

Denmark: Visit 2014

CPT/Inf (2014) 25 | Section: 2/51 | Date: 17/07/2014

Executive summary

The CPT's fifth periodic visit to Denmark was an opportunity to review the implementation of recommendations made by the Committee during previous visits. To this end, the delegation examined the treatment of persons detained by the police and of inmates in several prison establishments, as well as of young persons held in two secure institutions for juveniles. In addition, three psychiatric establishments were visited, with a particular focus on the use of coercive measures on patients. A targeted follow-up visit to Ellebæk immigration detention centre was also carried out. The cooperation received by the Danish authorities was of an excellent standard. Nevertheless, the principle of cooperation also requires that decisive action be taken to improve the situation in the light of the CPT's key recommendations, and the findings of the 2014 visit suggest that such action has not been taken since the 2008 visit as regards the imposition of judicial restrictions on remand prisoners, the practice of the use of fixation in prisons and prolonged application of mechanical restraints on psychiatric patients.

Policing

Most detained persons met by the CPT's delegation stated that they had been treated correctly by the police. Some allegations of excessive use of force at the moment of apprehension and of tight handcuffing were received and the Danish authorities are asked to remind police officers to use no more force than is strictly necessary. The Committee welcomes the establishment of the Independent Police Complaints Authority to investigate complaints of police ill-treatment and to fight against impunity. In this connection, the CPT recommends that all police officers should wear an identity number or name badge for identification purposes. Several recommendations are also made to strengthen the safeguards afforded to persons deprived of their liberty by the police, notably as concerns the right of detained persons to be granted effective access to a lawyer as from the very outset of custody. In addition, persons should be provided with clear information in a language they can understand about their rights in police custody. Material conditions in the police stations visited were generally satisfactory for short periods of detention.

Prisons

Relations between staff and inmates in the establishments visited were generally correct and no allegations of deliberate ill-treatment were received. The CPT was concerned about the inter-prisoner violence, intimidation and sexual exploitation at Ringe State Prison, and recommends a comprehensive anti-bully strategy be put in place, and that proactive measures be taken to prevent sexual exploitation of female prisoners.

The CPT welcomes the downward trend in the resort to solitary confinement of remand prisoners by court order. As for the practice of judicial restrictions on remand prisoners' contacts with the outside world, the Committee recommends that the safeguards surrounding the application of this measure be reinforced, especially the longer the measure lasts. Recommendations are also made to review the placement policy at Copenhagen Police Headquarters Prison and to improve association possibilities for all prisoners in this establishment. The report also addresses the situation of a particular inmate in long-term administrative segregation currently held at Vridsløselille Prison, and makes recommendations concerning the treatment of such prisoners.

The conditions of detention in the prisons visited were generally satisfactory although Western Prison requires a rolling programme of upgrading. Numerous complaints were, however, received from prisoners concerning access to the toilet, particularly at night.

Prisoners generally had access to health-care services within a reasonable time and staffing levels were mostly adequate in the establishments visited. However, there is a need to ensure all inmates are properly interviewed and physically examined by health-care staff within 24 hours of admission to prison. Further, medical confidentiality, particularly at Western Prison, needs to be strengthened and additional action taken to tackle substance abuse in prisons.

The delegation's findings that prisoners often relied on other inmates to tell them about the regime and rules reinforce the CPT's recommendation to introduce a comprehensive reception and induction process in remand prisons, with prisoners provided with information in a language that they can understand. The importance of the role of staff in prisons and of investing in their training is emphasised, notably as concerns inter-personal communication. The appointment of a dedicated foreign national prison officer at Western Prison is proposed.

The delegation found that the disciplinary procedure is properly applied. Nevertheless, the CPT recommends that the legal provisions on discipline be revised to bring them into line with the Committee's position (i.e. that solitary confinement as a disciplinary punishment should not exceed 14 days). As regards security-related issues, the CPT recommends that the application of pepper spray in prisons and the use of observation cells, both for prisoners at risk of suicide or self-harm and for prisoners who are disruptive or violent, be reviewed. Further, the CPT is again critical of the application of the measure of immobilisation in prisons and recommends that steps be taken to ensure that the principles and minimum safeguards set out by the Committee are applied rigorously. Contacts with the outside world for prisoners are generally good. However, the prisoner complaints system should be reviewed to provide prisoners with confidence in its effectiveness and management with a clearer indication of the issues which can be raised.

Foreign nationals held under aliens legislation at Ellebæk

The main concerns at Ellebæk relate to the need to maintain the establishment in a decent state of repair, to limit the carceral environment to a minimum and to ensure regular activities are offered. Further, the CPT recommends that all newly-arrived detainees are clinically assessed and that a specific screening be put in place aimed at identifying victims of torture. There is also a need to improve communication with the detainees and to enhance their contacts with the outside world.

Juveniles

Juveniles at Grenen and Sølager Secure Institutions for Juveniles were accommodated in well-staffed small living units and relations between staff and the young persons were positive. No allegations of ill-treatment were received by the CPT's delegation. Nevertheless, the Committee remains concerned that the majority of juveniles on remand had judicial restrictions placed on their contacts with the outside world, often for extensive periods. The Committee reiterates its recommendation that the imposition of such limitations should be the exception, not the rule.

The delegation found that, at “Grenen”, juveniles were usually confined to their rooms upon admission to the institution for up to a week or longer before being permitted to associate with the rest of the group. The CPT recommends that the period of such a confinement – if needed at all – should be as short as possible and always based on an individual assessment. Further, human contact and at least one hour of outdoor exercise per day should be offered to all juveniles subject to this measure.

At both secure institutions, the Committee noted positively the offer of a wide range of structured activities and a pedagogical approach aimed at promoting a sense of community as well as very good material conditions. On the other hand, the CPT considers that all newly admitted juveniles should be medically assessed upon admission by a health-care professional. It also recommends that the presence of at least one female staff member should be assured at “Grenen” whenever female juveniles are being accommodated.

As regards juveniles in prison, the CPT recommends that the Danish authorities review the policy of placing juveniles remanded in custody pending trial in a prison establishment rather than a secure institution for juveniles. It further proposes that sentenced juveniles might be located on the grounds of an open prison accommodating juveniles as opposed to the current arrangement of being placed in a small unit within Ringe State Prison.

Psychiatry

The CPT welcomes the constructive attitude and the overall acknowledgement, both by the central authorities and the staff in the hospitals visited, of the need to reduce the resort to physical immobilisation of patients to a bed (*fiksering*). However, it remains seriously concerned that resort to immobilisation, and notably immobilisation lasting longer than 48 hours, had reached all-time peaks in 2012 and 2013 and that in several cases patients had been immobilised for periods from one to three months. Recommendations are also put forward to enhance the range and frequency of therapeutic and recreational activities available to patients and to ensure that – health permitting – all of them are offered at least one hour of outdoor exercise per day.

The CPT examined the special coercive measure of “walking-restraint” at the Secure Department of Nykøbing Sjælland Psychiatric Hospital, which had been legalised in 2010, and it found that the measure was applied with appropriate supervision and outside monitoring and as much respect for the patient’s dignity as possible. Nevertheless, the CPT stresses that the utmost care should be taken to ensure that “walking-restraint” is only applied to patients whose condition requires restraint and that the measure should be ended as soon as it is no longer necessary. The CPT’s delegation also found that patients were locked in their rooms for extensive periods of the day at this special department and the Committee recommends that resort to this measure be radically reduced.

The CPT considers that most of the shortcomings found in the three psychiatric hospitals visited, including resort to frequent and prolonged use of restraint, are at least partly due to low staffing levels. It calls upon the Danish authorities to reinforce staffing levels in these three hospitals, and notably the number of nurses. As regards safeguards surrounding the involuntary placement of patients in a psychiatric hospital, the CPT reiterates its recommendation that the retention of a voluntary admitted patient requires the opinion of a second, independent doctor.