



FOLKETINGETS
OMBUDSMAND

Report

**Thematic report 2017
Young people in secure
care residential
institutions and local and
state prisons**

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1. Introduction

Young people in secure care residential institutions, local prisons and state prisons was the theme of the monitoring visits which the Ombudsman carried out in 2017 in the child sector in collaboration with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

Young people in secure care residential institutions, local prisons and state prisons

There are 8 secure care residential institutions in Denmark.

Children and young people can be placed in secure care residential institutions for criminal, welfare and immigration law reasons.

By a secure care residential institution is meant a residential institution with one or more units where it is permitted to keep outer doors and windows permanently locked.

Secure care residential institutions may also have one or more special secure care units.

Special secure care units are aimed at children and young people whose previous violent or psychologically deviant behaviour has made staying in a secure care residential institution unsafe.

Special secure care units must be physically separate from the general secure care residential institutions.

To the widest possible extent, 15-17-year-old remand prisoners are placed in the secure care residential institutions.

Unless key regards for law enforcement make it necessary, 15-17-year-old offenders are not placed in a local or state prison.

1.1. What has the theme led to?

The monitoring visits gave the Ombudsman the impression that the institutions generally deliver an important and valuable contribution, partly to help

and support the young people during the placement, and partly to give the young people a foundation on which they can build their future and further development after the placement has ended.

In addition, the visits gave the Ombudsman an impression of what is important to the young people. A number of statements from the young people about this have been written into the report.

The visits revealed that the recording and reporting of the use of force can be improved in the secure care residential institutions. On that basis, the Ombudsman gave a general recommendation that the secure care residential institutions endeavour to keep the deadlines for recording and reporting the use of force and that the institutions reports the use of force adequately.

The Ombudsman has discussed the follow-up on these general recommendations with the central authorities. In addition, the Ombudsman will follow up on the recommendations during his future monitoring visits.

The secure care residential institutions must summon a physician when placing children and young persons with mental disorders in solitary confinement so that the physician can decide whether it is necessary to admit the child or young person to a psychiatric ward for children and young people. The Ombudsman has discussed with the Ministry for Children and Social Affairs whether there is a need to clarify the expression "mental disorders" in the Executive Order on Adult Responsibility. In addition, the Ombudsman has discussed the institutions' challenges regarding the medical preparedness with the Ministry.

The Ombudsman has also discussed the issue of access to toilet visits during solitary confinement with the Ministry for Children and Social Affairs, including whether it is necessary to provide guidance on how the secure care residential institutions are to respond to the issue.

The Ombudsman has furthermore discussed the lack of action plans for children and young people placed in care with the Ministry for Children and Social Affairs, and the Ombudsman has discussed with the Ministry whether it is necessary to improve the standard form for reporting the use of force in as far as involvement of the young person is concerned.

The Ministry for Children and Social Affairs will consider the issues discussed with the Ombudsman.

The secure care residential institutions' in-house schools have various challenges in connection with teaching the young people, for instance with providing the full curriculum, exemption from subjects and holding exams. The Ombudsman will take up these issues with the Ministry of Education.

On the basis of monitoring visits to local and state prisons, the Ombudsman has raised a number of questions on his own initiative with the Department of the Prison and Probation Service and the Ministry of Justice regarding conditions for 15-17-year-old inmates.

To that, the Ministry of Justice has informed the Ombudsman that the Ministry is considering the implementation of rules to ensure that inmates of compulsory school age serving a prison sentence in institutions under the Prison and Probation Service be offered education which match that of the Danish Folkeskole (primary and lower secondary school).

The Ministry of Justice will also consider whether there is a need to change the legislation for education of 15-17-year-old remand prisoners.

In addition, the Department of the Prison and Probation Service has informed the Ombudsman of new measures which are intended to ensure uniform compliance with the special rules that apply to 15-17-year-old inmates. The Department has also stated that work is progressing on a professional standard with guidelines for case processing in connection with the imprisonment of 15-17-year-olds.

Information from the monitoring visits to local and state prisons has in addition given the Ombudsman grounds for discussing with the Department of the Prison and Probation Service whether there is a need for centrally drafted written material with information about the young people's rights and duties in a language targeted at young people. The Department will consider this question.

On the basis of his observations of where and under what conditions 15-17-year-olds can be placed in local and state prisons, the Ombudsman has discussed this issue with the Department of the Prison and Probation Service.

Among other things, the Ombudsman has also raised an issue with the Department of the Prison and Probation Service and the Ministry of Justice about the rules for partly placement of 15-17-year-olds in certain closed prisons, and partly 15-17-year-olds' association with adult inmates in certain closed prisons.

The Ombudsman has sent this report to all responsible authorities in the sector: The Ministry for Children and Social Affairs, the National Board of Social Services, the social supervision authorities, the Ministry of Education, the Ministry of Justice, the Department of the Prison and Probation Service and the Ministry of Health. The purpose is to make the authorities aware of the report so that it can enter into their deliberations regarding the sector. The report has also been sent to those secure care residential institutions, local and state prisons which the Ombudsman visited as part of the theme. In addition, the Ombudsman has informed Parliament's Legal Affairs Committee, Domestic, Social Affairs and Children's Committee, Education Committee and Supervisory Board in accordance with Section 71 of the Danish Constitutional Act, as well as Danish Regions and Local Government Denmark.

Read more about the Ombudsman's work involving themes in the Appendix at the back of this report.

1.2. Background for the choice of theme

The Ombudsman's monitoring activities are especially aimed at the most vulnerable members of society. Characteristic of these vulnerable citizens are, among other things, that they have very few resources and that their rights can easily come under pressure. This can also apply to young people in secure care residential institutions, and in local and state prisons.

In addition, the Ombudsman prioritises visits to institutions with particularly strict regimes. Secure care residential institutions, local prisons and state prisons have particularly strict regimes compared to other institutions in the child sector.

With this theme, the Ombudsman wanted an increased insight into conditions for young people in secure care residential institutions and in local and state prisons, and to examine these conditions in more detail.

In relation to the secure care residential institutions it was central to the Ombudsman to gain a more detailed impression of how the Act on Adult Responsibility – which came into force on 1 January 2017 – is used in regard to the young people. The Ombudsman also wanted to have a look at the education available to the young people in the in-house schools at the secure care residential institutions.

Special rules apply to the 15-17-year-olds who are placed in the local and state prisons under the Prison and Probation Service – among others, the Executive Order on the Treatment of 15-17-year-olds placed in Institutions under the Prison and Probation Service, with accompanying guidelines. It was important to the Ombudsman during the visits to local and state prisons

to gain an insight into the way in which these rules are used in relation to the young people.

The theme took its starting point in some of the Ombudsman's general focus areas during his monitoring visits. For instance, the Ombudsman has a general focus on solitary confinement, on physical use of force and on education. The Ombudsman also has a general focus on the service users' relations, for instance the relationship between the young people placed in care and the staff at the institution, including the provision of information to the young people about their rights.

In addition, another of the theme's starting points was the 2015 report from the National Council for Children, "I was actually a good boy once – young people recount their experience of being deprived of their liberty" (in Danish only). The 2015 report from the Institute for Human Rights, "Children – status 2015-2016", was also included in the basis for the theme.

1.3. What did the Ombudsman do?

The Ombudsman carried out 10 monitoring visits with the aim of clarifying and examining the theme of young people in secure care residential institutions and in local and state prisons.

The theme followed these lines:

- solitary confinement and physical use of force
- education
- the young peoples' relations (rights, youth composition, and inclusion and personal development)

The Ombudsman examined the theme in the following way:

- The Ombudsman visited 6 secure residential institutions. One visit concerned conditions for a 15-17-year-old person serving a sentence, as the purpose of the visit was an in-depth examination of the young person's individual conditions. The 5 other visits went to a total of 12 secure care units, 2 special secure care units and 6 in-house schools.
- The Ombudsman visited 2 local prisons, especially for prisoners on remand while their case is being investigated. One of the visits concerned a local prison unit for young people. The other visit concerned conditions for a 15-17-year-old remanded asylum seeker where the purpose of the visit was an in-depth examination of the young person's conditions.
- In addition, the Ombudsman visited 2 closed prisons (especially) for persons serving a sentence. One of the visits concerned a young offenders' unit in particular, while the other visit concerned conditions for a 15-17-

year-old person serving a sentence whose conditions the Ombudsman examined with particular thoroughness.

- As a starting point, the Ombudsman asked for the following, among other things, from the secure care residential institutions:
 - guidelines for the use of force and information on how the young people and custodial parents are informed about their rights in relation to the use of force and other interventions in the right to self-determination, including channels of complaint
 - copy of each unit's 2 most recent reports in 2016 and 2017 of placing young persons in solitary confinement. If the institution did not have such reports, the Ombudsman asked to have each unit's 2 most recent reports on the use of force
 - list of the municipal action plans received by the institution and copies of the 3 most recent action plans
 - information on which of the young people attended school, including the type of curriculum offered
 - written material targeted at the young people and informing them of their rights.

- In connection with the visits to local and state prisons, the Ombudsman generally asked for information on among other things:
 - forcible and voluntary exclusions from association with others
 - placements in disciplinary cell
 - copy of a special treatment programme for inmates, cf. Executive Order on the Treatment of 15-17-year-olds placed in Institutions under the Prison and Probation Service
 - educational provision, including available curriculum
 - written material targeted at the young people, informing them of their rights
 - inmates' association with other inmates.

- In the week leading up to the monitoring visits the Ombudsman sent a personal letter to each individual young person, informing him or her about the visit and the opportunity to have a talk with the visiting team. A flyer which the Ombudsman enclosed with the letter described what the visiting team would like to talk with the young person about. The aim of this approach was to access as many young people as possible, as they are a significant and important source of information for the Ombudsman. The flyer, which is available in Danish, English and Arabic, is annexed to this report.

- The 8 secure residential institutions in Denmark had 123 places in 2016. This appears from Danish Regions' annual statistics for the secure care

residential institutions in 2016. The young people placed in the secure care residential institutions thus made up a very small part of the just under 12,000 children and young people who according to figures from Statistics Denmark – www.statistikbanken.dk – were placed in care in 2016. In 2016, the average number of young people under the age of 18 in local and state prison was 13.8 (this includes prison, arrest, remand and pursuant to the Aliens Act). These figures appear from the Statistics 2016 of the Prison and Probation Service. Significantly fewer young people are thus placed in local and state prisons than in the secure care residential institutions. The young people whom the Ombudsman visited therefore constituted a small but especially vulnerable group.

By far the majority of the young people whom the Ombudsman met during his visits were young males but the Ombudsman also encountered young females. Most young people in the *secure care residential institutions* were placed there in surrogate custody – meaning that the placement was a substitute for remand in custody. During some of the visits, the Ombudsman also met young people who had been placed at the institution for welfare reasons. The placements were typically of a short duration. One of the secure care residential institutions stated that the average was 3-month placements. In the *local prisons*, the Ombudsman met (particularly) remanded young people while in the *state prisons* he met persons serving a sentence.

The young people whom the Ombudsman met were most often between 15 and 17 years of age but the Ombudsman also encountered young people outside this age group. In addition, during the visits the Ombudsman encountered (unaccompanied) underage foreign nationals with a background as asylum seekers.

- The visiting teams had talks with a total of 50 young people during the monitoring visits. The team also had talks with parents, staff (including teachers) and management. The talks were particularly about solitary confinement, physical use of force, education and the young peoples' relations, but they were also about for instance health-related matters.

The monitoring visits were carried out as part of the Ombudsman's general monitoring activities in accordance with the Ombudsman Act and as part of the Ombudsman's work to prevent that people who are or who can be deprived of their liberty are exposed to for instance inhuman or degrading treatment, cf. the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The Ombudsman's work of preventing degrading treatment, etc., pursuant to the Protocol is carried out in collaboration with DIGNITY – Danish Institute

Against Torture – and the Danish Institute for Human Rights. DIGNITY and the Institute for Human Rights contribute to the collaboration with medical and human rights expertise. This means, among other things, that staff with expertise in these areas participate on behalf of the two institutes in the planning, execution and follow-up regarding monitoring visits.

The Ombudsman has a special responsibility for protecting the rights of children according to the UN Convention on the Rights of the Child, among other things. The Ombudsman's Special Advisor on Children's Issues participates in all visits to the child sector.

1.4. What did the Ombudsman find?

Based on the completed visits, the Ombudsman found, among other things, as follows:

- Young people are frequently placed in solitary confinement, and the handling of solitary confinement can be improved in several places
- The recording and/or reporting of use of force can generally be improved in the secure residential institutions
- In some places a connection can be seen between staff's approach with the young people and the use of force
- The in-house schools at the secure care residential institutions face various challenges in connection with teaching the young people, for instance with teaching the full curriculum, exemption from education and setting exams.
- In many instances, the secure care residential institutions do not receive an action plan for the individual young person.
- There are a number of challenges connected with conditions for 15-17-year-old inmates in the Prison and Probation Service institutions, for instance staff's knowledge of the rules pertaining to this sort of inmate, regulation of education for inmates of compulsory school age, placement and regulation of association in certain closed prisons and preparation of treatment programmes
- Information to the young people about their rights can be improved in local and state prisons.

1.5. What was characteristic of good work with the young people?

The visits left the Ombudsman with the impression that the institutions generally made important and valuable efforts, partly to help and support the young people during the placement, and partly to give the young people a foundation on which they could build their future and their continued development after the placement.

In addition, the visits gave the Ombudsman an impression of what was important to the young people.

What was generally important regarding the work with young people, was the staff's approach. Many of the young people indicated how important it was that the staff treated them well and with respect, were able to stand their anger and frustration, and spoke to them properly.

*"[The institution] is five-star.
The staff are nice and speak to you nicely.
They treat you well."
Boy, 17 years*

*In [the institution] you are given a chance,
and you are shown respect."
Boy, 16 years*

Part of being treated with respect was also that staff dared to trust the young people. One institution, for instance, trusted a young person to show members of a supervisory body round the premises.

*"[The institution] was better because they [the staff] trusted you
if you yourself showed trust."
Boy, 16 years*

Talks with young people showed that good treatment from the staff was not contrary to having clearly defined limits in the institution.

It was important to the young people to have staff who showed them interest and with whom they could speak in confidence.

*"I am comfortable with two teachers
whom I can confide in."
Girl, 13 years*

*"The staff show attentiveness and care."
Boy, 19 years*

For some young people with another ethnic or religious background it was important that staff did not use irony or jokes which could be misunderstood. It was also important that considerations regarding religious diet was taken into account.

The young people put emphasis on individual allowances being made in school.

*"It is a really good school. You are taught alone.
You learn more here than at an ordinary school."*

Boy, 17 years

*"The school is good. I have previously lived on the streets and still
have problems concentrating. I am taught 8-10 minutes at a time,
and I can feel that I am improving.
I have a good teacher."*

Boy, 17 years

The Ombudsman received generally positive comments from the young people about the institutions and their efforts to help the young people. However, a number of young people also mentioned matters where they were specifically dissatisfied, for instance with the lack of activities. In addition, several young people complained for instance about the way staff talked to them, such as in a patronising way. To the relevant extent, the Ombudsman passed on such information to the institution's management and discussed it with management.

2. Secure care residential institutions

2.1. Solitary confinement

In all actions concerning children, the best interests of the child shall be the primary consideration. This appears from the UN Convention on the Rights of the Child.

According to the same Convention, no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. A corresponding prohibition appears from the European Convention on Human Rights.

In addition, according to the Convention on the Rights of the Child, any child deprived of liberty shall be treated humanely and with respect for the natural dignity of man and in a way that shows consideration for age-related needs.

By solitary confinement in a secure care residential institution or a special secure care unit is understood isolation in a locked room for shorter or longer periods of time. This is set out in the legislation on adult responsibility.

The Ombudsman obtained information about the use of solitary confinement during the monitoring visits to secure care residential institutions.

All the visited institutions had solitary confinement rooms, except one.

The solitary confinement rooms were often used every year but there were institutions where this was not the case. Generally, solitary confinement was used rarely – except for one institution where there were many instances of solitary confinement in relation to particularly one specific young person.

The leader of a secure care residential institution or an special secure care unit can decide to place a young person in a special solitary confinement room when there is an imminent danger of the child or young person harming him- or herself or other people.

The Ombudsman recommended to one institution to ensure that use of force would only be followed by solitary confinement if an individual assessment gave grounds for it.

2.2. Duration of solitary confinement

Solitary confinement must be as brief as possible, and it must not last longer than 2 hours in a secure care unit and 4 hours in a special secure care unit. This appears from the Act on Adult Responsibility.

There was a general focus on these time limits on the duration of the solitary confinement.

During a visit, the Ombudsman was informed that a young person had been placed in solitary confinement in a secure care unit for just under 4 hours (2 x 1 hour and 50 minutes, without the young person being allowed out of the solitary confinement room). In the institution's assessment, exceeding the 2-hour time limit was an absolutely necessary act of self-defence.

The Ombudsman recommended that the institution be aware that according to the Criminal Code, self-defence can normally only be exempt from prosecution if it is necessary in order to withstand or deflect an unlawful attack and if it does not exceed that which is justifiable.

Another institution did not to a satisfactory degree document the duration of the solitary confinement. In 2 cases of solitary confinement, for instance, it appeared that the young person was in a solitary confinement room for "about 2 hours".

The Ombudsman recommended that the institution tighten the documentation in its reports on the use of force, etc., including documentation regarding duration.

2.3. Design of solitary confinement rooms

Solitary confinement must only take place in rooms that are especially designed for that purpose. This appears from the Executive Order on Adult Responsibility.

The Ombudsman saw several solitary confinement rooms during his visits. In connection with the visits, the Ombudsman tested among other things the working of the alarm button with which the child or young person in solitary confinement could call staff. The Ombudsman also examined whether safety measures were in order so that it would not be possible for the child or young person to self-harm, including (attempting to) commit suicide. There was focus on whether the child or young person in solitary confinement was shielded from view so that for instance other children or young people could not look into the solitary confinement room while it was in use.

The Ombudsman recommended to some institutions that they designed their solitary confinement rooms in such a way so as to minimise the risk of self-harming behaviour as much as possible. The Ombudsman recommended to one institution to carry out an in-house control of the safety of its solitary confinement room once a year.

2.4. Supervision during solitary confinement

There must be continuous supervision of a child or young person placed in solitary confinement. This appears from the Executive Order on Adult Responsibility. The purpose is to ensure that the child or young person does not self-harm. It must be possible for the child or young person to call staff during the whole period of solitary confinement.

The Ombudsman recommended some institutions to ensure that staff was aware and cognizant of the procedures for supervision of the young people placed in solitary confinement – and, in one case, also with regard to how the alarm button worked.

2.5. Medical preparedness in connection with solitary confinement

When children or young persons with mental disorders are placed in solitary confinement, the institution's attending psychiatric specialist consultant must be called in or – if this is not possible – a medical general practitioner. The physician must be called in immediate connection with the decision of solitary confinement. The physician must regularly consider whether it is necessary to hospitalise the child or young person at a psychiatric ward for children and young people.

The Ombudsman recommended to some institutions that they ensure such medical preparedness in the institution.

In that context, the Ombudsman was informed that there could be some challenges with regard to the medical preparedness. One institution, for instance, explained that it did not have attending psychiatrist who could be called in, and that the institution could call the emergency services doctor but that there was often a long response time. Another institution remarked that the solitary confinement had very likely ended by the time the emergency services doctor got there. One institution with a good contact to a psychiatric ward stated that it was not possible to have a psychiatrist out regularly.

According to the Executive Order on Adult Responsibility, a physician only has to be called in when children and young people with mental disorders are placed in solitary confinement.

In connection with the visits, it was discussed how the expression “mental disorders” in the Executive Order on Adult Responsibility should be interpreted. The guide on adult responsibility does not contain any more detailed contributions to the interpretation.

On that basis, the Ombudsman has discussed with the Ministry of Children and Social Affairs whether there is a need for a more precise interpretation of the expression “mental disorders”. In addition, the Ombudsman has discussed with the Ministry the institutions’ challenges with the medical preparedness.

2.6. Toilet visits during solitary confinement

The issue of access to toilet visits during solitary confinement was discussed in the course of some of the monitoring visits.

One institution had guidelines on how to handle the issue. It appeared from the guidelines that the young person should be conducted back to his or her own room to use his or her own toilet if a visit to the toilet was deemed absolutely necessary and expedient. Afterwards, the situation would have to be assessed with regard to whether or not there was still a statutory basis for the solitary confinement. A slop pail could be used if it was not deemed expedient for security reasons to conduct the young person back to his or her own toilet.

The institution provided the Ombudsman with a report of a solitary confinement where the young person had been given a slop pail to use in the solitary confinement room. There was a corner in the solitary confinement room where it was possible to use the slop pail without being watched.

In the course of a monitoring visit to another institution, the young people said in talks with the visiting team that they did not have access to toilet visits during solitary confinement and that staff did not react when the young people

called them. The institution stated that some young people used the call button as a means of provocation towards staff, and that it did not make sense to take the young people out to pee when they were in solitary confinement. Besides, the young people could pee down a grate in the solitary confinement room. If the young person was taken out of the solitary confinement room, the institution ended the solitary confinement.

The Ombudsman recommended that the institution ensure that young people placed in solitary confinement had access to toilet visits according to need and according to a concrete assessment of whether or not it was safe for the young person or others to let the young person come out of the solitary confinement room.

More detailed rules on the access to toilet visits during solitary confinement are not seen to have been established.

The Ombudsman discussed the issue of access to toilet visits during solitary confinement with the Ministry for Children and Social Affairs, including the possible need to give guidance on how the secure social residential institutions should respond to the issue in practice.

2.7. Other measures which may feel like solitary confinement

All the institutions visited used measures which were not called solitary confinement but which may feel like solitary confinement.

The social supervision authority can give a secure care residential institution and a special secure care unit permission to lock the rooms at night for reasons of order and safety. The child or young person must be able to contact staff during the time when the room is locked up. According to the Adult Responsibility Act, the locking of rooms at night does not constitute solitary confinement.

All the visited institutions have permission to lock the rooms at night.

After a monitoring visit, the Ombudsman received a report of a case of solitary confinement. The young person was first placed in a solitary confinement room but was subsequently conducted to his/her own room and locked in, due to lack of space. It appeared from the report that the staff were aware that it was unlawful to lock the young person in his/her own room but the situation did not leave them with any other option.

The Ombudsman recommended that the institution as quickly as possible put an end to unlawful solitary confinement in the young person's own room.

Prior to another monitoring visit, the Ombudsman received a report of a case of solitary confinement where the staff had chosen to lock the young person in his/her own room before placement in the solitary confinement room. As management had discussed the episode with the staff, the Ombudsman took no steps in that connection.

Several institutions used varying forms of exclusion from association with other young people. Some institutions used time-out where the young person was sent to his/her own room for a period of time, for instance for up to 3 hours. Measures were also used – shielding or segregation where the young person was for instance wholly or partially excluded from association with the other young people for a period of time. In addition, the Ombudsman was told that a young person was allowed to sit in his/her room if he/she did not wish to attend school or participate in activities.

To a relevant extent, the Ombudsman discussed the use of exclusion from association with others with the institutions.

2.8. Recording and reporting use of force

Pursuant to the Executive Order on Adult Responsibility, the manager of a placement facility must record an incident involving the use of force on a reporting form. It is a legal requirement that the recording be made within 24 hours. This is first and foremost for the sake of the legal rights of the child or young person but also for the sake of the staff involved.

After the use of force has been recorded, the placement facility manager must without any unreasonable delay send a copy of the reporting form to the municipality which has placed the child or young person at the facility. By unreasonable delay is meant that the forms must be sent as quickly as possible within 24 hours, once the recording is completed. The manager must therefore send the report on the day it is completed.

It was generally a challenge for the institutions to keep the deadlines, for instance if the use of force took place during the weekend and the manager or the deputy manager who were to send the report were not on duty.

The Ombudsman recommended to most of the institutions to endeavour to keep the deadlines for recording and reporting the use of force. The background for the use of the word “endeavour” in the recommendation was that the Ombudsman on the face of it appreciated that the deadlines could be difficult to keep in some situations.

The Ombudsman has discussed the institutions’ challenge with keeping the deadlines with the Ministry for Children and Social Affairs.

The institutions must record and report the use of force in the standard form provided by the Ministry for Children and Social Affairs. The purpose is to make the process flexible henceforth and to support a uniform practice.

The Ombudsman gave several recommendations regarding improvement of the documentation for the use of force. The Ombudsman thus recommended that one institution write a satisfactory reason in reports on the use of force. Another institution was recommended to ensure that the reporting forms on the use of force was completed satisfactorily. The Ombudsman also gave a recommendation to an institution to tighten the documentation in the report on the use of force, including documentation on the type, necessity and duration of the intervention.

On that basis, the Ombudsman generally recommends that the secure care residential institutions report the use of force satisfactorily.

The child or young person who has been subject to the use of force must be informed of the recording in the reporting form. In addition, the child or young person must be given the opportunity to make a statement and to add his or her own account to the recording.

The Ombudsman recommended to some institutions that they consider noting in the forms on the use of force whether the young person had been offered to give his or her account of the use of force but did not wish to do so.

On that basis, the Ombudsman has discussed with the Ministry for Children and Social Affairs whether there is a need for improvement of the standard form for reporting the use of force, in as far as the inclusion of the young person is concerned.

2.9. Staff's approach to the young people and to the use of force

Some institutions saw a decline in the use of force, while others experienced a rise.

One institution explained a former drop in the use of force with low occupancy and many staff members. In addition, staff had become better at communicating and at de-escalating conflicts. At present, the institution had many incidences with the use of force and it was difficult for staff to reach some of the young people pedagogically. Some young people had therefore been moved within the institution and one young person had been moved to another institution.

Another institution explained its decline in the use of force by staff becoming better at prevention and also by a change in the type of young people it was now receiving. It was also mentioned that the low incidence of the use of

force was due to a good relationship effort and because staff were given courses in de-escalation of conflicts.

During a visit, the visiting team noticed that the institution could also continue its work with standardising staff's approach to the young people as part of the institution's efforts to prevent and reduce the use of force.

The institution was recommended to continue its efforts to prevent and reduce the number of times that force was used.

2.10. Education in the in-house schools

According to the UN Convention on the Rights of the Child, children are entitled to education.

All the secure care residential institutions visited by the Ombudsman had an in-house school for the young people placed in care.

An in-house school is established according to agreement between the institution and the municipality in which the institution is located. The local municipality supervises the education. The supervision shall ensure that the teaching lives up to the requirements set out in the Act on Primary and Lower Secondary Education (the "Folkeskole Act").

The curriculum and student plan of an in-house school must comprise the full range of subjects of a municipal primary and lower-secondary school ("Folkeskole").

With the parents' consent, a pupil in an in-house school can be exempted from lessons in a subject (however, not Danish or maths) if the pupil has unusually great difficulties with the subject. The school principal makes the decision to exempt the pupil on the basis of a pedagogical-psychological assessment. The pupil must have alternative classes instead of the subject in question.

The in-house schools had various challenges in connection with teaching the young people. This was among other things because the young people were often placed there for a short time.

It was a challenge to teach the young people in the full range of subjects of the Folkeskole.

Several in-house schools primarily taught Danish, maths and English but it was also possible to be taught other subjects. Several institutions stated that they were able to cover the full range of subjects of the Folkeskole. There were, however, generally problems with covering physics and chemistry, for

instance because the school did not have the facilities needed for the experimental part of the curriculum.

The institutions managed the problem of lessons in physics and chemistry in a variety of ways. One institution had ‘a rolling physics lab’ – a rolling table which made it possible for the institution to provide half of the physics syllabus (both theory and practice). Another institution carried out some of the experimental part of lessons in physics and chemistry in a kitchen – “kitchen chemistry”.

The Ombudsman received information that many young people were in shock in the initial phase of the placement and therefore often not receptive to teaching. In addition, many young people had very little and often very bad experiences with school. Besides this, the Ombudsman was informed that the young people often faced great challenges with regard to motivation. In several places, the young people most often received one-to-one tuition.

There were variations in the extent to which the schools were aware of the rules on exemption from lessons in specific subjects.

Some institutions stated that no pupils were exempt from lessons. One institution was taking active steps to ensure that the rules on exemption from lessons were observed. Another institution said that it could be difficult to procure information about a possible decision on exemption from lessons that had already been made. A third institution stated that many young people came from special schools where they were already exempted from lessons following involvement of PPR (Pedagogical Psychological Counselling). The placement’s short duration meant that it would not make sense for the institution to involve the PPR about an exemption.

The Ombudsman recommended to an institution that it finished its work of ensuring that the rules on exemption from lessons were observed.

Some schools wished that they could hold the Folkeskole’s school-leaving examinations continuously. Holding examinations continuously would allow for the conditions of the short-term placements. The wish was based on the fact that the young people were only placed for a short period of time and not always during examination time, that the school-leaving examination was important when the young people moved on in life, and that the school was open year round. One institution felt that 4 annual examination periods would be satisfactory, and the institution also wished that there would not be too great a time lag between the oral and the written examinations.

One school enrolled a number of pupils for examination to ensure that the places were there if the school was going to receive young people due for examination. Some institutions stated that the young people could take their examination at the institution.

The Ombudsman will take up these in-house school conditions with the Ministry of Education.

2.11. Action plans

Generally, the municipality shall draw up an action plan before a child or young person is placed in care. The municipality shall – at the time of the placement – give relevant parts of the action plan to the institution.

Prior to most monitoring visits, the Ombudsman received information on which children and young people had an action plan.

The information showed that many children and young people placed in secure care residential institutions lacked action plans.

In the course of some of the visits the Ombudsman received information that the institution contacted the municipality if they did not receive the action plan for a young person. If no action plan was forthcoming, the institution would itself draw up for instance goals for its performance and inform the municipality.

On the basis of monitoring visits to residential institutions in 2014-2016, the Ombudsman raised 26 cases regarding action plans of which 20 resulted in criticism. Consequently, in May 2017 the Ombudsman asked the Ministry for Children and Social Affairs whether the result gave the Ministry cause to take any steps. The Ministry informed the Ombudsman that several initiatives had been launched to ensure action plans for children placed in care.

The Ombudsman has discussed the lack of action plans for children and young people placed in secure care residential institutions with the Ministry for Children and Social Affairs.

2.12. The composition of the young people

In particular, according to the UN Convention on the Rights of the Child, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

A number of institutions experienced challenges with regard to young people with an asylum background who have been placed in care. One institution explained that many of these young people caused fear and uneasiness around them, among other things because most of them were in reality over 18

years. Their behaviour also reflected the fact that they had been through traumatic events and it was difficult to motivate them pedagogically and to sanction their undesirable behaviour – among other things because they had no perspective to their life. Some institutions said that young people from an asylum background were often troubled with for instance substance abuse and self-harm. One institution handled the difficulty with this group of young people presumed to be over 18 years by – as a condition for taking them in – demanding that they had undergone an age assessment.

The Ombudsman has raised a case regarding the rejection of young people by two secure care residential institutions due to a lack of age assessment.

Most of the young people have been placed in a secure care residential institution for reasons pursuant to criminal law but some young people have also been placed there for welfare reasons.

It was the experience of one of the visited institutions that the young people placed there for welfare reasons had many of the same problems as those placed there for reasons pertaining to criminal law, but that the former were generally weaker. The welfare-placed persons at the institution had access to Facebook which could be a problem. The institution tried to motivate the welfare-placed persons to hand over their mobile phone voluntarily and use the telephone at the unit instead.

The welfare-placed young people at another institution had almost the same conditions as the young people in surrogate custody – they did not have access to the Internet and were not allowed to have mobile phones. However, dependent on their resources the welfare-placed young people could go outside the institution. The welfare-placed young people risked creating a network for themselves at the institution that was not appropriate for them, for instance by becoming part of a criminal environment.

A third institution said that there was not a great deal of difference between the young people placed in surrogate custody and the young people placed in care for welfare reasons.

Some institutions could occasionally see a young person first placed for welfare reasons and then coming back in surrogate custody. One institution did not think it mattered that the welfare-placed young people associated with the young people placed according to criminal law.

Generally, the institutions seemed to be of the opinion that the young people placed for welfare reasons often had the same problems as those placed according to criminal law. And it was these problems which meant that the welfare-placed young people at times subsequently ended up in crime and not

necessarily because they had been in contact with young people placed according to criminal law.

2.13. Access to personal data

Most of the secure care residential institutions visited by the Ombudsman wrote information about the young people into their records system. It could be about for instance medical information or indictments.

In a number of institutions, all staff had access to the information. In one institution, however, the staff could not read what the psychologist wrote in his/her special "room", and in another institution the psychiatrist had his/her own records system.

In one institution the staff at the individual units only had access to information about their own residents. However, the school had access to information about all the residents.

A staff member is only allowed to access personal data for reasoned and necessary reasons.

The Ombudsman recommended to most institutions that they consider, in cooperation with the Region, whether the access of staff to information in the records system about the young people complied with the Act on Processing of Personal Data then in force (now the Danish legislation on Data Protection).

3. Local and state prisons under the Prison and Probation Service

3.1. Solitary confinement

3.1.1. The best interests of the child shall be a primary consideration in all actions concerning the child. This appears from the UN Convention on the Rights of the Child.

According to the same Convention, no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. A corresponding prohibition appears from the European Convention on Human Rights.

In addition, any child deprived of liberty shall according to the UN convention on the Rights of the Child be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of his or her age.

According to the Administration of Justice Act, young people under the age of 18 can be remanded in solitary confinement.

In addition, according to the Sentence Enforcement Act remand prisoners and inmates serving a sentence can be excluded from association with other inmates. This can be for instance if it is necessary in order to prevent escape, criminal activity or violent behaviour, to carry out measures necessary for security reasons or for prevention of contagion, or because the inmate exhibits offensive or frequent and repeated inadmissible behaviour which is clearly incompatible with continued association with other inmates. An inmate can be temporarily excluded from association while the question of exclusion is being considered.

Pursuant to the Sentence Enforcement Act, an inmate can also be sanctioned to placement in a disciplinary cell as a disciplinary punishment. A disciplinary cell can be used for instance for non-return after leave, for refusal to give a urine sample, for smuggling in or possession of weapons and other items dangerous to people, for violence and threats against fellow inmates, staff or other persons in the institution, for gross vandalism, or for attempts at the above. An inmate who has been sanctioned to placement in a disciplinary cell is placed in for instance a special unit or own room. During the placement, the inmate is excluded from association with others in the institution.

3.1.2. Young people under the age of 18 are rarely *remanded in solitary confinement* – there were two instances in 2016 and the most recent case before 2016 was in 2010.

In connection with a monitoring visit, the Ombudsman received information about *exclusion from association* of 15-17-year-old inmates. The information caused the Ombudsman to ask the Department of the Prison and Probation Service to inform him, among other things, whether there was a focus on reducing the use of exclusion from association of 15-17-year-old inmates.

The Department of the Prison and Probation Service confirmed that there was such a focus, among other things by the Department reviewing all cases where an exclusion from association had lasted 14 days or more.

In addition, the Department provided the Ombudsman with information on the use of exclusion from association of 15-17-year-olds in 2015, 2016 and parts of 2017.

On that basis, the Ombudsman retrieved information about 2 exclusions of 24 days in 2016. After reviewing the information and on the basis of an overall assessment, the Ombudsman decided not to take further action in the 2 cases.

The Department of the Prison and Probation Service is also focused on restricting the use of *disciplinary cells* for 15-17-year-old inmates.

In connection with a monitoring visit the Ombudsman received information about 2 specific cases involving the use of a disciplinary cell.

On the basis of a review of the cases, the Ombudsman recommended that management ensure sufficient documentation for a concrete assessment that it was imperative to impose the sanction of disciplinary cell, and that it had not been sufficient to impose it as conditional sanction.

In other instances, young people can also have *alone time* in their cell.

In a young offenders unit in a local prison, there were for instance no activities for young people on Saturdays. The monitoring visit caused the Ombudsman to recommend management to consider whether it was possible to arrange activities for the young people on Saturdays despite the institution's limitations with regard to resources and structural facilities.

The regional office stated that for resource reasons such activities were not available at present, and that the institution had chosen to prioritise afternoon activities on three weekdays instead of on Saturdays. In future, in periods when 3-4 young people were placed in the young offenders unit, the institution would organise afternoon activities on Saturdays for the young people. However, it remained uncertain whether such activities would be organised, as there were not in practice 3-4 young people in the young offenders unit. Besides the daily exercise outside, it was also possible to visit each other's cells unsupervised. The Ombudsman decided to take no further action in the matter.

The Ombudsman visited a 15-17-year-old asylum seeker remanded in a local prison. The young person had to be alone in a cell for about 45 days – apart from 4 days when there was another inmate to associate with. The young person was the only underage person in the local prison, and there were no other inmates with whom the young person could associate.

The Ombudsman recommended that management organise activities which involved contact with other persons for the inmate. In addition, the Ombudsman recommended a closer health supervision for inmates who were excluded from association, no matter what the reason for the exclusion was.

3.2. Education

According to the UN Convention on the Rights of the Child, children have a right to education.

15-17-year-olds of compulsory school age must be provided with education with a view to finishing the Folkeskole leaving examination (9th grade) if the academic ability is present. Special education in Danish and arithmetic/maths should be offered in order to rectify any deficiencies in such basic subjects. This appears from the guidelines on the treatment of 15-17-year-olds who are placed in institutions under the Prison and Probation Service.

Based on information from a monitoring visit to a young offenders unit in a local prison, the Ombudsman asked the Department of the Prison and Probation Service for information about the rules regulating the education provided for inmates of compulsory school age, including whether there are for instance rules on mandated hours of education, range of subjects, special needs education, exemption from education, supervision of education and access to complaint corresponding to the rules of the Folkeskole. The Ombudsman asked the Ministry of Justice to respond to the Department's reply.

The Ministry of Justice informed the Ombudsman that the Ministry plans to implement detailed rules in order to ensure that persons of compulsory school age who are serving sentences in Prison and Probation Service institutions are offered an education which measure up to the education provided by the Folkeskole. The rules will be prepared with the participation of the Ministry of Education. The Ombudsman asked to be informed of the coming rules.

With regard to those remanded in custody, the Ministry of Justice informed the Ombudsman that it will involve considerable challenges to implement an appropriate education programme which fulfil the requirements of the Folkeskole Act. The number of 15-to-17-year-old remand prisoners in the institutions of the Prison and Probation Service is limited, and they are typically placed in the institutions for a non-determined time period of shorter duration. The Ministry will therefore consider whether there is a need to change the legislation with a view to departing from the rules of the Folkeskole. The Ombudsman asked to be informed of the result of the Ministry's deliberations.

3.3. Placement of 15-17-year-olds

According to the UN Convention on the Rights of the Child, any child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of his or her age (cf. 3.1. above). In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

In 2017, the Prison and Probation Service had 3 units for young offenders – the Young offenders unit at Copenhagen Prisons, Vestre Prison, which is a

local prison, the Young offenders unit at the open prison in Jyderup, and the Young offenders unit at the closed prison Ringe. Young people can also be placed in other local prisons than Copenhagen Prisons, just as young people can be placed in other open prisons than Jyderup Prison. Placement in closed institutions takes place at Ringe Prison (from 1 June 2018 at the closed Young offenders unit of Søbygård Prison), at Herstedvester Prison or in a local prison (Copenhagen Prisons). This is implied in the Executive Order on the Treatment of 15-17-year-olds placed in Institutions under the Prison and Probation Service. Please see under 1.2.

If it is not possible to allow a 15-17-year-old inmate access to association with other young people, the regional office of Prison and Probation Service must consider the possibility of transferring the young person to an institution where there is access to association.

During the Ombudsman's monitoring visit to the Young offenders unit at Vestre Prison, he was informed that there were 8 places in the Young offenders unit, and that, normally, there were never more than one or two young people in the unit.

As part of his monitoring programme, the Ombudsman also visited a local prison where a 15-17-year-old asylum seeker was remanded in custody. There were no other inmates with whom the 15-17-year-old could associate. The detainee was the only minor there, and he had to stay alone in his cell for about 45 days – except for 4 days when the inmate had the company of another inmate.

On the basis of this visit the Ombudsman asked to be informed of how the regional office of the Prison and Probation Service should – in the opinion of the Department of the Prison and Probation Service – ensure observance of the rule that (if it is not possible to give the 15-17-year-old access to association) the regional office of the Prison and Probation Service must consider transferring the 15-17-year-old to an institution where there is access to association. The Department has subsequently informed the Ombudsman of the rules for transfer of 15-17-year-old inmates to another institution and stated that a news item will be posted on the intranet of the Prison and Probation Service regarding the treatment of the 15-17-year-olds.

At the time of the Ombudsman's monitoring visit to the closed prison at Nyborg, a 15-17-year-old inmate was placed in a general association block which housed 30 inmates spread out over 2 units. The 15-17-year-old was the only minor in the prison.

The Executive Order on Treatment of 15-17-year-olds does not mention Nyborg Prison as a closed prison where 15-17-year-olds can be placed. The

Ombudsman has asked the Department of the Prison and Probation Service to account for the rules governing the placement of 15-17-year-olds in closed prisons which is not mentioned in the Executive Order. In addition, the Ombudsman has asked the Ministry of Justice for the Ministry's opinion on the Department's reply.

Moreover, the Ombudsman is cognizant of another 15-17-year-old who is serving a sentence in another closed prison (not Nyborg) which is not mentioned in the Executive Order, either.

On the basis of his observations of where and under what conditions 15-17-year-olds are placed in local and state prisons, the Ombudsman has discussed the issue with the Department of the Prison and Probation Service. In connection with these discussions, the Department has stated that the problem connected with placing 15-17-year-old inmates in local and state prisons is a complex one, and that security issues also play a part in it but that the Department has a managerial focus on 15-17-year-old inmates.

3.4. Regulating association in certain closed prisons

According to the UN Convention on the Rights of the Child, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so.

During a monitoring visit to Ringe Prison, which is a closed prison, it turned out that a 17-year-old was serving a sentence together with 2 inmates of 19 and 24 years, respectively.

During a monitoring visit to a 15-17-year-old inmate at Nyborg Prison, which is also a closed prison, the 15-17-year-old was placed in a general association block which housed 30 inmates spread over 2 units. The 15-17-year-old was the only underage person in the prison. There was association in the units which each housed 15 inmates.

The rules which the Executive Order on Treatment of 15-17-year-olds has laid down regarding the association of 15-17-year-olds with adult inmates in institutions under the Prison and Probation Service do not apply to these 2 closed prisons.

The Ombudsman has therefore asked the Department of the Prison and Probation Service what rules govern the association of 15-17-year-olds with adult inmates in these 2 closed prisons. The Ombudsman has asked the Ministry of Justice for the Ministry's opinion on the Department's reply.

3.5. Knowledge of rules regarding young people in local and state prisons

According to the UN Convention on the Rights of the Child, every child deprived of liberty shall be treated in a manner which takes into account the needs of his or her age (cf. 3.1. above).

The Executive Order on Treatment of 15-17-year-olds lays down rules on the treatment of 15-17-year-olds who are placed in the Prison and Probation Service institutions. The Executive Order is prepared with reference to the UN Convention on the Rights of the Child. In addition, the Executive Order on Use of Means of Restraint in State and Local Prisons stipulates that a physician must be summoned immediately if a 15-17-year-old as an exception is placed in a security cell.

The purpose of the youth rules is to ensure that due regard is shown for 15-17-year-olds placed in local and state prisons. It is crucial in this context that the staff, including the health service staff, know the rules.

The Ombudsman recommended to a local prison that the special rules applying to 15-17-year-olds be mentioned in the instructions to the staff or that management otherwise ensured that staff were familiar with the special rules applying to 15-to-17-year-olds.

It was recommended to another local prison to ensure that staff at the local prison were familiar with the special rules applying to 15-to-17-year-olds when receiving a minor. It was recommended to the same local prison that health service staff have special focus on minors' need for medical services, including a follow-up on implemented health service measures.

The monitoring visits to the 2 local prisons caused the Ombudsman to ask the Department of the Prison and Probation Service how the regional office of prison and probation service – in the Department's opinion – should ensure that staff were familiar with the special rules applying to 15-17-year-olds.

The Department has made a statement to the Ombudsman regarding various new initiatives.

The Ombudsman has asked to be informed of the new initiatives intended to ensure a uniform compliance with the special rules applying to 15-17-year-old inmates.

The Ombudsman has also asked to be informed of whether the authorities in connection with the new initiatives will consider or have considered if training in the rules pertaining to 15-17-year-old inmates should be included in the theoretical part of prison officer training.

In connection with a monitoring visit to a state prison where a 15-17-year-old was serving a sentence, it turned out that the health service staff had not taken into account that the inmate was underage.

It was recommended to the state prison that the health service staff pay more attention to minors' need for health services.

The health service staff at the state prison considered establishing a procedure for health service reception of underage inmates. The Ombudsman asked to be informed of the result of the deliberations regarding the establishment of such a procedure.

3.6. Treatment programme for young people

A prison and probation institution receiving a 15-17-year-old who has been remanded in custody or sentenced must as soon as possible – with basis in the young person's motivation and overall background – seek to establish a special treatment programme, for instance in the form of an education and activation option for that person. This is implied in the Executive Order on Treatment of 15-17-year-olds. However, the Executive Order indicates that these rules are not used in the Prison and Probation Service institutions for asylum seekers deprived of liberty.

During a monitoring visit to a Young offenders unit in a local prison, the visiting team was informed that 15-17-year-olds who were remanded in custody pursuant to section 35 of the Aliens Act were not provided with a treatment programme.

On that basis, among other things, the Ombudsman raised the issue of interpretation of the expression "asylum seekers deprived of liberty" in the Executive Order on Treatment of 15-17-year-olds.

The Department of the Prison and Probation Service informed the Ombudsman of the interpretation. In addition, the Department stated that after the Ombudsman's inquiry the Department had ensured that the local prison knew that young people remanded in custody pursuant to the Aliens Act are covered by the Executive Order and that the local prison consequently also has a duty to seek to establish special treatment programmes for them.

Following questions from the Ombudsman, the Department of the Prison and Probation Service stated that the Department was working on establishing a professional standard with guidelines for case processing in connection with incarceration of 15-17-year-olds, including guidelines for implementing special treatment programmes.

The Ombudsman has asked to be informed of the guidelines.

At the same time, the Ombudsman informed the Ministry of Justice and the Department that during monitoring visits to 2 closed prison he had been informed that the young people – like other inmates – were provided with an action plan but not a special treatment programme.

The Ombudsman has therefore asked whether the authorities in connection with the new measures (the professional standard) will consider specifying how the stipulation about establishing a special treatment programme for 15-17-year-old inmates should be interpreted with the stipulation that inmates must be provided with an action plan. The Ombudsman has asked to be informed of the result of these deliberations.

3.7. Information about rights

Pursuant to the UN Convention on the Rights of the Child, the principles and provisions of the Convention shall be made widely known to children by appropriate and active means.

Young people in local and state prisons have a number of rights, for instance to health service from a physician. In addition, special rules apply to 15-17-year-old inmates, and young people of compulsory school age are entitled to education, for instance.

It is crucial for young people to know their rights. As part of his monitoring visits, the Ombudsman has therefore obtained information about for instance written material which is aimed at the young people and informs them of their rights.

After visits to 2 Young offenders units, the Ombudsman recommended that the units consider devising written material containing information about the young people's rights and duties and written in a language targeted at young people.

The Ombudsman has previously discussed the need for written information for 15-17-year-old inmates about their rights with the Department of Prisons and Probation.

The monitoring visits to state and local prisons gave the Ombudsman grounds for again discussing the need for written information for 15-17-year-old inmates about their rights with the Department of the Prison and Probation Service, including whether there is a need for a centrally formulated written information material about the rights and duties of the young people which is written in a language targeted at young people. The Department indicated during the discussion that the Department would consider this.

Copenhagen, 2 July 2018



Jørgen Steen Sørensen

4. Appendices

4.1. List of institutions visited in 2017 as part of the child sector theme

When	Where	What
12 Jan.	'Københavns Fængsler', Vestre Fængsel	Prison section particularly for young persons remanded in custody during investigation of their case
31 Jan. – 1 Feb.	'Bakkegården', Nykøbing Sjælland	Two secure sections for children and young persons, particularly persons remanded in non-prison custody during investigation of their case. In-house school.
28 Feb. to 1 March	'Stevnsfortet', Rødvig Stevns	Two secure sections for children and young persons, particularly persons remanded in non-prison custody during investigation of their case. In-house school.
21 March to 22 March	'Grenen', Grenå	Two secure sections and a high-security section for children and young persons, particularly persons remanded in non-prison custody during investigation of their case. In-house school.
30 March	'Kolding Arrest'	Local prison particularly for persons remanded in custody during investigation of their case. The monitoring visit concerned conditions for an asylum seeker between 15 and 17 years of age who was remanded in custody.
4 April	'Kompasset', Brønderslev	Secure 24-hour residential facility for children and young persons, particularly persons remanded in non-prison custody during investigation of their case. The monitoring visit concerned conditions for a person between 15 and 17 years of age who was serving time.
9 May to 10 May	'Egely', Nørre Åby	Three secure sections and a high-security section for children and young persons, particularly persons

		remanded in non-prison custody during investigation of their case. In-house school.
5 Sept. to 6 Sept.	'Sølager', Skibby and Hundested	Three secure sections for children and young persons, particularly persons remanded in non-prison custody during investigation of their case. In-house schools.
12 Oct.	'Ringe Fængsel'	Closed prison for persons serving time. The monitoring visit focused particularly on the youth section.
13 Oct.	'Nyborg Fængsel'	Closed prison, particularly for persons serving time. The monitoring visit concerned conditions for a person aged 15 to 17 years who was serving time.

4.2. Appendix on the Ombudsman's work with themes

Themes for monitoring activities

Every year, one or more themes for the year's monitoring visits is chosen by the Ombudsman in collaboration with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

The choice of theme is particularly determined by areas where there are grounds for making an extra monitoring effort. The Ombudsman will often choose a narrow theme such as security cell placement in the Prison and Probation Service. Other times, the Ombudsman will choose a broad theme, for instance children and young people who, due to a substantial and permanent impairment of their physical and/or mental function, attend or reside at an institution.

The themes give the Ombudsman with an opportunity to include current topics in his monitoring activities and also to make in-depth and transverse investigations of particular problematic issues and to gather experience about practice, including best practice.

A principal aim of any year's monitoring visits is to shed light on and investigate the year's themes. The majority of the year's monitoring visits will therefore take place at institutions where the chosen themes are relevant.

Thematic reports

At the end of the year, the Ombudsman reports on the outcome of the year's monitoring activities, together with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

The themes are especially reported in separate reports on the individual themes. In these reports, the Ombudsman sums up and imparts the most important results of the themes.

General recommendations

Results of the themes may be general recommendations to the authorities, such as for instance a recommendation to draw up a policy for the prevention of violence and intimidation between the users/residents.

General recommendations are based on the Ombudsman's experience of the field in question. Usually, they will also have been given as concrete recommendations to particular institutions during the year's monitoring visits.

Typically, the Ombudsman will discuss the follow-up to his general recommendations with the central authorities. In addition, the Ombudsman will follow up on the general recommendations during monitoring visits.

The general recommendations have a preventive aim. The basis for the preventive work in the monitoring field is that the Ombudsman has been appointed national preventive mechanism (NPM) pursuant to the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The thematic reports will be published on the Ombudsman's website, www.ombudsmanden.dk. In addition, the Ombudsman will send the reports to the relevant authorities so that the authorities can include the reports in their deliberations regarding the various sectors. The Ombudsman also informs the Danish Parliament, the Folketing, about the reports.

4.3. Flyer



What

is the Parliamentary Ombudsman

The Children's Division deals with the legal rights of children and young persons.

Among other things, we check if children and young people are treated properly and get the help they are entitled to according to the law.

We visit places where children and young people are staying - especially places where they are or can be deprived of their liberty.

Children and young people can complain to us.

Why

are we visiting you

To see if you are treated with dignity, consideration and according to your legal rights.

We would like

to talk with you about

- isolation and use of physical force
- education
- how you are getting on with others, for example the other young persons