

# under pressure:

repression of environmental  
activism in denmark 2019–2024

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# Introduction

Over the last five years, Denmark has seen a new uptake in environmental activism. Whilst many grassroots groups and organisations have been working on matters of climate and environmental justice for decades, a new generation of groups has emerged. Since 2018 new environmental groups such as Extinction Rebellion, Den Grønne Ungdomsbevægelse, Scientist Rebellion, Nødbremsen, Bevar Amager Fælled, Baltic Pipe Nej Tak, Fæld Klimafælden, Animal Rebellion, Fossilfri Fremtid, Ungdommens Klimaoprør, and the activist legal aid group Ulydig Retshjælp have been established. Together with the rise of these groups, an increase in protest has emerged and so has a new wave of repression. While the aforementioned groups are of different sizes, use different methods and organise in different ways, they share the goal of climate justice. Two of the predominant methods deployed in recent years by (most of) these groups have been civil disobedience and direct actions. In response to these, activists have been removed from streets, charged with different paragraphs of civil and criminal law, kept in detention, been to court, fined and threatened with prison sentences. This increase in repression and criminalisation of environmental activism in Denmark has not yet received enough attention and is yet to be taken up in public debates.

This report will delve into the different kinds of consequences environmental activists have been - and still are - faced with in Denmark over the last five years, including legal as well as financial and psychological consequences. There will be stories of hope and despair through first-hand testimonials of those activists who are organising for climate justice. This report has been inspired by the visit of the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, in May 2023 in Copenhagen where he met with environmental defenders, including NGOs and activists, listened to their testimonies, and enquired about existing reports documenting the repression of environmental defenders in Denmark. In February

2024, he published his own report on '*State repression of environmental protest and civil disobedience: a major threat to human rights and democracy*' in which he mentions Denmark several times<sup>1</sup>. Various reports from other countries such as Germany<sup>2</sup>, Italy<sup>3</sup>, and an Amnesty International report covering 21 countries<sup>4</sup> have been published on this topic. This report is the first one dealing with the repression and criminalisation of environmental activists in the years 2019-2024 in Denmark.

The escalation of the climate crisis and the failure of states and corporations in providing real and just solutions brings with it increasing protest. The right to protest and the protection of the freedom of expression and peaceful assembly are key to combating the climate crisis. These rights are protected by different laws and conventions such as the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Charter of Fundamental Rights of the European Union. The right to peaceful environmental protest also amounts to a legitimate exercise of the public's right to participate in decision-making as recognised in article 1 of the Aarhus Convention<sup>5</sup>. This report seeks to examine the potential impact of increasing repression and criminalisation of environmental activism on democratic principles and human rights, and thereby promote informed debate and policy-making. Documenting repression of fundamental rights is important as an increase in repression often brings with it a chilling effect. The chilling effect is a term used by academia and NGOs to describe what happens when others are deterred from exercising their rights in the future based on the observation of restriction of rights of protesters now. The UN Special Rapporteur Michel Forst in his 2024 report described the chilling effect as the outcome repression can have "*on the exercise of fundamental rights, on civil society and democracy, and ultimately on society's capacity to address the environmental crisis with the required urgency.*"

# Methodology

This report brings together experiences and observations from the environmental movement in Denmark over the last five years. It is a collaborative project of Miljøbevægelsen NOAH, the Danish chapter of Friends of the Earth International, and the Center for Applied Ecological Thinking at the University of Copenhagen (KU). The research design was developed by NOAH and KU with regard to similar reports from other countries as well as through the mapping of the relevant environmental groups. The report focuses on the repression and criminalisation of environmental activists in the years 2019-2024 in Denmark. This time scope has been chosen because it is relevant for the currently existing groups, following the big push in mobilising in 2018 and 2019, after the emergence of a new and strengthened youth engagement in climate justice discourse.

For this report we conducted 15 interviews with activists from nine different groups that are currently active in the environmental movement in Denmark. The interviewees are current or former active members of at least one of the following groups: Extinction Rebellion, Den Grønne Ungdomsbevægelse, Scientist Rebellion, Amager Fælleds Venner, Nødbremsen, Baltic Pipe Nej Tak, Fæld Klimafælden, Animal Rebellion, and the activist legal aid group Ulydig Retshjælp. Their ages range from early twenties to late fifties. Out of these fifteen, five do not hold Danish citizenship. Five of them identify as male, three as non-binary and/or transgender, seven of them as female. Their educational backgrounds differ from high school to Postdoc as their highest academic degree, with several working in non-academic jobs. In order to protect the privacy and identity of the interviewees, their statements have been anonymised for this report, meaning that they will be referred to as "activist", "protester", "environmental defender", "interviewee" and the pronouns "they/ them" will be used for all of them. The photographs used in this report might correspond to the protests described, but do not show the specific interviewees.

Drawing on these interviews with activists, which took place between May and August 2024, the report presents a snapshot of the repression and criminalisation of peaceful environmental protest and

civil disobedience in Denmark in recent years. All examples protesters have given for this report are from peaceful civil disobedience actions within the period of 2019 - 2024 in Denmark. As this report is the first of its kind in Denmark, it builds heavily on the experiences of activists in the form of interview quotes. This means that the interviews form the basis of the data collection for this report as there is currently no organisation that collects and systematises statistical data around environmental defenders in Denmark.

The lack of official numbers makes it difficult to make historical comparisons and to highlight trends. This means that this report cannot offer statistical evidence on how many arrests, charges (of which kind), court cases and sentences there have been in what year. Closing this research gap would certainly help the understanding of the issue of the criminalisation of environmental defenders in Denmark. Therefore, this report will tell the story of the experiences of activists, focusing on the impact that repression has had on their lives, and will connect these to the findings of the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention and Amnesty International's report on criminalisation of activists in Europe. The value of this report is in providing a first, exploratory study of this phenomenon from the vantage point of the activists themselves. This work provides the initial building blocks for further studies that rely on statistical data about arrests and convictions.



# context

## Global context

Globally, environmental defenders are under very different kinds of threats than environmental defenders in Denmark. In 2023, at least 196 environmentalists were murdered because they were trying to protect our planet. Since 2012 more than 2000 environmental defenders have been killed according to the NGO Global Witness<sup>6</sup>. This means that one environmental defender is killed every second day. The worsening climate crisis and ever-growing demand for agricultural goods, fuel and minerals, are increasing the pressure on the environment - and on those who risk their lives defending it. Increasingly, non-lethal strategies such as criminalisation, harassment and digital attacks are also being used to silence environmentalists. The threat to environmental defen-

ders' lives, especially those of Indigenous people, has a direct connection to companies based in Denmark and the EU that have been linked to human rights abuses committed against these Indigenous communities. What is important to note looking at these shocking numbers of murders of environmental defenders is that the data these reports provide do not show the true extent of the problem. Restrictions on free press and lack of independent monitoring in many countries, particularly in Africa, Asia and the Middle East, leads to underreporting of murders. This means that monitoring repression, criminalisation and threats to environmental defenders everywhere is of key importance.

## European context

Environmental activists in Europe have increasingly faced repression and criminalisation as a result of acts of civil disobedience. Countries like the UK, Germany, the Netherlands, and Italy, have passed new legislation and are using aggressive policing tactics to stifle environmental protests. For example, the new UK laws *Police, Crime, Sentencing and Courts Act* and the *Public Order Act* introduced harsher penalties for public disruption<sup>1</sup> as did the Eco Protest Law in Italy<sup>3</sup>. In the UK this has led to numerous criminal convictions and prison sentences. Also in the UK, defendants on trial for peaceful protest are forbidden from mentioning the words climate change, fuel poverty or the civil rights movement in court. In Italy, protesters have been accused of criminal conspiracy,

placed under surveillance and punished with high fines. In Germany, activists have been subjected to house raids and charged with forming criminal organisations along with an increased use of administrative detention for up to 30 days to prevent them from participating in protests<sup>2</sup>. In the Netherlands, there have been charges of sedition and mass arrests of climate activists<sup>4</sup>. In July 2024, Amnesty International published a comprehensive report on the state of the right to protest in 21 European countries which highlights the increasing repression of activism and the escalating restrictions on the right to protest in Europe. Seeing as Denmark was not one of the 21 selected countries, the following sections outline the situation of environmental protesters in Denmark.

## Danish context

Historically, the environmental movement in Denmark has been characterised by grassroots organisations such as the Danish member of Friends of the Earth International *NOAH* (1969-), the anti-nuclear organisation *Organisationen til Oplysning om Atomkraft* (1974-2000), the alternative energy organisation *Organisationen for Vedvarende Energi* (1975-) as well as more traditional organisations such as *The Danish Society for Nature Conservation* (1911-) and professionalised environmental organisations such as *Greenpeace* (that arrived in Denmark in the late 1970s). Their methods included demonstrations and protests, policy and advocacy work. According to environ-

mental historian Asger Hougaard, repression from the state and police on this kind of activism has been rather limited. Instead, the state has to a rather large extent pursued cooperation with the environmental organisations. The exception of this being the right-wing governments of Anders Fogh Rasmussen in the 2000s which resulted in a backlash for the environmental movement by removing central parts of the state's financial support to the environmental movement, changing environmental legislation, slashing public funding for *The Danish Nature Council* as well as executing mass layoffs in the environmental administration.

Hougaard explains that, traditionally, Danish environmental groups have not been met with the form of repression that the current climate groups are facing. The exceptions to this were the attacks on the Danish and international movement organisers and protesters at the UN COP15 climate summit in 2009 in Copenhagen, that saw the first examples of large-scale climate related civil disobedience in Denmark. During the protests around COP15, police surveilled, detained and imprisoned activists<sup>7</sup>. This repression was made possible through the infiltration of the environmental movement by foreign undercover police as well as the police force's use of preventive arrests and mass arrests. What followed was a judicial crackdown, lawsuits and campaigns in the media highlighting parts of the protesters as violent foreigners and sentences of prison times for two protesters<sup>8</sup>.

Today, Danish environmental policy continues to fail to meet the COP21 Paris agreement<sup>9</sup>. It comes at no surprise that this has an impact on civil society, especially the younger generation in Denmark. It is well within the right of civil society to exercise their democratic rights to

freedom of expression and freedom of assembly and to insist on compliance with the requirements of constitutional law and international treaties. An active civil society that fights for the required transformation of our society to a climate just one is absolutely necessary. Neither the urgency of the climate crisis nor the international legal obligation of the Paris Agreement is prompting politicians to act. In the absence of action, civil society feels compelled to make its voice heard through disruptive protests. It is concerning to see how the environmental movement is being increasingly restricted by the growing criminalisation of activists in Denmark. This not only harms Denmark's own democracy, but also means that Denmark's efforts for more climate action are lacking international credibility. The image Denmark attempts to project internationally as a climate frontrunner does not match the treatment environmental protesters are faced with in Denmark. This is why it is crucial to fight against the shrinking spaces of public participation in Danish democracy, and for the upholding of international and national laws protecting the right to protest.



# Protesters' rights

When taking part in a protest, a person is exercising a variety of universally recognised human rights. From the right to freedom of expression and the right to peaceful assembly, the right to protest is protected under international human rights law by provisions enshrined in various international and regional treaties. Environmental defenders in Denmark are therefore protected by several legal frameworks at the global (UN), regional (EU) and national (Danish) level. The following excerpts from different legal frameworks, give an overview of the fundamental rights relevant to protesters in Denmark:

## Laws & conventions

- Universal Declaration of Human Rights
- UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- UN International Covenant on Civil and Political Rights
- The Aarhus Convention
- European Convention on Human Rights
- Charter of Fundamental Rights of the European Union
- The Danish Constitution (grundloven)
- The Administration of Justice Act (retsplejeloven)
- The police law (politiloven)
- The Public Order Act (ordensbekendtgørelsen)

## European Convention on Human Rights

### Article 10

#### *Freedom of expression*

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

### Article 11

#### *Freedom of assembly and association*

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

## Charter of Fundamental Rights of the European Union

### Article 12

#### *Freedom of assembly and of association*

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

### Article 21

#### *Non-discrimination*

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

### Article 37

#### *Environmental protection*

- A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

### Article 49

#### *Principles of legality and proportionality of criminal offences and penalties*

3. The severity of penalties must not be disproportionate to the criminal offence.

## The Aarhus Convention

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters aka the Aarhus Convention, is a legally-binding international treaty adopted on 25 June 1998 at the Fourth Pan-European Conference of Environment Ministers held in Aarhus<sup>10</sup>. To date, it has been ratified by 47 Parties, made up of 46 countries, including Denmark, and the European Union. The Convention is the first international treaty to link environmental and human rights by linking environmental protection and nature conservation with civil rights. The Aarhus Convention includes requirements for the protection of environmental defenders, through its article 3 (8) that provides that "Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement"<sup>11</sup>. The Aarhus Conven-

tion Compliance Committee has held that article 3 (8) applies to "any member of the public that seeks access to information, public participation or access to justice in order to protect their right to live in an environment adequate to their health and well-being." The mandate of the Special Rapporteur was established by the Meeting of the Parties to the Aarhus Convention in 2021 "to provide a rapid response to alleged violations of the obligations under article 3 (8)"<sup>12</sup>. The Special Rapporteur's mandate is "to take measures to protect any person who is either: (a) experiencing persecution, penalization or harassment, or (b) at imminent threat of persecution, penalization or harassment"<sup>12</sup>. This includes the penalization, persecution, or harassment of environmental defenders who seek to exercise their right to peaceful environmental protest. The current UN Special Rapporteur on Environmental Defenders under the Aarhus Convention is Michel Forst.

## Protesters' legal rights in Denmark

*This section describes the legal rights of protesters as practically experienced over the last years. This list is an interpretation of laws collected by activist legal aid groups and informed through experiences from different protests and court cases.*

### Right to assemble out in the open and freedom of expression

Protesters have a constitutional right to assemble or march in a public place out in the open to support a political cause without giving prior notification to the police. Protesters have the right to carry signs, yell slogans and otherwise express their right to assemble and freedom of speech. Protesters can not be punished for participating in a demonstration before it is dissolved.

The police have to allow and protect the demonstration, but they can ask to choose a different route or place for safety or traffic concerns. Cars and bikes must give way to a march walking on the road.

The police cannot dissolve the demonstration unless they are attacked or unless they have announced loudly three times that they are dissolving the demonstration.

### Right to assemble to protest at private grounds available to the public

Protesters have the right to enter privately owned grounds that are generally available to the public and stay there until the representatives of that place or the police ask them to leave.

The privately owned grounds have the right to ask protesters to follow guidelines about e.g. noise or handing out flyers or ask protesters to leave if they do not comply. As long as there is no damage of goods or violence towards people,

the usual penalty for not leaving will be a fine. If protesters are not Danish citizens, getting a fine can in some instances pose a risk to their residence in Denmark.

### Rights when engaging in a physical blockade

A physical blockade with the purpose of blocking access for persons or vehicles to a location, e.g. a workplace, can be prohibited as a disturbance of the public peace and order. In some rare cases, the police could fine protesters in this situation without a verbal warning beforehand, but usually, the police will ask protesters to stop before they risk getting fined.

### Rights regarding the police

Protesters are obliged to tell the police their name, birth date and address if they are asked. Protesters are not obliged to disclose anything else, neither as an alleged perpetrator nor as a witness, even if they are arrested. Protesters can say "I don't know" or "I choose not to comment."

The police always have to inform protesters to stop what they are doing or go someplace else before they can remove or arrest protesters. However, they can charge protesters or give them a fine even if they don't arrest them. The police can detain protesters for up to 12 hours, but only if it is needed to avoid a danger to the public peace and only as long as it's necessary, e.g. until the action is over.

The police have to inform protesters of the legal basis of their arrest in a language they understand, inform them of their rights, give them water, not let them sit directly on the cold ground for a long time, give access to going to the toilet, reduce processing time and give access to medical help if it is needed.

# civil disobedience

International human rights law recognises civil disobedience as a form of exercising the rights to freedom of expression and freedom of peaceful assembly, as guaranteed by articles 19 and 21 of the International Covenant on Civil and Political Rights. Peaceful protest can take many forms and most of these will not amount to civil disobedience. The UN Special Rapporteur on Environmental Defenders under the Aarhus Convention defines civil disobedience like this:

*"Civil disobedience is a form of political participation that refers to varied and evolving forms of mobilization, and that can broadly be described as acts of deliberate law-breaking, concerning a matter of public interest, conducted publicly, and non-violently."<sup>1</sup>*

The UN Special Rapporteur stresses that all acts of civil disobedience are a form of protest, and that as long as they are non-violent they are a legitimate exercise of this right. The UN Human Rights Committee has specified that *"disruption of vehicular or pedestrian movement or daily activities"* does not amount to violence<sup>13</sup>. For a protest to be considered non-peaceful it requires *"the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property"*<sup>13</sup>. This means that international human rights law dictates that fundamental rights apply even though protest may cause disruptions such as traffic jams, whether intended or not. The UN Human Rights Committee even specifies that *"private entities and broader society may be expected to accept some level of disruption"* as a result of the exercise of the right of peaceful assembly.<sup>13</sup>







# Rights at various stages of protest

The right to freedom of expression and peaceful assembly are grounded in both Danish constitutional law as well as in conventions of the EU and UN. Any restrictions to protests must be justified and proportional, otherwise it may violate these rights.

The following chapters will discuss various instances of abuse of police authority during protests and show how protesters are experiencing the violation of their rights in different situations, such as during a protest, under arrest, in police custody, when facing prosecution and charges, when called to court and receiving sentences.

# Abuse of authority

Protests of environmental defenders usually start in one of the following ways. Either police are informed before the protest about when and where a protest is happening or they are not informed. If they know about the protest they might already be there from the start or they show up when called on by members of the public as is also the case with the latter. Announcing a protest in advance is not legally required, as the Danish Constitution (*grundloven*) states the right to demonstrate without prior permission, as long as the assembly is peaceful and unarmed. The authorities can impose restrictions or take action if there is a risk to public order or safety. The Public Order Act (*ordensbekendtgørelsen*) contains a notification requirement for protests as an administrative measure to help the police maintain public order but since the constitution allows assemblies without prior permission, the police cannot deny the right to protest based

on a lack of notification. However, they can intervene if public safety is compromised. Nevertheless, activists often experience the police telling them otherwise. As one activist explains: *"Even though we have a right to protest, often the police say you shouldn't be protesting without telling them in advance, which is not correct. This is something I learned from Ulydig Retshjælp: everybody has a right to protest in DK."*

Many activists seem to experience a discrepancy between the law and what police enforces through their handling of protests and protesters. These experiences vary, from the police's judgement of cooperative vs. noncooperative protesters, to an atmosphere of escalation of measures from the start of the protest and to a punitive self-understanding of the police role by police officers themselves:

*"One of the things they do to differentiate between good and bad [activists] is how cooperative they are. Being loud and angry, not doing everything they ask you to, then you are not cooperative in their mind. If you don't tell them the last four digits of your CPR which you don't legally have to, they think you are uncooperative and they will treat you different. Standing up for your own rights and telling them your rights, they don't like it and they'll treat you differently."*

*"I think very often police, the individuals, are acting quite unprofessional. I've experienced that a lot. Where they have opinions on how you do your actions, your protest. 'Maybe you should write this. You should not write this. Why are you doing this kind of activism? You should be doing something else.' Very aggressive in situations where you block something both physically and vocally where they could deescalate situations. They have so many times escalated situations. Like bringing dogs right from the start. I find these tactics strange."*

*"[The police's behaviour] makes me very angry. It's an abuse of power and it's hard to watch police officers enjoy using that power. And also from conversations with police officers hearing them say that they think it's their job to punish people, which it is not. And that this is an appropriate treatment of people."*

The dissatisfaction with the police's behaviour is clearly visible in these statements and is built on the experiences of police brutality at protests, the treatment protesters face in a situation of arrest, whilst in police custody and when being charged by the police. According to the interviewed activists, police interference at protests has become faster since 2019. In line with the police law (*politiloven*) § 9 (5), demonstrations can be dissolved by force if people have been encouraged by police three times to leave. In practice, this must be communicated audibly to all participants, in order to be considered legal. The provision allows people to get a chance to leave a protest that is turning violent without being cited (since until that moment it is legal to be there). Activists report that these three warnings before a dissolution are not happening consistently.

**Protester:** *"I would say the speed at which you get taken by the police is much faster now for doing an act of civil disobedience."*

**Researcher:** *"So you think there has been an increase in the speed of repression?"*

**Protester:** *"In a sense, for example these airport actions we've been doing in Kastrup every month. The first time we did it we got the three warnings. We were there for quite a while. Now the police come, it's one warning. Sometimes you get a police car shoved into your face, it's very close to you, and they take you right away. They rarely use the three warnings that they have to use."*

The law allows for the dissolution of demonstrations without prior notice only in cases where police are attacked or the demonstration poses a threat to public order. The dissolution of demonstrations without providing three warnings, as illustrated in the airport example above, creates legal ambiguity. This trend, as described by several interviewed activists, is concerning because it undermines the right to protest and creates insecurity among protesters regarding the inconsistency between the law and the practical application of the law. It also makes it impossible for people to leave an until-then

legal protest that has suddenly been deemed illegal by police without the knowledge of participants. In this way, the police's failure in providing warnings to demonstrators, goes against the whole intention of the police law § 9 (5): That people get a chance to leave a legal protest without interference from the police.

The interviews reveal that activists' rights to protest and their treatment by police vary significantly based on their group affiliation. Within the environmental movement, it is clear that animal rights activists experience harsher treatment compared to climate protesters. Or as one interviewee put it: *"The activists the police know have a harder time. Especially animal rights activists."* This claim is strengthened by the case of one animal rights activist who was held in pre-trial detention for several weeks after a civil disobedience protest<sup>14</sup>. In addition, the interviewed activists identify that there are various strategies at play in how the police treat protesters from different groups. One activist describes it as *"I am very sure the police differentiates between good and bad activism. That is the difference between symbolic civil disobedience and actual civil disobedience. DGUB is doing the symbolic civil disobedience, XR or NB are doing the actual civil disobedience where they are actually trying to stop the economy and the state from going on with business as usual. So, the police often see the symbolic civil disobedience as part of our democratic rights but the actual civil disobedience is not. Therefore they also treat us very differently."*

Although civil disobedience is not explicitly defined or addressed in Danish legislation, it can be understood within the broader context of Danish law that protects the right to assemble and right to freedom of expression, and thereby also protest. While Danish laws may not provide a distinct perspective on civil disobedience, it is recognized as a legitimate form of protest under international human rights law which should supplement the authorities' interpretation of the rights to freedom of expression and assembly. The European Convention on Human Rights implies that fundamental rights remain applicable, even if protests cause disruptions such as traffic jams.

# Police brutality at protests

The police's use of force is regulated by multiple sections of **the police law** (*politiloven*):

§ 15. The police may use force in order to prevent and avert the danger of disturbance of public peace and order and danger to individuals or public safety.

§ 16. The use of force by the police must be necessary and justifiable and may only be used with means and to an extent that is proportionate to the interest to be protected. The assessment of justifiability must include whether the use of force involves a risk of injury to outsiders.

**Subsection 2.** Force must be used as gently as the circumstances allow and so that any harm is minimised.

*(author's own translation)*

The treatment of activists by police can happen in several different ways. Sometimes individual police officers seem to be acting out on their own accord as one activist experienced when being subjected to pain grips for the first time at an action in Denmark: *"It was only one police officer doing it and he was not only doing it to me, but I was the first one. Then he said 'I've never tried this before' and then he hit me in the face and closed my nose and my mouth. In a way I think it's worse when it's systematic if it had been the leader saying 'This is what we are doing today', but there is something scary about that this is one person's decision, his personal decision of doing this to us. On a human side that hurts me more. You are paid to be here, we are peaceful, we are not putting up a fight."* While the police law provides detailed regulations regarding the use of force through firearms, batons, dogs, gas, and pepper spray, it does not provide specific guidelines on the use of pain compliance techniques such as the pain grips described by the interviewed activists. The aforementioned § 16 of the police law permits police officers to use necessary and proportional force to carry out their duties, including the use of physical restraint techniques. The activist's example calls into question the necessity and justifiability of using physical restraint techniques on peaceful and passive protesters.

It is commonly understood within the activist space in Copenhagen that there is one incident commander (*indsatsleder*) in particular that approves of and orders the

use of pain compliance techniques - pain grips - during the removal of protestors which can be both the forceful bending of a hand towards the arm, bending the arm forcefully behind the back or pushing fingers into eyes or other parts of the face. By now, this incident commander is known by face and name by many activists. Considering that it is not all but one incident commander that is known for pain grips, the question is whether this harsher handling of protestors is a personal choice. One activist details the experience with this incident commander: *"I've been in jail quite a few times for climate action. There are different police that come and there are very very different attitudes to how we are treated. Some incident commanders we can have dialogue and a good talk. They will tear us off the streets, but they won't hurt us. One of the incident commanders, he encourages the cops to hurt us, to be violent. He comes angry and he gets more angry and he is very very violent. More and more these kind of cops have started using pain grips on us and dragging us violently off the street."*

According to the interviews, activists have been removed from the streets without the use of force for years. It raises the question why the use of pain grips is needed now, who decided this and when it gets applied. The increasing police violence is felt throughout the environmental movement. The following statements are from activists that are active in four different groups, all sharing the same observation and worry about police violence:

*"The violence always frightens me because it's so stressful to never know when it comes. You have to be aware 'I'm doing this action and I don't know if I'm going to be hurt.'"*

*"I really want to remind the police that it is the court's job to punish us. Sometimes the police feels like it is their job and they have to be rude and they have to be very physical and do things that hurt and be very rude. I feel like I'm not treated like a person."*

*"It's a right to demonstrate. Being handled like this, I just don't see that justified in any of the actions I have taken. I have not hurt anybody, but I have been hurt a lot."*

*"I feel like they judge you before you've been before a judge. And execute a sentence when they are handling you. And the reason why we have a court system in our society is to have sentences be made by people that are objective. But the police on the street go by their gut feeling. Do I like you? Do you annoy me a little bit? It should not be upon who you are, if they agree with the cause or not."*

*"Repression has of course increased. With climate activism maybe not as much as with other human rights or social issues, but definitely increased. Certainly the violence of police officers has increased majorly. To some extent this is more dangerous than fines because it gives traumatic experiences that last for much longer. These are experiences that create distrust and horrible traumas. It's scaring a lot of people from participating in protest. This violence became more frequent. And sometimes this violence prevents me from participating in things because I don't want to risk the chance of being committed violence against."*

This experience of witnessing individuals within the police force taking liberty to use their power in the way they personally see fit, is something that is also observed in situations where police officers remove or do not carry the badge with their ID number (*markeringsnummer*) on their uniform. This is something they are obligated to do since February 1st, 2016<sup>15</sup> following the wrongful arrest of

three men during COP15 in 2009 where it took four years to identify the involved police officers. Whilst the removal of ID numbers from uniforms has happened at 1st of May protests before, this is a newer behaviour observed at environmental protests. In connection to this, it is one activists' impression that within the police *"There is a wild culture of supporting whatever bad behaviour."*



## Testimony

*"Vendepunktet [an Extinction Rebellion organised protest blocking the bridges surrounding the Danish parliament in May 2022] stuck with me a lot. I've been telling a lot of people about that day. It encapsulates so much how I feel my relation is with the police and the movement's relation with the police. So, we've been part of this blockade and we were on the last bridge that was supposed to be a chill one because there was no traffic on this bridge. It was symbolic civil disobedience and we were 100 people on the bridge. People were playing piano and drawing with chalk on the asphalt. There were a lot of kids and old people. It was extremely chill. And then they decided to remove us from the bridge. I'm sure the police has regretted that decision a lot because it was such a stupid idea. First of all, because there was no reason to use so much police resources to remove us. And it would not matter for the pedestrians, traffic and the bikes could go around us. They decided to remove people and to drive them to the police station and they were really violent about it. They did not know how to remove us safely and they seemed very aggressive. Police dragged us around*

*in extremely violent ways and I could see on my friends' faces that it hurt a lot. It was really quiet, we were not even shouting that many things. I got really emotional about that. How can it be that the police are allowed to drag us away like this when we are so peaceful? And protesting for something that is so important? I ended up in a police car with some other people and then they drove us to Bellahøj police station with the siren on. I remember asking a police woman 'Why are we driving with the siren on?'. She said, 'Because we are working over time'. I think at that moment all my respect for the police people died, which is also really sad. There are a lot of police people really trying to do their best in figuring out the dilemma with civil disobedience. My overall respect for the police organisation dropped a lot. Also cause when we arrived at Bellahøj we waited like 20 minutes outside cause they did not have control over their paperwork inside and could not let us in. They ended up not having space for us at Bellahøj so we ended up sitting on this bench. I think we were 140 people at the same time in Bellahøj after this mass arrest."*

# Arrest and police custody

Protestors in Denmark have experienced an indiscriminate approach to arrest in situations where police have arrested everyone participating in a peaceful protest without differentiating between the different offences committed at the protest. When the police do not take into account the individual's conduct, they end up arresting protestors standing in the vicinity, protestors holding banners or cameras, in the same instance as those who are being arrested for e.g. alleged vandalism.

The rights of people being arrested or otherwise placed in police custody in Denmark are regulated through the Administration of Justice Act (*retsplejeloven*), the police law (*politiloven*), and the European Convention on Human Rights. The interplay of these different legal frameworks creates a complex picture of rights in police custody. Protestors generally do not see these rights being respected in custody. One activist shared their story of being denied medication whilst under police custody: *"In Århus where we blocked the harbour, I was arrested and refused to give them my ID which resulted in very violent treatment towards me. Pain grips, dragging, which me-*

*ant that I lost my insulin pump. I'm a diabetic and they refused to treat that until I give my ID. They used that to pressure me, to threaten and to scare me. Kept me for 27 hours and also threatened to deport me."*

In this case, the activist was denied medical care, in defiance of their rights under the Administration of Justice Act (*retsplejeloven*) as a way to pressure them to identify themselves. This is a particularly cruel way to force activists to identify themselves, that has no basis in the regulations on police's powers. The Administration of Justice Act, section 775 implies that if a detainee requires medication, they should have access to it through a medical examination. The police law (*politiloven*), section 2 emphasises that the police must act in a way that respects human rights and avoids unnecessary harm, which implies that detainees should not be denied essential medical treatment, including medication. Additionally, the European Convention on Human Rights enforces the right to healthcare and humane treatment, including for those in custody.





## Testimony

*"There is one time where I got arrested for an action at Danske Bank, actually got arrested for the wrong thing. We were in the middle of the Danske Bank campaign, we were trying to get them to divest from things like Equinor, and Adani, and other companies, and a group of scientists plastered scientific posters on Danske Bank walls. Then there was also another group of activists that were spreading food colouring inside the premises, they were taking a bit of a higher risk. But then all of them, plus a couple of us, the scientists who were outside plastering scientific papers, and even some scientists that were not doing anything, they were just standing there, got taken to a police station. We were put in a cell for six hours, and I got charged for the crime of throwing paint inside Danske Bank premises, which is not what I was doing. It was the heavier version of vandalism crime, organised vandalism. I think there's two different, light vandalism and vandalism that is organised. And I got charged for that. And the reason given to me was that I have been throwing paint inside the bank, which is not what I have been doing. So it was for the wrong thing, and there's tons of video evidence for this. And I got taken into the station, they took my fingerprints, DNA, etc."*





**Researcher:**

*"They took your DNA and fingerprints for that action?"*



*"What are rights? What is the practice?  
E.g. you have the right to go to the toilet when you get held back by the police, but you only get the right if you really insist on it. It's a small one, but often I have to say 'I will pee my pants'."*



**Protester:**

*"My understanding is that they are doing this for any time you could get a potential criminal charge. I have two theories here, and one of them is that it is a psychological thing, they were just trying to weigh you out, and prevent you from doing other things. The other thing is maybe they are overwhelmed with other things and they don't want to follow up."*



*"After the blockade of the bridge when we were in the cells isolated for 10 or 12 hours in total and they came in several times saying 'You won't see the daylight in many weeks. You are going to stay here for a very long time. We will get you in pre-trial detention. We are confiscating all your things.' This was really difficult for me. I didn't tell my dad that I might not see him for weeks, I didn't tell my friends that I might disappear for a long time. Then we got released and charged with a paragraph which had a direct link to prison sentence, a maximum of six years, and it went on for two years with me not knowing what was going to happen until the court case. It was agonising long years where we waited for the first court case. That was really scary. It's the chilling effect. They shouldn't have told me these things that were not true. They should not have told me that I was not going to see the daylight for weeks. It gets really difficult."*

These examples of harsh treatment that activists describe whilst in police custody show the surprise of activists being treated in ways that they felt was not right, and indeed was illegal. Protesters have been denied access to toilets and medication, contrary to article 3 of the European Convention of Human Rights which prohibits inhuman and degrading treatment. Protesters in police custody have also been subject to full strip searches, as well as DNA sampling and fingerprinting. DNA sampling and fingerprinting are only legally allowed in instances of charges within the criminal law. The Administration of Justice Act, section 792 b regulates that the person concerned has to be reasonably suspected of an offence

which by law may lead to imprisonment for 1 year and 6 months or more. However, the protesters who have had their DNA samples and fingerprints taken, had all given their identification to the police and several of them have not received charges or sentences of the criminal law following the arrest. This practice of physical intervention by the Danish police through DNA sampling and fingerprinting seems to be happening in an increasing frequency according to the interviewed activists, even if there is no realistic chance of a conviction for a criminal charge. This tactic is potentially a way to discourage or disparage activists and contribute to the chilling effect.

# Prosecution and charges for environmental protest

All of the protesters interviewed for this report are being or have been prosecuted by the state for their involvement in environmental protests in Denmark between 2019-2024. Prosecutors are changing the ways they are interpreting the law by using new charges. One of the changes in prosecution strategy seems to be that prosecutors are using parts of the criminal code - specifically § 193 (*straffeloven*) which carries a maximum prison sentence of six years - for acts that used to be prosecuted as disturbance of public order or under the criminal code § 119 subsection 4, which carries a maximum prison sentence of one year and six months<sup>16</sup>. This means that many protesters are fearing prison time from similar protests that in the past resulted in fines. One of these repeated actions is the blockade of one or more bridges around the Danish parliament. When Extinction Rebellion blocked Holmens bridge in August 2019 for 24 hours, there was no police intervention and no arrests. When in May 2022 Extinction Rebellion as part of their protest week 'Vendepunktet' blocked Højbro bridge for a couple of hours, 139 people were arrested.

Moreover, the increasing use of criminal charges such as vandalism or organised vandalism—carrying sentences

of up to six years' imprisonment—highlights the evolving landscape of prosecution. This shift in prosecutorial strategy culminates in the alarming trend of EU nationals residing in Denmark facing threats of deportation.

One activist has experienced their charge being changed from vandalism, punished by a fine, to a criminal charge which might involve prison. This change in prosecution happened after they had already pled guilty and started paying off the fine. The change in prosecution strategy puts the activist under pressure: "*It's also a prioritised case, we already go to court in August. And you start to think: What's going to change next?*" However, a prioritised case and a speedy court proceeding did not happen. As of October 2024, the court case has not yet happened and no new date has been announced meaning that the insecurity about this prosecution continues.

Even though many protesters have been or are being prosecuted, there are relatively few convictions. This is because the court proceedings take years to conclude which makes the court system highly unpredictable. Protesters faced with prosecution of administrative and/or criminal charges are experiencing the chilling effect.

## Researcher:

"What do you find most frightening?"

## Protester:

"I'm mostly worried about if this criminal charge that I have or other criminal charges are to be sent to me. It's mostly going to prison for some time and losing my job. My ability to remain in this country depends on keeping this job, and also my ability to support my family. So, that hangs on me. I still do actions for which I may be accused of traffic violation, but generally now I try to avoid those who involve criminal charges."

"Also in terms of trying to fine people with higher fines. The police doing efforts to make as high fines as they possibly can. They often don't succeed with that, but it gives a lot of stress to activists if they think they have to pay super high fines or if they are charged with prison. Cause even if they know it is unlikely it will end like this, it is really a stress factor."

## Testimony

*"I'm a foreigner, I'm not a Danish citizen, I have European citizenship so that gives me some degree of safety, but I have a wife and a child. Psychologically it has been difficult, especially after the Danske Bank action. Because it was heavy vandalism it could have... when I was talking to UR afterwards [they told me] this could be several months, even a year in jail, and you know with family is very difficult having that conversation, especially when I came back from the police cell that day, yeah, it was difficult at home to have that conversation. And it "hangovered" me for several months, I think at some point when I realised they were just gonna either ignore it or let it go, like other actions were getting charged that happened after this action, so like I think at this point my guess is that they forgotten, I hope, I think after 2 years if they don't give me the textual charge I can assume that I am... but it was very difficult, those first few months,*

*it did work in the sense I wasn't doing actions. I wasn't doing anything that could involve an arrest. At least for half a year or a bit more. And now I generally don't do actions that could remotely involve criminal charges. There is this thing that the police does that I have seen in some actions where like even filming while you're putting up a poster, a scientific paper on a wall, that is vandalism but even filming it could also be charged with vandalism, and so, that has also affected the dynamics of the movement, where now we're less likely to do this paper posting actions because they have these heavy charges associated with them. I remember I came back the day after the Danske Bank and was taking pictures, and it was all clean, it had been removed on the same day, but it was hanging over my head. That day, several days after, several months, it was difficult to do my job. It was psychologically very heavy."*



# Activism in the courts

As one of the three branches of government, the courts play a crucial role in upholding the rule of law. The observations of environmental defenders' rights has described so far what happens on the streets and at protests. The following section will look at what happens when activists are taken to court.

## Long and Uncertain Judicial Processes

One of the protesters that has been active in the environmental movement since 2021 has noticed that *"there have been so few verdicts in my time as an activist"*. Indeed, many activists are still waiting for charges to arrive or news on court cases. Many of the activists interviewed have experienced long and uncertain judicial processes. The yearly report from Denmark's Courts of Justice (*Danmarks Domstole*) shows that even though it has been a political focus to decrease case processing times, there are still many challenges with case processing time, primarily in criminal and civil cases. In 2022, the average case processing time for criminal cases involving judges was 8.4 months (4.4 months in 2018) and 22 months for ordinary civil cases (16.8 months in 2018), with no data available for processing times of environmental protesters' cases. An analysis conducted by the Danish Courts Administration shows that the time allocated for the main hearing in magistrate cases has increased by 17% from 2014 to 2023<sup>17</sup>. The European Court of Human Rights has criticised Denmark for excessively lengthy judicial processes in several cases and has ruled against Denmark in cases where the court found violations of Article 6 (*The right to trial within reasonable time*) of the European Convention on Human Rights due to delays in civil proceedings. These delays can lead to legal uncertainty and undermine individuals' right to a fair trial within a reasonable time<sup>18</sup>.

This tendency of delayed and lengthy court proceedings is felt across society, including the civil society. For protesters, being forced into a prolonged waiting period creates legal uncertainty and fosters a sense of intimidation, discouraging participation in protests due to the slow response of authorities. One of the activists who is waiting for their day in court says *"I am convinced they are purposefully doing this very slowly. That means they have power over me, they have control over me and they*

*paralyse me and they scare me and it's mentally draining. And I don't think that's a coincidence. The Danish court system is slow, but I also think they are achieving exactly what they want by doing it this slow. Cause they are stopping me from doing anything. I think that is the strategy."* This interview shows an example of how lengthy court proceedings against environmental protesters are having a chilling effect on activists' participation in peaceful protest.

One of the few cases that has been to court, and where the court proceedings have culminated in a verdict, is the case of two activists who were charged with § 193 subsection 1 (*straffeloven*) following an action in May 2021. The court case at the city court happened in September 2022 after which the prosecutor appealed the judge's decision with the intention of a 2-3 months prison sentence. The appeal was negotiated in the Eastern High Court in August 2023, where it became clear that the activists would not have to go to prison and instead received a fine of 2.000 kr each. One of these activists says: *"I've had charges and a case that has been running for a very long time. This August [2023] I was convicted of the criminal law and a fine of 2.000 kr. It was 2.5 years after the action. So during those 2.5 years I have been to court twice. Both the city court and the Eastern court. I feel like the biggest repression was having this lying on me knowing the police wanted to put me in prison for 2-3 months, a lot of uncertainty for so long."* The relief felt by this activist is what many of the other 15 protesters from this report are still waiting for. The lengthy and unpredictable court proceedings which are currently taking several years are contributing significantly to the repression and criminalisation of environmental defenders engaged in peaceful protest and civil disobedience. The uncertainty of a possible prison sentence is having a huge psychological impact on people's lives.

## Taking police force to court

Through the increase of interactions of police and protesters in the last years, many lessons have been learned on both sides. The legal aid group Ulydig Retshjælp has been crucial at providing knowledge of protesters' rights to activists, taking charges to court and making the police aware that they are under their scrutiny. The courts play a role when it comes to protesters raising complaints about their treatment at the hands of police. Especially the use of power tools like police dogs appears to be a disproportionate use of force that activists would like to take to court. An activist describes that "When the police say in their documents that they did not use dogs and we have pictures and videos of the same instance where you can see the dogs. What do you do in that situation?". This question means that activists face the difficulties of a slow legal system: "The possibilities to act swiftly on the things the police are doing is very difficult. It might take two years before we get a court result. That means two more years of police using dogs and putting them in the face of activists."

These two examples show an increasing polarisation between activists and police which is in contrast to the general population whose trust in the police force is very high in Denmark. "Generally speaking, I think we have very little knowledge about the police in Denmark. At the same time, we tend to have blind trust in them," says Jesper Asring Jessen Hansen, assistant professor at Århus University, who points out that 87% of citizens trust the police according to the Ministry of Justice's annual safety survey<sup>19</sup>. Activists recount a noticeably different trust in the police, as one activist explains: "A huge result has been, which will stay with me for the rest of my life, the lack of trust. I cannot count on the legal system, I cannot count on the police. I don't believe in them anymore. And from a societal perspective that is horrible. These experiences have very serious consequences for the way we trust our society and to trust the way we have built our system."

## Harsh and disproportionate sentences

The UN Special Rapporteur in his report speaks about harsh and disproportionate sentences in Denmark where courts have ordered environmental protesters to pay damages to companies that had had paint thrown at their buildings, or windows damaged during an action of civil disobedience, that far exceed the costs for cleaning a wall or replacing a glass window. These harsh and disproportionate punishments send a highly alarming signal regarding the state of the civic space and the free enjoyment of fundamental human rights. One activist agrees: "It's very obvious that the reactions are out of proportion. Anything around Danske Bank they want to fine us 50.000kr. I've held banners all my life, but there I get accused of vandalism. Dripping sauce on the ground, vandalism. The police has become more violent lately." Private companies claiming financial damages well beyond the actual costs, an increasing amount of charges of organised vandalism, and threats of prison and deportation are a worrying trend of increasing repression. The broader legal environment mirrors other European countries, where protest-related offences are increasingly seen as serious crimes, leading to criminalisation of peaceful direct actions.





# Findings on Excessive Force in Protest Handling

Different experiences of police brutality during protest, under arrest, in custody, during prosecution and in the courts has contributed to a broader understanding of the state using excessive force to handle protests and protesters. The force the state unleashes is determined by different factors which mean that not all activists experience the same at the hands of the police. Gender expression, ethnicity, nationality, knowledge of the Danish language, are among the factors that have an effect on the treatment of activists.

## Racism

The police's treatment of protestors is something that affects who can and will participate in protests. Historically and to this date, the environmental movement in Denmark has mostly been made up of white people, as people of colour experience much worse police behaviour. One activist said *"I understand why you are not a climate activist if you are Black. It's not because people don't want to, but you are targeted constantly."* Especially the experience from other social movements and protests, such as the protests in solidarity with Palestine since October 2023 have shown how differently protestors get treated by the police. It is also a broader societal issue that marginalised people, especially people of colour, are under much more scrutiny of the police. This systematic discrimination, which is also based on the so-called Ghetto law<sup>20</sup> means that especially ethnic minority men in/from neighbourhoods like Nørrebro, experience much more unnecessary use of force, violence, and humiliation/insults<sup>21</sup> from the police than white protestors do. One of the activists reflects on this saying: *"If you are brown and on Nørrebro the police will probably put on the riot gear before they do that at a climate demonstration. I've seen how they treat kids on Nørrebro. I have, as a white cis het man, felt quite safe, but I know how different it is for other people."*

This broader issue of discrimination from police against people of colour has been felt by the environmental defenders. One activist shares that *"What really impacts me is racism. Not against me personally, but against my fellow rebels. One time at a big action the first person they took was the person with Asian features, but she is totally Danish. They took her away and I was watching as one of the cops stood in front of her and said 'You're not really Danish. Who are you? What's your real name? What are you really doing here?'. You know, me who was not born in Denmark, but has white hair, grey hair, they would just let me go."* These blatant racist remarks and questioning by the police officer are an example of how unsafe it can be for people of colour to participate in protests, no

## Transphobia

All activists that have been interviewed highlight that privilege plays a central part in how activists are treated by police, many cisgender activists saying about themselves that they are aware that non-binary and transgender activists have a different experience with the police. In the interviews it becomes clear that transphobia is a serious issue within the treatment of environmental defenders by police. One cis-gender activist interviewed explains

matter their Danish language knowledge or citizenship. They may be targeted based on prejudice alone.

This racist profiling of activists can also be seen in an example from an action at Danske Bank where several protestors got arrested and taken into custody at Bellahøj police station where the police officers performed an alcohol test on a protester who is of Greenlandic background. One activist recalls: *"Another friend who is Greenlandic and I got arrested at an action against Danske Bank and put in jail. The only one that got an alcohol test is Greenlandic. She does not drink, she was not drunk at all, but because she is Greenlandic she got tested."* This instance of discrimination of Greenlandic people in Denmark comes as one of the negative impacts of a colonial legacy that has led to structural and systemic racial discrimination which has not yet been addressed or dealt with accordingly. The Danish Institute of Human Rights denounces that Greenlanders are not officially recognised as constituting an ethnic minority in Denmark even though they face some of the same barriers and problems as other ethnic minority groups in Danish society<sup>22</sup>. One of the persisting prejudices against Greenlandic people is that of alcohol abuse.

It is crucial to recognise, document, and actively challenge these instances of racism experienced by protestors while interacting with the police. Marginalised communities such as Greenlandic people in Denmark are, due to their marginalisation, already in a position where they do not have their rights secured. This is also the case for the right to protest. These experiences of racism mean that there are heightened barriers to protest for marginalised communities, no matter the subject. Amnesty International contextualises this as a broader European issue where *"discriminated against groups [are] being disproportionately subjected to restrictions and repression by the authorities."*<sup>4</sup> These experiences pose violations and interferences with the right to assemble peacefully thereby contributing to the chilling effect.

that they have experienced police officers *"being transphobic. I haven't experienced this, but my friends have."* This discriminatory behaviour can be seen in situations where activists interact with police in situations of being identified, getting arrested as well as in police custody. One of the ways this unfolds is through *"transphobic jokes. Joking about if I have genitals, what is down there."* One transgender activist that has been interviewed for

this report explains it in their words as follows: *"Being a trans person there was another layer of repression, purposefully agents of the police misgendering me and laughing about it in this super horrible way. When taking us to the cells completely disregarding other categories that are not cis or binary."* These experiences of the police using the gender expression of activists as a point of ridicule and disrespect is against Danish law. Since 2022 the prohibition of discrimination based on gender identity, gender expression and sex characteristics has explicitly been added to anti-discrimination legislation. This includes the right to live freely without harassment and equal

## Treatment of non-citizens

One of the determining factors for how protestors are treated by police and the legal system is whether they are Danish citizens or not. All people registered in Denmark have a CPR\* number which police use to identify protestors. Even though one is not required by law to disclose one's CPR number to the police (one only has to say one's name, address and date of birth), it is a differentiator for how people get treated. For instance, if someone does not have a CPR number it is much more likely that they will get arrested at protests where other people with CPR numbers are simply identified. One activist describes this practice as they observed it at a protest at Copenhagen airport: *"When we block the street at the airport we get detained. Usually the ones that get arrested are the people without even a CPR, the ones with a CPR they just take the ID, but even after they have taken your ID they try to ask you questions about where you are from."* This interest in figuring out where people are from, and the lack of Danish citizenship of some protestors, are used by the police and the state as repressive means. Out of the five non-Danish citizens interviewed for this report, four have had threats of deportation, three of them are/were charged with deportation. All four activists are EU citizens, who moved to Denmark to work and/or study and have lived here for several years. One of these activists describes the experience of a police officer pointing out that the activist is not Danish and how participating in the protest might affect their right to live in Denmark: *"Sometimes they [the police] make fun of this, like they register the [CPR] number, and see my face, and go 'Oh, we know you come from Italy, so what are you doing here?'; trying to probe me into giving them information. Sometimes they have been like 'You know what you just did, you can go to jail for a long time, you can get expelled from the country'"*.

Getting threatened with deportation from Denmark also happened to another activist who, after participating in

access to participation in society. It is a criminal offence to express hate speech about transgender people in public and committing hate crimes against transgender people. Despite strong legal protection, 64% of non-binary and transgender people have experienced discrimination (In comparison to 16-17% of the general population having experienced discrimination)<sup>23</sup>. Activists' experiences highlight that non-binary and transgender individuals face significant discrimination during police interactions, including transphobic remarks and misgendering, despite legal protections.

several civil disobedience protests, received a letter in their e-boks in December 2022 titled *"Consent to convention interrogation"* (Tilsigelse konventionsafhøring) that reads *"As you have been charged with criminal offences that may lead to deportation from Denmark, I will under section 26 of the Danish Immigration Act determine whether the deportation is in violation of Denmark's international obligations."* After their lawyer spoke to the police, the deportation case was dropped in January 2023 as the case was deemed too unlikely to carry through. The activist remembers: *"I think they were throwing it at anyone who is non-Danish with a criminal charge. This happened to 10 internationals."* Whilst these numbers were difficult to confirm for this report due to the lack of systematic data collection of charges, two more of the activists interviewed explained how a deportation charge had affected their lives: An activist who received a deportation charge and had a court case due to start in August 2023 subsequently left the country whilst the court case was approaching, even though they had built a life in Denmark and planned to stay.

This case is an example of how repression does not hit only after a verdict has been spoken, but also before and during court cases due to the uncertainty it brings. Currently, there seems to be one activist remaining who has a court case where they are threatened with deportation. The activist explains: *"I have been informed that the Danish state wants to deport me. They have combined several charges against me. All from more than two years ago. It's several charges which they combined and they want that to result in deportation and a four year entry ban. But I don't have a court date yet so this is on-*

\* CPR stands for Det Centrale Personregister. It is a ten-digit number with the format DDMMYY-SSSS, where DDMMYY is the date of birth and SSSS is a sequence number. The first digit of the sequence number encodes the century of birth and the last digit of the sequence number is odd for males and even for females.





## Testimony

**Protester:** "At an event I was carrying pepper spray for self-defence when they separated me from the other people and called the police. It was supposed to be just a fine, because you are not supposed to carry that without a justification. And even though I had a justification, what was supposed to be a fine ended up being a deportation case. It is clearly a strategy by the police and the state to repress climate activism, especially when it comes from other countries. Talking to my lawyer it seemed like a completely unrealistic case from the police because the legal grounds are not there to deport me thanks to the fact that I am a EU citizen."

**Researcher:** "Can you explain what happened in more detail?"

**Protester:** "It was an event at the town hall in Århus about the expansion of the port. The security searched my bag, found the pepper spray and called the police. Police took the pepper spray and said I was going to get a fine. It was eight months after that I got the court case for deportation. You could see they took their time to prepare that instead of sending a fine the next month."

**Researcher:** "Why did it take so long? Why did they go for deportation?"

**Protester:** "Deportation is the biggest thing they could choose as a legal consequence for me as a EU citizen. It was definitely a psychological threat, not just for me but also the other people. They probably know they cannot get through with deportation, but it is about the psychological damage. So the point of the police is to destroy movements. It's been a year and they have not yet withdrawn the case even though they don't have a legal basis. The fact that they have not withdrawn the case shows that it is a psychological weapon of 'Can I continue living here? Or will they come to my house tomorrow and say that the deportation has gone through?'"

**Researcher:** "Did this have any long-term consequences on you?"

**Protester:** "I planned to live in Denmark for longer. It shifted my mindset about 'Do I want to live here?' It was very stressing and disheartening also that society did not pick up on it. I also stopped the master's degree. It had a very big impact."

going. My roommate got a call from a police officer who asked for my phone number and told my roommate that they urgently need to talk to me. And that if she does not give my phone number they will come and break into our house and get me. My roommate did not give them my number but gave me the phone number of the police and then I contacted a lawyer who called the police officer for me and was then informed that in connection to one specific action they want to deport me." As of the publication of this report, this activist has learned that their court case will take place in November 2025. Three years after the cited protests have happened. This strategy of trying to deport EU citizens that have participated in civil disobedience is not just happening in Denmark. Canada and the UK have also threatened to deport climate activists. In Canada, the deportation of a Pakistani climate activist was stopped by the Canadian Border Services Agency<sup>24</sup> whilst in the UK the deportation of a German climate activist is still being pursued<sup>25</sup>. As Denmark looks to deploy the same tactics as Canada and the UK, the question of proportionality of the punishment to the crime and the question of who has the right to protest in Denmark needs to be examined.



## The independent police complaints authority

Whether it is the treatment of non-citizens, or racist and transphobic remarks and behaviours by police officers, raising complaints against the police is a difficult and in many cases ineffective way to seek justice. In Denmark, the independent police complaints authority (*Den Uafhængige Politiklagemyndighed*) is the authority that is supposed to investigate the proportionality of the police force used and deliver critique of the behaviour of police officers. One protester doubts this mandate of the independent police complaints authority seeing that "They are ex-police officers and people working within the legal system, it's a very biased crowd. When you look

at the statistics of this institution you see that less than 8% of the complaints that go through have any effect." The Danish Institute for Human Rights notes that more cases might result in criticism if the independent police complaints authority were given the authority to investigate and prosecute human rights violations. Currently, such violations are not investigated as they fall outside the scope of the existing police complaints system. An improved, independent police complaints system would benefit both individual citizens and the police, who rely on public trust to carry out their duties effectively.<sup>26</sup>

## Testimony

**Protester:** "I went with a bus to Sweden going to a civil disobedience action. The [Danish] police followed us from Denmark into Sweden. Then we were waved over in Sweden at the border and they wanted us out of the bus and check everything in the bus. Then I was taken away. They wanted to talk more to me. Don't know why, I can only guess. I was being provocative. A police man said that it was odd that I did not know where exactly we were going and I just said that I thought it was odd he was a police man. Then he got quite angry. I think that did the trick. They took me into a small meeting room at the border where I was for three hours and they interviewed me for one hour. Eventually they took me to detention. I can't remember what they said specifically. They used an integration or refugee kind of law for people wanting to immigrate. They used it on me to put me into the detention centre even though they knew I did not want to immigrate. Where I was taken there was very high security level, it was more like a prison. I was at the detention centre for 1.5 days, 2 nights where I was in the small cell and I had one hour in the court yard. They didn't tell me

my rights and I didn't know my rights. Then they drove me 40 minutes to another place, a refugee centre/ prison like which was very crowded with not a lot of space. It was only men and they took my stuff. I got released at 14:00 that day after another interview with the police. Then I had to find my own way home."

**Researcher:** "Did people know where you were?"

**Protester:** "No. Before I was at the detention centre I got 5 minutes to do a phone call. I called my mom, she was trying to see if she could contact the embassy cause at that point I thought I'd stay there until I answered their questions."

**Researcher:** "Have there been any consequences for you personally?"

**Protester:** "The following autumn I was quite depressed. It's very stressful to be put in a situation like that and know that you can always be taken hostage like that."



# Environmental activism framed as extremism

The framing of environmental activism as extremism that is relevant to be monitored by the state is a newer phenomena in Denmark. For the first time in history, environmental activism was included and categorised as a potential terrorism threat in the annual report of the Danish Security and Intelligence Service (PET) in 2020<sup>27</sup>. As the direct quotes from the PET reports from the years 2020-2024 show, the monitoring and analysis of environmental groups and their level of extremism is an ongoing interest of the Danish state in regard to terrorism. As these quotes highlight, the collaboration of leftwing activism and environmental activism is perceived as a threat and seems to be closely monitored by the authorities.

At EU level, this framing of environmental activism as a "terrorist threat" has been described in the 2023 European Union Terrorism Situation and Trend (TE-SAT) report which classifies environmental activism as current

"Extremism" and as part of the "Outlook on potential developments in terrorism and violent extremism in the EU". Worryingly, the report classifies roadblocks and the occupation of bank buildings or airports as extremism and appears to take the view that being worried about climate change is an extremist viewpoint: "Environmental extremists are concerned with various themes, such as climate change and earth resources."<sup>28</sup> Since 2021 climate activists have been framed by PET as climate extremists in Denmark.

Categorising environmental activism as a potential terrorist threat contributes to the shrinking of civic space and seriously threatens the vitality of democratic societies, including the Danish one. This categorisation by CTA (Center for Terroranalyse) also provides the legal basis for the surveillance and repression of environmental defenders by police.





# Public Discourse and Media Influence



# The role of the media

The media plays an essential role within a democracy of reporting on and making visible efforts by civil society to push for political matters such as the urgency of the climate crisis. This mandate of both reporting on the escalating climate crisis and its global and local consequences, and at the same time reporting on the environmental protests, carries as much significance as it carries complexity. The UN Special Rapporteur has observed that environmental defenders, including those engaged in peaceful protest and civil disobedience, are increasingly portrayed in the media and by political figures in a negative light. He calls this discourse “derogatory” and often “defamatory” and warns that it can contribute to endangering environmental defenders as it is used to justify their repression<sup>1</sup>. The stigmatising and negative rhetoric against protests and protesters can be seen in statements from politicians and public figures in the media which undermines the value of the right to protest. This leads to a corresponding shrinking of the civic space and deters members of the public from participating in protests out of fear of being categorised as criminals and treated as such. An example of this is a debate article written by a leader of the Liberal Alliance party in May 2022<sup>29</sup>. One of the interviewed activists remembers this situation and says: “Opinion makers and politicians have a role in legitimising or encouraging harder repression. Last year, at Befri Jorden [an Extinction Rebellion protest] someone from Liberal Alliance tweeted that each person sitting on the street should be fined one million kroner so that we stop. They are really pushing. One thing is if the repression will happen and the other thing is whether it will be publicly accepted.”

This experience of stigmatising rhetoric from a political leader creates a hostile narrative and legal framework that impedes instead of facilitates the right to protest. Søren Pape from the Conservative party (*De Konservative*) said to environmental defenders using civil disobedience in 2022 “You are destroying democracy”<sup>30</sup>.

The focus on extraordinarily high punishment of environmental defenders can contribute to embolden and empower police to

violate rather than support the right to protest. This can be seen in the following experience of one of the interviewed activists: “I was in a debate with a politician from Dansk Folkeparti who was saying he hopes the police will use pepper spray against us and I think that is scary. We are completely peaceful and you are asking for these things. He was also saying if people run you over it's your fault. The politicians will legitimise repressions that are unfair.” The framing of environmental protests in media outlets can have a significant impact on the public's perception of the legitimacy of the protest. The discrepancy in the framing of environmental protesters in Danish media can be seen in the difference of two article titles that couldn't be more different: Both published in 2019, Per Nyholm writes for *Jyllands-Posten* “Climate terrorism is on the rise, caution is needed. Thunberg looks like a dictator in disguise, travelling from country to country”<sup>31</sup> whilst Rune Lykkeberg writes for *Information* “Who really believes in democracy? It's the desperate climate protesters”<sup>32</sup>.

In instances where the content of the protest is not reflected in the media stories of the protest, it can amount to a frustrating feeling as one activist from Scientist Rebellion illustrates: “We're saying we're scientists, the media just label us as activists, or people out there to cause trouble. It really depends on the type of media and the type of action.” Indirectly, this kind of representation and discussion of environmental protesters' rights and punishment in the media can have a deterring effect on members of the public from exercising their fundamental right to protest out of fear of being treated like criminals.



# The influence of public discourse

One of the reasons for environmental defenders' protests is to make visible and raise awareness about the urgent matter of the climate crisis. This happens through social media accounts that the different groups administer themselves, through traditional media appearances in TV, radio and newspapers, and through the participation in events and debates. The association with one of the currently active groups engaged with civil disobedient actions can have an impact on how protesters are perceived in the public and can have an impact on their social relationships. This means that repression as a consequence from activism does not just come from the state, the police, and the media.

Repression of activism can also come from the workplace. One activist describes a meeting they had at work where their manager said *"it's great what you're doing, but when you're doing it, you shouldn't say that you work here, you shouldn't say that you work for this department, for this university"*. Considering the role of universities as places of research, education and of the societal function of sharing research findings, it is concerning that the university is not supporting their staff in aligning their actions with findings. The activist further explains that *"What is more important than state repression is repression from the workplace. The academic one. It's less prevalent, but it restricts me. Activism is also about talking to people about what you're doing. Not being able to talk about activism because you know some people might reply in a way that threatens your job, that I think is more effective for self-silencing than having fines."* Knowing that one's workplace might frown upon political engagement and impact one's career possibilities might cause self-censoring. The Danish Institute for Human Rights has researched the status of freedom of expression in Denmark in 2024 with a focus on self-censorship<sup>33</sup>. They found that freedom of expression is under pressure even though it enjoys great support among the Danish population, is considered a core value in Danish democracy and is legally protected through the Danish Constitution and the European Convention on Human Rights. The Institute warns that democracy is weakened when parts of the population refrain from expressing their views and taking active part in the public debate.

Several of the people interviewed for this report have at some point engaged with traditional media such as appearances on political debates on television programmes, live radio debates and interviews, as well as interviews and portraits in newspapers. Environmental defenders through their appearance in the media can sometimes become publicly known or recognisable individuals. As a consequence, they experience what a lot of people in the public eye encounter: Comments and messages on their facebook profiles, instagram accounts, emails sent to their private and work email addresses, their personal details being doxxed (such as full name and address made public on the internet). Through these means of communication, environmental defenders experience hateful and derogatory rhetoric. One activist describes their difficulty dealing with this new situation: *"When should you report something to the police? Some of the things I have received after being in the media are actually death threats. Do you ignore it? Do you make a case out of it? One person was telling me that sometimes when you report them to the police they might get a call from the police saying they have been reported and that can sometimes stop them from doing it again. But wow, it's a long list of people that would need a call from the police."*

Another activist has felt the consequence of being publicly recognisable in a way where they have been targeted and harassed online: *"I have faced a lot of harassment. Digital bullying and harassment. Having pictures of myself uploaded somewhere and people making fun of me. That can pose a real threat for your feeling of safety. It got less bad when I removed my personal details from my social media and now it doesn't harm me as much when people say 'Fuck you. We know where you live.'"* These experiences of activists show that speaking publicly, whether it is on Social Media or in traditional news, can bring with it derogatory and threatening messaging. From these examples it is also made clear that these protesters do not know how to approach threats, especially death threats. Activists and groups are thereby faced with difficult choices when it comes to selecting whether to have a public profile or not knowing what they might be met with online. This tendency is problematic because hate speech and other digital offences can have a chilling effect on freedom of expression.



# conclusion



These crackdowns on environmental defenders have a concrete and dangerous chilling effect on the exercise of fundamental rights, on civil society and democracy, and ultimately on society's capacity to address the environmental crisis with the required urgency. Numerous environmental defenders have shared with the Special Rapporteur the detrimental effects that the aggressive tactics of police and prosecutors have had on their personal well-being and mental health. Activists expressed concerns about the fear of injury and the psychological strain resulting from harassment, arrest, or detention, as well as witnessing similar treatment of fellow

activists<sup>1</sup>. Amnesty International echoes the warning from the Special Rapporteur: "*harsh restrictions on protesters, and other forms of human rights violations [...] are likely to dissuade others from exercising their rights in the future*"<sup>4</sup>. As the excerpts from the 15 interviews show, the chilling effect is widely felt in the environmental movement in Denmark. The activists' experiences and stories highlight that environmental defenders are under pressure. The following quotes from the interviews show the severity of the pressure that environmental activists feel they are under:

*"I'm really worried about the future of police and state repression in Denmark. And the climate crisis is only going to escalate and the activism is escalating accordingly. And the repression will probably escalate accordingly. I remember when I started being an activist it was kind of a joke that one day we will be all imprisoned because everything is spiraling. We were joking about it but there is a grain of truth to it. If there comes a day where it has spiraled so much that we are organising campaigns that can get us imprisoned. That is not unlikely that that can happen in Denmark too. That is worrying me so much. I've felt relatively safe until now and I feel like that might definitely change at some point."*

*"I've been really scared the last few weeks with the Just Stop Oil activists. To me it seems that they are doing the same activism as we are. If that transcends countries, which it could easily do. Then it would be a whole different set-up. If people suddenly get punished with prison sentences that would transcend the whole climate movement. That would fuel some kind of counter repression. That might blow up some actions to something we have not seen before."*

*"Repression has of course increased. With climate activism maybe not as much as with other human rights or social issues, but definitely increased. Certainly the violence of police officers has increased majorly. To some extent this is more dangerous than fines because it gives traumatic experiences that last for much longer. These are experiences that create distrust and horrible traumas. It's scaring a lot of people from participating in protest. We also see it from politicians why higher sentences or fines should be applied. That's a really dangerous discourse to start. We are much better off than in other countries, but the discourse is starting."*

One of the main drawbacks of this report is the lack of quantitative data. Even though 15 interviews with environmental defenders show the depth of the issue in a qualitative way, this report could have been even stronger if the following questions could have been answered: How many people have been arrested at environmental protests in Denmark in the last five years respectively? How many protesters have been charged with administrative

law vs. criminal law each year? How many of the protesters that have been in police custody experienced their rights not being upheld? How many protesters have ongoing court cases? How many fines have been sentenced, paid and are outstanding from environmental protests? Having this data would help evaluate the criminalisation of environmental defenders significantly.

## Recommendations

This report concludes in the recommendation of the establishment of a watchdog that keeps track of the right to protest in Denmark, not just for environmental defenders. The civil society is organising and protests are many. Especially the protests in solidarity with Palestine since October 2023 have increased in numbers and participants. This report focuses only on environmental defenders, but investigating how other protesters are treated would be highly relevant to assessing the right to freedom of expression and assembly in Denmark, especially considering the proposal of the Danish government in October 2024 to introduce 50% extra punishment for protests in solidarity with Palestine.

As other European countries pass draconian laws limiting the right to protest for environmental defenders, it is crucial to strengthen the right to freedom of expression and assembly in Denmark and deter any limitations to

this right. This includes addressing any discriminatory impact of policies and practices on the right to freedom of peaceful assembly for groups such as non-citizens, transgender protesters and people of colour. Ensuring the rights of those who experience heightened barriers to participation will ultimately strengthen public participation in democratic decision-making.

This report has shown that repression of environmental defenders is a real and current issue. The police's use of force in the form of threats and violence through physical restraint techniques must be scrutinised and brought to an end. Denmark has to enforce the European Convention on Human Rights, specifically the right to trial within reasonable time. The uncertainty of delayed and long judicial processes adds to the legal and psychological consequences and the strong chilling effect.



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# under pressure:

## Repression of environmental activism in Denmark 2019-2024

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About NOAH:

The planetary boundaries are already significantly exceeded. The Global North uses and has historically used the most resources and bears the main responsibility for environmental degradation and global warming. A sustainable transformation of local and global production, transportation and consumption patterns is necessary, if all present and future generations are to have equal access to the Earth's resources without overburdening the environment. NOAH fights for a just and sustainable world where decisions are made democratically. We fight for environmental justice.

NOAH is the Danish member of the largest international network of environmental organisations, Friends of the Earth.





In the years 2019-2024, Denmark has experienced a resurgence in environmental activism, marked by the emergence of new groups utilising civil disobedience tactics. This report investigates the repression and criminalisation of environmental activists during this period, highlighting the legal and psychological impact of the repression activists face. The report's methodology involves interviews with 15 activists from nine organisations, focusing on their experiences and observations related to police treatment. Protesters' rights are enshrined in various international and regional treaties, which support the fundamental rights of freedom of expression and freedom of peaceful assembly. One of the existing legal frameworks is the Aarhus Convention, a legally binding international instrument on environmental democracy, which links environmental protection and human rights.

The report reveals through the interviews with activists that environmental defenders' rights are under significant pressure. This is shown through police brutality, including the excessive use of pain compliance techniques during the removal of protesters, as well as through the increasing use of charges of the criminal code. Activists describe the impact of long and uncertain judicial processes and the difficulty of complaining about the police's conduct.

The report finds that the treatment of protesters in Denmark is heavily influenced by their citizenship status.

Interviews reveal that several EU citizens received deportation threats linked to their participation in protests. Furthermore, the police's treatment of protesters in Denmark reveals significant racial discrimination, when police administered an alcohol test to a Greenlandic protester without any justification, perpetuating harmful stereotypes. Additionally, activists report that privilege significantly affects how they are treated by the police, with non-binary and transgender individuals facing transphobia during ID checks, arrests, and police custody.

Activists report that derogatory rhetoric from politicians and media coverage creates a hostile environment that discourages public participation in protests. Activists that participated in media appearances reveal to have received digital harassment, including death threats. This report highlights that repression of environmental activists in Denmark is a real issue and should be further investigated. The observed repression is contributing to a broader chilling effect on peaceful assembly across Europe as the police treatment undermines the right to protest by creating heightened barriers for marginalised communities. The report concludes in the recommendation of 1) the establishment of a watchdog to keep track of the right to protest in Denmark, not just for environmental defenders, 2) addressing any discriminatory impact of policies and practices on groups such as non-citizens, transgender protesters and people of colour and 3) ending the police's use of force in the form of threats and violence.