



## **News from the Danish Parliamentary Ombudsman**

# **The Ombudsman recommends measures to ensure better conditions for children at Jyderup Prison**

28 June 2023

The Ombudsman's Children's Division has been on a monitoring visit to Jyderup Prison, which has been a women's prison since 2021. A few young children have for periods of time stayed in the prison together with their mothers.

As an inmate, it is possible under certain conditions to have your young child with you during your imprisonment. This presupposes, among other things, that you can take care of the child and that the social authorities assess that the stay in the prison is compatible with the child's welfare.

However, the monitoring visit showed that the processing of requests from inmates to have their child with them in prison has not taken place in accordance with the rules. Thus, the Ombudsman found that none of the three cases that have been processed so far had the necessary assessments from the authorities and that the division of responsibilities internally in the Prison and Probation Service was unclear.

'There may be big challenges connected with having a young child within the narrow setting that a prison quite naturally entails. The rules therefore contain procedural safeguards for the children and their mothers that are to ensure, among other things, that the stay in the prison is compatible with the child's welfare', says Parliamentary Ombudsman Niels Fenger. 'I recommend that Jyderup Prison make guidelines for the case processing and ensure that requests from the mothers are processed in accordance with the rules'.

## **Framework and measures for ensuring due care for the children should be improved**

The visit showed that the staff at Jyderup Prison pay attention to the children's wellbeing, but also that they find that it can be difficult to assess this matter and that there is uncertainty as to the staff's tasks in relation to inmates with children. In addition, the various guidelines in the prison are not consistent or known by everyone among the staff.

The Ombudsman therefore recommends various measures to ensure that the staff have the necessary knowledge in the area so they can be as supportive as possible regarding the children's situation.

## **The physical setting for the children is still not good enough**

The visit also showed that Jyderup Prison in all three units have established indoor facilities that make it possible for an inmate to have her child with her.

However, there is still not full access to age-appropriate indoor and outdoor facilities for children. For instance, in the remand unit there is only a gravelled yard without playground equipment for the children.

On that basis, the Ombudsman recommends that Jyderup Prison ensure that children, regardless of the prison unit they are staying in, have access to age-appropriate facilities both indoors and outdoors.

The monitoring visit was carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

Read [the Ombudsman's statement](#) (in Danish only).

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## **FACTS**

### **About Jyderup Prison**

On 9 February 2023, the Ombudsman's Children's Division carried out a monitoring visit to Jyderup Prison with focus on the conditions for children staying in the prison with their mothers.

Jyderup Prison has been a women's prison since October 2021. The prison receives female inmates from all of Denmark.

The prison has 143 places, of which 58 are in the remand unit, 45 are in the open unit and 40 are in the closed unit. In the open and the closed units, family places have been established (two connected cells) for inmates with children in the institution. In the remand unit, the cells are approximately the same size as the family places.

Jyderup Prison falls under the Prison and Probation Service, Zealand, with an area office in Ringsted.

The monitoring visit concerned children's conditions in all units of the prison.

Since October 2021, three inmates have had their child with them in Jyderup Prison's remand unit or in the open unit.

### **The legal basis for processing requests to have your child with you**

Rules on the right for inmates (people serving a sentence) to have their child with them under certain conditions are set out in Section 54 of the Sentence Enforcement Act and Sections 16-18 of Executive Order No. 1022 of 28 June 2022 (Executive Order on Visitation).

Remand prisoners' right to have their child with them is set out in Sections 54 and 55 of Executive Order No. 173 of 31 January 2022 (Executive Order on Remand Custody), cf. for instance Section 776 of the Administration of Justice Act.

In outline, the rules state the following:

- If the child is under 1 year old, an inmate as well as a remand prisoner has a right to have her child with her if the individual is capable of taking care of the child herself and if the social authorities find that staying in the institution is compatible with the child's welfare.
- If the child has turned 1 year old, a remand prisoner can only be permitted to have her child with her for a limited period if it is the best for the child and if very special circumstances in the case in question speak in favour of this.
- An inmate who is serving a sentence has the right to have her child aged between 1 and 3 years with her if the inmate is capable of taking care of the child herself and if the Prison and Probation Service and the social authorities find that the conditions in the institution are compatible with the child's welfare. When the child has turned 1 year old, the social

authorities' assessment must include a statement from the Prison and Probation Service on the conditions in the relevant institution, including the constructional conditions and the current composition of inmates.

- The Prison and Probation Service makes the final assessment of whether an inmate or a remand prisoner can be permitted to have her child with her.
- The Prison and Probation Service must check on an ongoing basis that the continued stay in the institution is compatible with the child's welfare and, if necessary, contact the social authorities again.