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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Plan (05/11/2026)

Communication from Denmark concerning the case of Poulsen v. Denmark (Application No. 34232/24)

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Réunion : 1577e réunion (décembre 2026) (DH)

Référence du point : Plan d'action (05/11/2026)

Communication du Danemark concernant l'affaire Poulsen c. Danemark (Requête n° 34232/24) ***[anglais uniquement]***

DH-DD(2026)1485: Communication from Denmark
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DGI
05 NOV. 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

JUSTITSMINISTERIET
Ministry of Justice

Date: 5 November 2026
Our ref.: 2026-06480
Doc.: 4243652

Action plan: Poulsen v. Denmark, application no. 34232/24

1. Principal facts

On 31 August 2023, when the applicant commenced serving a prison sentence, she adamantly opposed sharing a cell with any inmate. A dispute arose, subsequent to which she was placed in a safety cell and confined to a restraint bed from 12.45 p.m. on 31 August until 9.57 a.m. on 1 September 2023.

On 19 February 2024, the applicant reported the incident described above to the police and claimed that she had been subjected to violence and humiliating treatment by prison officers. By a decision of 12 July 2024, after interviewing the applicant and a prison officer, the regional prosecutor dismissed her complaint, finding no basis for initiating criminal proceedings.

On 4 December 2024, subsequent to the communication of the present case, the applicant requested compensation from the Danish Prison Administration (*Styrelsen for Danmarks Fængsler*), formerly the Department of Prisons and Probation, for, notably, the confinement to the restraint bed.

On 10 April 2025, the Danish Prison Administration found, among other things, that the initial confinement of the applicant to the restraint bed had been justified but that the continued confinement

from 7.45 p.m. on 31 August until 9.57 a.m. on 1 September 2023, that is, for approximately 14 hours, had been unjustified and in breach of Article 3 of the Convention. In decisions of 2 May and 26 August 2025, the applicant was awarded compensation in the amount of 20,000 Danish kroner (DKK – equivalent to approximately 2,700 euros (EUR)), which also covered two incidents not related to the present case.

The Government transferred the compensation awarded to the applicant to the Danish Debt Collection Agency (*Gældsstyrelsen*), to set off public debt that the applicant had accumulated.

In the meantime, on 24 February 2025 the regional prosecutor decided *ex officio* to reopen the criminal investigation. On the basis of, *inter alia*, interviews of 14 prison officers, on 5 September 2025, the regional prosecutor decided to again discontinue the investigation, finding that further investigation could not lead to anyone being charged with unlawful deprivation of liberty, abuse of their position or failure to observe their duties.

1.1. The Court's judgment

In its judgment of 5 May 2026, the European Court of Human Rights (hereinafter 'the Court') found a violation of Article 3 of the Convention under its substantive limb as regards the applicant's continuous confinement to a restraint bed for approximately 14 hours.

In this regard, the Court found no reason to question the finding by the domestic authorities that the continuous confinement of the applicant to a restraint bed for approximately 14 hours was in breach of Article 3 of the Convention. However, the Court did not consider that appropriate redress had been afforded in the present case to remove the applicant's victim status within the meaning of Article 34 of the Convention.

The Court found in this regard that the awarded compensation in the amount of approximately EUR 2,700, which also covered incidents not related to the case, was significantly lower than that which the

Court would award in compensation for non-pecuniary damage in similar cases.

Moreover, the Court noted that the Government used the compensation to set off public debt that the applicant had accumulated, a practice which according to the Court could not be regarded compliant with its case-law.

Consequently, the Court found that the applicant's complaint about her continuous confinement to a restraint bed for 14 hours was admissible and constituted a violation of Article 3 of the Convention.

In addition, the Court found the applicant's complaint about being subjected, quite apart from her confinement to a restraint bed, to violence, manifestly ill-founded within the meaning of Article 35 § 3 (a) and rejected it in accordance with Article 35 § 4. This was based on the fact that the applicant had failed to submit any arguments which could lead the Court to depart from the conclusion reached by the regional prosecutor on 5 September 2025.

Lastly, the Court found the applicant's complaint about the investigation being ineffective in violation of the procedural aspect of Article 3 of the Convention to be manifestly ill-founded within the meaning of Article 35 § 3 (a) and rejected it in accordance with Article 35 § 4. The Court found no indication based on the available material, and in the absence of any argument by the applicant pointing to a particular shortcoming of the investigation, that the investigation, once reopened, was not effective or failed to comply with the procedural obligations under Article 3 of the Convention.

2. Individual measures

2.1. Compensation

The Court awarded the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expenses for the proceedings before the Court, plus any tax that may be chargeable.

The Government has paid the amount awarded in respect of non-pecuniary damage to the applicant through the Danish Prison Administration on 14 October 2026. The amount awarded in respect of costs and expenses was paid to the applicant's lawyer's account by the Danish Prison Administration on 14 October 2026. The amounts were converted into Danish kroner at the rate applicable at the date of settlement.

The amounts were paid together with default interest of EUR 235, calculated at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points, from 5 August 2026 until the date of payment.

3. General measures

The Government is currently assessing whether the violation found by the Court in the present case requires general measures in the form of legislative amendments or other systemic changes to Danish law or practice.

Concurrently with the Court’s consideration of the case, the Danish Prison Administration revised a circular letter and guidelines regarding the use of safety cells and restraint beds. The revision aimed at clarifying the rules, including that confinement of an inmate to a restraint bed should rarely last more than a few hours, and that the use of each individual point of restraint (belt, hand and foot straps and gloves) must be strictly necessary in order to avert threatening violence, fierce resistance or to prevent suicide or other self-harm. Moreover, the Danish Prison Administration is currently auditing all cases from February 2026 to July 2026 concerning the use of restraint beds in safety cells.

Specifically, the Court found that the Government's practice of using the compensation awarded to the applicant at national level to set off public debt could not be regarded as compliant with the Court's case-law (paragraph 17 of the judgment).

In light of this, the Government has initiated a process to ensure a uniform practice across the relevant authorities. In light of the judgment, the Government has, as an interim measure, on 7 July 2026 instructed the relevant authorities, including the Danish Prison Administration and the National Police (*Rigspolitiet*), to be cautious about using compensation awarded for violations of the Convention to offset public debt.

The relevant authorities have confirmed that, in light of the judgment, no compensation awarded for violations of the Convention has been used to offset public debt since 7 July 2026.

Meanwhile, the Government is assessing whether other general measures are required in this regard.

The Government will keep the Committee of Ministers informed of any further developments.

4. Further dissemination of the Courts judgment

On 5 May 2026, the Government informed the Supreme Court of the Court's judgment in the present case.

Moreover, on 5 May 2026, the judgment was distributed to the Danish Institute for Human Rights, which have published a summary of the judgment in Danish on its website.

The Government will inform the Danish Parliament of the judgment in its coming annual memorandum to the Danish Parliament on judgments and decisions from the Court and opinions from UN Committees in cases against Denmark.

5. Conclusions of the respondent government

It is the position of the Danish Government that the necessary individual measures have been taken. The amounts awarded by the Court in respect of non-pecuniary damage and costs have been paid to the applicant.

The Government is currently assessing whether the violation found by the Court in the present case requires general measures.

In this regard, the Government has, as an interim measure, instructed the relevant authorities to be cautious about using compensation awarded for violations of the Convention to offset public debt.

Furthermore, the Government has initiated a process to ensure a uniform and compliant practice across all relevant authorities, and the Government has raised awareness of the judgment in the present case by disseminating it to relevant authorities.

Moreover, the Danish Prison Administration has revised a circular letter and guidelines regarding the use of safety cells and restraint beds and is currently auditing all cases from February 2026 to July 2026 concerning the use of restraint beds in safety cells.

The Government will keep the Committee of Ministers informed of any further developments.