FOLKETINGETS OMBUDSMAND

Annual Report 2024

The Danish Parliamentary Ombudsman's monitoring visits as National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Preface

This publication is the Annual Report 2024 from the Danish Parliamentary Ombudsman as National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to the Subcommittee on Prevention of Torture (SPT).

The contents of the publication are:

Part One: Extract of the pages from the international edition of the Danish Parliamentary Ombudsman's Annual Report 2024 which relate specifically to the Ombudsman's monitoring activities according to the OPCAT protocol. The extracted material is unchanged from the Annual Report, and the original pagination has been maintained.

Part Two: Overview of factual information regarding the individual monitoring visits and recommendations made in connection with the individual visits.

Part Three: Thematic reports regarding the themes that were selected for special focus in 2024. The thematic report regarding adults concerns inmates' access to visits and occupation. The thematic report regarding children concerns children and young people in partly closed residential institutions.

Part Four: An appendix from the Annual Report about the Ombudsman and monitoring visits under the OPCAT mandate.

All the above-mentioned material is also available on www.en.ombudsmanden.dk, including the Annual Report 2024 in full.

Part One

Extract from the Danish Parliamentary Ombudsman's Annual Report 2024



Monitoring activities

Where: The Ombudsman carries out monitoring visits to places where there is a special need to ensure that citizens are treated with dignity and consideration and in accordance with their rights by the authorities – for instance because the citizens are deprived of their liberty or otherwise in a vulnerable position.

Monitoring visits are made to a number of public and private institutions etc., such as
- Prison and Probation Service institutions
- departments of psychiatry
- social residential facilities
- residential institutions for children and young people

In addition, the Ombudsman monitors
- forced deportations of foreign nationals
- forced deportations organised by other EU member states at the request of the European Border and Coast Guard Agency, Frontex

Finally, the Ombudsman monitors the physical accessibility of public buildings, such as educational establishments or health institutions, to persons with disabilities.

Why: The Ombudsman's monitoring obligations follow from the Ombudsman Act and from the rules governing the special responsibilities which the Ombudsman has been assigned:
- The Ombudsman carries out monitoring visits in accordance with Section 18 of the Ombudsman Act, especially to institutions where people are deprived of their liberty.
- The Ombudsman has been designated 'National Preventive Mechanism' (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The task is carried out in collaboration with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights (IMR), which contribute with medical and human rights expertise.
- The Ombudsman has a special responsibility to protect the rights of children under the UN Convention on the Rights of the Child etc.
- The Ombudsman has been appointed to monitor forced deportations.
- The Ombudsman monitors developments regarding equal treatment of persons with disabilities at the request of Parliament.

How: Each year, the Ombudsman chooses one or more themes for the year's monitoring visits to institutions etc. for adults and children, respectively. A large proportion of the monitoring visits carried out during the year are to institutions etc. where one of the themes is relevant.

Monitoring visits to institutions etc. are physical visits by a visiting team, who speak with users, staff and the management and look at the physical environment.

The monitoring of a forced deportation involves a member of the Ombudsman's staff being present during the whole or part of the deportation. In addition, the Ombudsman's monitoring of forced deportations includes a review of the case files of a number of the deportation cases concluded during the preceding year.

The Ombudsman may make recommendations to the institutions etc. visited and to the responsible authorities. Issues from the visits may also be discussed with the responsible authorities or dealt with in own-initiative investigations, and every year, the Ombudsman publishes a separate report on the visits relating to each of the themes chosen for visits carried out during the preceding year to institutions etc. for adults and children, respectively.

Who: Monitoring visits are carried out by Ombudsman staff, in many cases with participation of external collaborative partners or consultants. Depending on the type of monitoring visit, the Ombudsman collaborates with
- medical doctors from DIGNITY – Danish Institute Against Torture
- human rights experts from the Danish Institute for Human Rights
- two accessibility consultants, who both have a disability

Where did we go in 2024?

Monitoring visits – adults



14 institutions within the Prison and Probation Service



7 police detention cells and holding cells



6 accommodation facilities, including 2 dementia care homes



1 department of psychiatry



1 institution for foreign nationals

› Read about all visits at
www.en.ombudsmanden.dk/visits_adults

Monitoring visits – children



7 partly closed residential institutions and partly closed wards in residential institutions



2 secure residential institutions

> Read about all visits at
> **www.en.ombudsmanden.dk/visits_children**

Themes

Theme in 2024 – adults

Visits and occupation in the Prison and Probation Service
In 2024, the Ombudsman's thematic visits (adults) focused on visits and occupation in the Prison and Probation Service.

As part of the theme, the Ombudsman visited three state prisons and seven local prisons.

Focus areas
During the thematic visits in 2024, the monitoring teams focused on the following, among other things, in connection with visits:

- inmates' possibilities for visits
- visits from children
- visiting facilities
- booking of visits
- possibilities for visits to inmates serving life sentences etc.
- special conditions for inmates in solitary confinement and inmates with limited contact with the surrounding world
- visits from the defence attorney

The monitoring teams focused on the following, among other things, in connection with occupation:

- the availability of work, education and substance abuse treatment
- the relevance of the occupation compared to inmates' wishes and possibilities for rehabilitation
- guidance of inmates about the possibilities when choosing occupation
- occupation for prisoners ordered to be deported

Examples of recommendations
In connection with the visits to local and state prisons, recommendations were given about initiatives etc. within the year's theme – for instance, the Ombudsman recommended that management

- ensure ongoing attention to inmates that only have little contact with the surrounding world, and as far as possible contribute to an increase of the inmates' contact with the surrounding world, for example via the offer of a volunteer visitor
- ensure that the visiting rooms are made more inviting and comfortable, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms
- continue to pay attention on an ongoing basis to providing sufficient shopwork
- continue to pay attention on an ongoing basis to providing cell work and to the nature of this work
- look into the possibilities for offering additional education to the inmates
- ensure that foreign nationals' access to education is administered in accordance with the rules about this

Follow-up
In the course of 2025, a thematic report will be published, which summarises the main conclusions of the thematic visits. In addition, the thematic report will contain the Ombudsman's general recommendations based on the monitoring visits.

The thematic report will be discussed with key authorities in the Prison and Probation Service.

Theme in 2024 – children

Children and young people in partly closed residential institutions
In 2024, the theme for the Ombudsman's monitoring visits (children) focused on children and young people in partly closed residential institutions and partly closed wards in residential institutions.

As part of the theme, the Ombudsman visited all seven of Denmark's partly closed residential institutions and partly closed wards in residential institutions.

Focus areas
During the thematic visits in 2024, the monitoring teams focused on

- use of physical force
- detainment and manual restraint in partly closed residential institutions and partly closed wards in residential institutions
- searches of persons and rooms
- house rules, TV surveillance, door alarms and information on rights
- schooling in in-house schools

Examples of recommendations
In connection with the visits, recommendations were given to the partly closed residential institutions and the partly closed wards in residential institutions. For instance, the Ombudsman recommended that the institutions

- ensure that the young people and custodial parents are informed in connection with the placement of their rights in relation to use of force, coercion and other interventions in the right to self-determination, including their right to complain to the National Social Appeals Board and the Municipal Council, respectively, and that it is considered to draw up written information thereon
- ensure that all staff members are sufficiently familiar with the special rules in the Act on Adult Responsibility which apply especially to partly closed residential institutions and partly closed wards in residential institutions, including the conditions for detainment under Section 12 of the Act and restraint under Section 13 of the Act
- ensure that the choice of using detainment and manual restraint is made only if there is a decision and a more specific framework for this from the Municipal Council; cf. Sections 12 and 13 of the Act on Adult Responsibility
- ensure that the rules on schooling in all subjects and with full hours are observed

Follow-up
In the course of 2025, a thematic report will be published, which summarises the main conclusions of the thematic visits. In addition, the thematic report will contain the Ombudsman's general recommendations based on the monitoring visits.

The thematic report will be discussed with relevant authorities in the sector.

› Read more about themes at www.en.ombudsmanden.dk/themes

Unsafe for residents at Kærshovedgård

During a monitoring visit to Return Centre Kærshovedgård, the Ombudsman found that the conditions for persons with tolerated residence status were considered very burdensome and restrictive for basic living – to an even greater extent than previously. This was in part due to worsening of the general safety situation at the Return Centre and the residents' experience of brutalisation and feeling unsafe.

The Ombudsman did not find that the general conditions at Return Centre Kærshovedgård were in violation of the prohibition against torture and inhuman or degrading treatment in the UN Convention Against Torture and Article 3 of the European Convention on Human Rights. However, he recommended that initiatives be taken to ensure safety for the residents and limit availability of euphoriants and that the authorities consider how the conditions for women at the centre could be improved.

This led Return Centre Kærshovedgård to plan and start a number of initiatives during 2024 to improve safety at the centre. Among other things, there was increased focus on access control and referrals to the Return Centre. In addition, all single female residents were moved from Return Centre Kærshovedgård to Return Centre Avnstrup.

News item 26 April: Kærshovedgård should improve safety situation for residents (published at www.en.ombudsmanden.dk)

› The Return Centre planned and started a number of initiatives during 2024 to improve safety at the centre.

Private guards at departments of psychiatry could not use force towards patients

During monitoring visits to departments of psychiatry, the Ombudsman became aware that some departments used private guards. The Ombudsman started an investigation of whether this was lawful.

The Ombudsman found that an authority can only with express statutory authority delegate use of physical force towards citizens to private actors.

Since there was no such statutory authority in the Mental Health Act, the Ombudsman found that departments of psychiatry could not let private guards take part in using force towards patients.

The Ombudsman visits the only women's prison in Denmark

In 2024, the Ombudsman carried out a monitoring visit to Jyderup Prison, which was turned into a women's prison in October 2021.

Since the prison is the only women's prison in Denmark, the prison must generally include all female inmates regardless of any physical or mental challenges and regardless of the nature of the crime committed. Some women are also in the prison with a young child. This means that one institution must attend to many different considerations and needs.

› Since the prison is the only women's prison in Denmark, the prison must generally include all female inmates.

The visit showed that this caused certain challenges, and the Ombudsman gave a number of recommendations that, overall, focused on ensuring that special needs are met, and all inmates feel safe.

The purpose of the Ombudsman's monitoring visits is to help ensure that, among others, people deprived of their liberty in the Prison and Probation Service's institutions are treated with dignity, consideration and in accordance with their rights.

News item 19 December: The Ombudsman's monitoring visit to Jyderup Prison, Denmark's only women's prison (published at www.en.ombudsmanden.dk)

The Children's Division focuses on wellbeing and rights of children placed in care

The conditions of children placed in care are an important focus point in the work of the Ombudsman's Children's Division.

During 2024, the Children's Division carried out monitoring visits to all partly closed residential institutions and partly closed wards in residential institutions for children and young people in Denmark. Special rules apply for use of coercion towards the children and young people. For instance, the institutions have a special right to detain the children and young people by locking outer doors and windows for periods of time. There is also a more extended right to physically restraining a child or a young person, and communal areas have TV surveillance.

At the monitoring visits, the Children's Division's staff spoke with the children and young people about their wellbeing. The Children's Division also investigated whether use of force or coercion and other restrictions of the right to self-determination took place according to the rules.

Remember the rules
The 2024 monitoring visits resulted in a number of recommendations with the purpose of, among other things, ensuring that any use of force or coercion towards the children and young people took place in accordance with the legislation. For example, some institutions were recommended to ensure that all staff members were sufficiently familiar with the special rules in the Act on Adult Responsibility about restraining and detaining young people at risk of running away from the institution into, for instance, crime or substance abuse.

> **The topic of the dialogue meeting was 'How to create a good school life for all children'.**

The Children's Division also found that the placing municipality had not always made a decision that it was possible to detain or restrain a child or young person that the municipality had placed in the institution. This meant that the Act's conditions for detaining or restraining the child or young person would in that case not be met. The Children's Division started further investigation of this issue in the City of Copenhagen to find out if the children and young people placed in care are treated in accordance with their rights.

Right to education
In November 2024, the Children's Ombudsman Cooperation *(Børneombuddet)*, which consists of the Parliamentary Ombudsman, Children's Welfare in Denmark *(Børns Vilkår)* and the National Council for Children *(Børnerådet)*, held a dialogue meeting where the conditions of children placed in care were also the main topic of the presentation by the Children's Division. The topic of the dialogue meeting was 'How to create a good school life for all children'.

At the dialogue meeting, the Ombudsman's Children's Division focused on how we create a good school life for children and young people who are placed at a children's and young people's home.

Through its monitoring visits over the years, among other things, the Children's Division has focused on access to education for children and young people placed in care to ensure that they receive the education to which they are entitled. This was also the case in connection with the Children's Division's thematic visits in 2024. Thus, research shows that education is the most important factor in ensuring that children previously placed in care get a normal adult life.

The monitoring visits have shown that the requirements for education are not met in all institutions. Also in future, the Children's Division will focus on whether children and young people get the education to which they are entitled.



Do you have any good advice for the grown-ups?

Inclusion of children and young people during the Children's Division's monitoring visits

Irene Rønn Lind, Psychologist and Special Advisor on Children's Issues
Camilla Bang, Deputy Head of Division



'Thanks for talking to us. After all, you and the other children and young people are the ones who know what it's like to live here.'

This is what we say to the children and the young people that we speak with when we, as a visiting team from the Ombudsman's Children's Division, go on monitoring visits to residential institutions and accommodation facilities with children and young people placed in care.

The message is important because it contains something vital at its core: the outcome of a monitoring visit also depends on the conversations we have with the children and the young people. They are the ones who live their everyday lives in the institution.

Preparation of our visits

Every year, the Ombudsman's Children's Division carries out monitoring visits to some of the places that accommodate children and young people. The common denominator of the monitoring visits is that they are carried out at places with vulnerable children and young people. This could be departments of child and adolescent psychiatry, secure residential institutions and private accommodation facilities for children and young people. During the monitoring visits, we especially focus on use of force or coercion and other interventions and restrictions in the children's and the young people's right to self-determination. We also focus on, for instance, their relations to the adults and other children and young people as well as healthcare-related matters, such as prevention of violence and sexual abuse, and school and education may also be a theme.

On that basis, the children and their parents are important sources of our knowledge about the conditions in the institutions we visit. It is also important that the children and the young people get the opportunity to tell us about precisely what matters to them and their wellbeing in their everyday lives in the institution.

Therefore, it is part of the planning of a monitoring visit to contact the parents and prepare the conversations that we would like to have with the children and the young people when we visit.

The parents with children placed in the institution receive a letter informing them of the monitoring visit, so they can contact the Children's Division with information or questions. The visiting team also makes sure to contact some of the parents during the weeks leading up to a monitoring visit.

Find the Children's Division's information video (in Danish only) by scanning the QR code.

We also send a letter to all children and young people in the institution. In the letter, there is a QR code to the Children's Division's information video about our monitoring visits where a number of children and young people present some of the questions that we would like to speak about with them. This particularly concerns the children's and the young people's wellbeing.

Framework of the conversation

The visiting team's conversation with a child or young person typically takes 15-20 minutes. This is not a long time when you need to create a connection where the children and the young people feel that they can tell you about their everyday lives and experiences. Some of the children and young people we talk to are also curious to know who we are and what we want.

We therefore do our best to create an informal and safe framework for the conversation. There are usually no more than two adults from the visiting team present, and we start with a calm talk about the child or young person's everyday life, such as what classes they have had in school or about something we have seen in the institution. At the same time, it is also important that we make it clear from the start that we are there to look into children's and young people's rights. We say things like: 'We are not here to check how you have behaved but to see if the institution is following the rules.'

The difficult subjects

Can we then expect the children and the young people to tell us everything that is important to them? No, we cannot. Sometimes they are very open and trusting. Other times, quiet and reserved.

Some children think it is embarrassing that they are placed in an institution, or they are ashamed of the situation they are in. When we ask if they have been subjected to force or coercion, it is therefore important that the children and the young people do not get the impression that we are checking their behaviour, but that we are checking whether the institution has acted correctly.

Many of the children and young people we meet have been neglected during their upbringing. They may be sceptical towards adults. They may have spoken with many public officials during their lives without feeling helped.

At the same time, children are often loyal towards adults that they depend on and may be reluctant to criticise or say something negative about their caregivers. It is therefore important that the questions are posed in a way so that the children can tell us about the institution – including unfortunate matters – without feeling that they are criticising the place or the adults.

We can for instance do so by asking the children to rate the institution with a number between 0 and 10. When the children have done so, we have a concrete number to use as our starting point. Then we might ask: 'Why did you choose that number?' And we might say: 'What would it take for you to give a higher number?' In this way, we help the children and the young people to speak concretely about the things that they miss in the institution or are dissatisfied with.

We also always ask the children and the young people if they have some good advice for the adults in the institution. This often makes them mention some important things, such as that they would like more contact with the adults or that the adults should stop shouting so much.

At the end of the conversation, we give the children and the young people a visiting card and tell them that they can always contact the Ombudsman if they want to tell us more about some of the things we have asked about or if they would like to tell us something else that is important to them.

The children's stories

Even though we have prepared some questions for the children and the young people we are speaking with, the conversation often takes different directions. And there needs to be room for this.

Dialogue with pictures

The Children's Division monitors places where children or young people live or stay. This includes institutions where the children and the young people have a physical or mental disability.

At one visit, many of the children we met had no verbal language and a cognitive level that was far below their biological age. These children were therefore unable to have a conversation.

By using pictures, we illustrated the various subjects we would like to talk about with the children. And the children answered us by pointing at a smiley – either a sad, a happy or a neutral smiley. In this way, we communicated with the children despite their difficulties, and we could gather an impression of their experience of the institution.

Perhaps the children want to tell us about something else that they think is important and that takes up space in their everyday lives. This could be anything from the food, bedtimes or draughty windows to expressing a need for more contact with the other children and young people in the institution.

When the conversation concerns the children's and the young people's relations with the adults, some also tell us that they miss having an adult that they can speak with in confidence. At one monitoring visit, several children and young people said that they did not speak in confidence with the adults about personal matters, such as if they were sad. This was important for both us and the institution to know because it greatly affected the children's and the young people's everyday wellbeing.

We have also heard children and young people talk about bullying and say that they wanted more psychological help or more schooling. Some have said that they felt victimised by an adult in the institution or that some of the adults spoke to them in a nasty tone. All things that may be difficult for the children to say directly to management or other adults in the institution.

Sometimes, what the children and the young people tell us is particularly serious. An example could be a 14-year-old boy's story about an episode with severe use of force that had given him a large bruise. Or the 15-year-old girl who told us about abuse by one of the boys in the unit where she was staying.

Follow-up

The information we receive from the children and the young people is of course included in our follow-up. The kind of follow-up that a monitoring visit gives occasion to depends on the information and matters that have come up during the visit.

At the end of a visit, the visiting team always gives feedback to management about the team's observations. It is an overall assessment of the information we have received from the institution and from conversations with parents prior to the visit together with the information we have received through conversations with the children and the young people, staff and management during the visit.

We generally find that both management and staff in the institutions we visit are very attentive to the observations that we can pass on from our conversations with the children and the young people, among other things.

What the children say makes an impression

There are considerable differences in what the individual child or young person tells us. But all the information we receive contributes to giving us an insight into whether the children's and the young people's rights and conditions are maintained in a reassuring way in the place where they live or stay – and whether the children and the young people are treated with dignity and respect.

A conversation with a girl who was hospitalised in the psychiatric sector made a big impression on us. She had a piece of good advice for the staff in the ward: 'They should speak properly to me. Not just say 'the patient this and the patient that'. I have a name, too.'



The monitoring task of the Children's Division

The Ombudsman is to help ensure and monitor the implementation of children's rights according to the UN Convention on the Rights of the Child and see to it that rights stipulated in Danish legislation are complied with.

The task of the Ombudsman's Children's Division is, among other things, to carry out monitoring visits to both public and private institutions where children and young people live or stay.

The purpose of the Children's Division's monitoring visits is to help ensure that children and young people are treated with dignity, consideration and in accordance with their rights, and to prevent degrading treatment.

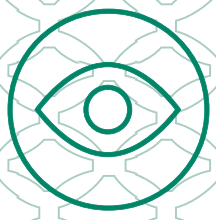
The work with preventing degrading treatment according to the Optional Protocol to the UN Convention Against Torture is carried out in cooperation with the Institute for Human Rights (IMR) and DIGNITY – Danish Institute Against Torture.

Every year, the Ombudsman – along with IMR and DIGNITY – chooses a theme for the Children's Division's monitoring visits. The theme is chosen with focus on monitoring places with vulnerable children and young people.

A special advisor on children's issues from the Ombudsman Office generally participates in monitoring visits to institutions for children.

General focus areas for monitoring visits

Use of force or coercion and other interventions and restrictions
Relations
Education
Occupation and leisure time
Safety for the users
Healthcare-related conditions
Sector transfers



Part Two

Overview of factual information regarding the individual monitoring visits and recommendations

Overview: Monitoring visits to institutions etc. for adults in 2024

The table immediately below shows the number of visits which the Ombudsman carried out to institutions for adults in 2024. In addition, it shows the numbers of talks the Ombudsman had with users (inmates, residents, patients etc.) and relatives etc. (relatives, guardians, social guardians of persons under a residential care order and patient advisers) during the visits. Under the OPCAT[1], the Ombudsman cooperates with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights (IMR), which participate in monitoring visits, among other things. Therefore, the table also shows the numbers of visits in which DIGNITY and IMR participated. In addition, it shows the numbers of announced and unannounced visits and how many visits were concluded with recommendations and without any comments, respectively.

This information is followed by a list of the specific institutions visited in which can be found more detailed information about the visits. This includes information about the type of institution visited and any special focus of the visit, whether the visit was announced or unannounced, and any recommendations given to the institution. If the visit caused the Ombudsman to open one or more cases on his own initiative at the same time, this is also stated.

[1] OHCHR | Optional Protocol to the Convention against Torture (OPCAT)

NUMBER OF VISITS	29
TALKS WITH USERS	199
TALKS WITH RELATIVES ETC.	18
WITH PARTICIPATION OF DIGNITY	22
WITH PARTICIPATION OF IMR	9
ANNOUNCED/UNANNOUNCED VISITS	21/8
CONCLUDED WITH RECOMMENDATIONS	21
CONCLUDED WITHOUT ANY COMMENTS	8

6 February 2024 - 'Holbæk Arrest'
Remand unit
Announced visit
Talks with 8 users
DIGNITY and IMR participated.

Recommendations

- That management look into the possibilities for offering additional education to the inmates
- That management, based on the foreman's and the inmates' information about the difficulties in meeting the quota, consider, with possible involvement of the Area Office, if there are grounds for looking into whether the quota has been set correctly
- That management ensure that both inmates and staff know that it is fully acceptable for inmates to make cell calls in order to go to the toilet, also at night, and that urine bottles are not handed out unless requested

7 and 8 February 2024 - Storstrøm Prison
Association units and one special secure unit
Announced visit
Talks with 23 users
DIGNITY and IMR participated.

Recommendations

- That management ensure that the visiting rooms are made more inviting and comfortable, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms
- That management ensure that, during visits to Unit E, activities between incarcerated parents and children of all ages are possible; cf. the Department of Prisons and Probation's standard for visiting rooms
- That management ensure ongoing attention to inmates that only have little contact with the surrounding world
- That management draw up a policy for prevention of violence and threats among the inmates
- That management ensure that the house rules are brought in accordance with the applicable rules
- That management, in the way it deems relevant, ensure that healthcare staff are informed when an inmate is placed in solitary confinement

29 February 2024 - 'Viborg Arrest'
Remand unit
Announced visit
Talks with 9 inmates
DIGNITY participated.

Recommendations

- That management ensure that the visiting room is made more inviting and comfortable, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms
- That management ensure that, during visits, activities between incarcerated parents and children of all ages are possible; cf. the Department of Prisons and Probation's standard for visiting rooms
- That management continue on an ongoing basis to pay attention to providing sufficient shopwork
- That management continue on an ongoing basis to pay attention to providing cell work and to the nature of this work
- That management ensure that foreign nationals' access to education is administered in accordance with the relevant rules
- That management ensure that the house rules are brought in accordance with the applicable rules
- That management ensure that the inmates can be informed of the prices of the grocer's goods when ordering

13 March 2024 - 'Skovly Plejebolig', Horsens (dementia ward)
Care centre for people with dementia
Announced visit
Talks with 1 user and 2 relatives etc.
DIGNITY participated.

Recommendations

- That guidelines on use of force or coercion be drawn up – and knowledge thereof among staff be ensured – concerning, among other things
    - what interventions must be recorded and reported
    - what information the report must contain in order to ensure precise and sufficient documentation
    - notification of relatives
- That management ensure that systematic recording of violence and threats among residents takes place in order to ensure documentation, knowledge and learning
- That management draw up a policy on violence and threats among residents, which takes into account
    - prevention

- handling of injured parties, offenders and any affected co-residents in connection with the individual episode
- follow-up with the mentioned persons and their next-of-kin

14 March 2024 - 'Demensplejecenter Kløverhaven', Vejle
Care centre for people with dementia
Announced visit
Talks with 4 relatives etc.
DIGNITY participated.

Recommendations
- That management ensure that no interventions are made in the residents' right to self-determination without authority
- That management ensure that systematic recording of violence and threats among residents takes place in order to ensure documentation, knowledge and learning
- That management draw up a policy on violence and threats among residents, which takes into account
    - prevention
    - handling of injured parties, offenders and any affected co-residents in connection with the individual episode
    - follow-up with the mentioned persons and their next-of-kin
- That management ensure compliance with the rules on informed consent to minor treatments of patients permanently unable to give informed consent

17 April 2024 - 'Ringkøbing Arrest'
Remand unit
Announced visit
Talks with 5 users
DIGNITY and IMR participated.

Recommendations
- That management continue on an ongoing basis to pay attention to providing cell work and to the nature of this work
- That management ensure that foreign nationals' access to education is administered in accordance with the relevant rules

18 April 2024 - 'Herning Arrest'
Remand unit
Announced visit
Talks with 7 inmates
IMR and DIGNITY participated.

Recommendations
- That management avoid accommodation in the multipurpose room to the extent possible
- That management continue on an ongoing basis to pay attention to providing sufficient shopwork
- That management continue on an ongoing basis to pay attention to providing cell work and to the nature of this work
- That management ensure that foreign nationals' access to education is administered in accordance with the relevant rules

23 and 24 April 2024 - Søbysøgård Prison
An ordinary association unit, the education unit in the open part of the prison and the adult units in the closed part of the prison
Announced visit
Talks with 25 inmates
DIGNITY participated.

Recommendations
- That management ensure ongoing attention to inmates in the open units who only have little contact with the surrounding world, and as far as possible contribute to an increase of the inmates' contact with the surrounding world, for example via the offer of a volunteer visitor

6 and 7 May 2024 - Ringe Prison
Closed prison
Announced visit
Talks with 18 users
DIGNITY and IMR participated.

Recommendations
- That management ensure that visiting rooms where visits with children are held are inviting and comfortable and allow for activities between incarcerated parents and children of all ages, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms
- That management ensure that the prison's guidelines and practice in cases concerning children's overnight visits with inmates serving a

sentence for sexual crimes against minors are in accordance with the Executive Order on Visits
- That management ensure that the criteria for getting occupation at the 'factory' are objective in relation to the safety conditions
- That management ensure that uniformed staff are aware that request forms can be submitted to healthcare staff without stating grounds
- That management in cooperation with the Prison and Probation Service, West, Health, ensure that healthcare examinations, including screenings, performed in the prison are in accordance with normal practice and do not depend on any self-payment by the inmate during hospital treatment

29 May 2024 - 'Vejle Arrest'
Remand unit
Announced visit
Talks with 6 inmates
The visit did not give cause for recommendations.

19 June 2024 - 'Køge Arrest'
Remand unit
Announced visit
Talks with 7 inmates
DIGNITY and IMR participated.

Recommendations
- That management ensure that the house rules are translated into relevant languages

26 June 2024 - detention facility in Thisted
Detention facility
Unannounced visit
The visit did not give cause for recommendations.

26 June 2024 - detention facility in Skive
Detention facility
Unannounced visit
The visit did not give cause for recommendations.

27 June 2024 - detention facility in Viborg
Detention facility
Unannounced visit
The visit did not give cause for recommendations.

27 June 2024 - detention facility in Herning
Detention facility
Unannounced visit
The visit did not give cause for recommendations.

21 August 2024 - detention facility on Læsø
Detention facility
Announced visit

Recommendations
- That the North Jutland Police ensure that the calling system in the detention facility is fixed

22 August 2024 - detention facility in Frederikshavn
Detention facility
Unannounced visit
The visit did not give cause for recommendations.

22 August 2024 - holding cells in Hjørring
Holding cells
Unannounced visit
The visit did not give cause for recommendations.

28 August 2024 - 'Assens Arrest'
Remand unit
Announced visit
Talks with 5 inmates
DIGNITY participated.

Recommendations
- That management ensure that the visiting room is made more inviting and comfortable, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms

- That management ensure that, during visits from children, activities between incarcerated parents and children of all ages are possible; cf. the Department of Prisons and Probation's standard for visiting rooms
- That management continue on an ongoing basis to pay attention to providing sufficient shopwork
- That management continue on an ongoing basis to pay attention to providing cell work and to the nature of this work

4 September 2024 - Western Prison
Local prison
Unannounced visit
Talks with 7 users
DIGNITY and IMR participated.

Recommendations
- That management ensure the right of people serving a sentence to at least one weekly visit
- That management consider changing the visiting times so that there are more available at times when it is possible to have visits from children attending school
- That management ensure that the visiting rooms in the Special Secure Unit are made more inviting and comfortable, including being in accordance with the Department of Prisons and Probation's standard for visiting rooms
- That management organise the visit booking system in a way that ensures
    - that the distribution of visits takes place according to objective and relevant criteria
    - a reasonable waiting time for the relatives in the event of a telephone queue
- That management ensure that inmates in Western Prison are offered occupation in accordance with the Executive Order on Occupation
- That management ensure better information to the inmates on the occupation opportunities
- That management ensure that cell calls are answered as quickly as possible and within reasonable time, and that both inmates and staff know that it is fully acceptable for inmates to make cell calls in order to go to the toilet

9 and 10 September 2024 - Jyderup Prison
Prison with open and closed unit and remand unit
Announced visit
Talks with 39 inmates
DIGNITY and IMR participated.

Recommendations

- That management continue to take into account inmates' needs due to any reduced functional capacity
- That management continue to pay attention to the handling of mentally vulnerable inmates, including that management ensure that staff are aware of what to keep an eye on and how to handle this type of inmates
- That management pay attention to the inmates' condition in relation to whether it is appropriate to place them in a double cell
- That management focus on ensuring that all inmates can feel safe in the prison, including inmates who are convicted of sexual crimes
- That management address the fact that inmates with children who are to serve in an open prison cannot be received in the prison's open unit under the current circumstances
- That management ensure that inmates with children in the remand unit in accordance with the prison's guidelines are offered more frequent yard time or extended yard time and possibly an open cell door
- That management ensure that the possibility of extended visits from closely related children is considered in all of the prison's units
- That management ensure that the house rules are brought in accordance with the applicable rules
- That management ensure that the house rules are translated into relevant languages
- That management ensure that a national newspaper is made available for free to the inmates in all units of the prison
- That management ensure increased focus on correct medicine dispensation
- That management continue on an ongoing basis to pay attention to providing more occupation options in the closed unit
- That management continue on an ongoing basis to pay attention to providing cell work to the remand unit
- That management consider if it is possible to improve the communal facilities in the remand unit, including the possibilities of exercising
- That management ensure that the inmates can be informed of the current prices of the grocer's goods when ordering
- That management on an ongoing basis pay attention to ensuring a healthy indoor climate in the remand unit

23 September 2024 - 'Specialcenter Syddanmark Fuglemajgård' (specialist centre)
Accommodation facility
Announced visit
Talks with 3 users and 4 relatives etc.
DIGNITY participated.
The visit did not give cause for recommendations.

24 September 2024 - 'Landsbyen Sølund'
Accommodation facility
Announced visit
Talk with 1 relative etc.
DIGNITY participated.

Recommendations

- That management ensure that the accommodation facility keeps statistics of the occurrence of use of force, and that the statistics are analysed on an ongoing basis in order to find causes and patterns

30 October 2024 - 'Frederikssund Arrest'
Remand unit
Announced visit
Talks with 7 users
DIGNITY participated.

Recommendations

- That management ensure that the house rules are brought in accordance with the applicable rules, and that inmates are informed of the complaint options to the relevant extent
- That management ensure that the inmates can be informed of the current prices of the grocer's goods when ordering.

31 October 2024 - Nykøbing Prison
Remand unit
Unannounced visit
Talks with 9 inmates

Recommendations

- That management continue to focus on possible measures that can improve the staffing situation in the local prison
- That management continue – to the extent that double cells are used – to focus on ensuring a suitable composition of inmates in the cells

- That management ensure that staff – to the extent that double cells are used – know what they have to watch for in order to prevent conflicts or possible abuse among inmates in the cells, and how to follow up on suspicion of such matters, including that management consider any need for written guidelines to the staff about this
- That management ensure that discretion is possible when inmates submit request forms
- That management ensure that a doctor is immediately asked to monitor when an inmate in a security cell is forcibly immobilised or if a 15-17-year-old inmate as an exception is placed in a security cell, that the institution's action card is formulated in accordance with this, and that information on the doctor being called and the medical monitoring appears from the report on the placement
- That management continue on an ongoing basis to pay attention to providing sufficient cell work and shopwork, including if inmates have no access to workshops and communal areas due to the conditions in the remand unit
- That management ensure that inmates who have gone through motivational and pre-treatment for substance abuse are offered primary treatment

5 November 2024 - Danish Red Cross, 'Særcenter Øst', Hørsholm
Special centre for adult asylum seekers and foreign nationals without legal residence and with mental and/or physical disabilities
Announced visit
Talks with 7 users
DIGNITY participated.

Recommendations
- That management ensure that it is clear what rules apply to the individual residents' stay at the centre and that this is communicated to the staff
- That management ensure that the house rules are brought in accordance with the applicable rules

13 November 2024 - 'Botilbud Thorupgården', Copenhagen
Accommodation facility
Announced visit
Talks with 6 users and 5 relatives etc.
DIGNITY participated.

Recommendations
- That management revise the house rules to be in accordance with Section 123 of the Social Services Act

- That management comply with the rules in Chapter 24 c of the Social Services Act when visiting restrictions are laid down at the accommodation facility, and that management revise the house rules so that they are in compliance with the rules of the Act
- That management ensure that any area restrictions are made with the resident's voluntary participation
- That management ensure greater focus on correct recording of violence, abuse and threatened violence in order to obtain knowledge and learning
- That management establish coherence between the wording of the house rules and the safety instructions in such a way that it is adequate for the facility's practice

14 November 2024 - 'Habitus Åkandehuset', Odsherred (private)
Accommodation facility
Announced visit
Talks with 3 users
DIGNITY participated.

Recommendations
- That management ensure that complaint guidance is given to the resident and/or to relatives after use of force

4 December 2024 - 'Brønderslev Psykiatriske Sygehus'
Psychiatric hospital, bed units
Announced visit
Talks with 11 patients and 1 patient advisor
IMR and DIGNITY participated.

Recommendations
- That management ensure increased focus on precise and sufficient documentation in the record on forced immobilisation, including that the permanent guard notes each time of observation
- That management ensure continued focus on follow-up interviews being held as soon as possible after cessation of a forcible measure, and on it being noted in the record if a patient does not want a follow-up interview as well as the grounds for this
- That the house rules be adjusted so that it does not appear from them that patients' activities can be limited to their own room without the patient's consent if the staff's instructions on dressing and hygiene are not observed
- That search of a patient on arrival solely take place in accordance with a valid consent from the patient or on suspicion of medicines, drugs or dangerous objects in the department

Overview: Monitoring visits to institutions etc. for children in 2024

The table immediately below shows the number of visits which the Ombudsman carried out to institutions etc. for children in 2024. In addition, it shows the numbers of talks the Ombudsman had with children and young people (referred to collectively as 'users'), with parents and with staff in addition to the management during the visits. The Ombudsman cooperates on monitoring activities with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights (IMR), which participate in a number of monitoring visits, among other things. Therefore, the table also shows the numbers of visits in which DIGNITY and IMR participated. In addition, it shows the numbers of announced and unannounced visits and how many visits were concluded with recommendations and without any comments, respectively.

This information is followed by a list of the specific institutions visited in which can be found more detailed information about the visits. This includes information about the type of institution etc. visited and any special focus of the visit, whether the visit was announced or unannounced, and any recommendations given to the institution. If the visit caused the Ombudsman to open one or more cases on his own initiative at the same time, this is also stated.

NUMBER OF VISITS	9
TALKS WITH USERS	33
TALKS WITH PARENTS	44
TALKS WITH STAFF	48
WITH PARTICIPATION OF DIGNITY	8
WITH PARTICIPATION OF IMR	4
ANNOUNCED/UNANNOUNCED VISITS	8/1
CONCLUDED WITH RECOMMENDATIONS	9

MONITORING VISITS

22 and 23 January 2024 - 'Specialinstitutionen Skodsborg' (partly closed wards 1 and 2)
Children's and young people's home (partly closed places)
Announced visit
Tours
Talks with 6 staff members, management and 4 parents
IMR and DIGNITY participated.

Recommendations

- update the internal guide about prevention and management of use of force or coercion to also include the requirements of the adult responsibility legislation which apply especially to partly closed residential institutions and partly closed wards in residential institutions – alternatively draw up a separate guide thereon
- ensure that the young people and custodial parents in connection with the placement are informed of their rights in relation to use of force, coercion and other interventions in the right to self-determination, including their right to complain to the National Social Appeals Board and the Municipal Council, respectively, and that it is considered to draw up written information thereon
- ensure that the deadlines for recording and reporting use of force, coercion and other interventions in the right to self-determination are observed, including in connection with reporting use of physical force under Section 9 of the Act on Adult Responsibility, detainment under Section 12 of the Act, manual restraint under Section 13 of the Act, and searches of persons and rooms under Section 16 of the Act
- ensure that the information material 'Tilbageholdelse på delvis lukket afdeling' (*Detainment in partly closed ward*) is in accordance with the relevant rules of the adult responsibility legislation
- ensure that detainment and manual restraint are only used if there is a decision to do so and a more specific framework for this from the Municipal Council; cf. Sections 12 and 13 of the Act on Adult Responsibility
- revise the house rules so that they contain all mandatory house rules that apply to a partly closed residential institution or a partly closed ward in a residential institution
- install door alarms at the entrance to rooms of young people who are placed in a partly closed ward; cf. Section 16 b of the Act on Adult Responsibility

19 and 20 February 2024 - 'Nødebogård Bagsværd'
Children's and young people's home (partly closed places)
Announced visit
Tours
Talks with 4 users, 5 parents, management and 3 staff members
DIGNITY participated.

Recommendations

- update the internal guide on the Act on Adult Responsibility to also include the requirements of the adult responsibility legislation which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions – alternatively draw up a separate guide thereon for 'Nødebogård Bagsværd'
- ensure that the young people and custodial parents in connection with the placement are informed of their rights in relation to use of force, coercion and other interventions in the right to self-determination, including their right to complain to the National Social Appeals Board and the Municipal Council, respectively, and that it is considered to draw up written information thereon
- update the written complaint guidance for parents in accordance with the rules of the adult responsibility legislation
- only make one record of a use of force, coercion or another intervention in the right to self-determination per reporting form
- ensure that all staff members are sufficiently familiar with the rules of the Act on Adult Responsibility which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions, including the conditions for detainment under Section 12 of the Act and manual restraint under Section 13 of the Act – for instance via a targeted seminar thereon
- ensure that detainment and manual restraint are only used if there is a decision to do so and a more specific framework for this from the Municipal Council; cf. Sections 12 and 13 of the Act on Adult Responsibility
- revise the house rules so that they contain all mandatory house rules that apply to a partly closed residential institution or a partly closed ward in a residential institution, and in this connection consider whether the wording used in the segment on compensation in the house rules is correct

18 and 19 March 2024 - 'MultifunC Midtjylland'
Children's and young people's home (partly closed residential institution)
Announced visit
Tours
Talks with 3 users, 6 staff members, management and 6 parents
DIGNITY and IMR participated.

Recommendations

- ensure that a copy of the reporting form for use of force, coercion and other interventions in the right to self-determination is sent to the placing municipality without undue delay; cf. Section 22(3) of the Executive Order on Adult Responsibility
- ensure that door alarms are used in accordance with the relevant rules of the adult responsibility legislation
- ensure that all staff members are sufficiently familiar with the instruction 'Observation af symptomer på abstinenser, Instruks for DOK' (*Observation of withdrawal symptoms, Instruction for DOK*)
- ensure that the description of the use of drug testing in the leaflet 'Velkommen til MultifunC' (*Welcome to MultifunC*), which is handed out to the young people, and the instruction 'Misbrugstestning, instruks for DOK' *(Drug testing, instruction for DOK*) are in accordance with the relevant rules of the adult responsibility legislation

9 and 10 April 2024 - 'Nexus'

Children's and young people's home (partly closed places)
Announced visit
Tours
Talks with 4 users, 6 staff members, management and 4 parents
IMR and DIGNITY participated.

Recommendations

- ensure that all staff members and temporary staff are sufficiently familiar with the rules on use of physical force according to Section 9 of the Act on Adult Responsibility, including how physical force should be carried out in practice, and know that, when using the provision in Section 9(5) of the Act on Adult Responsibility, only violations of the mandatory house rules may be stopped by using physical force
- revise the in-house guide 'Voksenansvarsloven – kort fortalt' (*The Act on Adult Responsibility – in brief*) to show partly that, when using the provision in Section 9(5) of the Act on Adult Responsibility, only violations of mandatory house rules may be stopped by using physical force, and partly what conditions must be met according to Sections 12 and 13 of the Act on Adult Responsibility in order to detain and restrain children and young people
- ensure that the young people and custodial parents in connection with the placement are informed of their rights in relation to use of force, coercion and other interventions in the right to self-determination pursuant to the adult responsibility legislation, including their right to complain to the National Social Appeals Board and the Municipal Council, respectively, and that the information material 'Nexus' Ungemappe' (*Nexus's Youth*

Folder) and 'Nexus' Forælderfolder' (*Nexus's Parent Leaflet*) is revised so that the material contains clear guidance thereon
- ensure that reports about use of force, coercion and other interventions in the right to self-determination contain a sufficient description of and grounds for the intervention, and ensure continued focus on observing the deadlines for registration and reporting
- ensure that detainment and manual restraint are only used if there is a decision to do so and a more specific framework for this from the Municipal Council; cf. Sections 12 and 13 of the Act on Adult Responsibility
- ensure that in connection with searches of persons or rooms, a list is drawn up of confiscated objects which belong to a child or a young person, and that a copy of the list is given to the child or young person
- ensure that door alarms are used in accordance with the relevant rules of the adult responsibility legislation
- consider drawing up guidelines on prevention of violence and abuse
- ensure that the information material 'Nexus' Ungemappe' (*Nexus's Youth Folder*) and 'Nexus' Forældrefolder' (*Nexus's Parent Leaflet*) is revised so that the material is in accordance with the adult responsibility legislation and that the language usage in the material is adapted to suit the nature of the institution

30 April and 1 May 2024 - 'Bakkegården', project ward 'Birkehuset'
Children's and young people's home (partly closed places)
Announced visit
Tours
Talks with 5 staff members, management and 1 parent
DIGNITY participated.

Recommendations
- ensure that the deadlines for recording and reporting use of force, coercion and other interventions in the right to self-determination are observed, including in connection with reporting use of physical force under Section 9 of the Act on Adult Responsibility, detainment under Section 12 of the Act and searches of persons and rooms under Section 16 of the Act
- ensure that the custodial parent without undue delay is informed that force, coercion or other interventions in the right to self-determination have been used
- ensure that reports about use of force, coercion and other interventions in the right to self-determination contain a sufficient description of and the grounds for the use of force or coercion
- ensure that all staff members are sufficiently familiar with the rules of the Act on Adult Responsibility which apply especially to, among others, partly closed residential institutions and partly closed wards in residential

institutions, including the conditions for detainment under Section 12 of the Act and manual restraint under Section 13 of the Act – for instance via a targeted seminar thereon
- ensure that 'Vejledning ifm. aktivering af delvis lukket' (*Guide in connection with activation of partly closed*) is in accordance with the rules of the adult responsibility legislation on detainment in partly closed residential institutions and partly closed wards in residential institutions
- ensure that detainment and manual restraint are only used if there is a decision to do so and a more specific framework for this from the Municipal Council; cf. Sections 12 and 13 of the Act on Adult Responsibility
- ensure that all staff members have the necessary knowledge of the rules about searches of persons and rooms in Section 16 of the Act on Adult Responsibility
- ensure that in connection with searches of persons or rooms, a list is drawn up of confiscated objects which belong to a child or a young person, and that a copy of the list is given to the child or young person
- ensure that staff have sufficient knowledge of observation and treatment of children and young people who have or are at risk of developing withdrawal symptoms or are under the influence, for instance by drawing up written guidelines thereon
- ensure that the physical environment of the partly closed ward is designed in such a way that outer doors and windows are locked only for children and young people detained under Section 12 of the Act on Adult Responsibility
- continue to ensure that the rules on schooling in all subjects are observed
- continue to ensure that the rules on schooling with full hours are observed

27 and 28 May 2024 - 'Grenen-Glesborg'
Children's and young people's home (partly closed places)
Announced visit
Tours
Talks with 7 users, 7 staff members, management and 8 parents
IMR and DIGNITY participated.

Recommendations
- ensure that decisions about initiating searches of persons or rooms or of activating a door alarm are always made by the head of the institution or by the head's deputy
- ensure that door alarms are used in accordance with the relevant rules of the adult responsibility legislation

11 and 12 June 2024 - 'Ungehuset Røjleskov'
Children's and young people's home (partly closed residential institution)
Announced visit
Tours
Talks with 2 users, 5 staff members, management and 3 parents
DIGNITY participated.

Recommendations

- ensure that reports about use of force, coercion and other interventions in the right to self-determination contain a sufficient description of and the grounds for the intervention
- ensure that all staff members are sufficiently familiar with the rules of the Act on Adult Responsibility which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions, including the conditions for detainment under Section 12 of the Act and manual restraint under Section 13 of the Act
- revise the house rules so that they are in accordance with the rules of the adult responsibility legislation
- ensure that any descriptions of the term 'runaways' in the house rules and in other material which is given to the young people are in accordance with the adult responsibility legislation
- ensure that indoor communal areas have TV surveillance in accordance with the relevant rules of the adult responsibility legislation
- ensure that staff have sufficient knowledge of observation and treatment of children and young people who have or are at risk of developing withdrawal symptoms or are under the influence, for instance by drawing up written guidelines thereon
- ensure that, to the relevant extent, a general consent to the use of drug testing of the young people is obtained, either when they are placed in the institution or during the placement if the need for using a test occurs

27 August 2024 - 'Grenen-Dalstrup (Specialområde Kriminalitetstruede og Dømte børn og unge)'
Children's and young people's home (secure residential institution with a special secure ward)
Unannounced visit
Tours
Talks with 7 users, 8 parents, management and 5 staff members
DIGNITY participated.

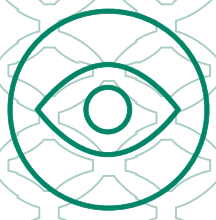
Recommendations

- ensure that the institution's guidelines and practice for searches of persons are in accordance with Section 16(6) of the Act on Adult Responsibility

- ensure that there is a procedure for checking the calling system in the solitary confinement rooms
- continue to ensure that the deadlines for recording and reporting use of force, coercion and other interventions in the right to self-determination are observed, including in connection with use of physical force under Section 9 of the Act on Adult Responsibility, solitary confinement under Section 14 of the Act and searches of persons and rooms under Section 16 of the Act

16 and 17 September 2024 - 'Bakkegården'
Children's and young people's home (secure places)
Announced visit
Tours
Talks with 6 users, 5 parents, management and 4 staff members

Recommendations
- continue to ensure that the deadlines for recording and reporting use of force, coercion and other interventions in the right to self-determination are observed, including in connection with use of physical force under Section 9 of the Act on Adult Responsibility and searches of persons and rooms under Section 16 of the Act
- continue to ensure that reports about use of force, coercion and other interventions in the right to self-determination contain a sufficient description of and the grounds for the intervention
- ensure that the custodial parent without undue delay is informed that force, coercion or other interventions in the right to self-determination have been used
- ensure that staff have sufficient knowledge of observation and treatment of children and young people who have or are at risk of developing withdrawal symptoms or are under the influence, for instance by drawing up written guidelines thereon



Part Three

Thematic reports 2024

Thematic report 2024: Inmates' access to visits and occupation

Contents

21 June 2025

Doc.No. 24/04594-30/JAL/SHS/CLA/skh

1. Introduction 3

2. Result of the thematic visits 3

2.1. Main conclusions 3

2.2. General recommendations 4

2.3. Background for choice of theme and focus areas 5

2.4. How did the Ombudsman proceed? 5

3. Visits in the Prison and Probation Service 6

3.1. The rules 6

3.2. Visiting permits 7

3.3. Booking of visits 7

3.4. Volume of visits 8

3.5. Visiting facilities etc. during visits from children 8

3.6. Inmates with limited contact with the outside world 10

3.7. Particulars on the monitoring visit to Western Prison 10

4. Occupation in the Prison and Probation Service 12

4.1. The rules 12

4.2. Guidance on occupation 13

4.3. Work 13

4.4. Education 15

4.5. Foreign nationals 16

1. Introduction

The theme of the Ombudsman's monitoring visits (adults) in 2024 was inmates' access to visits and occupation in the Prison and Probation Service. The monitoring visits were carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

During the year, the Ombudsman visited seven local prisons, including Western Prison, and three state prisons to elucidate the theme. During those monitoring visits, the Ombudsman especially focused on:

- Inmates' visits from relatives and network, including especially booking of visits, frequency and duration of visits, the setting for visits from children and the Prison and Probation Service's attention to inmates with limited contact with the outside world.

- Inmates' access to occupation, particularly the availability and nature of the offered work and the education programmes.

2. Result of the thematic visits

2.1. Main conclusions

- It is the Ombudsman's overall impression that the Prison and Probation Service, within the existing framework, organised the visits in a satisfactory and appropriate manner.

- The Prison and Probation Service generally took care to ensure that it was possible for inmates to receive visits every week and that the visiting setting was satisfactory, including for visits from the inmates' children. There was generally a flexible approach to visits and attention to prolonging the duration of visits, when possible.

- However, some of the visiting rooms used for visits from children were not inviting, comfortable and child friendly.

- The Prison and Probation Service generally paid attention to whether there were inmates with only little contact with the outside world and focused on contributing as much as possible to increasing those inmates' contact with the outside world, for instance by informing about or arranging contact with a volunteer visitor.

- The Prison and Probation Service generally focused on being able to offer occupation to the inmates.

- The state prisons generally had a wider availability of work than the local prisons, where the work offered primarily consisted of cell work. Some local prisons primarily offered cell work in the form of production of items that were not used for anything afterwards.

- Some local prisons were not aware that foreign nationals who have not been ordered to be deported have a right to occupation through, for instance, education and formal education on an equal footing with other inmates.

2.2. General recommendations

With respect to visits, the Ombudsman generally recommends that

- the Prison and Probation Service – in accordance with the Department of Prisons and Probation's standard for visiting rooms – ensure that visiting rooms where visits with children are held are inviting and comfortable and allow for activities between incarcerated parents and children of all ages

- the Prison and Probation Service ensure on an ongoing basis that there is attention on inmates with only little contact with the outside world and that state and local prisons contribute as much as possible to increasing those inmates' contact with the outside world

With respect to occupation, the Ombudsman generally recommends that

- local prisons on an ongoing basis take care to procure cell work and shopwork and that they focus on the nature of such work

- the Prison and Probation Service ensure that all institutions are aware that foreign nationals who have not been ordered to be deported have a right to – and when serving in state prisons also a duty of – occupation through, for instance, education, formal education or programme activities on an equal footing with other inmates, and that foreign nationals who have been ordered to be deported can be occupied with education, formal education or programme activities if special circumstances apply

The Ombudsman will discuss the follow-up on the general recommendations and a number of other matters and observations from the monitoring visits with the Prison and Probation Service. The Ombudsman will also follow up on the general recommendations during future monitoring visits.

For particulars on the follow-up on the monitoring visit to Western Prison, read item 3.7 as regards visits.

2.3. Background for choice of theme and focus areas

Visits and occupation are matters of great significance for inmates' wellbeing, rehabilitation and resocialisation. This applies to both remand prisoners and inmates serving a sentence.

The rules on inmates' right to visits are meant to ensure that inmates, during their stay in Prison and Probation Service institutions, can retain and possibly expand on the connection to the outside world, including not least their families. During the monitoring visits, there was therefore focus on both access to visits and their setting, including processing times in connection with processing of visiting permit applications, whether booking of visits took place properly, conditions in connection with visits from children and the visiting facilities themselves.

The purpose of the rules on inmates' occupation, including education, is, among other things, to ensure that the inmates' working ability and skills are not reduced during their stay in Prison and Probation Service institutions and, as far as possible, to make the inmates more capable of getting and holding down a job after their sentence is served. At the same time, occupation can also contribute to giving the inmates structure and substance in their everyday lives. During the monitoring visits, there was therefore focus on, among other things, what types of work inmates in state and local prisons are offered and to what extent inmates are offered education and formal education, including the nature of the education programmes.

Currently, the conditions in the Prison and Probation Service are generally characterised by high occupancy and shortage of staff. With the theme for 2024, the Ombudsman therefore also wanted to investigate if – and if so how – those conditions affected the inmates' access to visits and occupation.

The special conditions that otherwise regulate remand prisoners' access to visits due to police control etc. were not part of the theme for 2024.

2.4. How did the Ombudsman proceed?

2.4.1. Material and information in connection with the visits

Prior to each monitoring visit, the Ombudsman received some information and material from the visited institutions for elucidation of, among other things, the organisation of visits and the availability of occupation – such as guidelines and leaflets on visits and inmates' occupation options.

During the monitoring visits, the visiting teams received more details on the written information during interviews with management and staff, including foremen, teachers and staff responsible for children. In addition, the visiting

team spoke with 115 inmates and a number of volunteer visitors, priests and defence lawyers.

The visiting teams were also shown relevant parts of the facilities, including visiting rooms, teaching rooms and workshops.

For particulars on the monitoring visit to Western Prison, read item 3.7 below.

2.4.2. The legal basis for monitoring visits
The monitoring visits were carried out as part of the Ombudsman's general monitoring activities pursuant to the Parliamentary Ombudsman Act and as part of the Ombudsman's task of preventing that persons 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 to prevent degrading treatment etc. pursuant to the OPCAT is carried out in cooperation with the Danish Institute for Human Rights and with DIGNITY – Danish Institute Against Torture. The Institute for Human Rights contributes with human rights expertise. DIGNITY contributes to the cooperation with medical expertise. Among other things, this means that staff with expertise in those fields from the two institutes participate in the planning and execution of and follow-up on monitoring visits.

2.4.3. List of visits in 2024
On the Ombudsman's website, there is a list of monitoring visits to institutions for adults in 2024, including the thematic visits, and the recommendations given to the individual institutions (www.en.ombudsmanden.dk, under About the Ombudsman, Monitoring activities, Monitoring visits to institutions where citizens live, Monitoring visits according to UN rules, Monitoring visits to institutions for adults in 2024).

3. Visits in the Prison and Probation Service

3.1. The rules
Remand prisoners' right to visits is regulated in the Administration of Justice Act (now Consolidation Act No. 1160 of 5 November 2024), in the Executive Order on Remand Custody (now Executive Order No. 1099 of 16 October 2024) and in the Remand Guidance Notes (now Guidance Notes No. 9901 of 23 October 2024).

The right to visits of inmates serving a sentence is regulated in the Sentence Enforcement Act (Consolidation Act No. 201 of 28 February 2023), in the

Executive Order on Visits (Executive Order No. 1022 of 28 June 2022) and in the Guidance Notes on Visits (Guidance Notes No. 9735 of 28 June 2022).

3.2. Visiting permits

A visiting permit is required before you can visit an inmate in Prison and Probation Service institutions. The institutions can set limits for the number of people that can be approved visitors at the same time.

Based on the visiting teams' interviews with managements, staff and inmates, it is the Ombudsman's impression that there is generally focus on quick processing of visiting permit applications. This also applies in relation to new inmates in Prison and Probation Service institutions, who may have a particular need for receiving visits from their relatives.

Several visited institutions had local rules that contained a limit for the number of people that could be approved visitors at the same time. For instance, one state prison had set a limit of 30 people. In three of the seven local prisons, there were local rules that one inmate could have no more than seven people approved as (possible) visitors at the same time for the inmate in question. This was generally not something that caused dissatisfaction among the inmates in the local prisons. However, it could mean in practice that inmates had to reject the possibility of receiving visits from some family members or friends. The background for the limit in the number of people that could be approved for visits at the same time was therefore discussed with the managements of the relevant local prisons, who stated that they would consider if the considerations behind the limit could still justify a limit of a maximum of seven people.

3.3. Booking of visits

The Prison and Probation Service has not set rules or guidelines for booking of visits.

In two of the visited state prisons, the inmates booked visits with the staff. During their interviews with the visiting team, the inmates expressed great satisfaction with the arrangement.

In the third of the visited state prisons and in six local prisons, the booking of visits took place by the relatives telephoning the state or local prison and booking the visit. The time frame when visits could be booked varied from half an hour a day to ten hours a day. Based on the visiting teams' interviews with managements, staff, inmates and volunteer visitors, it is the Ombudsman's impression that the relatives' telephone booking of visits to the state prison and the six local prisons was generally working satisfactorily.

For booking of visits in Western Prison, read item 3.7 below.

3.4. Volume of visits

As a rule, remand prisoners are entitled to visits as often as conditions allow. Visits for remand prisoners cannot last less than half an hour. Longer visits must be permitted as often as conditions allow.

Inmates serving a sentence are entitled to at least one weekly visit lasting at least one hour and, as far as possible, two hours. The individual institutions can permit an expansion of the above rules for visits.

In the three visited state prisons and six of the local prisons, the inmates had access to at least one weekly visit lasting at least one hour. In several institutions, inmates had access to more weekly visits and visits of longer duration than one hour, including in cases where the visitors had a long transportation time or when children were visiting. At the same time, there was generally a flexible approach to visits, not least in relation to extending the duration of visits where possible.

Based on the visiting teams' interviews with inmates, staff and managements, it is the Ombudsman's impression that the state and local prisons in question generally did not cancel visits, including due to shortage of staff, occupancy in the visiting rooms or similar.

For inmates' access to visits in Western Prison, read item 3.7 below.

3.5. Visiting facilities etc. during visits from children

3.5.1. Setting for visits from children

Inmates can normally only receive visits from children if the child is accompanied by an adult and there is consent to the visit from the parental custodian. According to the rules, visiting permit applications for children should, as far as possible, be accommodated if the children are closely related to the inmate (such as children or grandchildren), and the possibility of permitting extended visits should be considered – and as far as possible accommodated – in such cases.

The Prison and Probation Service has a scheme whereby, among the staff in state and local prisons, there is at least one person responsible for children, whose task it is to create good conditions for child visits and to implement activities that may support the relation between inmates and their children.

Thus, there was also staff responsible for children in all the visited state and local prisons, and there was generally attention on conducting child visits gently and, as far as possible, on creating a safe setting for children visiting. For example, one of the state prisons had a hopscotch court by the body scanner, and it was possible to borrow prams that young children could sleep

in during the visit. In another state prison, there was a waiting room with toys in reception, and there was a separate child visiting unit with a playground. In most of the institutions, the children could receive a small present in connection with the visit, such as a stuffed animal from Red Cross.

The visiting teams' interviews with management and staff also showed that the state and local prison staff were generally aware of public staff's increased duty to notify the municipality of any concern for a child's development or wellbeing.

3.5.2. Visiting facilities

The Prison and Probation Service's visiting rooms must, to the extent possible, be designed in a way that creates a natural and friendly visiting atmosphere.

In October 2023, the Department of Prisons and Probation issued a standard for visiting rooms used for visits from children. According to the standard, the visiting rooms must, to the extent possible, be made inviting and comfortable, for instance by hanging up child-friendly pictures or by decorating the walls. Furthermore, the visiting rooms must encourage activity and play between adults and children of different age groups. Therefore, it should be possible to borrow, for instance, card games, board games, toys, drawing utensils or similar.

The visiting rooms in the visited state and local prisons generally appeared to be inviting and comfortable. However, the visiting rooms in the local prisons did reflect that the physical setting in the local prisons is limited, and the visiting rooms were therefore small.

In two of the visited state prisons and two local prisons, the Ombudsman found that some or all of the visiting rooms used for visits from children did not appear inviting and comfortable.

The availability of card games, board games, toys, drawing utensils etc. varied. Some places had a very limited selection of toys – or no toys, for instance if ordinary visiting rooms were used for visits from children because several inmates received visits from children at the same time.

The Ombudsman recommended that two state and two local prisons ensure that the visiting rooms be made more inviting and comfortable. The Ombudsman also recommended that the two state prisons and one local prison ensure that activities between incarcerated parents and children of all ages be made possible.

In the light of this, the Ombudsman generally recommends that the Prison and Probation Service – in accordance with the Department of Prisons and Probation's standard for visiting rooms – ensure that visiting rooms where visits with children are held are inviting and comfortable and allow for activities between incarcerated parents and children of all ages.

3.6. Inmates with limited contact with the outside world

It is the ongoing responsibility of the Prison and Probation Service to be aware of any inmates with only little contact with the outside world. If that is the case, the Prison and Probation Service must contribute to increasing the inmate's contact with the outside world as much as possible.

This could be by arranging contact with a volunteer visitor through, for instance, Red Cross or DanChurchSocial (Kirkens Korshær). Volunteer visitors are private individuals without any affiliation to the Prison and Probation Service, who can visit inmates and speak with them about general topics as well as personal and social matters.

Most of the visited state and local prisons stated that they had a number of inmates who either rarely or never received visits.

By far most of the visited state and local prisons cooperated with Red Cross about arranging contact with volunteer visitors, and several also cooperated with DanChurchSocial. One local prison did not cooperate with either Red Cross or DanChurchSocial.

The Ombudsman recommended that two state prisons ensure ongoing attention to inmates with only little contact with the outside world. The Ombudsman also recommended that one of those state prisons, to the extent possible, contribute to increasing the inmates' contact with the outside world, for instance by offering a volunteer visitor.

In the light of this, the Ombudsman generally recommends that the Prison and Probation Service ensure on an ongoing basis that there is attention on inmates with only little contact with the outside world and that state and local prisons contribute as much as possible to increasing those inmates' contact with the outside world

3.7. Particulars on the monitoring visit to Western Prison

Western Prison is a local prison. The monitoring visit to Western Prison was – contrary to the other thematic visits of 2024 – an unannounced visit. This means that Western Prison had not prior to the monitoring visit been informed that a monitoring visit would take place. As a result, the monitoring visit had also been organised in a different way than the other thematic visits. For example, the Ombudsman did not until the monitoring visit itself ask

Western Prison for information and material for elucidation of the focus areas (visits and occupation).

In Western Prison, booking of visits took place by the relatives telephoning the local prison and booking the visit. Most of the inmates that the visiting team spoke with complained about the visit booking system. Among other things, the inmates stated that their relatives were in a call queue for several hours during their working hours, and not enough consideration was given for the inmates' individual circumstances, such as if the inmate had children.

Many of the inmates serving a sentence in Western Prison with whom the visiting team spoke also stated that it was very difficult to receive visits. The remand prisoners that the visiting team spoke with gave very different information about how often they could get visits. In this connection, it was stated that it could be difficult to receive visits from children attending school who lived far away from Western Prison, as there was no access to visits on Saturdays, and at the same time Sunday was the most requested visiting day.

The monitoring visit, including the discussions of the mentioned issues with the management of Western Prison, led the Ombudsman to recommend, among other things, *that* management ensure the right of inmates serving a sentence to at least one weekly visit, *that* management consider changing the visiting times so that there are more available times when it is possible to have visits from children attending school, and *that* management organise the visit booking system in a way that ensures, partly, that the distribution of visits takes place according to objective and relevant criteria, partly reasonable waiting times for the relatives in a possible call queue.

The Ombudsman also followed up on the monitoring visit by conducting an own-initiative investigation of Western Prison's visiting conditions. The investigation was concluded with the Ombudsman's statement of 2 June 2025 and a subsequent news item on the case. The result of the investigation can be found on the Ombudsman's website (www.en.ombudsmanden.dk, under News archive, 2025).

In that connection, the Ombudsman noted that, after the monitoring visit, a new visiting model has been implemented in the local prison, which allows for 64 additional visits from relatives every month.

During the processing of the case, the Department of Prisons and Probation stated that there is not currently a sufficient data basis for determining if all inmates who want visits can get them in accordance with the applicable rules. On that background, it was the Ombudsman's opinion that there is a need for the Prison and Probation Service to create a better data basis for visits. A

better data basis would first and foremost ensure the necessary basis for assessing if the rules on inmates' right to visits are met, but it would also otherwise strengthen the Prison and Probation Service's possibility of supporting visits, including the assessment of the current capacity need.

In relation to this, the Ombudsman stated that, in his opinion, follow-up should take place as soon as possible on the recommendation given by a Prison and Probation Service working group on visits from lawyers and relatives that the Prison and Probation Service's data basis for visits should be optimised.

In that connection, the Ombudsman has recommended that the Prison and Probation Service consider expediting its decision on the working group's recommendation.

In regard to Western Prison's visit booking system by telephone, the Ombudsman noted that the local prison has extended telephone hours so that relatives can call on two days a week outside normal working hours to book visits.

At the same time, the Ombudsman asked the Prison and Probation Service to give more information on a pilot project concerning a digital platform for booking visits and to state what additional deliberations the Prison and Probation Service has made on improvement of the telephone service in Western Prison.

4. Occupation in the Prison and Probation Service

4.1. The rules

The rules on occupation in the Prison and Probation Service are set out in the Sentence Enforcement Act (Consolidation Act No. 201 of 28 February 2023), in the Executive Order on Occupation (Executive Order No. 1016 of 28 June 2022) and in the Guidance Notes on Occupation (Guidance Notes No. 9734 of 28 June 2022).

The Prison and Probation Service must, to the extent possible, offer occupation to both inmates serving a sentence and to remand prisoners. Inmates serving a sentence in state prisons have both a right to and a duty of occupation corresponding to a normal working week of 37 hours. However, the duty of occupation does not apply to remand prisoners or to inmates serving a sentence in a local prison.

Occupation comprises:

- Work, such as cleaning and maintenance of the institutions and prison production.

- Education, such as general adult education (AVU), higher preparatory examination remotely (HF) and vocational education and training (EUD).

- Other approved activity, such as substance abuse treatment or participation in programme activities, including behavioural programmes.

Inmates who have been ordered to be deported cannot be occupied with education, formal education or programme activities unless special circumstances apply.

4.2. Guidance on occupation

Inmates must be given guidance on the occupation options in the institution they are staying in.

Most of the visited state and local prisons stated that the inmates were informed of the occupation options on arrival. Based on the visiting teams' interviews with inmates, staff and managements, it is the Ombudsman's impression that the Prison and Probation Service generally focuses on guiding inmates, including new inmates, on the possibilities of occupation.

4.3. Work

4.3.1. Work availability in state prisons

The monitoring visits showed that – compared with the visited local prisons; cf. item 4.3.2 below – there is generally a wider availability of work in the state prisons. The work in the visited state prisons mainly consisted of production and maintenance of the institutions and outdoor grounds. Depending on the specific prison, this included work in production kitchen, smithery, paint shop, carpenter's shop, metal workshop, assembly shop, farming or gardening.

One state prison stated that large jobs from external collaborators where one or more items are to be mass-produced were few and far between. Another state prison stated that it can be difficult to procure work for the prison, as the tasks must be suitable for inmates who do not have a skilled background. A third state prison stated that, for a period of time, there had been problems recruiting foremen, which could lead to a lack of orders since it was the foremen who contacted businesses in order to procure work for the prison. The prison in question also stated that the recruitment problems had now been solved and that the prison would soon have a number of foremen corresponding to the full staffing level. It is the Ombudsman's impression that the visited state prisons generally focused on procuring work for the inmates.

Based on the visiting teams' interviews with the inmates, it is also the Ombudsman's impression that the inmates in the state prisons were overall satisfied with the availability of work, but they would like some production activity that could improve their skills to a greater extent.

4.3.2. Work availability in local prisons

In the visited local prisons, the work offered was primarily cell work. The availability and nature of the cell work varied between local prisons. For example, the cell work consisted in folding Christmas decorations or making gift tags and assembling hinges, Rawlplugs or cable clamps. In two local prisons, the cell work primarily consisted in folding Christmas stars.

During the visiting team's interviews with the inmates, they generally expressed dissatisfaction with the nature of the offered cell work. The inmates wanted to produce items with actual utility value that did not end up being thrown away, as often happened with Christmas decorations.

Other than cell work, it was possible to work in the local prisons' workshops or with operational or maintenance tasks, such as an inmate orderly, laundry orderly or yard orderly. The possibility of shopwork and the nature thereof varied between local prisons. Three local prisons stated that they generally did not have problems offering shopwork. However, several other local prisons stated that it could be difficult or resource-demanding to procure sufficient shopwork. In this connection, one local prison stated that for a period it had been difficult to procure work, but at the time of the visit the situation had improved. Another local prison stated that there was often a lack of work, and a third local prison stated that there was not enough work in the workshop for a full working day. Lastly, a fourth local prison stated that the fact that the multipurpose room, which was also used as a workshop, was sometimes used briefly for occupancy made it difficult to find shopwork tasks.

The managements generally stated that a number of issues affected the possibility of procuring shopwork and cell work, including the physical setting where the size of the cells limits the size of the products that can be worked with as part of cell work. The fact that large vehicles could not deliver materials and that there was limited room for storage of materials and completed products as well as high shipping prices also constituted a limitation in some local prisons. In addition to this, there was the inmates' lack of skills since some had never had a job.

The Ombudsman recommended that three local prisons continue on an ongoing basis to pay attention to the possibilities of procuring cell work and to the nature of such work.

The Ombudsman also recommended that two of those local prisons continue on an ongoing basis to pay attention to the possibilities of procuring sufficient shopwork.

In the light of this, the Ombudsman generally recommends that local prisons on an ongoing basis take care to procure cell work and shopwork and that they focus on the nature of such work.

4.4. Education

In most of the visited state and local prisons, education on a primary and lower secondary level was offered, primarily in Danish and mathematics. There was generally access to education for people with dyslexia and the possibility of taking exams.

Most prisons also offered adult vocational training courses (AMU) and higher preparatory examination (HF). However, as of 1 January 2024, the Department of Prisons and Probation stopped all education on HF level in closed state and local prisons.

In one of the state prisons, it was possible to complete the basic programme of the vocational training to become a painter, smith or carpenter, and it was possible to complete full vocational training to become a chef.

In an open unit in one of the state prisons, inmates had access to day release to attend HF, vocational training and higher education.

In several prisons, it was stated that the teachers were proactive in relation to the inmates, and it is the Ombudsman's impression that the visited state and local prisons generally focused on offering education.

Based on the visiting teams' interviews with the inmates, it is also the Ombudsman's impression that the inmates were overall satisfied with the offered education, but that the inmates who were taking HF or considered starting HF were dissatisfied that the Department of Prisons and Probation had in the first half of 2024 decided to temporarily stop offering HF in closed units in the state and local prisons. The Department's decision was made after the Department had become aware that the HF education did not fully meet the requirements of the teaching plans for the individual HF subjects.

The prospect of reopening HF education in the Prison and Probation Service was discussed at a meeting between the Department and the Ombudsman in September 2024. The Department subsequently confirmed to the Ombudsman that HF education would again be offered in closed units in state and local prisons from the autumn semester of 2024.

4.5. Foreign nationals

Foreign nationals have a right to – and when serving a sentence in a prison also a duty of – occupation like other inmates. However, as mentioned under item 4.1, inmates who have been ordered to be deported cannot be occupied with education, formal education or programme activities unless special circumstances apply.

Three of the visited local prisons were not aware that foreign nationals who have not been ordered to be deported have a right to occupation through, for instance, education and formal education on an equal footing with other inmates.

Therefore, the Ombudsman recommended that the three local prisons ensure that foreign nationals' access to education is managed in accordance with the relevant rules.

In the light of this, the Ombudsman generally recommends that the Prison and Probation Service ensure that all institutions are aware that foreign nationals who have not been ordered to be deported have a right to – and when serving in state prisons also a duty of – occupation through, for instance, education, formal education or programme activities on an equal footing with other inmates, and that foreign nationals who have been ordered to be deported can be occupied with education, formal education or programme activities if special circumstances apply.

Sincerely,



Christian Britten Lundblad

Thematic report 2024: Children and young people in partly closed residential institutions

Contents

25 June 2025

Doc. No. 25/01265-66/TAN/lni

1. Introduction 4

2. What have the monitoring visits shown 4

2.1. Main conclusions 4

2.2. General recommendations 5

2.3. Background for choice of theme and focus areas 6

2.4. How did the Ombudsman proceed? 7

2.4.1. Material and information in connection with the visits 7

2.4.2. The legal basis for monitoring visits 8

2.4.3. List of visits in 2024 8

3. Use of physical force 9

3.1. The rules 9

3.2. Extent of the use of physical force 10

3.3. Knowledge of the rules, etc. 11

4. Detainment and manual restraint 12

4.1. The rules 12

4.2. Extent of detainments and manual restraints 13

4.3. Knowledge of the rules 14

4.4. Municipal decisions on detainment and manual restraint 15

5. Searches of persons and rooms 15

5.1. The rules 15

5.2. The extent of searches of persons and rooms 17

5.3. Knowledge of the rules 17

6. The specific reports 18

6.1. The obtained material 18

6.2. Compliance with deadlines for recording and reporting use of physical force and other interventions in the right to self-determination 18

6.3. Documentation for use of force and other interventions in the right to self-determination 20

6.4. Inclusion of the child and young person 21

7. Information about rights 21

8. House rules 22

8.1. The rules 22

8.2. Implementation of mandatory house rules etc. 24

8.3. Knowledge of the mandatory house rules 25

9. TV surveillance 25

9.1. The rules 25

9.2. Use of TV surveillance 26

10. Door alarms 26

10.1. The rules 26

10.2. Use of door alarms 27

11. Stricter supervision 28

12. Schooling in in-house schools 29

12.1. The rules 29

12.2. Quality agreement 29

12.3. Teaching all subjects and full hours 30

12.4. Exemption from subjects and exemption from tests and examinations 30

12.5 Summary 31

13. Health 31

13.1. In general 31

13.2. Substance abuse 31

1. Introduction

The theme for the monitoring visits that the Ombudsman carried out in 2024 in the children's sector was children and young people in partly closed residential institutions and partly closed wards in residential institutions. The visits were carried out in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

In order to shed light on the year's theme, the Ombudsman carried out monitoring visits to Denmark's seven partly closed residential institutions and partly closed wards in residential institutions. Three of the institutions offered special education (hereinafter called in-house school) which the Ombudsman monitored at the same time. During the monitoring visits, there was special focus on:

- Use of physical force
- Detainment and manual restraint
- Searches of persons and rooms
- House rules, TV surveillance, door alarms and information on rights
- Schooling in in-house schools
- Healthcare-related conditions

2. What have the monitoring visits shown

2.1. Main conclusions

- It is the Ombudsman's impression that staff at the visited institutions were generally committed and reflective in the work with the children and the young people.

- The institutions had a general focus on preventing and reducing the use of force and other interventions in the right to self-determination by using de-escalating behaviour and dialogue with the young people, followed by a review of the use of force with a view to future learning.

- Several of the institutions did not in connection with the placement inform the young people and the custodial parents etc. about their rights in relation to use of force and other interventions in the right to self-determination, including the right to complain to, respectively, the National Social Appeals Board and the placing municipality.

- The deadlines for recording and reporting use of physical force and other interventions in the right to self-determination were to a wide extent not observed, just as the reporting forms in several instances did not contain

a satisfactory description of the sequence of events in connection with the use of force or grounds for why the intervention was necessary.

- Generally, the institutions lacked sufficient knowledge of the rules on detainment and manual restraint that apply especially to the partly closed residential institutions and partly closed wards in residential institutions.

- Several institutions lacked knowledge of which house rules that are mandatory for children and young people in a partly closed placement, just as there in some instances was a lack of knowledge about the rules for enforcement of the mandatory house rules.

- The rules on exemption from classes in subjects and exemption from tests and examinations were to a wide extent not observed for the pupils of the in-house schools. In addition, there continue to be certain challenges regarding observance of the rules on schooling in all subjects and full hours.

2.2. General recommendations

Based on the monitoring visits, the Ombudsman generally recommends that the partly closed residential institutions and the partly closed wards in residential institutions

- ensure that the deadline for recording a use of physical force and other interventions in the right to self-determination and the deadlines for reporting to and informing the relevant authorities and custodial parents etc. about this are observed

- ensure that the reporting forms on use of physical force and other interventions in the right to self-determination contain a satisfactory description of the sequence of events in connection with the intervention, including – in case of use of physical force – a description of how the child or young person was specifically conducted or manually restrained, together with grounds for why the intervention was necessary

- ensure that the staff have sufficient knowledge of the rules in the Act on Adult Responsibility that apply particularly to, among others, the partly closed residential institutions and partly closed wards in residential institutions, and that the institutions' written guidelines on the subject are updated

- ensure that the choice of using detainment and manual restraint is made only if there is a decision and a more specific framework for this from the municipal council

- ensure that children and young people and custodial parents etc. – in connection with the placement of the child or young person – are informed about their rights in relation to use of force and other interventions in the right to self-determination, including about the right to complain. In this context, the Ombudsman recommends that institutions – that have not already drawn up written material – consider drawing up written material on rights in general and the right to complain which can be handed out when the child or young person arrives at the institution

- ensure that the staff have sufficient knowledge of the rules of the Act on Adult Responsibility on the use of door alarms in the partly closed residential institutions and the partly closed wards in residential institutions.

The Ombudsman recommends in relation to the in-house schools that the institutions

- ensure that all pupils are taught in all subjects and full hours and that exceptions from this are only made if a pupil – based on a specific and individual assessment – is exempted from classes in one or more subjects or has teaching time reduced according to the applicable rules.

The Ombudsman will discuss the follow-up on the general recommendations and a number of other observations from the monitoring visits with, respectively, the Ministry of Social Affairs and Housing and the Ministry of Children and Education. The Ombudsman will also follow up on the general recommendations during future monitoring visits.

Based on the monitoring visits, the Ombudsman has started several cases on his own initiative. These include an investigation of when the deadline for recording detainment is calculated from and an investigation of the institutions' practice for TV surveillance of communal areas, with the scope for TV surveillance in the institutions in the areas that are not covered by the rules of the Act on Adult Responsibility regarding TV surveillance of indoor communal areas. Furthermore, the Ombudsman has started an investigation of a municipality's practice in relation to making decisions on detainment and manual restraint of children and young people. The partly closed residential institutions and the partly closed wards will be informed of the results of this investigation. Find more about the investigations below under item 4.4, item 6.2 and item 9.2.

2.3. Background for choice of theme and focus areas

The Ombudsman's monitoring activities are especially directed at society's most vulnerable citizens, and the Ombudsman also prioritises visits to

institutions where the underlying rules provide a possibility for more extensive interventions.

The partly closed residential institutions and partly closed wards in residential institutions are aimed at children and young people with a negative and disruptive behaviour, substance abuse problems or criminal behaviour with a need for a longer course of treatment.

In the partly closed residential institutions and the partly closed wards in residential institutions, interventions can be carried out in the right to self-determination of the children and young people that go further than the interventions that are allowed in the open institutions. The more extensive interventions include right – following a decision by the municipal council – to detain the children and young people by locking outer doors and windows for a period of time and to manually restrain the children and young people. In addition, all indoor communal areas must be under TV surveillance, and there must be door alarms at the rooms of the children and young people.

On that basis, the Ombudsman considers children and young people in partly closed residential institutions and partly closed wards in residential institutions to be a vulnerable group whose rights can easily come under pressure.

With the theme of 2024, the Ombudsman wanted to gain better knowledge of the partly closed residential institutions and partly closed wards in residential institutions which have not previously been a theme for the Ombudsman's monitoring visits in the children's sector.

In this context, the Ombudsman wanted to investigate whether the institutions were familiar with, among others, the special rules of the Act on Adult Responsibility that apply to partly closed residential institutions and partly closed wards in residential institutions.

At the same time, the Ombudsman wanted to examine whether the children and young people attending in-house schools in the partly closed residential institutions and partly closed wards in residential institutions receive the schooling that they are entitled to according to legislation, just as the Ombudsman wanted to examine the children's and young people's access to healthcare.

2.4. How did the Ombudsman proceed?

2.4.1. Material and information in connection with the visits

Prior to the monitoring visits, the Ombudsman received information on a number of matters concerning the institutions together with concrete reports

of force and other interventions in the right to self-determination in order to shed light on, among others, the chosen focus areas.

Immediately prior to the monitoring visit, the Ombudsman informed the children and young people of the visit with a view to speaking with as many of the children and young people as possible. During the monitoring visits, the visiting teams had interviews with a total of 20 children and young people between 13 and 17 years of age.

In addition, the monitoring teams spoke with parents of the children and young people (31 parents in total). Furthermore, the visiting teams spoke with the institutions' staff, including in-house school teachers and those responsible for medicines, and the visiting teams gathered information about the institutions in connection with discussions with the institutions' management.

2.4.2. The legal basis for monitoring visits

The monitoring visits were carried out as part of the Ombudsman's general monitoring activities pursuant to the Parliamentary Ombudsman Act and as part of the Ombudsman's task of preventing that persons 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 to prevent degrading treatment etc. pursuant to OPCAT is carried out in cooperation with the Danish Institute for Human Rights and with DIGNITY – Danish Institute Against Torture.

The Danish Institute for Human Rights and DIGNITY contribute ¨to the cooperation with human rights and medical expertise. Among other things, this means that staff with expertise in these fields from the two institutes participate in the planning and execution of and follow-up on monitoring visits.

In addition, the Ombudsman has a special responsibility for protecting the rights of children pursuant to, among others, the UN Convention on the Rights of the Child (the Children's Convention).

A special advisor on children's issues from the Ombudsman Office participates in monitoring visits to institutions for children.

2.4.3. List of visits in 2024

On the Ombudsman's website, there is a summary of all monitoring visits in 2024, including the recommendations given to the individual institutions.
Monitoring visits to institutions etc. for children in 2024

3. Use of physical force

3.1. The rules

The best interests of the child shall be the primary concern in all actions concerning the child. So says the Children's Convention.

It follows from the Act on Adult Responsibility (Consolidation Act No. 1006 of 30 August 2024) that staff in partly closed residential institutions and partly closed wards in residential institutions are allowed to use physical force towards a child or young person when certain conditions are met.

However, physical force must only be used as an exception. And use of physical force must never take the place of care and socio-pedagogical measures. In addition, the force must always be in reasonable proportion to the aim. It must be carried out as gently and briefly as circumstances allow, and with the greatest possible regard for the personal integrity of the child or young person. This follows from the general principles for use of force etc. in the Act on Adult Responsibility.

USE OF PHYSICAL FORCE

Who and what
Staff can *manually restrain* or *conduct* a child or a young person to another room.

When
Physical force can be used when the child or the young person exhibits a behaviour, including persistent harassment, which *endangers the child or young person or others* in the institution. Physical force can also be used in partly closed residential institutions and partly closed wards in residential institutions when the child or young person *violate mandatory house rules* and use of force is necessary in order to put a stop to the violation.

Documentation and hearing
The institution must *record and report* use of physical force.

The child or young person must be *informed of the contents of the report* and be given the *opportunity to comment on the episode*.

Information
On arrival at the institution, the child or young person and custodial parents must *be informed of their rights with regard to use of force and other restrictions in the right to self-determination*, including be given information on right to complain.

The rules on use of physical force in the Act on Adult Responsibility apply to all children and young people who are placed in a partly closed residential institution or a partly closed ward in a residential institution.

The rules also apply to children and young people attending in-house schools under the partly closed residential institutions and the partly closed wards in residential institutions. However, this does not apply to the rules on use of physical force to stop a violation of house rules, as the in-house schools are not included in the rules of the Act on Adult Responsibility on mandatory house rules.

On 1 July 2024, an amendment of the Act on Adult Responsibility came into force.[1] According to the new rules, physical force can also be used to take away a child's or young person's euphoriants and in certain cases alcohol or when it is necessary to be able to temporarily confiscate a mobile phone and other electronic communications and gaming equipment.

The Ombudsman's review of the material and information from the institutions and feedback in connection with the monitoring visits is based on the rules that were in force at the time of the monitoring visits which all took place prior to the amendment of the Act.

3.2. Extent of the use of physical force

At the times of the visits, the partly closed residential institutions and partly closed wards in residential institutions were each approved for between three and 26 partly closed placements. Prior to the visits, the Ombudsman obtained information about, among other things, the number of physical force episodes in the period between 2021 and 2023. However, one of the institutions had not opened until November 2023 and had not had any physical force episodes in 2023.

It appears from the submitted information that the annual number of physical force episodes varied very much between the institutions. No immediate correlation was found between the size of the institution and the number of physical force episodes. The annual number of physical force episodes per institution varied in 2023 from three to 117 episodes, and, in addition, the number of physical force episodes varied in the individual institutions in the individual years, for instance between 20 and 53 episodes.

[1] The Act No. 680 of 11 June 2024 on amendment of the Social Services Act, the Act on Adult Responsibility for children and young people placed in care, and the Act on Legal Protection and Administration in Social Matters and the Act on Collection of Maintenance.

Two institutions in particular had experienced a relatively high increase in the number of physical force episodes in the period between 2021 and 2023. One of the institutions stated that many of the physical force episodes had been concentrated on one particular young person. The institution stated in addition that, since 2020, it had seen a development towards more serious self-harm and suicide risk.

The visits generally left the impression that staff at the visited institutions were committed and reflective in the work with the children and the young people. The institutions were focused on preventing and reducing the use of physical force and other interventions in the right to self-determination, and management was paying attention to this aspect. The institutions used, among other things, de-escalating behaviour, Low Arousal and subsequent review at staff meetings of specific physical force episodes with a view to future learning

3.3. Knowledge of the rules, etc.

Children and young people in a partly closed residential institution or partly closed ward in a residential institution must be treated with dignity, consideration and in accordance with their rights. It is therefore also important that the staff know the rules that apply to the use of physical force towards the children and young people.

Physical force must be carried out as gently and briefly as circumstances allow, and with the greatest possible regard for the integrity of the child or young person. This presupposes among other things that the staff know what restraining holds to use in connection with use of force.

Written guidelines on use of physical force can in this context provide support and help in the daily work.

During the monitoring visits, the visiting teams generally got the impression that the institutions were focused on ensuring the staff – for instance through training courses – were familiar with the rules of the Act on Adult Responsibility and that the staff knew about the conditions for use of physical force.

However, the Ombudsman did recommend one institution to ensure that staff and temporary staff have the necessary knowledge of the use of physical force, including of how physical force should be carried out in practice. It was also pointed out to another institution that the institutions must ensure that all staff have sufficient knowledge of how physical force is to be carried out in accordance with adult responsibility legislation.

The visits showed that the majority of the institutions had written guidelines or teaching material on the use of physical force and other interventions in the right to self-determination.

4. Detainment and manual restraint

4.1. The rules

A child or a young person in a partly closed residential institution or a partly closed ward in a residential institution can be detained by outer doors and windows being locked for periods of time when certain conditions are met.

Furthermore, a child or young person in a partly closed residential institution or a partly closed ward in a residential institution can be manually restrained on certain conditions regardless of whether the common criteria for the use of physical force have been met.

Detainment and manual restraint must be carried out in compliance with the general principles for use of force; cf. above under item 3.1.

DETAINMENT AND MANUAL RESTRAINT

Who and what

Detainment
The municipal council can make a decision that a child or young person can be detained in the institution for up to five consecutive days and for a maximum of 30 days in total over a year. The municipal council's decision on detainment and manual restraint (cf. below) is made as an overall decision for one year at a time.

The manager or the manager's deputy can – *within the scope of the municipal council's decision on detainment* – detain the child or young person.

Manual restraint
The municipal council can make a decision that a child or young person can be physically restrained, regardless of whether the conditions for using physical force are met.

The manager or the manager's deputy can – *within the framework of the municipal council's decision on manual restraint* – manually restrain the child or young person in a concrete situation.

When

Detainment
The municipal council can make the decision that detainment can take place when it is of crucial importance for the socio-pedagogical treatment that the child or young person does not run away from the institution and when there is a risk that the health or development of the child or young person will suffer serious harm in connection with running away.

Manual restraint
The municipal council can decide that manual restraint can take place when it is of crucial importance for the socio-pedagogical treatment and there is a risk that the health or development of the child or young person will suffer serious harm and if the child or young person has previously

1. run away from open institutions and it must be assumed that the child or young person will run away from the institution again
2. committed a crime and it must be assumed that the child or young person will commit new crimes
3. taken euphoriants and it must be assumed that the child or young person will be taking euphoriants
4. committed self-harm and it must be assumed that the child or young person will commit serious self-harm.

Documentation and hearing
The institution must *record and report* detainment and manual restraint.

The child or young person must be *informed of the contents of the report and be given the opportunity to comment on the episode*.

4.2. Extent of detainments and manual restraints

Prior to the monitoring visits, the Ombudsman obtained information about the number of detainments and manual restraints in the period between 2021 and 2023.

The number of detainments varied between the institutions. In 2023, two institutions, of which one had not opened until 2023, had not recorded detainments. The rest of the institutions had recorded between nine and 26 detainments in 2023.

In addition, the submitted information showed that the institutions only used manual restraint to a limited extent. Thus, only two institutions had recorded manual restraints in 2023 (three and seven manual restraints, respectively).

In one of the visited institutions, no manual restraints had been recorded in the period between 2021 and 2023, while another institution had only recorded one incidence of manual restraint in the period between 2021 and 2023.

4.3. Knowledge of the rules

During the visits, the visiting teams got the general impression that, in several of the institutions, there was limited knowledge of the rules on detainment and manual restraint, including in relation to the application of the rules.

As it appears under item 4.2 above, the submitted information showed that the institutions only used manual restraint to a limited extent. The visits left the impression that particularly the detailed conditions for using manual restraint gave rise to doubt in the institutions. This could in some instances result in the reports not containing an adequate description of or adequate grounds for the manual restraint; cf. item 6.3 below.

The Ombudsman recommended three institutions to ensure that all staff members are sufficiently familiar with the rules in the Act on Adult Responsibility which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions, including the conditions for detainment and manual restraint. The recommendation was given as a general recommendation on the necessary knowledge of the rules in the Act on Adult Responsibility that apply especially to these institutions, among others, including knowledge of the rules on mandatory house rules and the rules for enforcement of these; cf. item 8.3 below.

At the same time, the Ombudsman recommended three institutions to ensure that their internal guidelines or information material on detainment and manual restraint are in accordance with and describe the rules of the Act on Adult Responsibility on detainment and manual restraint.

Lastly, the Ombudsman recommended two institutions to update their internal guide on the Act on Adult Responsibility to also include the requirements of adult responsibility legislation which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions.

In the light of this, the Ombudsman generally recommends that it is ensured that the staff have sufficient knowledge of the rules in the Act on Adult Responsibility that apply particularly to, among others, the partly closed residential institutions and partly closed wards in residential institutions, and that the institutions' written guidelines on the subject, if any, are updated.

4.4. Municipal decisions on detainment and manual restraint

In connection with the monitoring visits, the Ombudsman obtained the most recent reporting forms on, among other things, detainment and manual restraint; cf. item 6 below. Furthermore, the Ombudsman asked the institutions to send him the municipal council's decisions which provided the grounds for the specific decisions to detain and manually restrain.

The visits revealed that in several instances where the institutions had detained or manually restrained a child or young person, there was no municipal council decision thereon which is a condition for detaining or manually restraining a child or young person in a partly closed residential institution or a partly closed ward in a residential institution.

The Ombudsman recommended four institutions to ensure that the choice of using detainment and manual restraint is made only if there is a decision and a more specific framework for this from the municipal council. In connection with one of the other monitoring visits, the visiting teams pointed this out to the institution's management.

In the light thereof, the Ombudsman generally recommends that it is ensured that the choice of using detainment and manual restraint is made only if there is a decision and a more specific framework for this from the municipal council.

The Ombudsman has stated an own-initiative investigation of a municipality regarding the municipality's practice in relation to making decisions on detaining and manually restraining children and young people in partly closed residential institutions and in partly closed wards in residential institutions. The investigation also includes the municipality's establishment of the framework for, respectively, detainment and manual restraint and the duration thereof.

5. Searches of persons and rooms

5.1. The rules

It follows from the Act on Adult Responsibility that in partly closed residential institutions and partly closed wards in residential institutions, it is allowed to search a child or young person or their room when certain conditions are met. Searches of persons and rooms must be carried out in compliance with the general principles for use of force; cf. above under item 3.1.

SEARCHES OF PERSONS AND ROOMS

When
Searches of persons and rooms can be carried out when there are *specific reasons to assume* that the child or young person is in possession of objects that and this possession means that considerations of order and security cannot be observed.

Who
Decisions to carry out searches of persons and rooms are *made by the manager or deputy manager*.

How
Before a search, a child or young person is as a general rule entitled to *be informed of the reason* for the search.

Search of person
The search can be carried out by *patting the clothes* and *looking into pockets and shoes*, and the child or young person can be required to take off outdoor clothes, headgear and shoes.

Search of room
On searches of the child's or young person's objects in the room, the child or young person must generally be offered to *witness the search* or immediately afterwards be offered *to go over the search and its result*.

If less intrusive, metal detectors, scanners or the like can be used in the searches.

Documentation and hearing
The institution must *record and report* searches of persons and rooms.

The child or young person must be *informed of the contents of the report* and be given the *opportunity to comment*.

Objects found during the search can be confiscated if it is deemed necessary for considerations of order and security. A list must be made if objects belonging to the child or young person are confiscated. The child or young person must be informed of the confiscation and must receive a copy of the list.

According to the new rules of the Act on Adult Responsibility, which came into force on 1 July 2024 (cf. item 3.1 above), searches of persons and rooms

are also allowed if the conditions are met for temporarily confiscating a mobile phone and other communications and gaming equipment or for taking away alcohol.

The Ombudsman's review of the material and information from the institutions and feedback in connection with the monitoring visits is based on the rules that were in force at the time of the monitoring visits which all took place prior to the amendment of the Act.

5.2. The extent of searches of persons and rooms

Prior to the visits, the Ombudsman obtained information about, among other things, the number of searches of persons and rooms in the period between 2021 and 2023.

The number of searches of persons and rooms in the institutions in 2023 varied from one search up to 42 searches. One of the institutions that had only recorded one search in 2023 had not opened until November 2023. In addition, the number of searches of persons and rooms varied in most institutions in the individual years, for instance between 14 and 33 searches of persons and rooms.

5.3. Knowledge of the rules

During the visits, the visiting teams got the general impression that staff in most of the institutions had adequate knowledge of the rules on searches of persons and rooms. There were, however, some uncertainty in a few institutions in relation to the full content of the rules on searches.

The majority of the institutions had internal guidelines on searches of persons and rooms.

The Ombudsman recommended one of the institutions to ensure that all staff members have the necessary knowledge of the rules about searches of persons and rooms. Furthermore, the Ombudsman recommended two institutions to ensure that, in connection with searches of persons or rooms, a list is drawn up of confiscated objects which belong to a child or a young person, and that a copy of the list is given to the child or young person.

As stated under item 3.1 above, the Act on Adult Responsibility was amended with effect from 1 July 2024. The wording of the provision on searches of persons and rooms was thereby amended from 'the manager (…) or the person authorised thereto' to 'the manager (…) or the manager's

deputy' [unofficial translation]. It appears from the explanatory notes[2] that 'the provision is made textually uniform with other provisions in the Act on Adult Responsibility'.

In connection with some monitoring visits, there was a discussion of the question of delegation of decision-making authority in connection with searches of persons and rooms. The Ombudsman will discuss the question at a future thematic meeting with the Ministry of Social Affairs and Housing.

6. The specific reports

6.1. The obtained material

The institutions must record and report use of physical force and other interventions in the right to self-determination in a specific reporting form. The reporting form is found in Appendix 1 a of the Executive Order on Adult Responsibility (Executive Order No. 263 of 15 March 2024 on Adult Responsibility for children and young people placed in care).

In connection with the monitoring visits, the Ombudsman received a total of 34 reporting forms on use of physical force, 32 reporting forms on detainment, 25 reporting forms on manual restraint and 31 reporting forms on searches of persons and rooms.

The review of the reports formed the basis for discussions between the visiting teams and the visited institutions during the monitoring visits.

6.2. Compliance with deadlines for recording and reporting use of physical force and other interventions in the right to self-determination

If physical force or other interventions in the right to self-determination have been used towards a child or young person, the placement institution's manager (or the manager's deputy) must, pursuant to the rules on adult responsibility, report the incident within 24 hours.

Then the manager (or the deputy manager) must without undue delay, meaning as quickly as possible within 24 hours after the incident was recorded, send a copy of the reporting form to the placing municipality and inform the custodial parents. At the end of the month, a copy of the reporting form must be sent to the regional social supervision authority, and any municipal or regional operator must be informed. If the intervention has taken

[2] Proposed Act No. L 188 of 30 April 2024 on amendment of the Social Services Act, the Act on Adult Responsibility for children and young people placed in care, the Act on Legal Protection and Administration in Social Matters and the Act on Collection of Maintenance, notes on Section 2(vi), p. 119 of the proposed Act.

place in an in-house school, it must also be reported to the municipality of location.

Overall, the visiting teams found during the monitoring visits that the deadlines for recording and reporting use of physical force and other interventions in the right to self-determination to a wide extent were not observed.

The review of the submitted reporting forms gave rise to a recommendation to three out of seven institutions to observe the deadlines for recording and reporting use of physical force and other interventions in the right to self-determination. One institution was recommended to ensure a continued focus on this, and one institution was reminded to observe the deadlines.

In addition, one of the same institutions was recommended to ensure that the custodial parents without undue delay are informed that force or other interventions in the right to self-determination have been used

On that background, the Ombudsman generally recommends to ensure that the deadline for recording use of physical force and other interventions in the right to self-determination and the deadlines for reporting to and informing the relevant authorities and custodial parents etc. about this are observed.

In connection with the monitoring visits, several institutions pointed to challenges with observing the deadlines for recording and reporting use of physical force and other interventions in the right to self-determination as a general problem. Several of the institutions had informed the Ministry of Social Affairs and Housing about this. The Ombudsman has passed on the institutions' feedback to the Ministry of Social Affairs and Housing.

On 19 March 2025, the Ministry of Social Affairs and Housing issued a draft for an amendment of the Executive Order on Adult Responsibility for children and young people placed in care by which the Ministry proposes a change in the deadline for recording use of force and other interventions in the right to self-determination from 24 hours to 72 hours. The proposed amendments are expected to come into force on 1 July 2025.

The visiting teams also discussed with several institutions whether the deadline for recording and reporting a detainment should be calculated from the implementation or from the cessation of the detainment. Some institutions calculated the deadline from the end time of the detention and had recorded reports of the detainment accordingly.

The Ombudsman has subsequently asked the Ministry of Social Affairs and Housing to decide when the deadline for recording detainment must be

calculated from. The Ministry has stated that it is the Ministry's assessment that recording of detainment in partly closed residential institutions must take place when the decision is implemented, and that this will be specified in an upcoming amendment of the Guidance Note on Adult Responsibility for children and young people placed in care.

6.3. Documentation for use of force and other interventions in the right to self-determination

A report must contain a description of events in connection with a use of force or another intervention in the right to self-determination, together with grounds for why the intervention was necessary.

A satisfactory description of the events in connection with a use of force or another intervention, including, among other things, a precise description of how the child or young person was conducted or manually restrained, is a prerequisite for assessing whether the use of force or the intervention was in compliance with the rules in the Act on Adult Responsibility.

Some reports on use of physical force did not contain a satisfactory description of the events or of how the child or young person had been conducted or manually restrained. Furthermore, it was difficult to see in the description in some of the reporting forms whether the situation met the conditions for use of physical force.

In some instances, the description of the background for carrying out a detainment was so limited that it was difficult to assess whether the conditions for the detention had been met. In a number of cases, the report also did not say whether it was a management decision.

Some reports on manual restraint lacked a description of how the young person had been manually restrained, and in some cases the descriptions reflected a lack of knowledge of the specific conditions in the provision on manual restraint; cf. item 4.3 above.

In some cases, the reports on searches of persons and rooms did not contain a satisfactory description of the events or grounds for why the search was necessary. It was for instance in some cases difficult to see whether the conditions for carrying out a search had been met.

The Ombudsman recommended three institutions to ensure that reports on use of physical force and other interventions in the right to self-determination contain an adequate description of and the grounds for the intervention. Furthermore, it was pointed out to one institution that reporting forms must be completed satisfactorily.

The Ombudsman generally recommends to ensure that reporting forms on use of physical force and other interventions in the right to self-determination contain a satisfactory description of the events in connection with the intervention, including – on use of physical force – a description of how the child or young person specifically was conducted or manually restrained, together with grounds for why the intervention was necessary.

Some of the reporting forms submitted to the Ombudsman contained several types of interventions in the same form. In an information note of 31 January 2023 published on the Danish Authority of Social Services and Housing's website, the Ministry of Social Affairs, Housing and Senior Citizens (now the Ministry of Social Affairs and Housing) states that there must only be one intervention per reporting form.

Some institutions were themselves aware of this and had on that background changed their practice to only registering one intervention per reporting form. It was recommended to one institution to only register one use of physical force or one other intervention in the right to self-determination per reporting form.

6.4. Inclusion of the child and young person

Children and young people who have been involved in a use of physical force or other interventions in the right to self-determination must be informed of the contents of the record that has been made about the episode. They must also be given the opportunity to comment on the episode. This follows from adult responsibility legislation.

The visits generally left the impression that – in continuation of both physical force episodes and other interventions in the right to self-determination – the institutions spoke with the children and the young people about the episode and about the contents of the record.

The review of the reporting forms also showed that in most cases the young people had had an opportunity to comment on the episode, but that some reports did not clearly state whether the child or young person had been informed of the record.

The Ombudsman did not give any recommendations on this subject.

7. Information about rights

In connection with a placement in a partly closed residential institution or a partly closed ward in a residential institution, the manager must inform the child or young person and the custodial parents about their rights in relation

to use of force and other interventions in the right to self-determination, including right to complain to the National Social Appeals Board and the municipal council, respectively. This follows from adult responsibility legislation.

The visits showed that some institutions had to a certain extent drawn up written material about the young people's and the custodial parents' rights in relation to use of force etc., which was in most cases handed out in connection with the young person's placement. However, the visits also showed that a few institutions did not in connection with the placement inform the young people and the custodial parents of their rights in relation to use of force etc.

The Ombudsman recommended three institutions to ensure that the young people and custodial parents in connection with the placement are informed of their rights in relation to use of force and other interventions in the right to self-determination, including the right to complain to the National Social Appeals Board and the municipal council, respectively. One of these institutions was in addition recommended to revise its information material for the young people and the custodial parents to contain clear guidance on rights in general and the right to complain. Another of these institutions was also recommended to update the written guidance on complaint for parents to bring it into accordance with the rules of the legislation on adult responsibility.

On that background, the Ombudsman generally recommends to ensure that children and young people and custodial parents etc. – in connection with the placement of the child or young person – are informed about their rights in relation to use of force and other interventions in the right to self-determination, including on the right to complain. In this context, the Ombudsman recommends institutions that have not already drawn up written material to consider drawing up written material on rights in general and the right to complain which can be handed out at the time of the placement.

8. House rules

8.1. The rules

The manager of a partly closed residential institution and a partly closed ward in a residential institution must lay down a written set of house rules that state the specific rules and guidelines for staying in the institution (a mandatory set of house rules). It appears from the Executive Order on Adult Responsibility what a mandatory set of house rules must contain.

Apart from the mandatory house rules, other rules can be laid down in the non-mandatory set of house rules. These non-mandatory house rules must

be driven by objective considerations and cannot go further than the consideration for the placement institution's purpose allows.

In an open residential institution with a partly closed ward, the requirement for a mandatory set of house rules only applies to the partly closed ward. For the children and young people in the open part of the institution, a non-mandatory set of house rules may also be laid down, stating the specific rules and guidelines for staying in the institution.

HOUSE RULES

Mandatory part
A mandatory set of house rules must as a minimum contain rules on:

1. Wake-up time between 06:00 and 09:00 on weekdays
2. Wake-up time between 08:00 and 11:00 on weekends
3. Bedtime between 21:00 and 23:00 on weekdays
4. Bedtime between 22:00 and 24:00 on weekends
5. Quiet in the rooms between bedtime and wake-up time; cf. No. 1-4
6. Mandatory participation in classes, treatment and other scheduled activities
7. Good behaviour in communal areas, meaning behaviour that does not cause inconvenience for the community or for the safety and security of the children and young people and a behaviour with absence of unacceptably strong language and where violent, offensive and noisy behaviour is unacceptable
8. Ban on consuming and possessing alcohol and euphoriant drugs
9. Ban on smoking with the exception of specified outdoor areas within the institution's grounds
10. Visits, including time, duration and good behaviour on the part of the visitors.

Wake-up times and bedtimes may be dispensed with during holiday periods.

In addition, the house rules must contain rules on limitations for the possession and use of mobile phones and other electronic communications equipment, including that the children and young people must generally hand over their mobile phones in connection with activities that require their full attention.

Information
The house rules must be *written down*. The children and young people *must be informed of the house rules.*

Appropriate reactions
In partly closed residential institutions and partly closed wards in residential institutions, staff can stipulate appropriate reactions to violations of the mandatory house rules. The reaction must have a pedagogical and educative purpose and must be laid down in accordance with, among other things, the general principles for use of force and other interventions in the right to self-determination. According to circumstances, appropriate reactions can be a warning, a ban on participating in certain activities for a time or taking away TV or games console for a time.

Use of physical force
Physical force can also be used in partly closed residential institutions and partly closed wards in residential institutions when the child or young person violates mandatory house rules and use of force is necessary in order to put a stop to the violation.

Reduction or loss of pocket money
On grosser or repeated violations of the mandatory house rules, the child or young person may get a reduction in or be deprived of pocket money for a limited period of time. A decision to do so must be made by the placing municipality.

8.2. Implementation of mandatory house rules etc.

In connection with the monitoring visits, the visiting teams focused on whether the institutions had included the mandatory house rules in their house rules and whether the non-mandatory house rules were driven by objective considerations.

In most instances, the institutions' house rules included the mandatory house rules. However, in some house rules there were a few shortcomings.

The Ombudsman recommended two institutions to revise their house rules so that it included all the mandatory house rules. Furthermore, the Ombudsman recommended to another institution that it revise the house rules so that it conforms with the rules in the legislation on adult responsibility.
The visiting teams generally got the impression that the institutions informed the children and young people of the house rules and that the house rules were also in most cases handed out to the children and young people on arrival or were displayed in the institutions.

The impression was that there was a focus on using dialogue with the child or young person in connection with violations of the mandatory house rules instead of using physical force or appropriate reactions.

Additionally, the possibility of asking the municipality to make a decision to take away or reduce pocket money seems to have been used only to a very limited extent. One institution stated that it had in a few instances reported violations of the mandatory house rules to the placing municipality, but the experience was that the municipality very seldom made a decision to take away pocket money.

8.3. Knowledge of the mandatory house rules

In several institutions, the staff did not know which house rules are mandatory for children and young people in a partly closed placement.

Furthermore, in one institution the staff were not familiar with what could be an appropriate reaction for violation of the mandatory house rules. In another institution, there was a lack of sufficient knowledge that it is only a violation of the mandatory house rules – as opposed to any other house rules – that, if necessary, can lead to use of physical force in order to put a stop to the violation. See also under item 3 about the conditions for use of physical force.

On that background, the Ombudsman recommended three institutions to ensure that all staff members are sufficiently familiar with the rules in the Act on Adult Responsibility which apply especially to, among others, partly closed residential institutions and partly closed wards in residential institutions.

Furthermore, the Ombudsman recommended one institution to ensure that all permanent and temporary staff know that it is only violations of the mandatory house rules that, if necessary, can be stopped by means of physical force. At the same time, the institution was recommended to update the internal guidelines on Act on Adult Responsibility so that it is clear that it is only violations of the mandatory house rules that can lead to use of physical force.

As appears above under item 4.3, the Ombudsman generally recommends that it is ensured that the staff have sufficient knowledge of the rules in the Act on Adult Responsibility that apply particularly to the partly closed residential institutions and the partly closed wards in residential institutions, and that the institutions' written guidelines on the subject, if any, are updated.

9. TV surveillance

9.1. The rules

It follows from the Act on Adult Responsibility that indoor communal areas in partly closed residential institutions and partly closed wards in residential institutions must be under TV surveillance. The TV surveillance must take place round the clock.

9.2. Use of TV surveillance

The visits showed that not all communal areas used by children and young people in a partly closed placement are under TV surveillance.

In one of the institutions that was only approved for partly closed placements, TV surveillance was not installed in all of the institution's indoor communal areas. The Ombudsman therefore recommend the institution to ensure that indoor communal areas are under TV surveillance in accordance with the applicable rules of adult responsibility legislation.

Several of the institutions were approved for both partly closed placements and open placements. In two of these institutions, young people in a partly closed placement and young people in an open placement used the same communal areas that were not covered by TV surveillance. Only the communal areas where the young people in a partly closed placement were being detained were under TV surveillance.

In one of the other institutions approved for both partly closed and open placements, the young people in a partly closed placement were staying in separate buildings. The communal areas in the institution's partly closed wards were under TV surveillance. However, the institutions also had communal areas which were used by both young people in a partly closed placement and young people in an open placement. These communal areas were not under TV surveillance.

The Ombudsman has started an own-initiative investigation about the institutions' practice for TV surveillance of communal areas that are not only used by children and young people in a partly closed placement. Furthermore, the Ombudsman has included questions about the scope of TV surveillance in the institutions in areas that are not covered by the rules in the legislation on adult responsibility about TV surveillance of indoor communal areas.

10. Door alarms

10.1. The rules

In partly closed residential institutions and partly closed wards in residential institutions, door alarms must be installed at the entrance to rooms of the children and young people. Door alarms must be used in compliance with the general principles for use of force; cf. item 3.1 above.

DOOR ALARMS

How
Door alarms must be placed at the entrance to the rooms of the children and young people in the institution. The alarms must be able to register if anyone goes in or out of the doors of the rooms but not who it is. Staff will be alerted when the door to a room is opened.

Who
A decision to use door alarms – meaning whether to switch on/activate the installed door alarms – is made by *the manager or the deputy manager*.

When
Door alarms must be used when it is *necessary in order to ensure the observance of regulations or due to security considerations*.

In addition, door alarms must always be used in certain specified situations, among others when it is necessary for the sake of the child's or young person's own safety or when there have been physical conflicts between the children and young people, which make continued presence in communal areas unsafe.

Documentation
There is *no duty to record and report* the use of door alarms.

10.2. Use of door alarms
In one of the institutions approved for both open and partly closed placements, door alarms were only installed in the partly closed wards where young people could be detained. There were no door alarms in the rooms where the young people were living when they were not detained.

The Ombudsman therefore recommended the institution to install door alarms at the entrance to the rooms of young people in a partly closed placement.

Two institutions had a practice whereby door alarms were active in all rooms throughout the night. The door alarms were used without a current and concrete assessment of the grounds for doing so, as the institutions referred to their general experiences, for instance of how quickly the young people could come into conflict with each other. In a third institution, the door alarms were active round the clock, even though the purpose of activating the door alarms had been to avoid night wandering.

The Ombudsman therefore recommend the institution to ensure that door alarms be used in accordance with the relevant rules of the adult responsibility legislation. One of the institutions was also recommended to ensure that a decision to switch on a door alarm is always made by the manager or the deputy manager.

The Ombudsman generally recommends that it is ensured that staff are sufficiently familiar with the rules in the legislation on adult responsibility on the use of door alarms.

11. Stricter supervision

The monitoring visits showed that in some instances and based on a concrete assessment, a number of the institutions kept quite a close eye on the children and young people.

One institution stated that the young people's risk profile was revised several times round the clock and formed the basis of the decision as to how much supervision and adult contact were currently needed for the individual young person. According to the institution, it could be necessary – for instance due to a risk of serious self-harm – that there was an adult stationed outside the young person's room or that there were restrictions in the young person's being allowed to leave the institution on his or her own. In other institutions, a young person would be monitored more closely if there were concrete reasons to assume that the individual was at special risk of running away or in need of euphoriants or liable to do self-harm. This could be by stationing a hallway guard at night, activating the door alarm system at the young person's room or by deciding that the young person could only participate in activities outside the institution if accompanied by an adult. It could also mean that an adult would follow after a young person leaving the institution in order to motivate the young person to come back.

The adult responsibility legislation does not contain a more detailed scope for how much supervision of or how close the adult contact with a child or a young person can be in for instance a partly closed residential institution or a partly closed ward in a residential institution. However, it follows from the legislation that it is the staff's responsibility to attend to the daily care for the children and young people, and this must be based on what is considered good and responsible parental care with a view to ensuring the best interests of the child or young person, including that the emotional and healthcare needs are taken into consideration. The possible intensity will depend on the necessary and current protection and educational considerations taken together with the other rights of the child or young person.

Considering that the practice described may, according to circumstances, have a character that – at least to a certain extent – must be presumed to restrict the children's and young people's right of freedom during the placement, the Ombudsman will discuss with the Ministry of Social Affairs and Housing at a coming thematic meeting whether such a practice is possible according to the Act on Adult Responsibility and whether it should be regulated in the Act so that the criteria for this are clear and uniform and so that a decision on this should be reported and be subject to the right to complain.

12. Schooling in in-house schools

12.1. The rules

A child has a right to education. This follows from the UN Convention on the Rights of the Child, among other things. The rules o primary and lower secondary school education are laid down in the Danish Folkeskole Act (Act on the Danish Municipal Primary and Lower Secondary School) with related executive orders and guidelines. Among other things, an executive order has been issued on special education and other special pedagogical assistance and quality agreements etc. in treatment and special education programmes and in children's and young people's homes.

Children and young people attending an in-house school have the same right to education as children and young people attending a Folkeskole (a Danish primary and lower secondary state or municipal school). This means that they must be taught the Folkeskole's full range of subjects and the number of hours laid down in the Folkeskole Act, unless they are exempted from lessons in one or more subjects or have their class hours reduced in accordance with applicable rules. In addition, the general rules on tests and examinations and on any exemption from them apply.

12.2. Quality agreement

On 1 January 2024, new rules came into force on the framework for special education in in-house schools in institutions for children and young people placed in care.[3] The new rules contain an interim provision according to which the previous rules continued to apply up to and including 30 June 2024 for institutions for children and young people that prior to 1 January 2024 had entered into an agreement with the municipality of location until the institution for children and young people on 30 June 2024 at the latest had entered into a quality agreement. This was conditional on the institution for children and

[3] Act No. 1544 of 12 December 2023 on amendment of the Folkeskole Act, the Child's Act, Act on Social Supervision and various other acts.

young people having submitted an application for a quality agreement before 1 April 2024.

The Ombudsman's monitoring visits to the three institutions that had an in-house school were all carried out before 30 June 2024. It was therefore the previous rules that applied at the time of the visits.

At the time of the visits, there were only drafts for quality agreements between the in-house schools and the relevant municipality of location The Ombudsman has subsequently been informed that all three institutions have entered into a quality agreement with the municipalities of location, and the in-house schools are therefore covered by the new rules in the field.

12.3. Teaching all subjects and full hours

In one of the institutions, it was doubtful if the institution was teaching all subjects and if all pupils got the required number of hours according to the Folkeskole Act. This had also been a focus point at a monitoring visit in 2021, and the Ombudsman therefore recommended the institution to continue to ensure that the rules on teaching all subjects and full hours be observed.

With regard to the two other institutions, there was information that the institutions offer teaching in all subjects and that full hours are taught.

12.4. Exemption from subjects and exemption from tests and examinations

The visits showed that the three institutions with an in-house school generally did not observe the rules on exemption from lessons in subjects and exemption from tests and examinations.

According to the new rules on in-house schools (cf. item 12.2), the power to decide on exemption from lessons in subjects and exemption from tests has been transferred to a principal from another of the municipalities' schools, appointed by the municipal council. The power to decide on exemption from mandatory tests can also be transferred to a school principal in the municipality of location if this is specified in the quality agreement.

On that basis, no recommendations were given concerning exemptions, but the Ombudsman pointed out to two institutions that management – in cooperation with the municipality of location – must ensure that the rules on exemption from lessons in subjects must be observed. Similarly, the Ombudsman pointed out to all three institutions that management – in cooperation with the municipality of location – must ensure that the rules on exemption from tests are observed. Two of the institutions were made aware of the same thing with regard to exemption from tests.

In a meeting with the Ministry of Children and Education, the Ombudsman will discuss the role and responsibility of the in-house school principal in relation to the rules on exemption from lessons in subjects and exemption from tests and examinations after the decision-making power has been transferred to a school principal in the municipality of location.

In one institution, management stated that the Pedagogical Psychological Counselling Services (PPR) was generally not included in connection with the concrete decisions on exemption from subjects, as the young people most often were well-described when they arrived at the institution. So for most of the young people, there was already an updated pedagogical-psychological assessment (PPV) which took the question of schooling into account.

In a coming meeting with the Ministry of Children and Education, the Ombudsman will also discuss the possibility of exemption from subjects on the basis of a PPV that is updated but is not obtained by the institution.

12.5 Summary

The Ombudsman generally recommends that in relation to the in-house schools it is ensured that all pupils are taught all subjects and full hours and that exceptions from this are only made if a pupil – based on a specific and individual assessment – is exempted from classes in one or more subjects or has teaching time reduced according to the applicable rules.

13. Health

13.1. In general

A child has the right to the enjoyment of the highest attainable standard of health and access to treatment of illness and rehabilitation of health. This follows from the UN Convention on the Rights of the Child.

The visits generally left the impression that the institutions were focused to a relevant extent on the children's and young people's healthcare and their access to healthcare services.

Several institutions stated that they are cooperating with local medical practices and doctors and that, in connection with the placement, the young people often transfer to one of these, and that the institutions had entered or had plans to enter into a cooperation agreement with the regional child and adolescent psychiatric services.

13.2. Substance abuse

The partly closed residential institutions or partly closed wards in residential institutions may receive children and young people who have ingested drugs

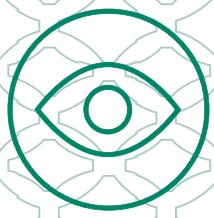
or have an actual substance abuse and who are therefore at risk of having withdrawal symptoms during the placement.

The Ombudsman recommended two institutions to ensure that staff have sufficient knowledge of observation and treatment of children and young people who have or are at risk of developing withdrawal symptoms or are under the influence of alcohol or drugs, for instance by drawing up written guidelines thereon. Another institution was recommended to ensure that all staff have the necessary knowledge of the institution's instructions on observation of children and young people with withdrawal symptoms.

Sincerely,



Christian Britten Lundblad



Part Four

Appendix

General information about the Danish Parliamentary Ombudsman and about monitoring visits under the OPCAT mandate

1 General information about the Danish Parliamentary Ombudsman

The task of the Parliamentary Ombudsman

The Danish Parliamentary Ombudsman was established in 1955 following a constitutional amendment in 1953. The general background to introducing a Parliamentary Ombudsman was a wish to improve the protection of citizens' legal rights vis-à-vis public authorities.

The primary task of the Parliamentary Ombudsman is to help ensure that administrative authorities act in accordance with the law and good administrative practice, thus protecting citizens' rights vis-à-vis the authorities. An additional function of the Ombudsman is to support and promote good administrative culture within the public administration.

The Parliamentary Ombudsman is not the National Human Rights Institution of Denmark. The Danish Institute for Human Rights carries out this mandate.

Relationship to Parliament and jurisdiction

The Parliamentary Ombudsman is governed by the Ombudsman Act.

The Parliamentary Ombudsman is organisationally linked to the Danish Parliament. After each general election and whenever a vacancy occurs, Parliament elects an Ombudsman. Further, Parliament may dismiss the Ombudsman if the person holding the office no longer enjoys its confidence. However, the Ombudsman Act stipulates that the Ombudsman is independent of Parliament in the discharge of his functions.

Under the Ombudsman Act, the jurisdiction of the Parliamentary Ombudsman extends to all parts of the public administration: the state, the regions, the municipalities and other public bodies.

Parliament – including its committees, the individual members of Parliament, the Administration of Parliament and other institutions under Parliament – is outside the Ombudsman's jurisdiction. Thus, the Ombudsman is generally precluded from considering complaints regarding the isolated effects of a statutory provision or its compliance with the Constitution and international law. However, if any deficiencies in existing statutes or administrative regulations come to the Ombudsman's attention in specific cases, the Ombudsman must notify Parliament and the responsible minister. Further, the Ombudsman Act states that the Ombudsman must monitor that existing statutes and administrative regulations are consistent with, in particular, Denmark's international obligations to ensure the rights of children, including the UN Convention on the Rights of the Child.

Courts of justice are outside the Ombudsman's jurisdiction, and the same applies to court-like bodies and tribunals that make decisions on disputes between private parties. With a few exceptions, the Ombudsman cannot consider complaints about private establishments either.

The Danish Parliamentary Ombudsman is located in Copenhagen and has no branch offices. The Faroe Islands and Greenland both have their own ombudsman, with jurisdiction in

relation to issues falling under the remit of the home rule administration in the case of the Faroe Islands and the self-government administration in Greenland's case. Issues relating to the Faroe Islands and Greenland which fall under the remit of central administrative authorities of the Realm of Denmark are within the jurisdiction of the Danish Parliamentary Ombudsman.

Working methods

The Ombudsman investigates complaints, opens investigations on his own initiative and carries out monitoring visits. Investigating complaints from citizens is a core function of the Ombudsman.

Complaint cases

In principle, anybody can complain to the Ombudsman, also if they are not a party to a case. Complaining to the Ombudsman is free. A complainant cannot be anonymous.

The Ombudsman considers complaints about all parts of the public administration and in a limited number of situations also about private institutions, an example being complaints about conditions for children in private institutions.

The Ombudsman does not consider complaints about courts, nor about court-like bodies or tribunals which make decisions on disputes between private parties.

The Ombudsman's task is to ensure that the authorities have observed the applicable rules. For this reason, the Ombudsman cannot consider cases before the authorities; he can consider a complaint only if the case has been considered by the relevant authority – and by any appeals bodies.

There is a deadline of one year for complaints to the Ombudsman.

When the Ombudsman receives a complaint, he first determines whether it offers sufficient cause for investigation. In some cases, the Ombudsman is unable under the Ombudsman Act to consider a complaint – for instance if the one-year deadline for complaints has been exceeded or if the case has not been considered by the relevant appeals body. In other cases, the Ombudsman chooses not to open an investigation, for instance because he would not be able to help the citizen achieve a better outcome.

In a large proportion of complaint cases, the Ombudsman helps the citizen by providing guidance or by forwarding the complaint to the relevant authority, for instance in order that the authority will be able to consider the complaint or give the citizen more details of the grounds for a decision which it has made.

In a number of cases, the Ombudsman discontinues his investigation because the authority chooses to reopen the case, for instance after being asked for a statement on the matter by the Ombudsman.

In some complaint cases, the Ombudsman carries out a full investigation, in which, among other things, he asks the authority to send him a statement on the matter. The investigation may result in the Ombudsman criticising the authority and recommending that it make a new decision.

Own-initiative investigations

As mentioned above, investigating complaints from citizens is a core function of the Ombudsman. However, opening investigations on his own initiative is also a high priority for the Ombudsman.

The Ombudsman may open the following types of investigation on his own initiative:

- investigations of specific cases
- general investigations of an authority's processing of cases

An example of a topic for a general investigation could be whether an authority's interpretation and application of specific statutory provisions or its practice in a specific area is correct.

Objectives of own-initiative investigations
One of the main objectives of also giving high priority to own-initiative investigations is to identify recurring errors made by authorities. Investigations of this type can have a great impact on authorities' case processing, thus helping a large number of citizens at once.

In an own-initiative investigation, the focus is not only on errors that the authority may already have made – but also on preventing errors being made in the first place.

In addition, the Ombudsman opens investigations on his own initiative of specific cases of a more one-off nature if he finds cause to look further into a case.

Backgrounds to opening own-initiative investigations
In practice, the Ombudsman mainly opens own-initiative investigations of themes and within areas with one or more of the following characteristics:

- There is an aspect of fundamental public importance.
- Serious or significant errors may have been made.
- They concern matters which raise special issues in relation to citizens' legal rights or which are otherwise of great significance to citizens.

Specific complaint cases or monitoring visits may give rise to suspicion of recurring errors etc. and be the launch pad for an own-initiative investigation. When the Ombudsman is investigating a specific case, his focus is therefore, among other things, on problems which characterise not only that particular case.

Media coverage of a case may also cause the Ombudsman to open an investigation on his own initiative. The Ombudsman monitors both local and national media.

Further, external parties – such as professional committees for practising lawyers or accountants or interest groups – can be useful sources of knowledge about recurring errors etc. on the part of authorities.

In addition, the Ombudsman chooses some general themes each year for the institution's monitoring activities in relation to adults and children and for its Taxation Division.

What characterises the Ombudsman's work on own-initiative investigations?
The Ombudsman's own-initiative investigations comprise a variety of activities with the common denominator that they are not centred on a complaint in a specific case as the focus is usually expanded beyond specific problems to a more general level, with emphasis on any general and recurring errors or problems.

Further, own-initiative investigations typically have a more forward-looking focus, centring on how the authorities involved can handle and rectify errors and problems.

In some own-initiative investigations, the Ombudsman reviews a number of specific cases from an authority.

In others, the Ombudsman asks an authority for a statement about, for instance, its administration, its interpretation of the law, its practice or its processing times within a specific area.

The Ombudsman is working on an ongoing basis on a variety of own-initiative investigations where he considers, based on, for instance, specific complaint cases, legislative changes or media coverage, whether there is a basis for further investigation of a matter. Thus, the Ombudsman decides on an ongoing basis which issues or areas give cause for investigation and how to prioritise them.

In some cases, the Ombudsman's own investigation leads to the assessment that there is no cause to contact the authorities involved, and the case can be closed without a full Ombudsman investigation. The Ombudsman may also decide to close a case without a full investigation after contacting the authorities.

Monitoring visits

The Ombudsman carries out monitoring visits to places where there is a special need to ensure that citizens are treated with dignity and consideration and in accordance with their rights by the authorities – for instance because the citizens are deprived of their liberty or otherwise in a vulnerable position.

Monitoring visits are made to a number of public and private institutions etc., such as

- Prison and Probation Service institutions
- departments of psychiatry
- social residential facilities
- residential institutions for children and young people

In addition, the Ombudsman monitors

- forced deportations of foreign nationals
- forced deportations arranged by other EU member states at the request of the European Border and Coast Guard Agency, Frontex

Finally, the Ombudsman monitors the physical accessibility of public buildings, such as educational establishments or health institutions, to persons with disabilities.

The Ombudsman's monitoring obligations follow from the Ombudsman Act and from the rules governing the special responsibilities which the Ombudsman has been assigned:

- The Ombudsman carries out monitoring visits in accordance with Section 18 of the Ombudsman Act, especially to institutions where people are deprived of their liberty.
- The Ombudsman has been designated 'National Preventive Mechanism' (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The task is carried out in collaboration with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights (IMR), which contribute with medical and human rights expertise.
- The Ombudsman has a special responsibility to protect the rights of children under the UN Convention on the Rights of the Child etc.
- The Ombudsman has been appointed to monitor forced deportations of foreign nationals.
- The Ombudsman monitors developments regarding equal treatment of persons with disabilities at the request of Parliament.

Monitoring visits to institutions etc. are physical visits by a visiting team, who speak with users, staff and the management and look at the physical environment.

The monitoring of a forced deportation involves a member of the Ombudsman's staff being present during the whole or part of the deportation. In addition, the Ombudsman's monitoring of forced deportations includes a review of the case files of a number of the deportation cases concluded during the preceding year.

Monitoring visits are carried out by Ombudsman staff, in many cases with participation of external collaborative partners or consultants. Depending on the type of monitoring visit, the Ombudsman collaborates with

- medical doctors from DIGNITY – Danish Institute Against Torture
- human rights experts from the Danish Institute for Human Rights
- Two accessibility consultants, who both have a disability

During monitoring visits, the Ombudsman often makes recommendations to the institutions. Recommendations are typically aimed at improving conditions for users of the institutions and in this connection also at bringing conditions into line with the rules. Recommendations may also be aimed at preventing, for instance, degrading treatment.

In addition, monitoring visits may cause the Ombudsman to open own-initiative investigations of general problems.

Powers

Tools of investigation

Under the Ombudsman Act, the Ombudsman has a set of tools at his disposal when carrying out investigations. Firstly, authorities etc. within the Ombudsman's jurisdiction are required to furnish the Ombudsman with such information and to produce such documents etc. as he may demand. Secondly, the Ombudsman may demand written statements from authorities etc. within his jurisdiction. Thirdly, the Ombudsman may inspect authorities etc. within his jurisdiction and must be given access to all their premises.

Assessment and reaction

The Ombudsman's assessment of a case is a legal assessment. In connection with monitoring activities, however, the Ombudsman may also include universal human and humanitarian considerations in his assessment. The Ombudsman only considers the legal aspects of cases and not matters which require other specialist knowledge, such as medical matters. Further, the object of the Ombudsman's investigations is the acts or omissions of public authorities, not the acts or omissions of individual public servants.

Under the Ombudsman Act, the Ombudsman may express criticism, make recommendations and otherwise state his views of a case, typically by criticising a decision or recommending that the authority change or review its decision. The authorities are not legally obliged to comply with the Ombudsman's recommendations, but in practice, they follow his recommendations.

The Ombudsman may recommend that a complainant be granted free legal aid in connection with any matter within his jurisdiction.

If the Ombudsman's investigation of a case reveals that the public administration must be presumed to have committed errors or dereliction of major importance, he must notify Parliament's Legal Affairs Committee and the relevant minister or municipal or regional council.

Organisation

Under the Ombudsman Act, the Ombudsman engages and dismisses his own staff. The Ombudsman employed 130 people as at 31 December 2024, about 60 per cent of them law graduates.

The management of the institution consists of the Ombudsman, the Director General, the Deputy Director General and the Administrative Director. A management secretariat and an international section support the management.

The Ombudsman's office has two departments, a legal department and an administrative department, which are further divided into a number of divisions and units, respectively.

The Ombudsman's annual budget is approximately EUR 15 million.

2 General information about monitoring visits under the OPCAT mandate

In 2009, the Danish Parliament passed an amendment to the Ombudsman Act enabling the Ombudsman to act as National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In the same year, the Ombudsman started carrying out the functions of the NPM.

Is the NPM independent?

The functions of the NPM are carried out as an integral part of the Ombudsman's work. The Ombudsman is independent of the executive power and is appointed by the Danish Parliament. The Ombudsman is independent of Parliament in the discharge of his functions.

Does the NPM have the necessary professional expertise?

The members of the Ombudsman's staff primarily have legal expertise. However, the Ombudsman's psychologist and special advisor on children's issues participates in monitoring visits to institutions etc. for children. The Danish Institute for Human Rights contributes with human rights expertise, and DIGNITY – Danish Institute Against Torture contributes with medical expertise.

Does the NPM have the necessary financial resources?

The costs of exercising the functions of the NPM are financed via the overall appropriation for the Ombudsman.

Are monitoring visits carried out on a regular basis?

Approximately 30 monitoring visits to institutions for adults and 10 to 12 visits to institutions etc. for children are carried out per year.

What types of institutions are monitored?

The Ombudsman monitors, among others, the following types of institutions where adults may be deprived of their liberty:

State prisons are run by the Prison and Probation Service and receive convicted persons who are to serve a sentence. State prisons may be closed or open. Closed prisons are characterised by a high degree of security and control, whereas inmates in open prisons may be able to work or take part in training or education outside the prison. However, there are also clear limits to inmates' freedom of action in open prisons.

Local prisons are run by the Prison and Probation Service and receive arrestees, remand prisoners and in certain cases convicted persons

who are to serve a sentence. Local prisons are characterised by a high degree of security and control.

Halfway houses are run by the Prison and Probation Service and are used especially for the rehabilitation of convicted persons who are serving the last part of their sentence. Compared to prisons, halfway houses may have a high degree of freedom.

Immigration detention centres are run by the Prison and Probation Service and receive foreign nationals who are to be detained, as a general rule not for a criminal offence but for reasons relating to the Aliens Act.

Departure centres are run by the Prison and Probation Service and receive rejected asylum seekers, persons sentenced to deportation and persons with tolerated residence status. The residents are not under detention and are therefore free to come and go. As a general rule, however, they are required to reside at the centre, including to spend the nights there.

Asylum centres are run by municipalities and the Danish Red Cross and comprise, among others, reception centres, where asylum seekers stay the first weeks after arrival, and residential centres, where they stay while the authorities are considering their application for asylum.

Police detention facilities are used to detain persons who are unable to take care of themselves, for instance due to intoxication.

Police holding cells are used for detentions of very short duration without overnight stays.

Departments of psychiatry are run by the regions and receive psychiatric patients. Departments may be open (with unlocked outer doors), closed (with locked outer doors) or integrated (with outer doors or doors to certain sections being locked according to patients' needs). There are also departments of forensic psychiatry, which receive, among others, patients sentenced to placement or treatment in a department of psychiatry.

Social residential facilities are run by regions, municipalities or private parties and receive persons with impaired cognitive or physical function. In addition, they receive persons sentenced to placement in a social residential facility. Outer doors are unlocked, except in secure wards.

Care homes are run by municipalities or private parties and receive persons with an extensive need for personal care, healthcare and extra support in their daily lives.

The Ombudsman monitors, among others, the following types of institutions etc. where children and young people may be placed:

Open residential institutions are run by municipalities or regions and receive children and young people belonging to the target group for which the institution has been approved. The target group may be defined in terms of age but may also be defined in terms of needs, diagnoses or disabilities.

Partly closed residential institutions and partly closed wards in residential institutions are run by municipalities or regions and receive children and young people with criminal behaviour, substance abuse or other behavioural problems. In these institutions and wards, residents may be detained by periodic locking of windows and outer doors.

Secure residential institutions and high secure wards in residential institutions are run by municipalities or regions and receive children and young people in order to prevent them harming themselves or others or for observation or treatment. These institutions and wards may also receive, among others, young people to be remanded in non-prison custody during investigation of their case or convicted young people who are to serve a sentence. Windows and outer doors may be constantly locked, and placements of short duration in a seclusion room are permitted.

Accommodation facilities are run by private parties, such as foundations or enterprises, and receive children and young people belonging to the target group for which the facility has been approved.

Foster families are either general, reinforced, specialised or network foster families. A foster family may foster children and young people belonging to the target group for which it has been approved. Reinforced foster families may foster children and young people with moderate to high support needs, whereas specialised foster families may foster children and young people with high support needs.

Inpatient units of departments of child and adolescent psychiatry are run by the regions and receive children and young people for examination or treatment of psychiatric disorders.

Asylum centres for unaccompanied underage asylum seekers are run by municipalities and the Danish Red Cross and are residential centres where unaccompanied underage asylum seekers stay while the authorities are considering their application for asylum.

How are monitoring visits carried out?

A monitoring visit is a physical visit. Before or following the visit, the Ombudsman will ask for various information, for instance reports of incidents involving use of force, records of statements taken prior to the sanction of placement in a disciplinary cell being imposed, or information from parents or other relatives. During the visit, the Ombudsman's visiting team will speak with users, staff and the management.

The Ombudsman has designated the following general focus areas for his monitoring visits:

- use of force or coercion and other interventions and restrictions
- relations
- occupation, education and leisure time
- healthcare-related conditions
- safety for the users
- sector transfers

The prioritisation of the individual focus areas depends on the institutions etc. visited. During specific monitoring visits, the Ombudsman may also focus on other issues, for instance buildings in a poor state of repair.

In most cases, recommendations are made to the management of the institution already during the monitoring visit.

Following the visit, the visiting team will prepare a memorandum of the visit, and the Ombudsman will subsequently send a concluding letter to the institution and the responsible authorities with his recommendations.

DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights normally take part in preparing, carrying out and following up on monitoring visits.

Each year, the Ombudsman chooses, together with DIGNITY – Danish Institute Against Torture and the Danish Institute for Human Rights, one or more themes for the year's monitoring visits to institutions etc. for adults and children, respectively. A large proportion of the monitoring visits carried out during the year are to institutions etc. where one of the themes is relevant. A theme could be, for instance, disciplinary cells or younger children placed in social care.

After the year's monitoring visits have been carried out, the Ombudsman prepares a separate report on the year's work in relation to each of the themes for the Ombudsman's monitoring visits to institutions etc. for adults and children. The reports summarise and present the most important results in relation to the themes. Results may be general recommendations to the responsible authorities, for instance a recommendation to see that institutions draw up policies on prevention of violence and threats among residents. The reports are also used as a starting point for discussions with key authorities about general problems.

Monitoring visits may cause the Ombudsman to open cases on his own initiative, with, among others, the authorities which have the remit for the relevant areas. This may be the case, for instance, with general problems which affect not only the specific institution visited. An example of such a case opened on the Ombudsman's own initiative was an investigation of whether it was permitted to initiate various types of interventions in relation to psychiatric patients without statutory authority.

Does the Ombudsman submit proposals and observations regarding existing legislation or drafts for legislation?

The Ombudsman monitors that the authorities observe the conventions within the framework of Danish legislation.

The more politico-legal and advisory tasks in relation to the legislature are carried out by other bodies, such as the Ombudsman's collaborative partners in the discharge of his functions as NPM (i.e. the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture). According to an established practice, the Ombudsman does not submit consultation responses on bills, with the exception of bills affecting matters which relate to the Ombudsman's office itself.

The Ombudsman may notify the responsible minister and Parliament if a statute or the state of the law in a specific area is not consistent with Denmark's international obligations and a legislative change may therefore be required.