

Response of the Danish Government to paragraph 117 in the report of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Denmark from 3 to 12 April 2019.

Paragraph 117 in CPT's report

CPT's comment and request concerning paragraph 117:

- The CPT calls upon the Danish authorities to ensure that all persons detained under aliens' legislation are afforded material conditions appropriate to their legal situation in centres specifically designed for that purpose. These centres should be maintained in a decent state of repair, clean and adequately furnished, including with benches/chairs, tables and shelves/cupboards. Each person should also have access to lockable space for personal belongings.
- A major refurbishment programme is required at both of the establishments visited, failing which they should be taken out of service and replaced by facilities that correspond to these criteria. The CPT would like to be informed, within three months, of the intentions of the Danish authorities in this regard.

1. General remarks

The Danish Government would like to thank the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for the comments and recommendations concerning the Ellebæk Centre for Foreigners and Nykøbing Falster Holding Center.

Please be assured that the Danish Government is continuously striving to ensure that no foreign nationals deprived of their liberty by Danish authorities are treated in a way that may be characterised as torture or inhuman or degrading treatment or punishment, cf. Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

In this respect the Government thoroughly examines the recommendations of inter alia the CPT for the purpose of continuously focusing on securing that the conditions are appropriate for foreign nationals in administrative detention.

The Danish Government is of the opinion that foreign nationals, who are staying in Denmark illegally, are obligated to leave the country as soon as possible. As a result, the return efforts are highly prioritised by the Danish government.

Administrative detention is a last resort in these efforts, but nonetheless a necessary measure. Several foreign nationals are staying in Denmark illegally and refuse to cooperate with the Danish authorities on their return or on participating in the processing of their asylum case etc.

The purpose of an administrative detention is to motivate the foreign national to cooperate on their return or their case, hence a detained foreign national can as a general rule bring an administrative detention to an end by cooperating with the authorities.

At present, the Danish Government has no plans to discontinue to use the Ellebæk Centre for Foreigners or Nykøbing Falster Holding Center for detention of foreign nationals held under the Aliens Act. However, the Danish Government acknowledges that persons detained under the Aliens Act must be offered reasonable conditions appropriate to their legal situation.

In this connection, the Department of Prisons and Probation has informed that as a result of the CPT Report, representatives of the management of the Prison and Probation Service have inspected the Ellebæk Centre for Foreigners. In that connection, the management agreed on a short-term basis to launch a renovation and refurbishment plan for the accommodation units with a view to improving the current standard of maintenance. It was also agreed to outline a plan to ensure regular maintenance in future, particularly in respect of toilets, painting of rooms, corridor areas, etc.

2. Ellebæk Centre for Foreigners

The Danish Department of Prison and Probation Service (Direktoratet for Kriminalforsorgen) has received an opinion from the Prison and Probation Service for Greater Copenhagen, to which the Ellebæk Centre for Foreigners belongs. The Prison and Probation Service for Greater Copenhagen has provided the following information:

2.1 Maintenance and renovation

The Ellebæk Centre for Foreigners has provided the information that minor maintenance projects are continuously being carried out. However, the centre experiences rapid deterioration of the standard of maintenance as a consequence of the large turnover of detainees (with short stays) who commit substantial vandalism at the centre in the form of graffiti on the walls, pulling out and short-circuiting of sockets, vandalism of sanitary installations, furniture and equipment and destruction of TV screens.

For several years, the Ellebæk Centre for Foreigners has been planning extensive refurbishment of the centre's accommodation units. However, due to a high occupancy level at the centre and at other institutions under the Prison and Probation Service, it has not yet been possible to make internal or external transfers of the detainees in order to vacate the accommodation units in such a way as to allow for the refurbishment. So far, and as long as the occupancy level places an obstacle to the refurbishment, the Prison and Probation Service has planned to carry out the maintenance work in connection with an extension of Ellebæk at the end of the first quarter of 2020. Due to a re-tender of the extension, which is now expected to be ready for use by the end of 2020, the Ellebæk Centre for Foreigners is currently looking into the possibility of carrying out the refurbishment of the men's accommodation units in small stages. At the same time, the plan is to replace the furniture and equipment of the centre to the extent necessary, and the possibility of refurbishing the toilets of the centre is being examined.

The Ellebæk Centre for Foreigners is currently installing small, secured outdoor facilities that are expected to be ready for use in the spring of 2020 to give the detainees free access to open air during the day without having to await the scheduled outdoor exercise.

2.2 Furniture and equipment, including lockable wardrobes

In the men's units, the centre currently holds 56 wardrobes and 35 safety deposit boxes for personal effects which can be used by the detainees. The wardrobes are non-lockable, but the safety deposit boxes can be locked with a code chosen by the detainees. In the women's unit, each detainee has a wardrobe which is non-lockable.

The Ellebæk Centre for Foreigners has bought new furniture and equipment in the form of beds, lockable wardrobes and safety deposit boxes so that all furniture in the men's accommodation rooms will be replaced in connection with the thorough refurbishment of the units. In connection with the replacement of the men's furniture and equipment, every detainee will receive a personal, lockable wardrobe and a personal lockable safety deposit box. The women's unit is not comprised by the refurbishment plan as it is in much better repair than the men's unit due to the refurbishment in 2013. Furthermore, the women do not vandalise the unit to the same extent as the men. The centre has purchased lockable safety boxes, which have been installed in the women's unit.

2.3 Cleaning

In the centre toilets quickly become dirty or are subjected to vandalism, which further reduces the standard. The detainees are responsible for cleaning their own rooms. Cleaning materials are made available by the centre. Selected detainees are assigned tasks such as cleaning, so-called "corridor men", and are responsible for cleaning the corridor areas and the toilets of the unit. The detainees in question receive a reward (pay) for carrying out these tasks.

3. Nykøbing Falster Holding Centre

The Department of the Prison and Probation Service has obtained an opinion from the Prison and Probation Service for Zealand, to which the Nykøbing Falster Holding Centre belongs. We have been informed of the following:

3.1 Maintenance and renovation

In the summer of 2019, all accommodation rooms (cells) were painted. The entire outdoor exercise yard was refurbished: walls were painted in bright colours, garden beds were weeded and plants were planted. The garden beds continue to be maintained and are clean and tidy.

In 2020, the bathrooms will be refurbished, a process that has already been initiated. Shower room benches will be replaced and there will be additional focus on decalcification and cleaning of toilets and bathrooms. The mould on the shower room benches mentioned (see paragraph 116) is not something we are familiar with and there is certainly no mould at present.

The electrical wiring will be checked and any defects will be remedied. The electrical socket and unprotected wire mentioned (see paragraph 116) have already been inspected and repaired by an electrician.

3.2 Furniture and equipment, including lockable wardrobes

There is a non-lockable wardrobe in each detainee's room (cell). In addition, each detainee has access to a lockable wardrobe for storage of valuables. The wardrobes are placed outside the accommodation units, but the detainees are assisted by staff when they wish to access their wardrobes. The wardrobes are equipped with master keys and, in consequence, only staff can lock and unlock the wardrobes.

3.3 Cleaning

Each detainee is responsible for the day-to-day cleaning of his or her own room. The cleaning of communal rooms as well as bathrooms and toilets is carried out by a cleaning firm. The same cleaning firm is responsible for thorough cleaning of communal rooms after detainees vacate them and before the arrival of new detainees.

As mentioned above under "Maintenance and renovation", additional attention will be given to decalcification and cleaning of toilets and bathrooms.

4) Final remarks

The Department of the Prison and Probation Service refers to the information provided by the institutions of the Prison and Probation Service, and the department agrees that there is a maintenance backlog – especially at the Ellebæk Centre for Foreigners. Despite the above-mentioned challenges of rapid wear and tear, vandalism etc., the Prison and Probation Service strives to maintain a reasonable standard of maintenance across the institutions and, in addition to the above measures, will examine more closely how it can ensure that this is obtained.