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Kontor: Straffulbyrdelseskontoret
Sagsbeh: Clara Folmer Middelboe
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Input regarding current issues and good practices in prison management

(i) Measures to reduce overcrowding.

In order to reduce overcrowding in Danish Prisons, many initiatives have been initiated. This includes *inter alia* capacity expansions through expansions of already established prisons and detention centers as well as the establishment of a new prison. Other initiatives include an increased use of alternative forms of punishment, among these use of monitoring anklets and halfway-houses.

(ii) Designing daily life in prisons to be focused on meaningful and productive activities, rehabilitation and reintegration, and achieving good physical and psychological health.

The Danish Prison and Probation Services has several initiatives focused on designing a daily life in prisons that is constructive and rewarding for the inmates.

Some examples of good practices related to meaningful and productive activities, rehabilitation and reintegration are:

- Convicted inmates have a right and an obligation to occupation in the form of work, education or other approved activities, including substance abuse treatment. Remand prisoners do not have the same obligation but do have a right to occupation. In return they receive a small wage.
- Denmark has a very well-functioning system of adult education and continuing education. In prisons particularly relevant are the “AMU-courses”, which are shorter courses designed to obtain

specific skills for specific work tasks. The courses have a very high employability and relevance for the labour market and are well-known and approved by both private and public employers. The Danish Prison and Probation services has implemented a wide range of “AMU-courses” at the different work places in prisons and detention centers. The courses are taught in connection with the daily work, that inmates and detainees uphold. In many cases private companies also teach on the courses, and are able to recruit inmates for jobs at their respective companies upon release.

- The Danish Prison and Probation services has implemented several different treatment programs, which address violent behavior in inmates – and particularly directed at preventing domestic violence.
- Mentorship programs. Through the intervention of mentors, inmates are helped to improve their capacity to tackle everyday situations upon release from prison.
- It is a pivotal principle in the Danish prison services that inmates are responsible for taking care of the necessary, personal routines such as cooking for themselves, keeping cells clean, washing clothes etc. in order to uphold a sense of normalcy.

Examples of good practices related to physical and mental health are:

- In Denmark, inmates must – to the extent possible – be offered the same health treatment as the rest of the population. The Prison and Probation Service is responsible for ensuring that inmates receive relevant health treatment. Inmates are generally treated by doctors affiliated to the Prison and Probation Service. If the doctor deems it necessary, the inmates must be treated by a specialist doctor outside the state prison or remand prison.
- In connection with the reception of all inmates in the state prison or remand prison, prison officers carry out a psychiatric screening. The screening is carried out within 24 hours of receipt in remand prisons and 48 hours in state prisons. The information from the screening is read and used by the nurses in connection to the new arrival inspection, cf. below.
- In addition to the psychiatric screening the nurses carry out a new arrival inspection of all inmates. The new arrival inspection takes place as a starting point within 72 hours of receipt, or as soon as a health professional is present.

- It should be noted that the Danish health care system is based on consent. If an inmate, who is assessed as being able to make his or her own decisions, does not wish to receive treatment, the treatment must not be forced.

(iii) Challenges and innovations for providing mental health provision, including for different groups of prisoners such as those with pre-existing psychological issues, victims of torture, persons with neurodiverse conditions etc.

The Danish Prison and Probation Service has several examples of good practices related to providing mental health provisions to the inmates. These include:

- The state prisons and remand prisons have affiliated psychiatrists. Some state prisons also have affiliated psychologists. Treatment may also take place at a hospital or at a specialised doctor.
- Some of the convicted inmates may serve their sentence in *Anstalten ved Herstedvester*, which has full-time psychiatrists and psychologists employed.
- If a convicted inmate suffers from an actual mental illness (psychosis), the person must be transferred to a hospital or another applicable treatment institution as soon as possible.
- If a convicted inmate does not suffer from a mental illness, but another psychiatric disorder requiring treatment, the person in question may in special cases be allowed to serve their sentence in an institution outside of the Prison and Probation Service, cf. the Criminal Enforcement Act, Section 78.
- In Ellebæk Detention Centre that houses a majority of detained migrants there is an awareness that detained migrants often find themselves in an unresolved and difficult situation that can lead to special physical and mental needs for medical examination and treatment.
- The Prison and Probation Service for the eastern part of Denmark – where Ellebæk Detention Centre is situated - has since 2020 implemented better admission procedures in Ellebæk Detention Centre in order to ensure a timely systematised and standardised uncovering of certain psychiatric conditions and assess-

ment of suicide risk. This admission procedure is based on the manual, which is already used in connection with admission to prisons and remand prisons.

- The Health Unit of the Prison and Probation Service for the eastern part of Denmark has – at present – employed a doctor associated with DIGNITY (Danish Institute against Torture) in a temporary position until 31 of December 2023. It is planned that the person concerned will train the Health Unit in the area on subjects related to victims of torture.
- As to more general mental health issues, not in itself requiring medical/psychiatric treatment, the prison and probation service offers various cognitive and psychosocial programs that are aimed at helping and motivating inmates and probationers to a life without crime. Programs can e.g. be focused on anger management, motivation for treatment and rehabilitation, parenting issues, mindfulness etc.

In this regard, it should also be noted that it follows from the principles in Section 16 of the Danish Criminal Code that insane remand inmates and convicted inmates should not be deprived of their liberty in correctional institutions.

(iv) Measures taken to mitigate the use and impact of solitary confinement and the development of alternative approaches for both disciplinary and non-disciplinary segregation.

In 2021, the Danish Government – along with other political parties – reached the so-called multi-annual budget agreement for the Prison and Probation Service for the period 2022–2025.

Based on this agreement, a revision of the disciplinary punishment system with introduced with the adoption of Act no. 893 of 21 June 2022. The amended disciplinary punishment system entered into force on 4 September 2023.

The adoption of Act no. 893 included an amendment of *inter alia* Sections 68 and 70 of the Criminal Enforcement Act.

According to the Criminal Enforcement Act, Section 68 (1), the Prison and Probation Service is allowed to use disciplinary punishment, including sol-

itary confinement (penalty cell), against convicted inmates who commit certain breaches of the law or disciplinary offences.

According to the Criminal Enforcement Act, Section 68 (2), solitary confinement may only be used as a disciplinary measure towards inmates who have committed certain specific offences, such as escape, violence against other inmates or staff, smuggling into the institution of alcohol, drugs or weapons, and other violations involving a breach of the order or security of the institution.

Act no. 893 of 21 June 2022 also introduced four new types of disciplinary punishments – visitor restriction, letter restriction, telephone restriction and prohibition of leave, cf. the Criminal Enforcement Act, Section 68 (1). These new restrictions and prohibitions can only be imposed for a period of no longer than three months. In addition, the restrictions cannot be imposed in connection to the prisoners’ close relatives. The purpose of the revision was – among other things – to introduce new types of disciplinary punishment with a view to expand the response options for the Prison and Probation Service as well as ensure transparency and equality for the inmates when these types of disciplinary punishments are applied.

According to the Criminal Enforcement Act, Section 70 (1), first sentence, solitary confinement can only be imposed on convicted prisoners for a period of no longer than two weeks (as opposed to four weeks prior to Act no. 893 of 21 June 2022). Only in exceptional cases, solitary confinement can be imposed for a period of more than two weeks, and no longer than four weeks. These exceptional cases include particularly challenging and outwardly responsive prisoners, for example gang members, who show contempt for the prison staff.

If the convicted prisoner is under the age of 18, the maximum period of solitary confinement is seven days, unless the case concerns violence against staff in the institution.

(v) Laws, policies, special measures and management innovations adopted for groups with specific needs, such as women and girls, children and youth, indigenous peoples, members of national, ethnic, religious or linguistic minorities, LGBTQI+ persons, and people living with past trauma and/or people with neurodiverse conditions.

Danish Prison and Probation Service has a number of examples of special measures and good practices related to groups with specific needs, etc.

These include:

Related to youths in correctional facilities:

- Special regulations are in place for the detention of individuals aged between 15 and 17 within the Danish Prison and Probation Service institutions. Denmark is bound by the UN Convention on the Rights of the Child to ensure that the detention of young people under the age of 18 is employed as a last resort. In such cases, young individuals must be kept separate from adults unless such separation is deemed not to be in the best interests of the child, as stipulated in the UN Convention on the Rights of the Child, Article 37(c).
- Consequently, the Danish Prison and Probation Service has established a dedicated youth unit within one of its prisons, where specialized treatment plans are administered, tailored to each individual youth's needs. This youth unit successfully conducts psychiatric screenings and assessments for all youths, providing substance abuse treatment, and offering education in primary school subjects, as well as sex education.

Related to female prisoners:

- Since 2021, female prisoners and remand prisoners have with few exceptions been housed in Jyderup Prison, which is the sole women's prison in the country. With the establishment of Jyderup as a women's prison, the Danish Prison and Probation Service has been able to provide more tailored activities and employment opportunities for female inmates.
- Notably, the largest workplace in Jyderup is the production kitchen within the closed prison ward, which supplies meals for all remand prisons in Eastern Denmark. Additionally, Jyderup Prison offers specialized services, including parenting groups, substance abuse treatment, and a socialization and motivation program designed specifically for female inmates.

Related to LGBT+ Inmates:

- The Danish Prison and Probation Service is currently in the process of developing guidelines for the treatment of transgender inmates. These will be published within the end of the current year. In order to support the successful implementation of these guidelines, the Danish Prison and Probation Service is providing educational presentations that address essential aspects related to gender minorities, along with the specific content of the forthcoming guidelines. Feedback received so far indicates that these presentations are proving to be valuable in educating staff about the unique needs and concerns of gender minority inmates.

Related to religious minorities

- Prisoners can request visits from representatives/chaplains of any religion, including minority faith communities.
- If prisoners have religious beliefs that forbids work on certain days, the working hours must be planned to take that into account.
- Prisoners have the right to consume food or refrain from consuming food based on cultural or religious tradition.

(vi) Preparing for next pandemic (what worked and what didn't in COVID-19 responses to prison management? Any negative consequences of those measures?).

The chosen approach was a principle of prudence that worked as intended and ensured maintenance of the correctional institution's core operations.

In continuation of this, a number of guidelines were drawn up for special issues – for instance: staffing, placement and handling of infected inmates, catering if the self-catering scheme had to be suspended etc.

There was no immediate negative consequences of those measures and the same approach can be used again.

(vii) Responding to climate-change effects on prisons and prison populations and climate-proofing prison management and conditions of detention.

As a response to an increasing number and frequency of rainfall events and a loss of biodiversity due to changes in natural habitats, the Danish Prison and Probation Service has since 2010 worked purposefully with landscaping by establishing rainwater basins when building new prisons.

The initiative contributes to local management of rainwater and increased biodiversity. In addition, using rainwater as a resource enhances the aesthetics and changeability of outdoor areas to which inmates have a view, but no access.

(viii) Maintaining human rights standards in prisons outsourced to private companies.

No private companies are directly responsible for maintaining human rights standards in Danish prisons.

A number of independent organizations and institutions, including the Danish Institute for Human Rights, do however play a part in safeguarding and furthering human rights in e.g. prisons, through monitoring and reporting on the circumstances in the Danish prisons.