November 2023, the Danish Appeals Permission Board announced that the decision of the Eastern High Court can be appealed to the Supreme Court. The judgement has not yet been scheduled. Press release available in Danish at: https://domstol.dk/koebenhavn/aktuelt/2022/2/dom-i-sag-om-afsoners-juridiske-koensskifte/</p>
Key facts of the case	The plaintiff, who had previously been convicted several times, including for rape of a particularly dangerous nature, was sentenced to custody in 1990. The plaintiff has been released on parole several times, but due to renewed criminal offences, including armed robbery, was imprisoned again. The case concerns the questions of whether an inmate sentenced to custody, who is biologically male but in 2015 was granted a legal gender reassignment to female, can continue to be placed in a male ward, be strip-searched by men, and provide a urine sample under the supervision of male prison staff.
Main reasoning/argumentation	The High Court found that placement in a ward for men did not constitute a violation of the plaintiff’s rights under Article 8 of the European Convention on Human Rights, as the placement in the ward was not due to a lack of legal recognition of the gender identity but was based on a security-related assessment of the protection of the rights and freedoms of others.
Key issues (concepts, interpretations) clarified by the case	The High Court gave an interpretation of the legal understanding of the word "gender/sex" in section 60(6) of the Criminal Enforcement Act, which states that an examination of an inmate that involves undressing may only be carried out and supervised by persons of the same sex. The High Court found that the word must generally be understood as the biological sex. Legal gender reassignment does therefore not in itself lead to the inmate being considered a woman and not (biologically) a man in relation to the Criminal Enforcement Act.
Results (sanctions) and key consequences or implications of the case	The High Court upheld the judgement of the Copenhagen City Court, which had not found a necessary basis for setting aside Herstedvester Prison's assessment concerning the placement of the plaintiff in a male ward. In addition, the plaintiff has not been subjected to such an offence that she is entitled to damages or compensation.
Key quotation in original language and translated	<i>“Landsretten har ved dommen lagt til grund, at ordet “køn” i straffuldbyrdeslovens § 60, stk. 6, om, at undersøgelse af en indsat, der indebærer afklædning, kun må foretages og overværes af personer af samme køn,</i>

<p>into English with reference details</p>	<p><i>som udgangspunkt må forstås som det biologiske køn, og at det juridiske kønsskifte ikke i sig selv fører til, at den indsatte – i relation til straffuldbyrdsloven - skal betragtes som kvinde og ikke som mand.”</i></p> <p><i>” The High Court ruled that the word "gender/sex" in section 60(6) of the Criminal Enforcement Act, which states that an examination of an inmate that involves undressing may only be carried out and supervised by persons of the same sex, must generally be understood as the biological sex, and that the legal gender reassignment in itself does not mean that the inmate - in relation to the Criminal Enforcement Act - must be considered a woman and not a man.”</i></p>
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Denmark, Supreme Court (Højesteret), BS-25262/2021-HJR, 22 June 2022

Thematic area	Regarding question A “General measures to prevent radicalisation” under topic 16 on specific measures to address radicalisation in prisons
Decision date	22 June 2022
Reference details	The Supreme Court judgement case number BS-25262/2021-HJR, available in Danish at: https://domstol.dk/media/dkrkhczy/25262-25448-anonym-dom.pdf
Key facts of the case	<p>The case involved a convict who was serving his sentence in a closed prison. In addition, the person was charged with terror offences related to Islamic State and had expressed to an employee of the Prison and Probation Service during a previous sentence that he was a supporter of Islamic State.</p> <p>The person was strip searched and his cell was searched daily for a period of 11 months, due to the need to ensure compliance with public order and security considerations. A total of 301 physical examinations and 318 examinations of his cell were carried out. None of these searches led to the discovery of any unlawfully possessed items.</p>
Main reasoning/argumentation	<p>The Prison and Probation Service argued that the examinations throughout the period was necessary to prevent the person from influencing the trial and radicalising other inmates. In addition, there was no physical touching as part of the examinations, no female staff participated in examinations involving undressing, and there was no arbitrary or degrading treatment with the purpose of humiliating the inmate.</p> <p>The inmate argued that the physical examinations involved stripping off all clothing, and they were carried out systematically and irrespective of whether there was a concrete suspicion of unlawful possession of objects.</p>
Key issues (concepts, interpretations) clarified by the case	The Supreme Court found that section 60(3) of the Criminal Enforcement Act only authorised searches for reasons of order and security and that the decision could only be made if there were specific grounds for assuming that the inmate was in possession of unlawful items. It was not sufficient that the person was charged with terrorism or was associated with Islamic State. Of particular significance was the fact that no unlawful items had been found despite the fact that more than 300 examinations had been carried out. In relation to the cell examinations, the Supreme Court found that they were carried out systematically over more than 11 months, including on days when the inmate had not left his cell, and had not been found in possession of any unlawful items. The searches could therefore not be considered necessary or proportionate, although cell searches were considered less burdensome than physical searches.

<p>Results (sanctions) and key consequences or implications of the case</p>	<p>The Supreme Court ruled that there was no legal basis in the Criminal Enforcement Act for conducting systematic body searches of the inmate in a closed prison, as there were insufficient grounds for suspicion. The intensive body searches, which included stripping naked, having the inmate lift his arms, kneel, and spreading his buttocks, etc. without grounds for suspicion, were degrading and in violation of Article 3 of the European Convention on Human Rights.</p> <p>Similarly, in relation to cell searches, the Supreme Court found that there was no legal basis in section 60 of the Criminal Enforcement Act for carrying out systematic searches of the inmate's cell, and that it was contrary to article 8 of the European Convention on Human Rights.</p>
<p>Key quotation in original language and translated into English with reference details</p>	<p>Højesteret fandt, "at [straffuldbyrdelseslovens] § 60, stk. 1, indeholder hjemmel til personundersøgelse, der indebærer fuld afklædning."</p> <p>"Undersøgelserne i henhold til ordningen blev gennemført rutinemæssigt og systematisk over mere end 11 måneder, herunder på dage hvor [den indsatte] ikke havde forladt sin celle. Som nævnt førte ingen af undersøgelserne til fund af effekter, som han uretmæssigt var i besiddelse af."</p> <p>"På den baggrund finder Højesteret, at personundersøgelserne i en række tilfælde var i strid med straffuldbyrdelseslovens § 60, stk. 1, jf. stk. 4."</p> <p><i>The Supreme Court found "that section 60(1) of [the Criminal Enforcement Act] contains a legal basis for personal examination involving full undressing."</i></p> <p><i>"The examinations under the scheme were carried out routinely and systematically over more than 11 months, including on days when [the inmate] had not left his cell. As mentioned, none of the examinations led to the discovery of items unlawfully in his possession."</i></p> <p><i>"Against this background, the Supreme Court finds that the personal searches in a number of cases were contrary to section 60(1) of the Criminal Enforcement Act, cf. (4)."</i></p>