



## News from the Danish Parliamentary Ombudsman

### **Ombudsman: Can a future pandemic be handled less restrictively in Prison and Probation Service institutions?**

14 July 2020

Only one out of all inmates in state and local prisons and halfway houses under the Danish Prison and Probation Service has been infected with COVID-19. The Ombudsman finds this very positive. At the same time, however, he recommends, following a recent Ombudsman investigation, that the Prison and Probation Service review its experiences of recent months with a view to determining whether a future pandemic can be handled by means of less restrictive measures.

Following his investigation, the Ombudsman points out that the efforts to keep COVID-19 out of prisons and halfway houses have had noticeable consequences for inmates and residents. Thus, for instance, inmates and residents have not been permitted to work or to have visits and have not been granted leave – or they have had their access to work, visits and leave restricted. In addition, newly admitted inmates and inmates and residents with symptoms have been in isolation.

‘The tools used by the Prison and Probation Service to protect inmates from the spread of infection appear to have worked. But at the same time they have made the conditions of people deprived of their liberty more restrictive than normal. It is a difficult balancing act. For this reason I recommend that the Prison and Probation Service review its experiences with a view to determining whether a future pandemic can be handled effectively by means of less restrictive measures’, says Parliamentary Ombudsman Niels Fenger.

During the COVID-19 period, visiting teams from the Ombudsman have carried out monitoring visits to the local prison of ‘Blegdamsvejens Arrest’, to the units for foreign nationals sentenced to deportation of ‘Nyborg Fængsel’, a state prison, and to the ‘Pension Engelsborg’ halfway house. In all three institutions there was frustration among inmates/residents. Some residents of ‘Pension Engelsborg’ are normally only required to be at the institution at

night. However, during the COVID-19 period they were not permitted to visit their families, go to work, have visitors – or even go for a walk.

The inmates of the two prisons visited by Ombudsman representatives were also frustrated with the conditions and affected because they could not receive visits.

### **Ombudsman raises several questions**

The Ombudsman has also asked the Department of Prisons and Probation to answer a number of questions by 1 September 2020. His questions include whether the Department has considered testing newly admitted inmates of Prison and Probation Service institutions and why it was necessary for all newly admitted inmates to be in isolation for up to 14 days following admission from 4 May until 8 June 2020.

In addition, the Ombudsman has asked the Danish National Police for further information about the guidelines for a temporary regime for communication by telephone applicable to remand prisoners. At the local prison visited by Ombudsman representatives, the visiting team learned that remand prisoners whose visits were monitored and whose mail was censored could only have telephone conversations with one person at a time and that the person in question was required to conduct the telephone conversation from a specific police station located in Copenhagen. This made it difficult to speak especially with relatives living in the provinces and families with children.

Further information:

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### **FACTS**

- During parts of the COVID-19 period, the Prison and Probation Service has (among other things):
  - suspended admissions of sentenced persons
  - isolated all newly admitted inmates for up to 14 days and isolated all inmates with symptoms
  - precluded inmates from being granted leave, receiving visits and working or restricted their access to leave, visits and work

- In connection with his monitoring activities to investigate the conditions in Prison and Probation Service institutions during the COVID-19 period, the Ombudsman held a meeting on 3 June 2020 with the Department of Prisons and Probation. At the meeting, the overall guidelines for the handling of COVID-19 were discussed, among other topics.
- Visiting teams from the Parliamentary Ombudsman have carried out monitoring visits to the following three institutions:
  - The ‘Pension Engelsborg’ halfway house (10 and 11 June 2020)
  - Three units for foreign nationals sentenced to deportation of the ‘Nyborg Fængsel’ state prison (17 and 18 June 2020)
  - The ‘Blegdamsvejens Arrest’ local prison (17 and 18 June 2020)
- The monitoring visits to the three institutions consisted of discussions with the managements and staff, including healthcare staff, and talks with a total of 19 inmates.
- The meetings with managements and staff were held via a videoconference link, whereas the talks with inmates took place at the institutions. To minimise the risk of infection, the visiting teams did not make a tour of the institutions. In addition, the visiting teams took special precautions in connection with the visits, including in regard to the composition of the teams.
- The Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture participated in the preparation and conduct of the Ombudsman’s monitoring visits to investigate the conditions in Prison and Probation Service institutions during the COVID-19 period and in the follow-up to these visits.