



FOLKETINGETS
OMBUDSMAND

The Danish Parliamentary Ombudsman has been elected by Parliament. His task 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. The Ombudsman investigates complaints, opens cases on his own initiative and carries out monitoring visits.

Annual Report 2024

The Danish Parliamentary Ombudsman

Gammeltorv 22

DK-1457 København K

Phone +45 33 13 25 12

www.en.ombudsmanden.dk

www.ombudsmanden.dk

post@ombudsmanden.dk

About this international edition of the 2024 Annual Report of the Danish Parliamentary Ombudsman

In accordance with the Ombudsman Act, the Danish Parliamentary Ombudsman submits an annual report on his work to the Danish Parliament. This international edition of the 2024 Annual Report of the Danish Parliamentary Ombudsman seeks to share information and experiences internationally with colleagues and others with a special interest in ombudsman work. It contains elements from our Danish report but also elements that are unique to this international edition.

Due to the great diversity of ombudsman institutions around the world, we have included an appendix which will enable readers with a special interest to get a deeper understanding of the Danish Ombudsman institution.

Published by

The Danish Parliamentary Ombudsman
Gammeltorv 22
DK-1457 København K

Printed by

Stibo Complete lager og logistik, Copenhagen
E-mail: kundeservice@stibocomplete.com

Printed in Denmark 2025

Also available in PDF format
on www.en.ombudsmanden.dk

Graphic design

Conduce

Umano (infographics on pages 9, 12, 15, 24, 26, 34, 36-37, 44-45 and 74-75)

Essensen (illustrations on pages 50, 58 and 62)

Photographers

Jasper Carlberg (cover and pages 7, 49, 55 and 88-89)

Jakob Boserup (pages 10, 33, 43, 53, 64-65, 76-77, 85 and 93)

Jakob Dall (page 81)

ISSN 1902-0120

Contents

2024 at the Ombudsman Office

Henrik Bloch Andersen, Parliamentary Ombudsman (temporary)	4
--	---

About the cases

Complaint cases	12
Own-initiative investigations	24
Monitoring activities	34

Articles

Good administration is also about trust in the authorities

Stephan Andreas Damgaard, Acting Senior Head of Division	
Lise Puggaard, Senior Consultant	48

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

Irene Rønn Lind, Psychologist and Special Advisor on Children's Issues	
Camilla Bang, Deputy Head of Division	54

The Ombudsman's Guide for Authorities

– administrative law questions answered quickly

Katarina Lundh Lichtenstein, Senior Consultant	
Pernille Bjørnholt, Deputy Head of Division	60

Brief overview of the year

The year in figures	68
Extracts from news items from the Ombudsman	78
Statement of revenue and expenditure 2024	82
Organisation	86
Whistleblowing system	93

Appendix

General information about the Danish Parliamentary Ombudsman and about monitoring visits under the OPCAT mandate	94
---	----

2024 at the Ombudsman Office

**By Henrik Bloch Andersen,
Parliamentary Ombudsman
(temporary)**

2024 was a changeable year – both for the Ombudsman Office and for me personally.

My predecessor in the Office, Niels Fenger, resigned at the beginning of October to become the Danish judge at the Court of Justice of the European Union, whereupon Parliament elected me as temporary Ombudsman.

This is the second time I am acting as temporary Ombudsman because I was also temporary Ombudsman for a brief period back in 2019, prior to Niels Fenger taking up the post. Both then and now, I have done so with great pleasure but also with humility. To be the Parliamentary Ombudsman – even if it is only on a temporary basis – is in my eyes to take care of one of the most central functions in our democratic system.

The Ombudsman's many tools for rapid help

In this Annual Report, I would like to turn the focus on a part of the Ombudsman's work that sometimes does not quite get the attention it deserves, namely the diverse tools that the Ombudsman has to help the citizens complaining to him.

In the media, the Ombudsman often gets the most coverage because of the investigations that are extensive and critical of the authorities. It is also natural that it has the public's interest when the Ombudsman publishes a critical investigation of any errors by the authorities. But in addition to investigations, the Ombudsman has several other tools for helping the citizens.

Forwarding complaints to the authorities and providing complaint guidance are frequently used examples in that respect. In this way, the Ombudsman is often able to help citizens obtain a reply from the relevant authority and a speedier solution to their case than they would have had through an actual Ombudsman investigation. Correspondingly, it quite often happens that an authority receiving a consultation letter from the Ombudsman decides of its own accord to reopen the case and give the citizen a new reply. If so, the Ombudsman will often refrain from carrying out any further investigation. In any event, this also means that the Ombudsman's resources can be used on solving other cases where it is not possible to help the citizen in this way.

In 2024, the Ombudsman Office started 6,200 cases, which is the highest number in the institution's history.

Conversations with children and trust

In addition, the Annual Report has an article on how the Ombudsman's Children's Division includes the ones it is all about – namely the children – when we carry out monitoring visits to institutions for children placed in care.

One of the purposes of our monitoring visits is to gather experiences from the children staying in the institutions. But how can we, in the time we have available during our visit, create a safe enough atmosphere for the child to tell us about these experiences? The article tells you how.

In another article, we are looking into how issues of trust in the authorities are connected to legal rights, and the necessity of the authorities acting in a way that instills trust in the citizens in their administrative authorities. These are questions that have formed part of some of the major cases with the Ministry of Taxation and the Property Assessment Agency which the Ombudsman investigated in 2024.

Several thousand clicks on the Guide for Authorities

In addition, I would like to use this opportunity to promote the Ombudsman's Guide for Authorities, which helps give an overview of central issues in administrative law. The various overviews in the Guide explain the rules and the Ombudsman's practice in a long range of areas within both general administrative law and specific case areas.

You will find the overviews on the Ombudsman's website, and they are meant as a help to the authorities. We can see that, luckily, they are already being used frequently, and visitors click on them several thousand times a month.

As usual, the Annual Report also contains a number of mentions of the Ombudsman's cases in 2024 and a review of the monitoring activities for children and adults, together with statistical information on the institution's work.

Enjoy the read!

Copenhagen, 1 April 2025



Henrik Bloch Andersen



About the cases



**Complaint
cases**



**Own-initiative
investigations**



**Monitoring
activities**



Cases opened in 2024¹

6,200

Own-initiative
investigations

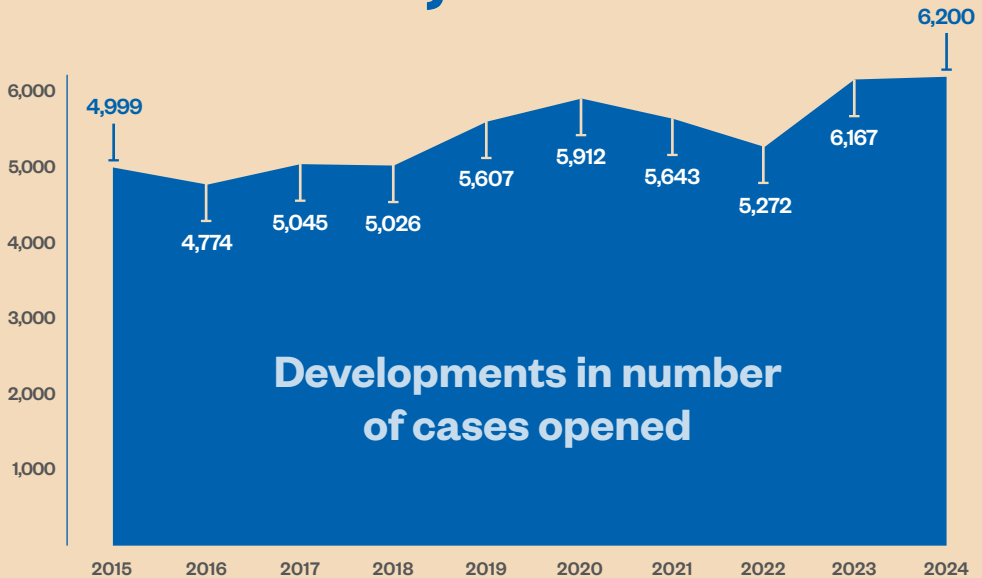
138

Monitoring
cases

68

Complaint cases

5,994



¹) Administrative cases are not included. In addition, cases selected for collective review in connection with general own-initiative investigations are not normally included.



Complaint cases

Who: In principle, anybody can complain to the Ombudsman, and it is not necessary to be a party to a case to lodge a complaint with the Ombudsman. A complainant cannot be anonymous.

What: 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 tribunals which make decisions on disputes between private parties.

When: 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.

How: 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.

What are the complaints about?

Children

Complaints concerning children and young people are lodged particularly by parents or by other relatives or caregivers. Many complaints are about support measures for children and young people. The Ombudsman also receives complaints about, for instance, family law matters and matters relating to schools.

Social benefits and services

The majority of complaints involve municipalities, Udbetaling Danmark (an authority responsible for a number of public benefits), Labour Market Insurance or the National Social Appeals Board and are about, for instance, occupational injuries, pensions, home help, cash benefit, accompaniment or technical aids.

Taxation

Complaints are received from both citizens and businesses, including professional representatives of complainants, such as practising lawyers specialised in tax law or accountants. Examples of the subject matter of complaints include tax assessments, debt collection, property assessments and long processing times.

Access to public records under the Access to Public Administration Files Act, the Environmental Information Act etc.

Complaints are primarily about refusals by authorities to give access to information or documents or about processing times. A large proportion of the complaints are against the central government.

Environment and building

Many of these complaints are made by a dissatisfied neighbour. Complaints are about, for instance, loss of privacy due to overlooking from a building or about noise. Other complaints are about wind turbines or solar panel installations. The complaints typically concern issues relating to compliance with rules on environmental protection or building and planning legislation.

Business and energy

Several complaints concern energy subsidies. In 2024, some of the complaints were about refusals of applications for a one-time cash payout to mitigate extraordinary heating price increases.

Institutions for adults

The institutions complained about include prisons, departments of psychiatry and institutions for adults with disabilities. As residents and inmates typically spend 24 hours a day in the institutions, the complaints cover all aspects of life – for instance relations with staff, feelings of unsafety with other residents/inmates or contact with relatives and friends.

Criminal cases and police etc.

Many of these complaints are made by citizens who are discontented because the police have dismissed a report or stopped an investigation. The Ombudsman also receives complaints about police handling of other types of cases or police conduct.

The health sector

Complaints are received from, among others, citizens who are dissatisfied with treatment they have received in the healthcare system, including the psychiatric healthcare system. Another common theme for complaints is long processing times, for instance in complaint or licensing cases.

Transport, communication and roads

Many of these complaints concern public roads or private communal roads. They arise from, for instance, disputes between neighbours or dissatisfaction with an order by a municipality to maintain or provide access to a private communal road. Other complaints are from citizens who have problems with public digital self-service solutions.

Foreign nationals

A number of complaints are about authorities' processing times. In addition, complaints are received about, among other things, refusals of family reunification, visas and permanent residence permits.

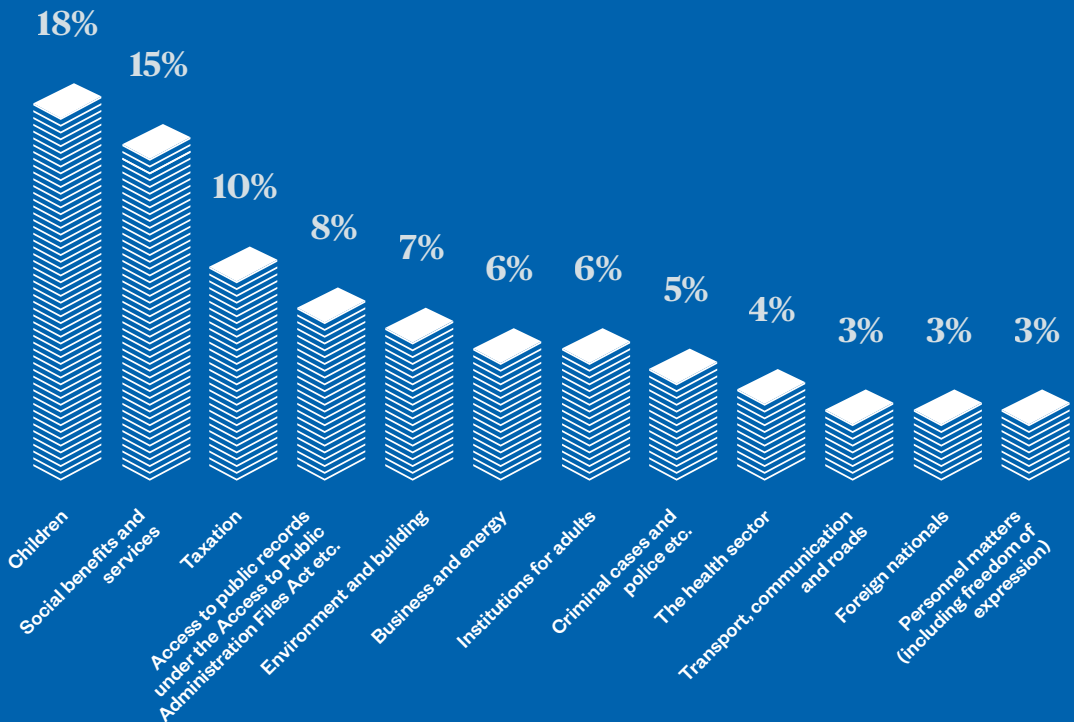
Personnel matters (including freedom of expression)

Many of these complaints are from public employees who are dissatisfied with a negative reaction from their employer – such as dismissal, a warning or a reprimand. Other complaints concern the freedom of expression of public employees.



Complaint cases

Selected subject areas of complaints as percentages of all complaints received by the Ombudsman in 2024



Forwarding complaints led to new decisions

Every year, the Ombudsman helps citizens in a number of cases by forwarding their complaints to the authorities so that the authorities can consider the cases again. In 2024, the Parliamentary Ombudsman forwarded 1,331 complaint cases to the authorities.

When forwarding these cases, the Ombudsman often points out the issues which he particularly thinks that the authorities should consider or rethink. Some examples of such cases are mentioned below.

Citizens to be placed on an equal footing

A woman complained to the Ombudsman because Køge Municipality had refused to help her find accommodation, among other things with reference to her staying in a crisis centre. It appeared from the Municipality's website that citizens typically could not be assigned accommodation if they were staying in a crisis centre and if Køge Municipality was not acting municipality for the citizen.

The Ombudsman was aware that the National Social Appeals Board shortly before had concluded processing of another case in which all citizens with residence in a municipality were to be placed on an equal footing in relation to being assigned accommodation – even if they were staying in a homeless shelter.

The Ombudsman therefore forwarded the woman's complaint to the National Social Appeals Board, and the Board started a preliminary investigation of Køge Municipality's case. As a result of the National Social Appeals Board's inquiry, Køge Municipality reopened its decision regarding the woman in the crisis centre. The Municipality also started cooperating with the crisis centre to find out whether other citizens had received a wrongful decision.

Complaint from prison inmate

A prison inmate had requested access to the files in his own criminal case. The police refused to send the files to him because they had already sent them to him at an address abroad where, however, he said that he had never lived. The police also pointed out that the files had been sent to the inmate's lawyer and that the inmate could get the files from the lawyer. In the complaint to the Ombudsman, the inmate had stated that the lawyer now only represented him in a case before the Special Court of Indictment and Revision.

The Ombudsman forwarded the inmate's complaint to the police. The Ombudsman pointed out to the police what the inmate had stated about his lawyer and gave the police the opportunity to explain to the inmate why the police would not send the files to him again and – if the police maintained that they would not send the files to the inmate again – what considerations spoke against sending them to him. The police then sent the files to the inmate.

Refusal with reference to free choice of school

Sorø Municipality decided to stop a subsidy for transportation to school of a child with a functional impairment. The Municipality gave as reasons for its decision that, among other things, the child's parents had availed themselves of free choice of school and that the child was therefore not entitled to free transportation.

The Ombudsman forwarded the mother's complaint to the Municipality so that the Municipality would have the opportunity to consider whether it wanted to support the free choice of school by providing free transportation. At the same time, the Ombudsman remarked that there must be special grounds for revoking a beneficial decision. The Municipality reassessed the case and granted the child free transportation.

› **In 2024, the Parliamentary Ombudsman forwarded 1,331 complaint cases to the authorities.**



Case reopened following new information

A citizen complained that the National Social Appeals Board had made the decision that he was not entitled to citizen-controlled personal assistance (BPA scheme). The Ombudsman forwarded the complaint to the National Social Appeals Board so that the Board could consider a number of factors in the case, including the citizen's information that he needed more comprehensive assistance than what the municipality had granted him, and that the Board had erroneously taken for its basis that he could walk and stand without the use of crutches.

The National Social Appeals Board reopened the case with reference to the appearance of new information about the citizen's need for support and as it could not be precluded that errors had been made during the processing of the case.

A mother got access to files from an accommodation facility

As guardian for her son, a mother requested access to, among other things, records, diary notes and e-mail correspondence from the accommodation facility where her son lived. The accommodation facility refused the request with reference to the facility being privately owned and not a public authority and referred the mother to contacting the Regional Municipality of Bornholm.

The Regional Municipality refused the mother's request for access to files because it did not have the accommodation facility's case files.

The mother complained to the Ombudsman, who forwarded the complaint to the Regional Municipality of Bornholm and asked the Regional Municipality to consider Section 43(1), 1st sentence, of the Due Process of Law Act, which says that when an authority delegates tasks pursuant to, among others, the Social Services Act to others than public authorities, then these are subject to the rules in the Public Administration Act and the Access to Public Administration Files Act on access to files, among other things.

On the basis of the Ombudsman's forwarding of the complaint, the Regional Municipality of Bornholm recognised that it had been in error and that, according to Section 43 of the Due Process of Law Act, the citizen could get access to files from the private accommodation facility. The Regional Municipality then asked the private accommodation facility to give the mother access to the files.

Complained about University of Aarhus

A student at Aarhus University complained because the University would not grant her dispensation to have an examination paper assessed that had been handed in too late due to technical problems. And she also complained that the Agency for Higher Education and Science had refused to consider her complaint about the University's decision.

The Agency gave as reason for the refusal that the University's decision was not a decision within the meaning of the Public Administration Act but concerned actual administrative activities, which cannot be complained about to the Agency.

The Ombudsman forwarded the student's complaint to the Agency for Higher Education and Science and asked the Agency to consider an Ombudsman statement from 2023 (the case FOB 2023-18) in which the Ombudsman had said that a study board's refusal to grant dispensation from a deadline for registration for examination was a decision.

On that basis, the Agency reopened the case and referred it back to the University.

Not just MobilePay

Another case also had a digital issue as its core. A citizen complained that she could only pay Odense Municipality rent for her wheelchair via the payment app MobilePay. The citizen had neither MobilePay, nor a smartphone, and she wondered why she could not be sent a paying-in form. The Ombudsman forwarded her complaint to the Municipality, which replied to the citizen that she could use alternative ways of payment.

Refusal of energy bill relief was unclear and inadequate

The Energy Agency was of the opinion that a citizen had not presented sufficient documentation for her energy consumption and therefore refused her application for payment of energy bill relief.

The citizen had stated several times that she did not understand why the submitted documentation was not sufficient.

In the Ombudsman's opinion, the Energy Agency should have clarified this in the grounds for the decision. He therefore asked the Energy Agency to give a detailed explanation to the citizen about the possibility of providing the required documentation.

Complaint about continuation school's expulsion led to supervisory initiative from the National Agency for Education and Quality

A mother complained because her daughter and another pupil had been expelled from a continuation school for drinking alcohol. In the Ombudsman's opinion, the continuation school should have an opportunity to clarify how the rules in Section 4 a of the Act on Continuation Schools about involvement of the pupil had been observed in connection with the expulsion. He therefore forwarded the complaint to the continuation school.

Concurrently, the Ombudsman sent the complaint to the National Agency for Education and Quality, which supervises the continuation schools, so that the Agency could reply to what action it might have grounds for taking in the matter.

➤ **The continuation school's former practice did not live up to the rules that pupils must be heard before a decision is made to expel them.**

The Ombudsman asked to receive a copy of both the continuation school's and the Agency's reply to the mother so that he could be updated on what they replied. The information in the complaint gave the Agency cause to examine the continuation school's practice for inclusion of the pupil prior to an expulsion, and the Ombudsman therefore took no further action in the matter.

The Agency subsequently assessed that the continuation school's former practice did not live up to the rules that pupils must be heard before a decision is made to expel them. The Agency also found that the continuation school's practice on documentation for inclusion of the pupil did not live up to the rules. The Agency therefore issued directions to the continuation school that the relevant rules must be observed. At the same time, the Agency recommended that the continuation school draw up a written procedure to ensure that the rules were observed.

The Ombudsman's forwarding led to renewed processing of case

In 2016, a citizen received an adapted licence from the Fisheries Agency (now the Agricultural and Fisheries Agency) for commercial eel fishing. The licence meant that the citizen's fishing gear was changed from three large pound nets to ten sets of small hoop nets. Later, the citizen contacted the Agency because he wanted a licence for more fishing gear.

In 2021, the Agency refused the citizen's request to have the case reopened. In 2024, the Environment and Food Board of Appeal refused to process a complaint about the refusal to reopen the case because the complaint had been submitted too late.

The citizen complained to the Ombudsman, who forwarded the case to the Environment and Food Board of Appeal and in that connection raised the question of the Board's refusal. On that background, the Board decided to process the case. The Board subsequently assessed that the Agency's refusal to reopen the case did not meet the grounds requirements of the Public Administration Act, and this could have a bearing on, among other things, the correctness of the decision. The Board therefore found that the decision was invalid and returned the case to the Agency so that the Agency could process the case again.

The Ministry of Taxation should have ensured documentation for significant announcement on new property taxes

A journalist asked the Ministry of Taxation for access to the calculations that were the basis of a press release from the Ministry saying that the new property taxation system would give four out of five property owners a tax cut. The Ministry refused the journalist's request for access to a number of documents that had been drawn up *after* the press release had gone out.

When the journalist complained to the Ombudsman, it emerged that the Ministry of Taxation was not in possession of the calculations that documented the Ministry's announcement of the share of property owners who would be getting a tax cut.

The Ministry of Taxation informed the Ombudsman that, prior to the press release, the Ministry had regularly carried out calculations based on Statistics Denmark's law model server, and that these were stable at showing that four out of five property owners would get a tax cut.

The Ombudsman found it unfortunate that the Ministry of Taxation had not ensured that it had documentation for such a significant announcement on the effect of a legislative proposal. In his opinion, this did not instil trust in the announcements coming from public authorities.

› **The Ministry of Taxation was not in possession of the calculations that documented the Ministry's announcement.**

Information in severance agreement to be released as it was

A journalist requested access to a ministry's severance agreement with a special advisor. The ministry gave the journalist information about the size of the severance payment but denied the journalist's request for information on how many months of salary the severance payment corresponded to.

Specific personnel files are not included in the right of access to documents. But pursuant to Section 21(3) of the Access to Public Administration Files Act, certain information is subject to access according to the general rules of the Act. This applies to for instance information about salary-related matters, including severance payment.

In the severance agreement, the severance payment was not given as a total amount but as an amount corresponding to a number of months' pay – information that, as mentioned, the journalist had specifically requested. The Ombudsman stated that it is not in accordance with the Access to Public Administration Files Act to carry out extraction in a way where the authority discloses other information than that which actually appears in the document. The ministry subsequently reopened the case and disclosed the information in the agreement on how many months' pay the severance payment corresponded to.

Journalists are allowed to represent parties

A journalist was refused access to documents in a criminal case even though the journalist had a power of attorney from an injured party in the case. The Public Prosecutor was of the opinion that, according to Section 41 d(1), 2nd sentence of the Administration of Justice Act, the right of access to documents in a criminal case was generally a personal right for the injured party.

The Ombudsman obtained a statement from the Director of Public Prosecutions, who conversely was of the opinion that, according to Section 8(1) of the Public Administration Act, injured parties had the right to let themselves be represented by others in such access to documents cases.

That the party representative was a journalist or that the request for access had a journalistic aim could not in itself mean that the representation could be barred or restricted.

The Ombudsman agreed with the Director of Public Prosecutions, who referred the case back to the Public Prosecutor, who then complied with the journalist's request for access.

› **The journalist had a power of attorney from an injured party in the case.**

Documents in legislation case disclosed according to the balancing of interests rule of the Environmental Information Act

A journalist had been refused access to documents exchanged between the Expert Group for a Green Tax Reform and external actors, with reference to the fact that the documents were part of a legislation case. The decision was made based on the Environmental Information Act and the 1985 Access to Public Administration Files Act, as the information included environmental information.

The Ombudsman agreed with the Ministry of Tax that all the documents that the journalist had requested access to were provided for the purpose of the ongoing legislation project. This meant that they could generally be exempted from access. However, according to the balancing of interests rule of the Environmental Information Act, it was a prerequisite for the refusal that the consideration behind the exemption provision – in the form of the consideration of protecting the political decision process – was more important than the consid-

eration of the public's interests in gaining access to the information. At the Ombudsman's request, the Ministry of Tax reconsidered its balancing and subsequently disclosed some documents to the journalist.

➤ **The decision was made based on the Environmental Information Act and the 1985 Access to Public Administration Files Act, as the information included environmental information.**

Local councils must make actual remunerations public

According to the Local Government Act, the local councils must publish the amount of the remunerations that councillors are paid for performing external duties that they have by virtue of their membership of the local council.

A journalist complained because the City of Copenhagen made public remunerations to the City Council members in a way that made it impossible to calculate what the members had actually been paid.

The Ombudsman stated that the purpose of the rules is to create transparency for the public about the remunerations that the councillors receive. The local councils must therefore publish the remunerations that the member has actually received. It is not sufficient to give out for instance a general hourly rate, meeting rate or basic rate.

News item 14 May: Local councils must make remunerations paid to councillors public (published at www.en.ombudsmanden.dk)

Consultation letters sometimes solve the case

When the Ombudsman starts an investigation of a complaint, he typically sends a consultation letter to the authority being complained about. In this way, he is able to ask the authority the questions he initially finds the case gives rise to and to explain his understanding of the facts and possibly lay out the legal basis that is relevant in his opinion. And not rarely, the authorities reopen a case and possibly change their decisions or practice based on the Ombudsman's consultation letters.

This can save resources for both Ombudsman and authorities and ensure citizens a quicker clarification of their cases.

Refusal of full child and youth benefits

Two citizens complained to the Ombudsman because the National Social Appeals Board had refused them the full child and youth benefits for their children, even though they were alone with the children, and the other parent had no contact with them. In a consultation letter, the Ombudsman asked the National Social Appeals Board to answer why it had demanded in its decision that an 'allocation of contact time' had to be arranged when the courts had ruled that there were no grounds for arranging contact with one of the parents.

The National Social Appeals Board replied that it had already decided to change its practice in the area, and it reopened 16 cases on its own initiative – including the cases concerning the two complainants, who were both granted the full child and youth benefits.

Cost of living in Greenland

A citizen with debt to the public sector and residence in Greenland complained that the National Tax Tribunal had refused to cancel parts of the debt. Among other things, the citizen was dissatisfied with the National Tax Tribunal's determination of his disposable amount when making a decision on his ability to pay. The citizen stated that he should have a higher disposable amount, as in his opinion it was more expensive to live in Greenland where the expenses for, for instance, telephone, internet and food were higher. The citizen also complained that the National Tax Tribunal had refused to let him participate digitally in a court hearing.

The Ombudsman asked the National Tax Tribunal if it had investigated the level of the cost of living in Greenland before making its decision. The Om-

budsman also asked the National Tax Tribunal to account for the legal considerations behind the refusal to the citizen for participating digitally in the court hearing. The National Tax Tribunal replied that it had reopened the case. The Ombudsman asked for notification of the new decision and is thus still following the case.

Disclosed more information

In a number of instances, journalists complained about refused access to files in the case concerning deleted text messages in the Ministry of Justice and the Prime Minister's Office, including the Defence Intelligence Service's possibility of recreating the deleted messages. In several cases, the Ombudsman's consultation letters led to the Ministry of Defence reopening the cases and disclosing more information to the journalists. This took place with reference to, among other things, the fact that the Ombudsman in his consultation letters asked the Ministry to consider Section 28 of the Access to Public Administration Files Act on disclosure of factual information (extraction).

In two of the cases, the reopening took place because the Ombudsman drew the Ministry of Defence's attention to the fact that the Ministry had exempted documents from access according to Section 24 of the Access to Public Administration Files Act on (internal) ministerial advice and assistance documents, even though the documents were sent to the Ministry from Parliament.

Tax case reopened

A citizen asked the tax authorities for repayment of the pension returns tax that he had paid from 2010. The background was that the citizen since 2010 had been able to apply for exemption for pension returns tax because he lived in Germany. However, the citizen did not become aware of the exemption option until he had a conversation with his pension fund in 2019.

The ordinary statutory reopening deadline had expired as regards the citizen's tax assessments for 2010 to 2015. And the Tax Agency and the National Tax Tribunal did not find that there were grounds for extraordinarily reopening the tax assessments. The Ombudsman asked the National Tax Tribunal to account for several matters, including the implications of the double taxation agreement between Denmark and Germany. The National Tax Tribunal decided to reopen the case and refer it back for renewed processing by the Tax Agency.

Previous restraining order could not be used to reject a job application

The Ministry of Defence Personnel Agency refused to consider an applicant for a position that would constitute permanent appointment as lieutenant colonel. The grounds were that the applicant did not meet the decorum requirement because the applicant had received a restraining order more than seven and a half years earlier.

After an overall assessment, the Ombudsman did not find that what the authority had stated as decisive in its assessment gave sufficient grounds for rejecting the application with reference to the decorum requirement. The Ombudsman's assessment took in the time span and the fact that the authority had in the intervening period hired the applicant in a one-year position which meant that the applicant was appointed as acting lieutenant colonel with a temporary rank of colonel.

Factual information in interview memos was relevant and had to be extracted

In the case FOB 2024-1, the Veterinary and Food Administration had given a journalist refusal of access to an internal document with memos from interviews with external parties about the Administration's handling of COVID-19 in mink. The memos formed the basis of an internal evaluation of the course of events and contained recommendations on development of the Veterinary and Food Administration's preparedness, among other things. The Ombudsman stated that information in the memos that was relevant to the case was in principle covered by Section 28(1) of the Access to Public Administration Files Act on extraction of information about the factual basis of a case. He therefore recommended that the Ministry of Food, Agriculture and Fisheries reopen the case.

The journalist subsequently complained to the Ombudsman about the authorities' new decisions, where he only received a little information.

The Ombudsman pointed out some specific information in the memo and asked the authorities to elaborate on the background for not considering the information relevant to the case. The Ministry of Food, Agriculture and Fisheries subsequently decided to disclose almost all information in the memos.



Own- initiative investiga- tions

What: Opening investigations on his own initiative is 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

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.

Why: A main objective is to identify recurring errors made by authorities. This can have a great impact on authorities' case processing, thus helping a large number of citizens at once.

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.

From where: 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. 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.

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.

How: Own-initiative investigations have the common denominator that the focus is usually expanded beyond specific problems to a more general level, with emphasis on any general and recurring errors or problems and on how the authorities involved can handle and rectify them.

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.

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 is closed without a full Ombudsman investigation. The Ombudsman may also decide to close a case without a full investigation after contacting the authorities.

IT system could not be used by citizens living abroad

A citizen with residence abroad had tried in vain to apply digitally for a grant from the so-called heat pump pool for his property in Denmark. According to the rules, it was not a condition for applying for the grant that the applicant had residence in Denmark, and the Ombudsman therefore started a general investigation of the issue.

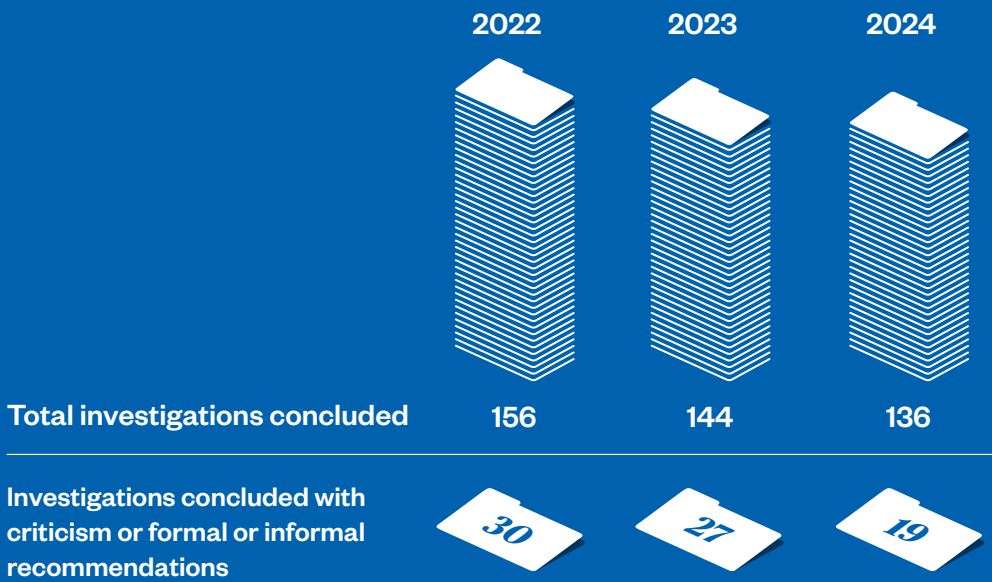
The Ombudsman criticised that the Energy Agency had not taken into account that the digital application portal had to support applications from citizens with residence abroad. At the same time, he criticised that the Agency gave no guidance on the application portal or in other general information material about the possibility of submitting an application without using the portal.

The Energy Agency updated the application guidance with information about alternative application options and would also look into whether the application portal could be changed.

› **According to the rules, it was not a condition that the applicant had residence in Denmark.**



Own-initiative investigations



Very disproportionate preliminary property assessments

Also in 2024 did the Ombudsman receive quite a lot of complaints about property taxes etc.

In addition, the Ombudsman concluded an investigation of the preliminary property assessments of residential properties that the Property Assessment Agency had made public in the autumn of 2023. It quickly became clear that in some instances the assessments were very disproportionate so that the land value greatly exceeded the property value.

The legislation on the preliminary assessments presumes that they can to a certain extent be incomplete and 'off-target'. However, the Ombudsman found that the Property Assessment

Agency had to prepare the process so that the preliminary assessments would be as correct as possible.

The Ombudsman concluded that it would have been in better accordance with a responsible planning of the IT process if, before the announcement, the Property Assessment Agency had done more to uncover and prevent the problems with the very disproportionate assessments.

Interpretation of Section 102 of the Social Services Act

In a substantive decision from 2013, the National Social Appeals Board had established that the municipalities were to make a decision after a concrete and individual assessment in cases concerning Section 102 of the Social Services Act on assistance of a therapeutic nature for citizens with considerably and permanently reduced physical or mental functional capacity or with special social issues. In 2023, the National Social Appeals Board changed its practice and established in a new substantive decision that the municipalities could make a general decision not to offer help according to Section 102 of the Social Services Act and could thus refuse help without making a concrete and individual as-

essment of the citizen's needs. Based on complaints from two citizens, the Ombudsman decided to investigate the National Social Appeals Board's interpretation of the provision.

The Ombudsman did not agree with the National Social Appeals Board that a municipality could generally decide not to apply the provision in Section 102 of the Social Services Act and thereby completely refrain from making a concrete and individual assessment in individual cases. On that basis, the National Social Appeals Board published a new substantive decision about the subject in 2024 (substantive decision 25-24).

The Debt Collection Agency's efforts not good enough

In 2018, the Debt Collection Agency was tasked with helping to collect maintenance payments from debtors living abroad, among other things.

The payments can for instance be increased child support which has not been disbursed in advance by public authorities. In such instances, the affected family will only get the support when the Debt Collection Agency has collected the amount from the maintenance debtor. It is therefore hugely important that the collection is efficient.

The Ombudsman found that the authorities had not done nearly enough to counter the obstacles that they had themselves uncovered – among other things that they lacked contact information for the debtors abroad. By way of example, the Ombudsman's understanding was that for the first approximately 4.5 years when the Debt Collection

Agency had been responsible, no effective work was done to enter into the international agreements that the Agency itself considered necessary.

It was the Ombudsman's assessment that the Debt Collection Agency had for several years not lived up to its legal obligation to assist citizens with collection in this field. The Ombudsman called it a fundamental failure on the part of the authorities.

In 2025, the Ombudsman will follow up on the authorities' future efforts.

News item 2 October: Agency has not met legal obligation in cases about child support from debtors abroad (published at www.en.ombudsmanden.dk)

Inmates had to find their own escort for leave

In connection with a monitoring visit to Herstedvester Prison, several inmates told the Ombudsman's visiting team that it could be difficult to get escorted leave because they generally had to find a staff member themselves to escort them.

The Ombudsman asked the Department of Prisons and Probation to consider this practice. The Department replied that it was the Prison and Probation Service Area that was responsible for appointing an escort for leave and that it was not in accordance with the rules that the prison required the inmates to find their own escort for leave. It could only be a voluntary offer. The Department of Prisons and Probation recommended that Herstedvester Prison adjust the scheme

in accordance with the Department's comments and draw up a written guide to the inmates, among other things. The Ombudsman agreed with the Department and asked to be notified of the authorities' further actions in the case.

> It was the Prison and Probation Service Area that was responsible for appointing an escort for leave.

Investigation of the Agency of Family Law

During 2024, the Ombudsman received several complaints about the Agency of Family Law's processing times in cases concerning guardianship. The cases concerned use of minors' funds, establishment of guardianship and change of guardianship, among other things. There were citizens who said that they had waited for over a year for a reply from the Agency of Family Law. On that basis, the Ombudsman started an investigation of the Agency of Family Law's processing times in guardianship cases.

When ending his investigation, the Ombudsman agreed with the Minister for Social Affairs and Housing that the processing times in guardianship cases were untenable. At the same time,

the Ombudsman noted that various initiatives had been started to reduce processing times, and he asked the Ministry of Social Affairs and Housing to send him, no later than 1 March 2026, an account of the development in the processing times and case holding in 2025.

› **The processing times in guardianship cases were untenable.**

Keeping an eye on the authorities' processing times

In 2024, the Ombudsman looked into the authorities' processing times in several areas.

Authorisation of psychologists

One of the investigations looked into the time that the Supervisory Board of Psychological Practice used to process cases on authorisation of psychologists. The Ombudsman took up the case after receiving a number of complaints. His investigation showed that the Board's average processing times in 2023 had gone up from 25 weeks in the first quarter to 40 weeks in the fourth quarter.

The Board stated that it had launched several initiatives in order to bring down the processing time. And the Ministry of Social Affairs, Housing and Senior Citizens (now the Ministry of Social Affairs and Housing) stated that the Ministry would be following the area closely.

The Ombudsman said that at the start of 2025, he would ask for information on developments in the processing times of the Supervisory Board of Psychological Practice in 2024 so that he could assess whether the initiatives had helped.

Long processing times in the Department of Civil Affairs

Based on a complaint and information on the Department of Civil Affairs' website stating processing times of about nine months in free legal aid cases, the Ombudsman started a general investigation of the Department of Civil Affairs' processing times in 2023 in free legal aid cases.

The Department of Civil Affairs stated, among other things, that several initiatives had been launched to bring down the processing times,

and that the Department estimated that the processing times would be further reduced to a maximum of 90 days by the end of 2024.

The Ombudsman agreed with the Department of Civil Affairs that the processing times in 2023 in free legal aid cases had generally been too long. The Ombudsman pointed out that the purpose of the free legal aid rules is to give persons who are not well off the possibility of conducting a court case the same way as more wealthy people. Free legal aid is thus a central element in the justice system.

Based on the information about the initiatives implemented and the development in the average processing times, the Ombudsman took no further action.

Stricter supervision

A citizen complained to the Ombudsman about the Agricultural Agency's processing time in a case concerning a subsidy for investments in the modernisation of cattle sheds. In a reply to the Ombudsman, the Ministry of Food, Agriculture and Fisheries stated that – in addition to considering the specific case – the Ministry had also asked the Agricultural Agency for an account of the Agency's processing times in similar cases.

The Ministry also informed the Ombudsman of the introduction of a stricter supervision with the Agency's case processing times concerning a number of agricultural subsidy schemes.

Furthermore, the Ministry would brief the Ombudsman on the status of the Agricultural Agency's processing times over the first quarter of 2025.



Applications from doctors

In 2022, the Ombudsman stated that the Patient Safety Authority's processing times at the time in cases regarding authorisation of doctors from countries outside the EU/EEA – with a waiting time of just over 30 months before case processing started – were far too long.

In January 2024, the Ombudsman asked for new information on the Authority's processing times in order to follow up on whether the initiatives started by the authorities to improve conditions had had the expected effect.

The Patient Safety Authority had brought down the number of cases on authorisation of doctors from countries outside the EU/EEA from 1,265 cases at the close of 2022 to 306 cases one year later. At the same time, the average processing times had dropped considerably in the period, and according to the Authority's website, applications had a waiting time in June 2024 of a few months before they were processed. The Ombudsman then decided not to take any further action.

The Immigration Appeals Board

On the basis of an investigation, the Ombudsman stated in the autumn of 2022 that the Immigration Appeals Board's general processing times were too long – and unacceptably long in the oldest cases. And he said that in 2024 he would follow up on the initiatives that the authorities had started to solve the problem.

In his follow-up investigation, the Ombudsman found that the Immigration Appeals Board in 2023 had concluded significantly more cases than in 2022, that the Board had brought down processing times in both concluded and pending cases, and that the number of pending cases had dropped considerably as a consequence of, among other things, a number of permanent changes in the Board's work.

On that background, the Ombudsman concluded his investigation of the Immigration Appeals Board's general processing times.

Long waiting times for victims of crime

The Ombudsman started an investigation of processing times in the Criminal Injuries Compensation Board after the Board and the Department of Civil Affairs – the secretariat for the Board – in April 2024 announced that in future it would be up to 24 months before an application for compensation could be processed. The Criminal Injuries Compensation Board processes cases on compensation for victims of crime.

The Ombudsman's investigation showed that in the period from 2022 till the first half of 2024, there had been a significant fall in the number of concluding decisions in the Criminal Injuries Compensation Board concomitant with a rise in pending cases of 32 per cent. In addition, the share of pending cases with a waiting time of over a year had risen from 24 per cent to 41 per cent.

The authorities stated that a number of initiatives in the field had been launched but without the desired results and that there was great focus on finding a permanent and durable solution in the field. A major analytical process was therefore expected to be started.

On that background, the Ombudsman asked the Ministry of Justice to inform him by 1 May 2025 at the latest of the work that the Ministry and the Department had implemented to bring down the processing time in the victim compensation cases.

Lengthy processing of access to files

In a number of investigations, the Ombudsman has looked into the authorities' processing times in cases concerning access to files according to the Access to Public Administration Files Act and the Environmental Information Act.

Older cases concluded

As a follow-up to previous investigations, the Ombudsman asked the Ministry of Transport to give a status for the Ministry's processing times in cases concerning access to files according to the Access to Public Administration Files Act and the Environmental Information Act for 2023 and the first six months of 2024.

The investigation showed that the processing time of concluded cases in the investigated period had not been reduced to a satisfactory level.

However, the Ombudsman found that the long processing times were connected with the fact that the Ministry had concluded a portfolio of older cases. The cases now pending in the Ministry were therefore much newer than in the previous years. On that basis – and since the Ministry had added more resources to the area – the Ombudsman took no further action in the case on the present basis.

➤ **There could be some doubts as to whether the initiatives that the Ministry had started could be expected to have the planned effect.**

More initiatives needed

Based on complaints from journalists, among others, the Ombudsman started an investigation of the Ministry of Defence's processing times in cases concerning access to files. The Ombudsman found that the Ministry's average processing time had increased from 13.5 working days in 2023 to 24.9 working days in the first to third quarter of 2024.

The investigation also showed that 18.6 per cent of the cases in the first three quarters of 2024 had been concluded after more than the 40 working days within which the most extensive or complex cases must be strived to be concluded, according to the explanatory notes to the Access to Public Administration Files Act. In addition, more than half of the cases pending in the Ministry as at 30 September 2024 had already at that time been pending for more than 40 working days.

The Ombudsman agreed with the Ministry of Defence that the processing times were unsatisfactorily long. He also found that there could be some doubts as to whether the initiatives that the Ministry had started could be expected to have the planned effect. Even if that were the case, there would be a very long period with too long processing times. The Ombudsman therefore recommended that the Ministry consider starting additional initiatives and asked for a response from the Ministry no later than 1 March 2025.





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 de-
tention 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 euphoricants 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.ombudsman.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.





Monitoring visits to investigate accessibility for persons with disabilities

The Ombudsman monitors the accessibility of public buildings and their outside areas etc. for persons with disabilities.

During monitoring visits to investigate accessibility, the Ombudsman focuses on whether the requirements of the building regulations on accessibility for persons with disabilities have been met. The Ombudsman is assisted during the visits by two accessibility consultants, who both have a disability.

Accessibility of public healthcare centres

For a period of time, the focus of the Ombudsman's monitoring visits to investigate accessibility was public healthcare centres, and the Ombudsman visited six healthcare centres in various parts of the country in this connection.

The Ombudsman has published a thematic report which summarises the findings from the visits. The report can be found on the Ombudsman's website.

The Ombudsman found that the way in which the buildings had been designed and construct-

ed generally enabled persons with disabilities to move about inside the healthcare centres, including to use the treatment and training rooms. However, the Ombudsman assessed that the means of access to the healthcare centres and the disabled toilet facilities could negatively impact the accessibility of the centres for users with disabilities. For this reason, the Ombudsman recommended improvements of the accessibility at all six visits.

Other cases

The Ombudsman followed up on a previous case (FOB 2016-40) about the accessibility of a number of train stations. The follow-up showed that the accessibility of several of the stations had been improved, for instance by installing lifts. With reference to Articles 5 and 9 of the UN Convention on the Rights of Persons with Disabilities, the Ombudsman recommended to the Ministry of Transport that various information about the accessibility of train stations be made available in relevant places, for instance in the list of stations on the website of the Danish State Railways, and that it be transferred to the Journey Planner website, rejseplanen.dk.

Read more at

www.en.ombudsmanden.dk/equal_treatment_of_persons_with_disabilities



Monitoring of forced deportations

Participation in forced deportations

The Ombudsman monitors forced deportations of foreign nationals, among other things by Ombudsman staff being present during the whole or part of a number of deportations. In 2024, a member of the Ombudsman's staff was present at 12 deportations carried out by the Danish authorities and at two Frontex operations.

The Ombudsman generally found that the foreign nationals were treated with respect and in accordance with their fundamental rights. The Ombudsman expressed no criticism in 11 of the 12 cases where a member of the Ombudsman's staff was present at the deportation. The last case was still pending at the time of going to press.

Annual review of concluded cases

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

In 2024, the Ombudsman reviewed the case files of 28 deportation cases which had been concluded by the authorities in 2023 – five cases involving use of force and 23 cases where no force was used. In two of the cases, the Ombudsman opened an investigation. Both investigations resulted in criticism of the Danish Return Agency. One case related to the Agency's case investigation, and the other case concerned the Agency's service of a decision on administrative deportation. None of the other 26 cases gave rise to any comments.

➤ Read more at
www.en.ombudsmanden.dk/forced_deportations


The background is a solid teal color. It is decorated with a repeating pattern of white concentric arcs, resembling stylized rainbows or ripples, arranged in horizontal rows. The word "Articles" is centered in a white serif font.

Articles



Good administration is also about trust in the authorities

Trust is a premise for a well-functioning relationship between citizens and authorities. The Ombudsman also focuses on this in his work to ensure the legal rights of citizens. Both previously and in 2024, a number of Ombudsman investigations have dealt with the need for authorities to act in a way that strengthens citizens' trust in the public administration.

A decorative graphic consisting of several concentric, light teal-colored circular arcs that sweep across the bottom of the page, creating a sense of movement and depth.

Stephan Andreas Damgaard,
Acting Senior Head of Division
Lise Puggaard, Senior Consultant



When the Ombudsman assesses whether the authorities are acting in contravention of existing legislation or otherwise commit errors or derelictions, he does not only look at the legislation. The Ombudsman also examines whether the authorities are acting in accordance with good administrative practice, meaning according to standards and principles that say that the authorities should behave in a way that strengthens trust in the public administration.

The Ombudsman therefore focuses on how important it is to ensure citizens' trust in the authorities.

This is also a subject that has the attention of the politicians. When the Ombudsman's Taxation Division was established on 1 January 2017 as one of several initiatives in the so-called Legal Rights Package II, the aim was greater security for citizens in their interaction with the tax system – and, ultimately, increased trust in the tax system as a whole.

Focus on a good and trustful relationship

Accordingly, precisely trust was also the connecting thread in an investigation (the case FOB 2018-10) that the Ombudsman carried out shortly after the establishment of the Ombudsman's Taxation Division.

The investigation was concentrated on the interaction between the citizen and the tax authorities and focused on errors that could damage the citizens' trust in the system. The investigation uncovered several problems that could damage the relationship between citizen and tax authority.

One of the problems was that the tax authorities in several cases did not seem to have responded to citizens' objections. This could give the citizen the impression that it was no use to put forward arguments or views because the authorities had decided the case in advance. There were also several examples of an inadequate overview of the documents in a case and incidents where the Customs and Tax Administration had appeared as negotiating party and not as an authority and otherwise had behaved in a way that did not support a trustful relationship.

Three new investigations in the field of taxation

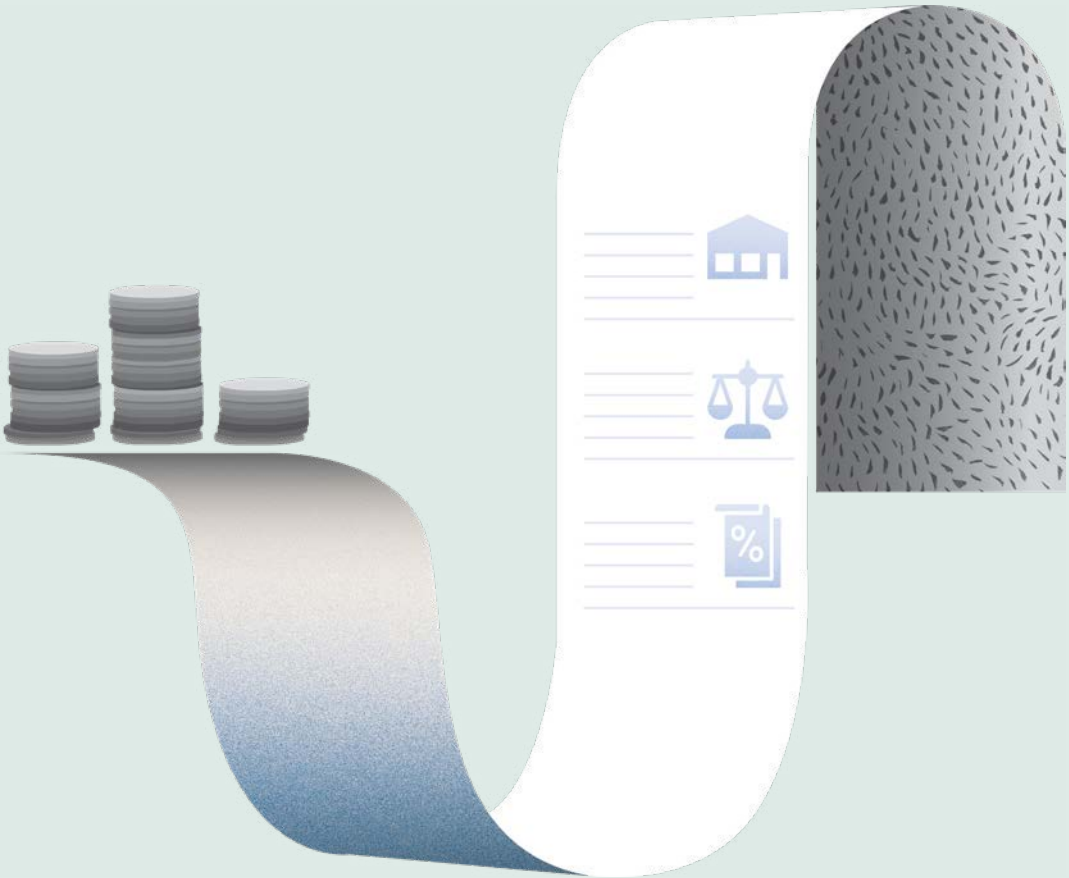
Three of the Ombudsman's investigations in the field of taxation in 2024 have given rise to reflections on trust in the authorities – two investigations on the property tax reform and one on the tax authorities' debt collection.

The first investigation (the case FOB 2024-10) concerned the 2022 preliminary property assessments of residential properties.

In the autumn of 2023, the Property Assessment Agency released about 1.8 million preliminary assessments for 2022. The assessments were quickly met with fierce criticism. For instance, the media mentioned cases where the land value greatly exceeded the property value. In a parliamentary consultation, the Minister for Taxation said that some of the assessments seemed wildly off the mark. And the Ombudsman received complaints from a large number of citizens.

The preliminary property assessments are a special scheme decided by Parliament. The assessments were to be calculated without consulting the property owner, without grounds and without a right to complain. This followed directly from the legislation. And it was therefore not something that the Ombudsman took up.

The legislation also predicted that the preliminary assessments, which were generated automatically without manual processing, to a certain extent could be ‘off-target’.



However, in the Ombudsman's opinion, this could not change that the Property Assessment Agency was responsible for ensuring that the preliminary assessments were as correct as possible.

In light of the very disproportionate assessments, the Ombudsman found that it would have been in better accordance with a responsible planning of the IT process if the Property Assessment Agency had done more to prevent the very disproportionate assessments.

He added that it is a fundamental part of the work of public administrative authorities that it should be organised in a way that supports public trust to the greatest possible extent. In the Ombudsman's opinion, the release of the very disproportionate preliminary assessments did not support trust in the tax authorities – or in the public property assessments, even though that had been one of the purposes of the new Property Assessment Act from 2017.

Announcement that four out of five property owners could expect a tax cut

Another investigation, from October 2024, (the case FOB 2024-24) arose from an announcement in a press release from the Ministry of Taxation's website in 2023 that four out of five property owners could expect a tax cut in connection with the transition to the new property tax system.

As part of the processing of a complaint case on access to documents, the Ombudsman inquired about the documentation for the Ministry of Taxation's announcement in the press release. The Ministry replied that calculations on the tax cuts were carried out continuously on the basis of Statistics Denmark's law model server but that there were no documents with these calculations and that no documentation for the calculations had otherwise been ensured prior to the announcement.

The Ombudsman did not in the investigation take a position on the correctness of the Ministry's announcement, which, for that matter, he did not have cause to doubt.

But he found it unfortunate that the Ministry of Taxation had not chosen to ensure that it had documentation for such a significant announcement. The size of property taxes is important for many citizens, and the Ministry's announcement was a cornerstone in communications about the new property tax system to the property owners.

The Ombudsman said that it did not instil trust in the authorities if documentation for such significant announcements cannot be found or at least be recreated.

Maintenance payments for families and children

The last investigation (the case FOB 2024-25) was about something completely different, namely the collection of maintenance payments from debtors abroad. For example increased child support which has not been disbursed in advance by public authorities.

The Debt Collection Agency is responsible for collecting the payments. And the Agency's efforts can therefore make a big difference for the affected families and children.

The tax authorities experienced many obstacles to the collection. It was for example difficult to get reliable information regarding addresses for maintenance debtors abroad. The Debt Collection Agency also mentioned manual administrative procedures, limited system support and challenges with the international agreements in the field.

However, the Ombudsman found that the authorities had not done nearly enough to overcome the challenges that had been identified. And the result was a clearly inadequate collection effort where debtors abroad could avoid paying.

In a concrete case, which was part of the Ombudsman's investigation, a mother and her child did not receive increased child support payments for the almost 20 years that the Debt Collection Agency and the Customs and Tax Administration had been responsible for collection of the payment. This was despite the mother twice having informed the authorities of the debtor's possible address in a specific country.

In the investigation, the Ombudsman found that it was a fundamental failure on the part of the authorities. And this had an adverse effect on the families.

The collection efforts uncovered by the investigation did not strengthen trust in the tax authorities.

The Ombudsman's ongoing work

At the end of 2024, the Ombudsman started an investigation of the Property Assessment Agency's guidance for property owners on the so-called tax increase loans (*tillægslån*). The investigation was started because of press coverage which focused on property owners' trust in the authorities' guidance.

In the investigation, the Ombudsman has also inquired about the Property Assessment Agency's future guidance efforts in connection with the transition to the new property assessment system.

It is not only in the field of taxation that the Ombudsman has his focus on trust in the authorities. Legal rights and trust are inseparably bound together in all parts of the administrative sectors.

It is the Ombudsman's core task to monitor the authorities and thereby help strengthen the administration and avoid errors. And thereby hopefully also help to increase people's trust in the authorities.

› The cases mentioned in the article are published (in Danish) at www.ombudsmanden.dk



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.

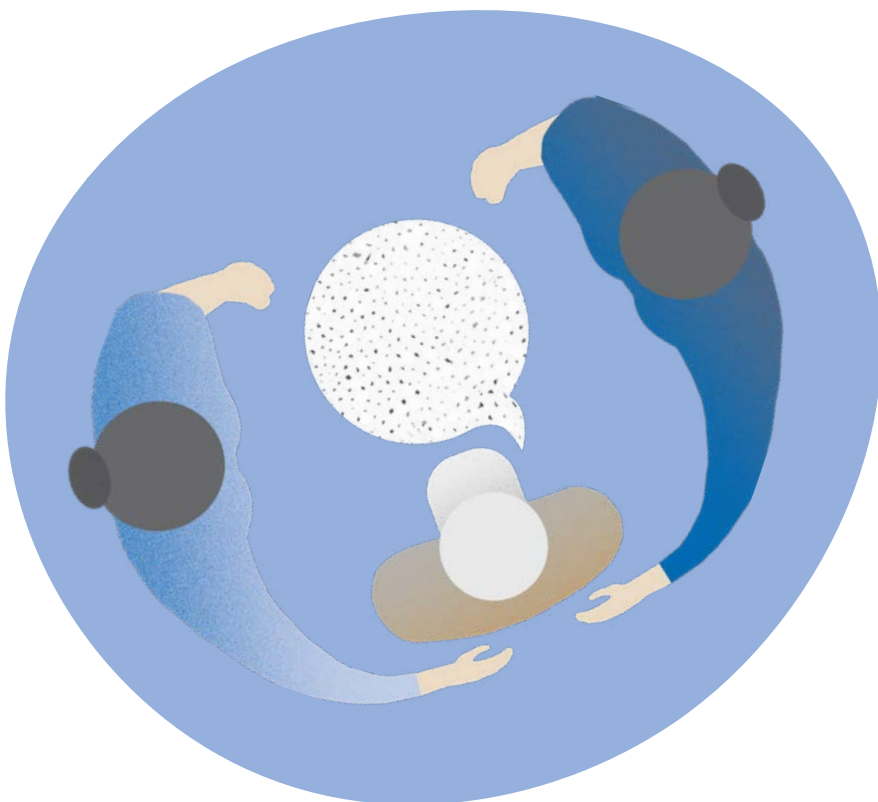
At the end of a visit, the visiting team always gives feedback to management about the team's observations. It is an overall assessment of the information we have received from the institution and from conversations with parents prior to the visit together with the information we have received through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

The Ombudsman's Guide for Authorities – administrative law questions answered quickly

The Guide for Authorities on the Ombudsman's website contains a number of overviews about administrative law questions that may arise in practical case processing.



When an authority processes a case, the case officer has to deal with many questions. For example whether there is a duty to consult parties, meaning if the party in the case must have the opportunity to comment before a decision is made. It depends on, for instance, whether the authority in its decision will attach importance to information which is detrimental to the party and which concerns the factual basis of the case or external expert assessments.

But when is information detrimental to the party? And what information can be said to concern the factual basis of the case or external expert assessments?

In the Guide for Authorities, the case officer can – in a clear and easily accessible way – find guidance on these and many other case processing questions that, in the Ombudsman's experience, may give rise to doubts in practice.

Help to avoid errors

The Guide for Authorities was launched in the autumn of 2017 as a new tool for the authorities. The purpose is to help the public administration to avoid making errors – and thus to strengthen citizens' legal rights.

In a case where the authority has made an error, the Ombudsman can help the citizen when the error *has* arisen. But from the citizen's perspective, it would of course be best if the error had not been made at all, and the citizen would have received correct treatment by the authority in the first place.

Building on experience

The overviews in the Guide for Authorities fall under two main categories:

- overviews of matters pertaining to general administrative law, such as the decision concept and consultation of parties
- overviews of legal issues in specific case areas, such as municipalities' processing of notifications about concern for children and consultation of neighbours in construction cases

The Ombudsman chooses the subjects for the Guide for Authorities based on experience from investigations and monitoring visits, among other things. As a main rule, focus is on the issues that may typically give rise to doubts in daily case processing.

The basis of a new overview may be that the Ombudsman, by processing concrete cases or in other ways, has become aware of a question of doubt that has caused problems for the authorities. For example, this applies to overviews #12 and #13 about digitalisation, which were made in the wake of specific investigations of the tax authorities' IT systems.

The Ombudsman may also have had occasion to take a position on fundamental legal issues. For example, this applies to overview #23 about delimitation and initial case processing of a request for access to public files.

Focus on the most important points

Each overview goes through the subject in question based on applicable law and good administrative practice as well as relevant

practice from both the courts of law and the Ombudsman. In each overview, you will also find what the Ombudsman considers to be typical errors that the authorities should be aware of, a summary of the most significant points and a background section with information on rules, literature etc. where you can find more information.

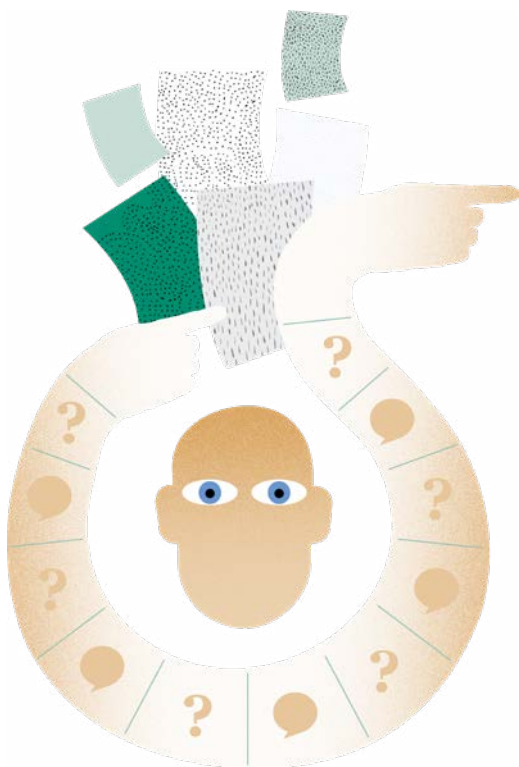
Most overviews contain the following sections:

- outline of the overview
- applicable law and practice
- typical errors
- consequences of errors
- significant points
- background

Even though the Guide for Authorities can answer many questions, it only gives a concentrated overview and does not go into all detailed questions. The authorities' case processing can therefore not be based solely on the Guide for Authorities. However, the Guide can hopefully draw attention to relevant issues and – if not give the answer – at least help the authorities move on in their work.

Several uses

First and foremost, the Guide for Authorities can be used by the case officer in connection with the processing of a specific case. Here, it provides help and guidance about central questions, such as when there is a duty to take notes (overview #2) and when a case is sufficiently elucidated in order to make a decision (overview #8). There are also answers to questions about what requirements there are for a decision, such as how to formulate the grounds (overview #10).



When an authority processes a case on access to public files, there is also help to be found in the Guide for Authorities. For example, there are answers to a number of questions about delimitation of requests for access (overview #23), resource considerations and dialogue (overview #15) and the concept 'environmental information' (overview #22).

The Guide for Authorities can also be used in connection with the planning of operations and case handling processes internally within the authority. For example, there are answers to questions about what requirements there are for processing times and when citizens must be notified about the status of their case (overview #11).

In addition, the Guide for Authorities can be consulted in connection with major digitalisation projects, including during development of (new) IT systems. Thus, overview #12 goes through the fundamental rights of parties in a case, which the authorities must be aware of when implementing and using digital case processing. And overview #13 goes through the general administrative law requirements for public IT systems.

Questions about consultation of parties

Among the most visited overviews in the Guide for Authorities is overview #9 about consultation of parties (generally) and overview #14 about consultation of neighbours in construction cases. This is not that surprising, as the question of consultation of parties is relevant in a great many cases, such as construction cases, and may easily give rise to doubts. At the same time, it is important to consider because consultation of parties is a right for the citizen and a central part of the authority's case elucidation, the purpose of which is to ensure that the decision is correct.

In the overview on consultation of parties, the case officer can read, for instance, what it means that information must concern the factual basis of the case or external expert assessments and find examples from the Ombudsman's practice for illustration. In this way, the case officer can be prepared for making the assessment in the case to be processed. The overview also contains a procedural description of how consultation of parties takes place in practice.

In addition, the overview on consultation of parties contains a section on typical errors – like the other overviews. As an example is mentioned the situation where the authority refrains from consulting a party because the party already knows the information, but forgets to take into account that the party does not know that the information is being used in the relevant case.

It appears from the section on consequences of errors that lack of consultation of parties may eventually lead to a decision being disregarded as invalid.

New practice being incorporated

The overviews in the Guide for Authorities are being updated continuously – normally twice a year – so that new relevant legislation and practice are incorporated. The Ombudsman also continues producing new overviews that may hopefully help the authorities in their daily work.



Find the Guide for Authorities (available in Danish only) by scanning the QR code.







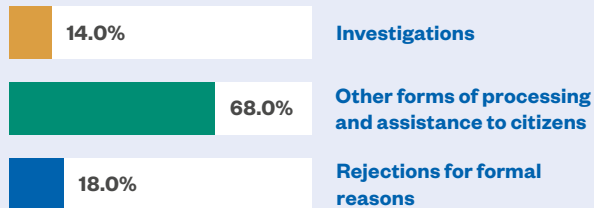
Brief overview of the year

The year in figures

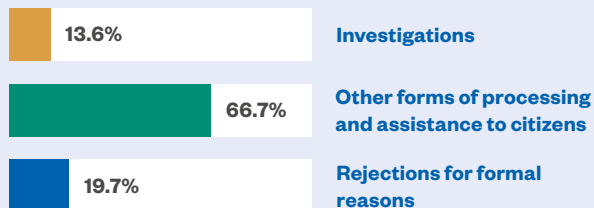
The following pages contain key figures for the cases processed by the Ombudsman in 2024. More information about the Ombudsman's work and the rules governing the Ombudsman's activities can be found on www.en.ombudsmanden.dk.

Concluded cases¹

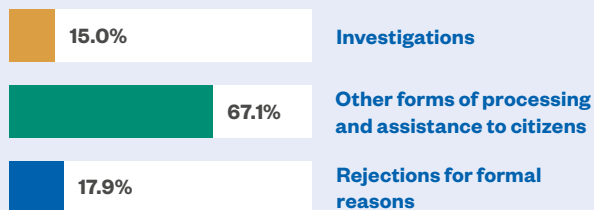
2024
6,439 cases



2023
6,064 cases



2022
5,258 cases



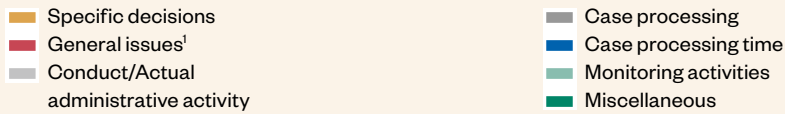
¹) Administrative cases are not included. In addition, cases selected for collective review in connection with general own-initiative investigations are not normally included.

What was the outcome of the cases?

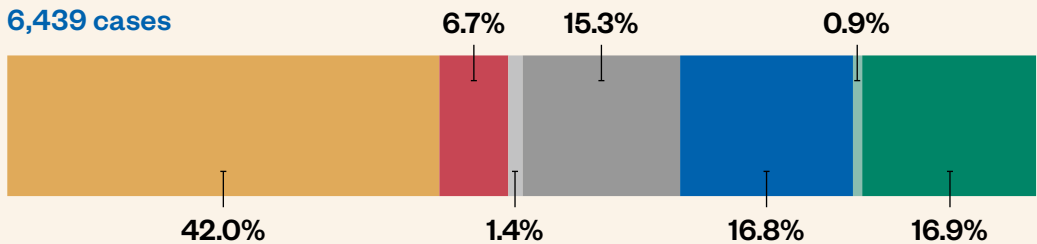
Concluded cases	
1. Investigations	
Full investigations	183
– of which cases with criticism, formal or informal recommendations etc.	81
Shortened investigations ¹	723
Investigations, total	906
2. Other forms of processing and assistance to citizens	
Various forms of intervention in cases where the avenues of processing by authorities had not been exhausted	2,372
– of which cases forwarded to authorities	1,277
Cases where the Ombudsman's review did not lead to further investigation	1,495
Answers to enquiries, guidance etc.	509
Other forms of processing and assistance to citizens, total	4,376
3. Rejections for formal reasons	
Complaints which were submitted too late to the Ombudsman	127
Cases where the complaint/appeal options to authorities had not been used – and could no longer be used	48
Cases which related to courts, judges or matters on which a court had made or could be expected to make a decision – and were thus outside the Ombudsman's jurisdiction	224
Cases which concerned matters relating to Parliament, including legislative issues, and were thus outside the Ombudsman's jurisdiction	75
Complaints which related to other matters outside the Ombudsman's jurisdiction, including private legal matters	298
Complaints which were not clarified sufficiently to be able to be processed and complaints which were withdrawn	276
Cases in which the Ombudsman declared himself disqualified	12
Anonymous approaches	97
Rejections for formal reasons, total	1,157
Total (1-3)	6,439

1) Shortened investigations comprise primarily cases in which the Ombudsman reviewed a complaint but decided not to obtain statements from the authorities because it was unlikely that a full investigation would result in criticism or recommendations. The category of shortened investigations also includes, among others, cases which were reopened by the authorities after the Ombudsman asked them for a statement (32 cases in 2024).

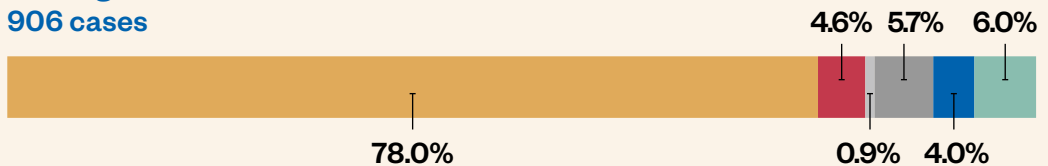
What did the cases concern?



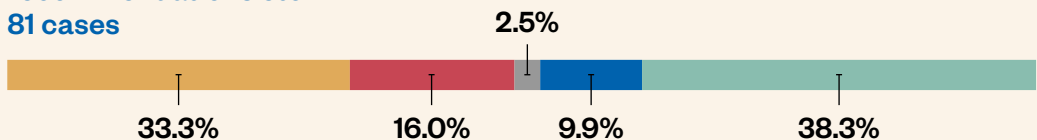
All concluded cases 6,439 cases



Investigations 906 cases



Cases with criticism, formal or informal recommendations etc. 81 cases



1) The category 'General issues' comprises, for instance, the overall conditions in an institution or questions such as whether an act provides authority for an executive order or whether an authority's general practice within a specific area is acceptable.

Which authorities etc. were involved?

Cases concluded in 2024 – by authority etc.

	Investigations		Other forms of processing and assistance to citizens	Rejections for formal reasons	Total cases
	With criticism, formal or informal recommendations etc.	Without criticism, formal or informal recommendations etc.			
A. Ministries and authorities etc. under them ¹					
Ministry of Employment	1	11	89	15	116
Ministry of Urban, Rural and Ecclesiastical Affairs	0	3	41	3	47
Ministry of Children and Education	0	7	34	6	47
Ministry of Digital Affairs	0	2	13	0	15
Ministry of Industry, Business and Financial Affairs	3	44	130	19	196
Ministry of Finance	1	4	5	1	11
Ministry of Defence	3	18	55	7	83
Ministry of the Interior and Health	3	43	105	9	160
Ministry of Justice	22	130	453	89	694
Ministry of Climate, Energy and Utilities	1	17	19	3	40
Ministry of Culture	2	9	35	1	47
Ministry of Environment and Gender Equality	0	12	28	5	45
Ministry of Food, Agriculture and Fisheries	1	3	16	1	21
Ministry of Green Transition	0	0	2	0	2
Ministry of Taxation	12	141	473	69	695
Ministry of Social Affairs and Housing	7	203	611	123	944
Prime Minister's Office	4	5	11	2	22
Ministry of Transport	2	19	76	6	103
Ministry of Higher Education and Science	1	11	72	19	103
Ministry of Foreign Affairs	1	6	24	1	32
Ministry of Immigration and Integration	1	38	85	28	152
Ministry of Economic Affairs	0	0	2	0	2
Total	65	726	2,379	407	3,577

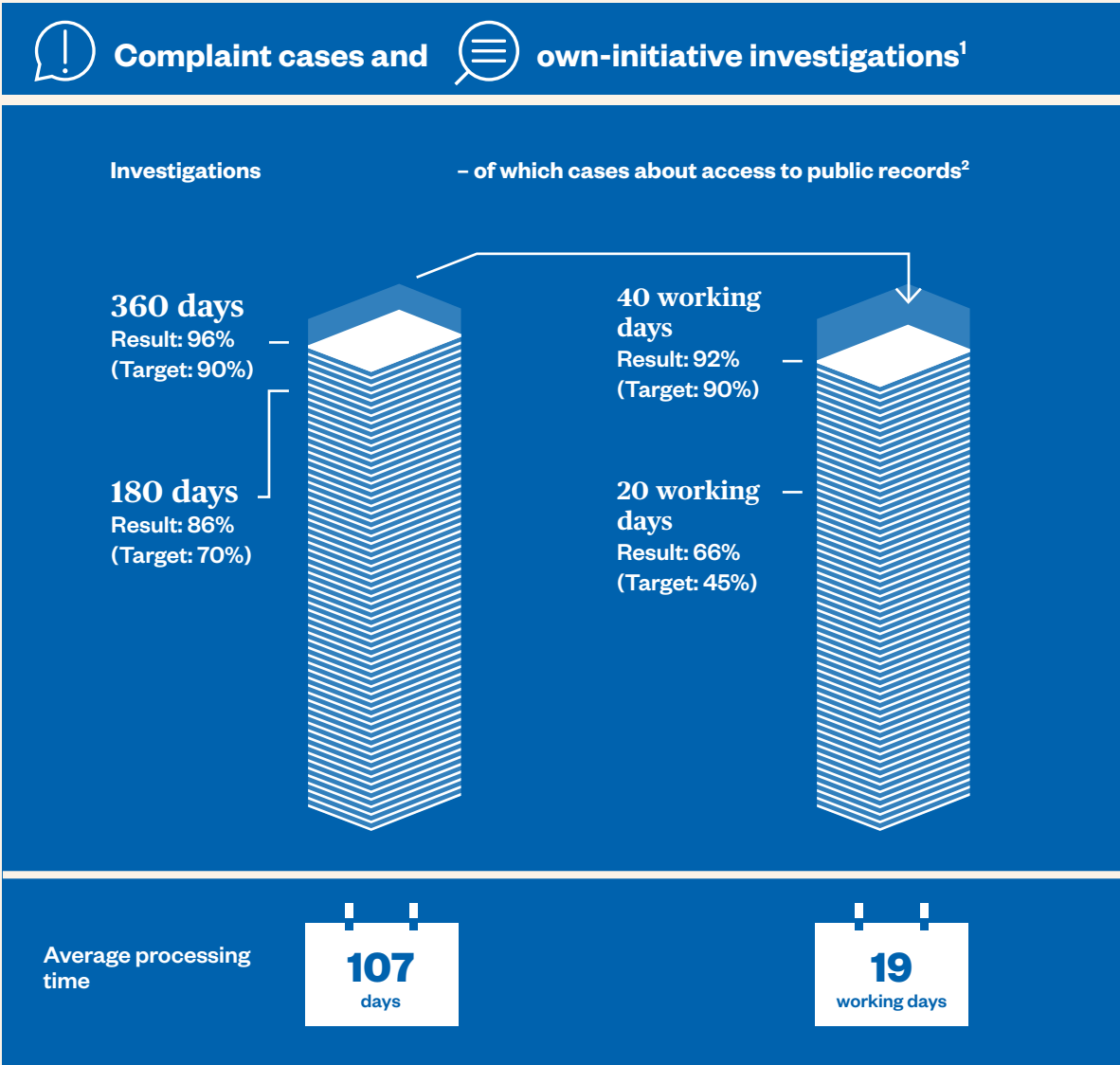
1) The cases have been classified under the ministries existing at the end of the year. Concluded cases relating to authorities which have been moved to another ministry, closed down or reorganised have as a general rule been classified under the ministries which had the remit for the relevant areas at the end of the year.

Cases concluded in 2024 – by authority etc.

	Investigations		Other forms of processing and assistance to citizens	Rejections for formal reasons	Total cases
	With criticism, formal or informal recommendations etc.	Without criticism, formal or informal recommendations etc.			
B. Municipal and regional authorities etc.					
Municipalities	5	73	1,269	158	1,505
Regions	10	10	75	13	108
Joint municipal or regional enterprises	0	0	4	0	4
Special municipal or regional entities	0	1	3	0	4
Total	15	84	1,351	171	1,621
C. Other authorities etc. within the Ombudsman's jurisdiction²					
Other authorities etc. within the Ombudsman's jurisdiction	1	15	126	12	154
Total	1	15	126	12	154
D. Authorities etc. within the Ombudsman's jurisdiction, total					
Ministries and authorities etc. under them, total (A)	65	726	2,379	407	3,577
Municipal and regional authorities etc., total (B)	15	84	1,351	171	1,621
Other authorities etc. within the Ombudsman's jurisdiction, total (C)	1	15	126	12	154
Total	81	825	3,856	590	5,352
E. Institutions etc. outside the Ombudsman's jurisdiction					
Courts etc., cf. Section 7(2) of the Ombudsman Act	0	0	0	112	112
Dispute tribunals, cf. Section 7(3) of the Ombudsman Act	0	0	0	21	21
Other institutions, associations, enterprises and persons outside the Ombudsman's jurisdiction	0	0	0	361	361
Total	0	0	0	494	494
F. Cases not relating to specific institutions etc.					
	0	0	520	73	593
Grand total (A-F total)	81	825	4,376	1,157	6,439

2) The figures comprise cases involving private institutions which fall within the Ombudsman's jurisdiction in connection with OPCAT or in the children's sector and other institutions etc. which have been included under the Ombudsman's jurisdiction. In 2024, the Ombudsman made no new decisions in pursuance of Section 7(4) of the Ombudsman Act that his jurisdiction was to extend to a specific company, institution, association etc.

Processing times



1) Processing times for investigations and for cases which are concluded with other forms of processing and assistance to citizens or are rejected for formal reasons are calculated in calendar days from the date on which the case begins (in complaint cases the date of the Ombudsman's receipt of the complaint) until the Ombudsman concludes the case.

2) Complaint cases about access to public records under the Access to Public Administration Files Act, the Environmental Information Act, the Administration of Justice Act etc., except for cases about the right of a party to a case to obtain access to documents of the case. Processing times are stated in working days – as in the Access to Public Administration Files Act. The number of working days is calculated from the date on which the Ombudsman has received replies from the citizen and the authorities and the case is ready for final processing (the 'maturity date').



Monitoring cases³

Other forms of processing and assistance to citizens and rejections for formal reasons

180 days

Result: 98%
(Target: 98%)



90 days

Result: 91%
(Target: 90%)

180 days

Result: 88%
(Target: 80%)



32
days

135
days

3) Concluded cases concerning monitoring visits to institutions etc. for children and for adults, monitoring visits to investigate physical accessibility for persons with disabilities and monitoring of forced deportations of foreign nationals. The processing time for a monitoring case is calculated from the date of the monitoring visit or the deportation.

Other facts

The Ombudsman declared himself disqualified in 12 cases in 2024. This happened before Niels Fenger stepped down as Ombudsman on 7 October 2024. Parliament's Legal Affairs Committee assigned the processing of 11 of these cases

to Henrik Bloch Andersen, High Court Judge – who was later elected temporary Parliamentary Ombudsman – as ad hoc ombudsman. The last case was assigned to Olaf Tingleff, High Court Judge, as ad hoc ombudsman.





Extracts from news items from the Ombudsman

**of relevance for
international readers**

The following are extracts from news items from 2024 which were published on the Ombudsman's English website because they were considered to be of relevance for international readers. The news items can be read in full on www.en.ombudsmanden.dk.

22 January

In 2024, the Children's Division visits partly closed residential institutions for children and young people

Partly closed residential institutions and partly closed wards in residential institutions have special powers to detain the children and young people by locking outer doors and windows for periods of time. There is also more extended access to physically restrain a child or a young person.

In 2024, the Ombudsman's Children's Division will carry out monitoring visits to partly closed residential institutions and partly closed wards in residential institutions for children and young people in Denmark.

23 January

The Ombudsman investigates prison inmates' access to visits and occupation

In 2024, the Ombudsman's monitoring visits to institutions for adults will focus on access to visits and occupation for inmates in state and local prisons.

26 April

Kærshovedgård should improve safety situation for residents

In November 2023, the Parliamentary Ombudsman was on a monitoring visit to Return Centre Kærshovedgård to investigate conditions for persons with tolerated residence status who are required to reside at the return centre. The monitoring visit followed up on a similar monitoring visit in 2017 to Kærshovedgård and a monitoring visit in 2014 to Center Sandholm, which at the time accommodated persons with tolerated residence status.

14 May

Local councils must make remunerations paid to councillors public

According to the Local Government Act, the local councils must make public the amount of the remunerations that councillors are paid for performing external duties that they have by virtue of their membership of the local council, for instance a position on the board of a company.

The Ombudsman became involved in the matter due to a complaint from a journalist that the City of Copenhagen, in the journalist's opinion, made public remuneration rates for the duties of the City Council members in a way that made it impossible to calculate how large a sum the individual member of the City Council had actually been paid.

14 June

The Ombudsman's 2023 Annual Report available in English – including article on the Ombudsman and EU law

'Today, the Ombudsman consumes neither painkillers nor champagne when it turns out that a case includes EU law.'

So says Parliamentary Ombudsman Niels Fenger in an article in the English version of the Ombudsman's 2023 Annual Report.

In the article, Niels Fenger analyses the development of the Ombudsman Office's approach to EU law through the years. (...)

26 June**The Ombudsman has investigated transport of inmates in the Prison and Probation Service**

The Ombudsman's monitoring visits to institutions for adults in 2023 focused particularly on the Prison and Probation Service's transport of inmates to court appearances, outpatient treatment and in connection with transfer of inmates from one Prison and Probation Service institution to another.

...

The Ombudsman's main impression is that the Prison and Probation Service has organised the work of transporting inmates in a professional and appropriate manner. It is generally taken into account that the inmates are often in a vulnerable position.

28 June**The Ombudsman's Children's Division has examined conditions for children and young people in the psychiatric sector**

In 2023, the Ombudsman's Children's Division focused on children and young people in the psychiatric sector by means of a number of monitoring visits.

...

The Ombudsman's general impression was that the children and young people were treated with care and respect and that the staff provided a professional and committed service. It was also the Ombudsman's impression that the staff were knowledgeable about the rules on force and were working on reducing use of force.

2 October**Agency has not met legal obligation in cases about child support from debtors abroad**

The Danish Debt Collection Agency's handling of its task of helping families collect child support, for example additional child support, from debtors abroad has been so inadequate through a number of years that it can be characterised as fundamental authority negligence. The Ombudsman makes a statement about this after having investigated the Agency's work in the field.

7 October**The Ombudsman resigns in order to become judge with the Court of Justice of the European Union**

On 2 October 2024, the governments of the EU Member States appointed the Danish Parliamentary Ombudsman as judge to the Court of Justice of the European Union.

He will be sworn in and take office on 7 October 2024. For the same reason, Niels Fenger resigns as Ombudsman, with effect from the same day.

19 December**The Ombudsman's monitoring visit to Jyderup Prison, Denmark's only women's prison**

The Parliamentary Ombudsman has carried out a monitoring visit to Jyderup Prison, which was turned into a women's prison in October 2021.

...

'Since Jyderup Prison is the only women's prison in Denmark, it must accommodate many different inmates. This may cause difficulties in the daily life. My recommendations are generally that the prison's management ensure that the prison is a safe place to be for all inmates', says acting Parliamentary Ombudsman Henrik Bloch Andersen.



Statement of revenue and expenditure 2024

The Ombudsman's ordinary activities

DKK

Revenue

Appropriation	111,800,000
Other revenue	48,000
Total revenue	111,848,000

Expenditure

Wages and salaries, pension costs	89,970,000
Rent	6,806,000
Staff and organisation, including staff welfare	464,000
Continuing training/educaton	1,004,000
Books and library	76,000
Specialist databases	1,747,000
Newspapers and journals	250,000
Communication	652,000
Computer systems – operations and development	3,321,000
Computer hardware	1,762,000
Telephony and internet	434,000
Premises – repairs and maintenance	554,000
Furniture, fixtures and fittings	645,000
Cleaning, laundry and refuse collection	421,000
Heating and electricity	728,000
Premises – other expenditure	283,000
Travel	221,000
Entertainment and meals	89,000
Contribution to financial support scheme for trainees; etc.	561,000
Stationery and office supplies	93,000
Other goods and services	1,364,000
Total expenditure	111,445,000
Result for the year	403,000

Public service pensions

	DKK
Revenue	8,604,000
Expenditure	2,951,000
Result for the year	5,653,000

Collaboration agreement with Ministry of Foreign Affairs

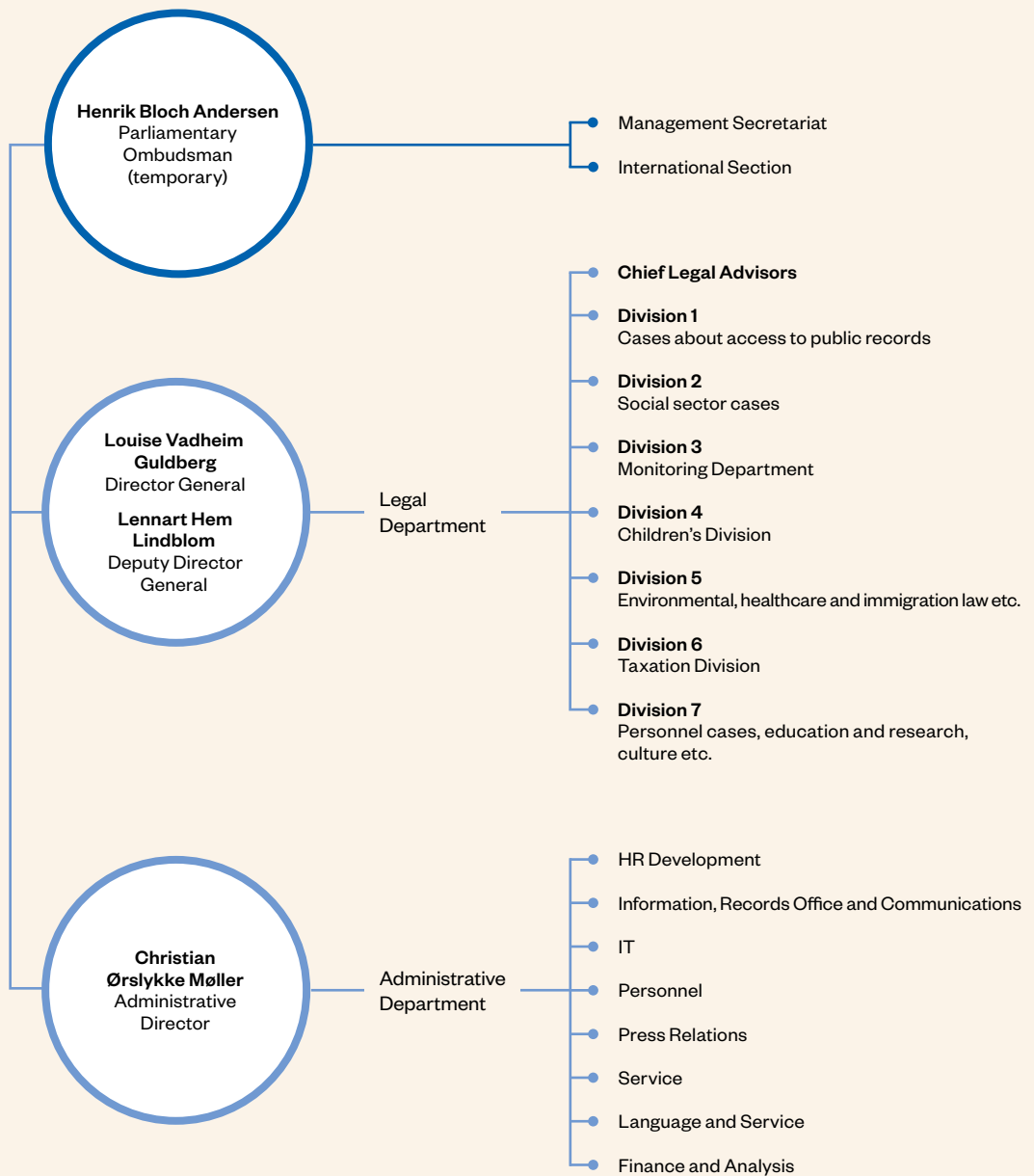
	DKK
Revenue	655,000
Expenditure	655,000
Result for the year	0

Note: Due to rounding, some totals may not correspond with the sum of the separate figures.



Organisation

As at 31 December 2024







Employees and core responsibilities as at 31 December 2024

Management

Henrik Bloch Andersen, Parliamentary Ombudsman (temporary)
 Louise Vadheim Guldberg, Director General
 Lennart Hem Lindblom, Deputy Director General
 Christian Ørslykke Møller, Administrative Director

Management Secretariat

Mai Gori, Management Coordinator, Special Legal Advisor
 Cathrine Klinthøj Larsen, Executive Secretary
 Nadia Nielsen, Executive Secretary

International Section

Klavs Kinnerup Hede, Director of International Relations
 Johan Klingberg Müller, Legal Advisor

Legal Department

Chief Legal Advisors

Karsten Loiborg, Chief Legal Advisor
 Morten Engberg, Chief Legal Advisor

Division 1

Cases about access to public records

Jacob Christian Gaardhøje, Senior Head of Division
 Lise Bitsch, Deputy Head of Division
 Marte Volckmar Kaasa, Deputy Head of Division
 Michael Gasbjerg Thuesen, Senior Consultant
 Janne Lundin Vadmand, Special Legal Advisor
 Marie Helqvist, Legal Advisor
 Nanna Flindt, Legal Advisor
 Rikke Malkov-Hansen, Legal Advisor
 Yasaman Mesri, Legal Advisor
 Frederikke Højgaard Abrahamsen, Legal Student Assistant

Key subject areas of cases handled

- Cases about access to public records
 - The Access to Public Administration Files Act
 - The Environmental Information Act
 - The Radio and Television Broadcasting Act
 - Selected cases involving the Administration of Justice Act
 - Selected cases about press handling etc.

Division 2

Social sector cases

Johannes Martin Fenger, Senior Head of Division
 Christina Ladefoged, Deputy Head of Division
 Kristine Holst Hedegaard, Deputy Head of Division
 Helle Sidenius, Special Legal Advisor
 Anna Rechendorff Møller, Legal Advisor
 Franz Amdi Hansen, Legal Advisor
 Kirsten Broundal, Legal Advisor
 Stine Harkov Hansen, Legal Advisor
 Sarah Ahmed, Legal Student Assistant

Key subject areas of cases handled

- Social security and labour market law

Division 3

Monitoring Department

Lisbeth Adserballe, Senior Head of Division
 Ann Thagård Gregersen, Deputy Head of Division
 Jørgen Hejstvig-Larsen, Deputy Head of Division
 Sidsel Kathrine Møller, Senior Consultant
 Jakob Liebetrau, Legal Advisor
 Laura Ulrich Østergaard, Legal Advisor
 Lucienne Josephine Lokjær Bak, Legal Advisor
 Morten Bech Lorentzen, Legal Advisor
 Morten Pilgaard Pedersen, Legal Advisor
 Sabine Heestermans Svendsen, Legal Advisor
 Jeanette Hansen, Senior Administrative Officer

The Monitoring Department is in charge of the Ombudsman's monitoring activities in relation to adults, which involve in particular

- State prisons
- Local prisons
- Halfway houses
- Police detention facilities
- Departments of psychiatry
- Social and social psychiatric residential facilities
- Asylum centres
- Non-discrimination of persons with disabilities
- Forced deportations of foreign nationals

The Monitoring Department especially handles specific cases involving

- Sentence enforcement and custody
- Psychiatric healthcare and conditions for psychiatric patients
- Social institutions

Division 4 Children's Division

Louise Christophersen, Senior Head of Division
 Camilla Bang, Deputy Head of Division
 Stine Marum, Deputy Head of Division
 Irene Rønn Lind, Psychologist and Special Advisor on Children's Issues
 Mette Ravn Jacobsen, Special Legal Advisor
 Ulla Birgitte Frederiksen, Special Legal Advisor
 Camilla Holst-Andersen, Legal Advisor
 Hanne Nørgård, Legal Advisor
 Lea Rosenlind Nielsen, Legal Advisor
 Maria Elisabeth Willert, Legal Advisor
 Marianne Halkjær Ebbesen, Legal Advisor
 Peter Kersting, Legal Advisor
 Tina Andersen, Legal Advisor
 Andrea Viinblad Thuesen, Legal Student Assistant
 Maria Guldberg Haar, Legal Student Assistant

The Children's Division carries out monitoring visits to public and private institutions etc. for children, such as

- Residential institutions and private accommodation facilities for children and young people placed in residential care
- Foster families
- Asylum centres
- Paediatric departments in hospitals and departments of child and adolescent psychiatry

The Children's Division especially handles specific cases involving

- Support measures for children and young people
- Social services for children
- Primary and lower secondary schools, continuation schools and private schools
- Institutions for children
- Other cases with a particular bearing on children's rights
- The law of capacity, the law of names, foundations and the law of succession

Division 5 Environmental, healthcare and immigration law etc.

Susanne Veiga, Senior Head of Division
 Anna Helene Stamhus Thommesen, Deputy Head of Division

Pernille Bjørnholk, Deputy Head of Division
 Katarina Lundh Lichtenstein, Senior Consultant
 Eva Vindsebæk Sjøgren, Special Legal Advisor
 Klaus Tranbjerg Toftgaard, Special Legal Advisor
 Sofie Hedegaard Larsen, Special Legal Advisor
 Helene Qvist Petersen, Legal Advisor
 Lars Lynge Dahlgaard, Legal Advisor
 Neel Muus Larsen, Legal Advisor
 Nikoline Halling-Overgaard, Legal Advisor
 Sebastian Dunge Rasmussen, Legal Advisor
 Lasse Finderup Nielsen, Legal Student Assistant
 Nikita Risager Øbakke, Legal Student Assistant

Key subject areas of cases handled

- Environment and planning
- Building and housing
- Energy
- Food and agriculture
- Municipalities and regions etc.
- The non-psychiatric healthcare sector
- Foreign nationals
- The Guide for Authorities on the Ombudsman's website

Division 6 Taxation Division

Kirsten Talevski, Senior Head of Division
 Martin Dyhl-Polk, Deputy Head of Division
 Stephan Andreas Damgaard, Deputy Head of Division
 Anna-Sophie Kolding Saugmann-Vasi, Senior Consultant
 Lise Puggaard, Senior Consultant
 Jeanett Dejgaard Stefansen, Special Legal Advisor
 Mette Kildegaard Hansen, Special Legal Advisor
 Rikke Ilona Ipsen, Special Legal Advisor
 Linnea Eliassen, Legal Advisor
 Mai Vestergaard, Legal Advisor
 Signe Brehm Jensen, Legal Advisor
 Sverre Dehnfeld Kjeldgaard, Legal Advisor
 Markus Kristian Meiner, Legal Student Assistant
 Nikoline Ervolder Svendsen, Legal Student Assistant

Key subject areas of cases handled

- Direct taxes
- Indirect taxes, including value-added tax, etc.
- Levying and collection of taxes
- Cases within certain other fields, including transport, communication and roads

Division 7

Personnel cases, education and research, culture etc.

Adam Abdel Khalik, Senior Head of Division
 Anne Djurhuus, Deputy Head of Division
 Vibeke Lundmark, Deputy Head of Division
 Lise Brandi-Hansen, Senior Consultant
 Anna-Sophie Bager, Legal Advisor
 Mariam Moussa Rihani, Legal Advisor
 Marie Nyborg Kvist, Legal Advisor
 Marjanne Kalsbeek, Legal Advisor
 Mette Elisabeth Grumløse Hjelmsø, Legal Advisor
 Pernille Helsted, Legal Advisor
 Emilie Kroer Ludvigsen, Legal Student Assistant

Key subject areas of cases handled

- Public employment law, including public employees' freedom of expression
- Education and research
- The Prosecution Service and criminal cases etc.
- Traffic, passports, weapons etc.
- Elections, registration of individuals etc.
- Ecclesiastical affairs and culture
- Trade and industry etc.

Administrative Department

Core responsibilities

- Personnel
- Finance and analysis
- HR development
- Organisational development
- Information and communications
- Proofreading and other linguistic services
- Press relations
- IT
- Service and maintenance
- Records office

Christian Ørslykke Møller, Administrative Director

HR Development

Lisbeth Kongshaug, Head of HR and Development
 Mai Gori, Special Legal Advisor
 Cathrine Klinthøj Larsen, Senior HR and Development Administration Officer
 Jannie Svendsen, Senior HR and Development Administration Officer
 Neel Aggestrup, Senior HR and Development Administration Officer

Information, Records Office and Communications

Karen Nedergaard, Head of Information, Records Office and Communications
 Anna Skov Fougts, Librarian
 Julie Gjerrild Jensen, Senior Communications Officer
 Eva Jørgensen, Senior Communications Officer
 Denise Schårfe, Senior Records Officer
 Harriet Lindegaard Hansen, Senior Records Officer
 Julie Roland, Senior Records Officer
 Charlotte Charboe Andersen, Senior Records Assistant

IT

Seyit Ahmet Özkan, IT Administrator
 Kevin Pedersen, IT Systems Administrator
 Uffe Larsen, IT Officer
 Allan Sigge Bruun Andersen, IT Student Assistant
 Mikkel von Düring Lausen, IT Student Assistant

Personnel

Mette Vestentoft, Senior Consultant
 Lone Gundersen, Senior Personnel Officer
 Nadia Nielsen, Senior Personnel Officer
 Tine Marie Nielsen, Senior Personnel Officer

Press Relations

Martin Østergaard-Nielsen, Special Communications Advisor

Service

Jeanette Schultz, Head of Service
 Elisabeth Olsen, Receptionist
 Amalie Herløv Nielsen, Service Assistant
 Annitta Lundahl, Service Assistant
 Charlotte Jørgensen, Service Assistant
 Flemming Wind Lystrup, Service Assistant
 Ghenet Teklemicael Tesfaslasie, Service Assistant
 Katarzyna Sztukowska-Thomsen, Service Assistant
 Kirsten Morell, Service Assistant
 Niels Clemmensen, Service Assistant
 Suphaporn Nielsen, Service Assistant

Language and Service

Mette Vestentoft, Senior Consultant
 Lisbeth Nielsen, Senior Language Officer
 Marianne Anora Kramath Jensen, Senior Language Officer
 Sara Krogsgaard-Hjorth, Senior Language Officer

Finance and Analysis

Camilla Nexøe Klitgaard, Head of Finance and Analysis
 Jeanette Schultz, Head of Service
 Rosa Marie Haslund Meyer, Finance and Analysis Student Assistant



Whistleblowing system

In accordance with the Act on Protection of Whistleblowers (Act No. 1436 of 29 June 2021), the Parliamentary Ombudsman has established a whistleblowing system. The whistleblowing system is internal to the Ombudsman's office. No concerns were reported to the whistleblowing unit of the Ombudsman's office in 2024.

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 derelictions 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.

