

## Denmark 2025

### Information from: The Danish Institute for Human Rights

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

International accreditation status and SCA recommendations

The Danish Institute for Human Rights (DIHR) was last [reaccredited with A-status in October 2024](#).

The SCA noted the efforts undertaken by the DIHR to address gender-based violence, rights of migrants, stateless persons and refugees, and the efforts undertaken with the Human Rights Council of Greenland to remove the territorial exclusion of Greenland to the Istanbul Convention. It encouraged DIHR to continue to implement long term and proactive strategies to counter retrogressive national policies and encouraged the DIHR to continue to advocate and follow up with relevant authorities to make explicit its mandate to encourage ratification or accession to international human rights instruments.

In addition, the SCA encouraged the DIHR to develop further binding guidance on what constitutes a conflict of interest and the process by which a determination would be made about the existence of such a conflict for Board members, to complement the existing general provisions.

While the SCA acknowledged that functional immunity may exist by virtue of the specific legal context in which the NHRI operates, it encouraged the DIHR to advocate for legal protections for its Board members and staff from legal liability for actions taken in their official capacity.

Further, acknowledging that the DIHR By Laws are clear on the grounds for dismissal of Board members, the SCA recommended that DIHR advocate for amendments to its By Laws that would outline an independent and objective procedure for the removal of its Board members.

Finally, noting that the DIHR had indicated a need for adequate funding to service its additional mandate in Greenland, the SCA highlighted that, in order to function effectively and fulfil its mandate, an NHRI must be provided with an appropriate level of funding to freely determine its priorities and activities.

## **Follow-up to international and European actors' recommendations on NHRIs and relevant developments**

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

The Danish Institute for Human Rights received recommendations from the SCA in the October session in 2024 and is currently deciding how to best follow-up to the recommendations received.

### **Follow-up on the recommendations issued by European actors**

In [the national baseline report regarding the situation in Denmark](#), page 2, it follows that improvement is needed in the following key areas:

“CM Principle 13 on measures to protect and support NHRIs: There are no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions). The Danish Institute for Human Rights reports though that Rules of immunity are uncommon in Danish legal tradition. Thus, save for the royal and diplomatic immunity no other individuals are subject to special rules of immunity, including the judiciary and the ombudsman.”

Regarding CM principle 13, the Danish Institute for Human Rights maintains the position that rules of immunity are uncommon in the Danish legal tradition. Thus, save for the royal and diplomatic immunity no other individuals are subject to special rules of immunity, including the judiciary and the ombudsman. The matter of functional immunity has never been raised in a Danish context and therefore cannot be regarded as a matter affecting the public confidence in the NHRI. Similarly, it cannot be regarded in any way as hampering the ability to engage in critical analysis or impinging on the independence of senior leadership.

“CM Principle 15 to facilitate cooperation with various levels of administration in Member States and other human rights actors: the National Mechanism for Reporting and Follow-up is an Inter-Ministerial Human Rights Committee (IHRC) consisting of all ministries that deal with human rights issues. While the IHRC meets on occasion with civil society organisations and the NHRI, the Danish Institute for Human Rights notes that this can be strengthened.”

Regarding CM principle 15, the Danish Institute for Human Rights assesses that there has been no progress as the Inter-Ministerial Human Rights Committee still meets on occasion with civil society organisations and the NHRI. Despite the fact that the Inter-Ministerial Human Rights Committee is an organ that coordinates between relevant ministries and as such doesn't engage in policy making, the Institute assess that it is relevant for civil society organisations and

the NHRI to participate in all meetings in the Committee.

## **Follow-up to recommendations on gender-specific issues**

In the SCA report from October 2024, the SCA notes the efforts undertaken by the Danish Institute for Human Rights to address gender-based violence including through conduct of consultations, issuance of reports and recommendations to parliament and government, and highlighting human rights implications of government policies.

The SCA further notes the intersectional work of the Danish Institute for Human Rights on gender-based violence including its report on foreign women stranded in violent marriages, efforts in addressing sexual harassment, and the efforts undertaken with the Human Rights Council of Greenland to remove the territorial exclusion of Greenland to the Istanbul Convention.

The SCA encourages the Danish Institute for Human Rights to continue to implement long term and proactive strategies to counter retrogressive national policies.

As mentioned, the Danish Institute for Human Rights is currently deciding how to best follow up to the recommendations received.

## **Regulatory framework**

Regulatory framework

The national regulatory framework applicable to the NHRI has changed since January 2024.

The Danish Institute for Human Rights' mandate has been extended in the area of on equal treatment. Pursuant to Article 13 in the [Danish Gender Balance Act](#), the Danish Institute is now also tasked with promoting, analysing, monitoring and supporting gender balance in corporate bodies of listed companies. The additional mandate applies from 1 January 2025.

The NHRI believes its regulatory framework should be strengthened. As a follow-up to the SCA report from October 2024, the Danish Institute for Human Rights has identified a need for updating the statutes of the Danish Institute for Human Rights to clarify the process for deciding what constitutes a conflict of interest.

## **NHRI enabling and safe space**

NHRI enabling and safe space

**NHRI's mandate, independence and role**

Relevant state authorities have a good awareness of the NHRI's mandate, independence and role. However, the Danish Institute for Human Rights experiences that the awareness of the institute as an NHRI varies between different state authorities. Consequently, it was added to the institute's strategy for 2030 as a core strategic goal to make the identity of the institute clear to all stakeholders. The mixed awareness of the institute's role as an NHRI was underlined in a stakeholder analysis that was produced for the institute in connection with the preparation of the new strategy.

### **Access to information and involvement in policy-making processes**

The NHRI has adequate access to information and to policy makers and it is involved in all stages of legislation and policy making with human rights implications.

The Institute notes that in general consultations on the human rights implications of draft legislation and policy strategies are timely. In general, the Institute also has access to information from policy makers.

### **State authorities' follow up to the Danish NHRI recommendations**

Since 2022, there have been no changes in relation to the legislation, state measures or practices to ensure timely and reasoned responses to NHRI recommendations. The addressees of the Danish NHRI's recommendations are not legally obliged to provide a reply. The Danish Institute for Human Rights found, however, that state actors tend to take recommendations from the Institute into thorough consideration.

### **Adequate resources**

The NHRI has adequate resources to carry out the full breath of its mandate.

However, in 2014, the Danish Institute for Human Rights was appointed as the NHRI in Greenland. Although the mandate of the Danish Institute for Human Rights was extended the appointment did not come with an increase in budget in the Danish Institute for Human Rights' core funding on the Danish Finance Act. However, in addition to the core funding in 2021-2024, the Danish Institute for Human Rights did receive a special allocation of funds on the Danish Finance Act for promoting human rights in Greenland.

Since 2014, it has become increasingly more resourceful to fulfil the mandate as NHRI in Greenland. Nonetheless, the special allocation of funds for promoting human rights in Greenland has not been extended after 2024. The need for adequate funding was raised towards the SCA in relation to the SCA's re-accreditation of the Danish Institute for Human Rights in 2024. In SCA's review of the Danish Institute for Human Rights the [SCA highlighted](#) that where an NHRI has been mandated with additional responsibilities, it must be

provided with adequate funding to effectively fulfil these duties.

### **Functional immunity of NHRI staff and leadership**

The NHRI's leadership and staff do not enjoy functional immunity and in view of the Institute notes that there is no need for any additional measures to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation.

There are no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions). Rules of immunity are uncommon in Danish legal tradition and only apply to members of Parliament and of the royal family. No other individuals are subject to special rules of immunity, including the judiciary and the ombudsman. The matter of functional immunity has never been raised in a Danish context and therefore cannot be regarded as a matter affecting the public confidence in the NHRI. Similarly, it cannot be regarded in any way as hampering the ability to engage in critical analysis or impinging on the independence of senior leadership.

## **NHRI's recommendations to national authorities**

NHRI's recommendations to national authorities

The Danish Institute for Human Rights recommends to national authorities that the core funding for the Danish Institute for Human Rights on the Danish Finance Act is increased appropriately to ensure adequate funding to fulfil the mandate as NHRI in Greenland.

## **Denmark 2025**

### **Information from: The Danish Institute for Human Rights**

## **Human rights defenders and civil society space**

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### **Laws and measures negatively impacting civil society and Human Rights Defenders**

Laws and measures negatively impacting civil society and Human Rights Defenders

The NHRI's human rights monitoring and reporting found evidence of laws, policies and/or state measures that create barriers in access to information and law and policymaking processes.

## **Barriers in access to information and law and policymaking processes**

Since the [Public Access to Information Act](#) was amended in 2013, there has been ongoing criticism of the so-called ministerial-service-rule and the so-called parliamentary-politician-rule in the Act. The rules exempt the public from access to a wide range of documents.

The ministerial-service-rule exempts the public from access to documents that are exchanged with a subordinate authority or with another ministry at a time when a minister has or will need advice and assistance from the civil service.

The parliamentary-politician-rule applies to documents prepared and exchanged between ministers and members of parliament in connection with legislative matters or other similar political processes.

Both rules allow for an absolute exemption from access to documents even after a legislative process or process related to another political initiative has been finalised.

In 2023, both the [European Commission](#) and [Djøf's independent expert committee](#), the so-called Dybvad Committee, recommended that the two rules be reduced. In early 2024, a majority in the Danish Parliament agreed to set up [a preparatory committee to amend the Public Access to Information Act](#) with a special focus on broader access to information in political decision-making processes, including professional assessments.

The Danish Institute for Human Rights has previously emphasised that the so-called parliamentary-politician-rule should be [abolished](#) and that the ministerial-service-rule - at the very least - [should be restricted](#) so that it can only be used in narrowly political discussions and never in relation to professional matters and assessments.

## **Support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders**

The Danish Institute for Human Rights has established a helpline called the Discrimination Helpline. The Discrimination Helpline is a legal helpline for people who have experienced discrimination due to their handicap, gender, sexuality, gender expression, gender characteristics, gender identity, age, religion, race or ethnic origin. The helpline can give legal counselling and assistance in discrimination cases. Thus, the NRHI provides legal support and assistance in cases of discrimination due to gender and LGBTQ+. Besides being involved in concrete cases, the NHRI is continuously in dialogue with civil society organisations on how to best promote equal treatment and protect against discrimination.

## Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders

The NHRI's human rights monitoring and reporting found evidence of practices that could negatively impact on civil society space and/or reduce human rights defenders' activities, namely verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, online and/or offline threats or harassment and intimidation, harassment or violence before, during or after protests.

The NHRI finds it very concerning that a third of Danish citizens has avoided expressing their opinion on social media and ten percent has avoided expressing their opinion in public due to a fear of negative consequences, according to a [report](#) from the Danish Institute for Human Rights. The report looks at the broad public and shows that the fear of negative consequences in the form of violence, harassment, surveillance etc. have a significant impact on the individual's willingness to participate in the public debate online and in the public space..

The [report](#) published looks into experiences with self-censorship for the general public. It concludes that people who have avoided expressing their opinions on social media and/or in public due to a fear of negative consequences mostly do so due to a fear of negative reactions (threats, violence, harassment, or offensive comments) from other private individuals. Some also fear that their data will be misused by social media or other corporations, that their expressions will lead to consequences from their employer, or that they are under surveillance from the public authorities. Only a few avoid expressing their opinion due to a fear that their expression is illegal.

### Gender aspect

No specific gendered aspect has been identified in the report. However, in a coming report to be published in the first half of 2025, the Danish Institute for Human Rights concludes that sexual minorities are more likely to avoid expressing their opinion than heterosexuals (47 % of persons identifying as a sexual minority have avoided expression their opinion due to a fear of negative consequences the past 12 months compared to 30 % of persons identifying as heterosexuals).

## Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders  
To promote civil society space and human rights defenders, the NHRI has

awarded prizes, organised promotion and campaigns as well as joint meetings and roundtables.

## Award of prizes

The Danish Institute for Human Rights awards the Danish Human Rights Prize (Menneskerettighedsprisen) yearly.

In February 2024, the Danish Institute for Human Rights [awarded the Danish Human Rights Prize \(Menneskerettighedsprisen\) to Ms. Naja Lyberth and the so-called Spiral Case Working Group](#). The prize was awarded for shedding light on the abuse of thousands of Greenlandic women and girls who have had their human rights violated by the Danish state by having a spiral (IUD) inserted without their consent. In the podcast [The Spiral Campaign](#) (Spiralkampagnen), made by the Danish news media DR, it was reported that from 1966 to the 1970s, 4,500 spirals were placed on almost half of the 9,000 fertile girls and women in Greenland. The Spiral Campaign was carried out as part of the Danish authorities' strategy to reduce population growth in Greenland.

In December 2024, [the Danish Institute for Human Rights awarded the Danish Human Rights Prize to the organisation Repatriate the Children](#). The prize was awarded for rescuing Danish children and their mothers from prison camps in Syria after the Danish government had refused to evacuate them. Behind Repatriate the Children are journalist Natascha Rée Mikkelsen and lawyer Knud Foldschack, who founded the organisation in September 2020 after visiting the Syrian prison camps, al-Hol and Roj. On 29 August, [the Danish Supreme Court ruled](#) that the Danish government was obligated to offer assistance to evacuate the last Danish child with her mother from Roj camp in Syria.

In 2024, the Danish Institute for Human Rights collaborated with the documentary film festival [CPH:DOX](#) to establish a new award: the [HUMAN:RIGHTS AWARD](#). The award honours films that vividly deepen understanding of the human rights challenges we face today. As part of the partnership, several of the Danish Institute for Human Rights' experts and researchers participated in debates on various human rights topics during the film festival. The debates took place in both Danish and English.

## Promotion Campaigns

In collaboration with Astralis (esports organization) and the Center for Digital Pedagogy, the Danish Institute for Human Rights launched a <https://menneskeret.dk/arrangementer/gaming-digital-respekt> focus on unwanted sexual attention in gaming. The campaign featured video interviews with gamers from Astralis' women's team and talent team and was promoted through Astralis' channels. focusing on unwanted sexual attention in gaming. The campaign featured video interviews with gamers from Astralis' women's team and talent team and was promoted through Astralis' channels.

Additionally, the Danish Institute for Human Rights developed an educational initiative to equip esports organizations with the tools to prevent and address unwanted sexual attention and harassment in gaming.

### **Joint meetings and/or roundtables**

The Danish Institute for Human Rights, among other things, hosted two debate events.

The first one was [titled Can Your Chatbot Learn Not to Discriminate?](#) The Danish tech experts behind DR's podcast Prompt, Henrik Moltke and Marcel Mirzaei-Fard, discussed how artificial intelligence challenges human rights.

The second was called [How Do We Create a Sexism-Free Environment in Vocational Schools?](#) The debate focused on sexually charged comments and gender-stereotypical prejudices as part of everyday life for many women in Denmark's vocational schools. Three female students shared how they stand up against sexism and work towards greater equality and better well-being in their schools. The event was held in collaboration with Divérs.

As in previous years, the Danish Institute for Human Rights in July 2024 co-hosted the initiative [RE:Act on Roskilde Festival](#), Denmark's largest music festival. Over the course of three days, the Danish Institute for Human Rights, [Rapolitics](#) and [Roskilde Festival](#) gathered people for various artistic events and debates to shed light on human rights issues, such as freedom of expression and the right to one's own body and other human rights relevant to the festival's guests in different ways. From the Danish Institute for Human Rights, Senior Researcher Steven Jensen gave a talk on the history of human rights and their connection to the Global South, while Ole Reitov, founder and former director of [Freemuse](#), gave a speech on the state of artistic freedom worldwide.

### **Awareness-raising**

On 10 December 2024 (UN Human Rights Days), the Danish Institute for Human Rights co-hosted an event with Talerskolen [Røst](#) (non-profit organisation that educates young people in performing speeches) and [The Royal Danish Theatre](#) (Det Kongelige Teater) where [10 young people gave speeches on various human rights topics in the foyer of the Royal Danish Opera](#). The event was the result of training sessions in four workshops that had prepared the participants for the speeches.

In terms of actions taken by the NHRI to protect civil society space and human rights defenders, the NHRI highlights monitoring, legal assistance and the issuing of recommendations and opinions.

### **Legal assistance**

In 2024, the Danish Institute for Human Rights intervened before courts and provided support to lawyers in a number of human rights cases. For instance, the institute made a [third-party intervention in a case before the Danish Supreme](#) concerning the governments' obligation to bring home a Danish child and his mother from the Roj Camp in Syria. The case was brought by [Repatriate the Children - Denmark](#) which is a non-profit children's rights organisation established by a lawyer and a journalist.

## **Recommendations and opinions**

In June 2024, the Danish Institute for Human Rights published a report on the right to freedom of speech and chilling effect ([Ytingsfrihed og selvcensur](#)). The report shows, inter alia, that one in 10 Danes (10 %) have refrained from participating in public debate in the physical public space through demonstrations, public meetings, etc. in the past year because of fear of negative reactions. Fear of violence and threats is the reason for self-censorship for one in three (31 %) of those who have refrained from participating in public debate in a physical space in the past year.

## **Capacity building**

The Institute has not conducted capacity building activities directed at HRDs. Please note, that in 2024, the Danish Institute for Human Rights has adopted a new 2030 Strategy that commits the Danish Institute for Human Rights to provide training that empowers civil society and relevant professionals to work with human rights.

## **The most important needs to advance the protection of HRDs nationally**

The Danish Institute for Human Rights considers it to be most important to ensure a civic space, where everybody enjoys real freedom of speech without the fear of negative reactions.

## **Examples of NHRI engagement in this area with international and regional mechanisms in support of human rights defenders and civil society**

The Danish Institute for Human Rights contributed in 2024 to OHCHR's thematic report to the UN Human Rights Council on best practices and challenges for assessing civic space trends. (See A/HRC/57/31). The Danish Institute for Human Rights' key recommendations included that civic space assessments should be anchored in human rights indicators, that concepts and methodologies used in these assessments should be based on human rights, and that civic space monitoring should be built on a greater interaction between human rights defenders themselves and national human rights institutions, where the context allows.

The Institute also contributed in 2024 to the thematic report of the UN Special Rapporteur on the situation of human rights defenders to the UN General Assembly on the contribution of human rights defenders to the 2030 Agenda for Sustainable Development. The Institute highlighted the importance of human rights data and the ways in which human rights-based monitoring of civic space can facilitate the availability of more disaggregated data on violations against human rights defenders and to a human rights-based implementation and monitoring of the 2030 Agenda for Sustainable Development. (See A/79/123).

## NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

It is important that the Danish Police and the Public Prosecutor's office ensure an effective investigation and prosecution of illegal social media content.

Sources of information from [the Danish Institute for Human Rights](#), [the Ministry of Justice](#) and the [Attorney General's Office](#) indicate that there is a significant number of unreported cases and a deficient legal practice. This is problematic because the state has a [human rights obligation](#) to remove illegal content online. Furthermore, it is problematic because hate speech and other digital offences can have a [chilling effect](#) on freedom of expression.

Both investigations and prosecutions should be strengthened, while it should also be investigated whether social media is partly responsible in some cases.

### Recommendations to European actors on protection and promotion of CSOs and HRDs

- Strengthen the monitoring of civic space in Europe, anchoring these assessments, including their indicators and methodologies, in international and European human rights standards.
- Support and strengthen the mandate of the UN SR on Environmental Defenders under the Aarhus Convention to address increasing attacks against human rights defenders in environmental matters in Europe, including against their right to peaceful protest as, among others, a legitimate exercise of the public's right to participate in decision-making and other human rights.

## Denmark 2025

### Information from: The Danish Institute for Human Rights

## Functioning of justice systems

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Based on the NHRI's human rights monitoring and reporting, significant challenges affecting access to justice and/or effective judicial protection can be identified in terms of delays in court proceedings and access to legal aid.

### Delays in court proceedings

In 2023, the Danish courts received a substantial financial boost to tackle the problem of long case-processing time. Furthermore, reforms have been made in 2024 to simplify and shorten the procedures at the courts.

However, in November 2024 [the Danish Bar and Law Society](#) (Advokatsamfundet) published a [Rule of Law Analysis](#) (Retssikkerhedsanalysen 2024) that shows that only 18 % of the Danes are confident that the courts while give a ruling within reasonable time. 40 % of the Danes have low trust or no trust at all that the courts while give a ruling w within reasonable time. Moreover, 76 % of Danish lawyers believe that long case-processing time has impaired the rule of law for Danish citizens. Thus, the lawyers in general (still) believe that long case-processing time is the largest challenge for upholding rule of law in Denmark.

### Access to legal aid

In 2020, the Danish Ministry of Justice set up a Committee on Legal Aid and Free Process to review the rules on legal aid and free process at the courts. The purpose of the committee was to review the current legal aid and the framework for free legal aid and make recommendations for changes to the legal framework. The committee's work should have been completed before the summer of 2022 but was postponed.

In December 2024, the Danish Minister of Justice informed the Legal Affairs Committee (Folketingets Retsudvalg) that he had decided to [ask the Danish Council on Public Administration of Justice \(Retsplejerådet\) to look into the legal framework of legal aid and free process](#) instead of the Committee on Legal Aid and Free Process. The Council is expected to present their final report by the summer of 2026. Thus, the reform of access to legal aid will need further time to be finalised.

### Implementation by state authorities of European Courts' judgments

In June 2024, an [amendment to the Danish Administration of Justice Act was passed](#) that allows the Danish National Prosecutor or a convicted person to request reopening of a case dealt with in the criminal justice system in order to comply with a final judgement from the European Court of Human Rights.

Reopening of cases could, for instance, be relevant for issues such as deportation, entry bans, etc., where the European Court of Human Rights rules that Denmark has violated a person's human rights as a consequence of such deportation or entry bans. However, reopening of cases is not limited to these issues.

## **NHRI actions to support implementation of the European Courts' judgments**

To support implementation of the European Courts' judgments, the Danish NHRI reports having referred to the judgments of European Courts in the reports and recommendations to state authorities, engagement with a national coordinator of the execution of judgments of the European Court of Human Rights, engagement with courts and awareness raising of the general public.

### **Engagement with a national coordinator of the execution of judgments of the European Court of Human Rights**

The Danish Institute for Human Rights continuously is in dialogue with the national coordinator of the execution of judgments of the European Court of Human Rights.

### **Engagement with courts**

As mentioned, the Danish Institute for Human Rights made a third-party intervention in a case before the Danish Supreme concerning the government's obligation to bring home a Danish child and his mother from the Roj Camp in Syria. [The Supreme Court ruled in favour of the child and his mother](#).

The Danish Institute for Human Rights made a third-party intervention in preliminary ruling to the European Court of Justice in the case [C-417/23 – Slagelse Almennyttig Boligselskab, Afdeling Schackenborgborgvænge](#). This is the first time a NHRI has intervened in a case before the European Court of Justice. In the national case the Danish High Court (Landsretten) had asked the European Court of Justice whether the use of the criterion 'non-Western background' in the Danish Public Housing Act was covered by the 'ethnic origin' in the Danish Ethnical Equal Treatment Act which is based on an EU directive.

### **Awareness raising of the general public**

All cases that Denmark is party to are mentioned in a [news piece](#) on the Danish Institute for Human Rights' website.

### **Follow-up on the recommendations by European actors on justice systems**

In the Country Chapter on the rule of law situation in Denmark in the European

Commission's 2024 EU Rule of Law Report, it is recommended to Denmark to "Complete the review of the legal aid system, taking into account European standards on legal aid."

As mentioned, the Danish Minister of Justice has asked the Danish Council on Public Administration of Justice (Retsplejerådet) to look into the legal framework of legal aid and free process instead of the Committee on Legal Aid and Free Process. The Council is expected to present their final report by the summer of 2026.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities  
The Danish Institute for Human Rights recommends that:

- The government and the Danish Parliament establish an independent and permanent public board with the authority to initiate human rights investigations in cases of alleged systematic violations with a focus on human rights. Based on the investigations carried out, the board should be mandated to pay compensation to victims.
- The Minister of Justice requests the Danish Council on Public Administration of Justice (Retsplejerådet) to include issues of the courts' determination of legal fees in free legal aid cases in their ongoing work on legal aid.

## **Denmark 2025**

### **Information from: The Danish Institute for Human Rights**

## **Media freedom, pluralism and safety of journalists**

Based on the NHRI's human rights monitoring and reporting, the significant challenge affecting media freedom is reported to be access to public interest information/documents.

The Danish Access to Public Administrative Documents Act still largely exempts access to documents on most political decisions. The NHRI notes, however, that in 2024 an expert committee has been appointed by the Danish Government

and is currently working on recommendations to amend the law to ensure further access to documents related to political decisions.

### **Measures to follow-up on the recommendations concerning media freedom, issued by European actors**

The 2024 EU Rule of Law Report recommended further advancement with the process to reform the Access to Public Administrative Documents Act. This work is still in progress.

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The Danish Government and Parliament should, in the interest of freedom of information, limit the access to exempt information in accordance with the Danish Access to Public Administrative Documents Act to what is strictly necessary.

## **Denmark 2025**

### **Information from: The Danish Institute for Human Rights**

## **Other challenges to the rule of law and human rights**

In August 2024, a politician from the Social Democratic Party in Denmark (Socialdemokratiet) published [a book](#) in which he proposed that the Danish Parliament (Folketinget) should only selectively comply with judgments from the European Court of Human Rights.

In the view of the Danish Institute for Human Rights, the proposal would both [violate conventions and weaken the international legal order](#).

Furthermore, it is the view of the Danish Institute for Human Rights that the statement is part of a very concerning movement in Denmark, Europe and the rest of the world where democratic leaders distance themselves and political decisions from human rights.

### **Persisting structural human rights issues impacting on the national rule of law environment**

### *Data retention*

As further mentioned in the Danish Institute for Human Rights' [contribution](#) to the ENNHRI Rule of Law Report in 2024, the Institute would like to point the attention to persisting issues with data retention.

### *Use of coercive measures in psychiatric care*

Despite political ambitions to reduce the use of coercion in psychiatry, the trend is going in the opposite direction.

In 2020, the European Court of Human Rights [convicted](#) Denmark of violating a patient's human rights in a case involving forced immobilisation. [The Council of Europe's Committee for the Prevention of Torture](#) and [the UN Committee on the Rights of Persons with Disabilities](#) and [the Committee against Torture](#) have also criticised the Danish use of coercion.

Data from the Danish Health and Medicines Authority shows that even in 2023, Denmark did not succeed in reducing the use of coercion in psychiatry.

According to the latest figures from the period 2022-2023, 5,686 adult patients were subjected to coercion in psychiatry over the course of a year. Over a decade ago, 2011-2013, the number of adult patients was 5,632, and in the intervening period there have been no significant changes.

At the same time, [the total number of incidents involving coercive measures](#) has increased significantly for adult patients over the past three to four years. This means that patients who are subjected to restraint are subjected to more restraint incidents today than ten years ago.

Long-term restraints over 48 hours have more than halved from 2011-2013 to the latest figures from 2022-2023. During the same period, there has been an increase in the number of other coercive measures, particularly frequent, short-term restraints, restraints and emergency sedation with force.

The decrease in one form of coercion is replaced by an increase in other forms of coercion. Acute tranquillisers are now being administered coercively more often. In 2022-2023, patients were forcibly administered acute tranquillisers 10,152 times. This number has remained stable for the past three years, but looking back ten years, there has been a significant increase.

Similarly, patients are more often subjected to restraints. In 2022-2023, the number of patient restraints was 4,695. This number has been decreasing over the last three years, but looking back ten years, there has been a significant increase.

More children and young people are also being subjected to coercion in psychiatry. In 2023, 342 children were subjected to coercion at least once,

compared to 317 children in 2018, according to [figures from the Danish Health Authority](#). Children and young people who are subjected to coercion are also subjected to coercion multiple times. In recent years, there has been a significant increase in the frequency of coercion. [In particular, the use of restraints, tranquillisers and the restraint of children is on the rise.](#)

## **NHRI's recommendations to national and regional authorities**

NHRI's recommendations to national and regional authorities

The Danish Institute for Human Rights recommends, with a view to upholding the rule of law and human rights, that Danish and European politicians and authorities firmly support human rights, inter alia by supporting the European Convention of Human Rights and the European Court of Human Rights.

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