



**CPT/Inf (98) 6**

**Follow-up report of the Danish Government  
in response to the report of the  
European Committee for the Prevention of  
Torture and Inhuman or Degrading Treatment  
or Punishment (CPT) on its visit to Denmark  
from 29 September to 9 October 1996**

The Danish Government has requested the publication of this follow-up report. The CPT's report on its visit to Denmark (CPT/Inf (97) 4) and the interim report of the Danish Government (CPT/Inf (97) 14) have already been made public.

Strasbourg, 28 April 1998



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MINISTRY OF JUSTICE

DENMARK'S FINAL REPORT TO  
THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE  
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Supplementary information to  
the report of 20 October 1997

A. POLICE ESTABLISHMENTS

1. Torture and other forms of ill-treatment

recommendations

Re R.1:

No further comments.

Re R.2:

No further comments.

Re R.3:

No further comments.

requests for information

Re I.1:

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT stated that the case concerning Veronica Ngozi Ugwouha was expected to be concluded shortly.

The District Public Prosecutor for Copenhagen, Frederiksberg and Tårnby decided the case on 14 October 1997. The decision of the District Public Prosecutor has been appealed to the Director of Public Prosecutions who is expected to decide the case shortly.

The Ministry of Justice will inform the CPT of the decision of the Director of Public Prosecutions when the decision is available.

**Re I.2:**

No further comments.

**Re I.3:**

No further comments.

**2. Conditions of detention in police establishments**

**recommendations**

**Re R.4:**

Based on a description of the specific conditions at the detention facilities at Station 1 in Copenhagen and the police headquarters in Århus, Esbjerg and Horsens, the CPT recommended a review of these conditions in the light of the CPT's description.

The CPT further recommended that initiatives be taken to ensure that conditions of detention in all police establishments in Denmark meet the criteria indicated in paragraph 17 of the report.

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT stated that based on the CPT's recommendations the Ministry of Justice had requested a statement from the National Commissioner of Police, who is directly responsible for maintenance of buildings and stock.

The Committee found that, with few exceptions, conditions in the police establishments visited were broadly in conformity with the criteria outlined in paragraph 17. Thus, cells and waiting rooms visited were of a reasonable size and

appropriately lit and ventilated. Furthermore, detainees were generally granted access to adequate sanitary facilities.

1. As regards the criteria mentioned in paragraph 17 of the report, the National Commissioner of Police has stated by way of introduction that the police disposes of cells and waiting rooms for the purpose of holding detained persons.

Waiting rooms are used by the police for detaining arrested persons in connection with interviews and/or court hearings on police initiative. Remand prisoners and convicted prisoners are placed in institutions under the Prison and Probation Service.

Cells are used by the police for detaining persons who have breached the peace. Generally stays in cells will be of short duration.

The National Commissioner of Police has stated that an assessment of the fitting up of cells and waiting rooms must take into account that the premises are used for short-term detention only.

In general the National Commissioner of Police has referred to the guidelines of August 1992 issued by the Ministry of Justice on the fitting up of new police premises. The guidelines, which are based on a report from a working group under the Ministry of Justice, are annexed in Danish only as *enclosure 1*.

It appears from the guidelines that its instructions aim at new buildings, but that the Ministry of Justice finds that the principles expressed by the guidelines can also, according to circumstances, be applied to alterations of existing police premises.

It further appears from the guidelines that the provision of a good physical and mental environment for everybody in police premises is a condition for the satisfactory performance by the police of its tasks. This means, for example, that public inquiry offices and rooms for interviews/conversations should be pleasing to the public.

The guidelines include detailed instructions on the size and fitting up of waiting rooms, including lighting, ventilation, equipment and interviewing/listening systems. Furthermore, instructions concern the size and fitting up of cells, including sanitary and other installations, ventilation and call buttons as well as listening systems and cameras. The guidelines also include instructions for

toilet facilities for detainees and for toilet and shower rooms for cells.

The Ministry of Justice has noted that the CPT finds the physical conditions in police cells and waiting rooms to be of an acceptable standard in general.

The Ministry of Justice will continue to be aware of the need to take steps to ensure that conditions of detention in all police establishments in Denmark meet the criteria indicated in paragraph 17 at all times.

2. Concerning the specific conditions at Station 1 in Copenhagen mentioned by the Committee, the National Commissioner of Police has stated, based on a statement by the Commissioner of the Copenhagen Police, that detainees' request for lavatory visits are always complied with as soon as possible.

According to the Commissioner of the Copenhagen Police, it must be due to a misunderstanding when the CPT's report states that lack of manpower may cause a patrol to be recalled to escort a detainee to the lavatory. If no staff from the guardroom or the typing room is available to escort the detainee, he or she will be escorted by staff from the office of the duty officer or from the public inquiry office, and thus the waiting time will normally be very short.

Paragraph 23 of the report mentions a person who was detained on 1 October 1996 by the Mobile Squad from 2.20 p.m. to 9 p.m. without any offer of food. In this connection the Commissioner of the Copenhagen Police has stated that detainees do not normally stay for so many hours with the Mobile Squad. In practice, detainees will be offered food at normal meal times, and if necessary food and drink will be purchased from outside.

3. Concerning conditions at Esbjerg Police Headquarters, the National Commissioner of Police has stated, based on a statement by the Chief Constable in Esbjerg, that a detainee or an arrested person who requests a lavatory visit can draw the attention of the duty officer to this via a microphone in the waiting room or the cell. The duty officer will then see to it that the person in question visits the lavatory as soon as practicable. It is correct, as stated in the report of the Committee, that two police officers must be present in such situations, but according to the information available this causes no problems in practice.

As for the remarks of the CPT concerning the fitting up of four waiting rooms, the National Commissioner of Police has stated that basically the waiting rooms are only used by one detainee for very brief stays. Two persons will be placed in the



same waiting room only in exceptional situations of a very high load.

4. Concerning conditions at Århus Police Headquarters, the National Commissioner of Police has stated, based on a statement by the Chief Constable in Århus, that the basement cells and the waiting rooms on the other floors are cleaned daily, and that the mattresses in the cellular accommodation are cleaned and replaced at need. Lamps, etc., in the CID waiting room on the third floor have just been repaired, and these rooms are being repainted.

5. Concerning conditions at Horsens Police Headquarters, the National Commissioner of Police has stated, based on a statement by the Chief Constable in Horsens, that the two small waiting rooms mentioned are located adjacent to the offices of the CID. The waiting rooms are only used for very brief stays in connection with presentation of arrested persons to the court for their statutory hearing.

**Re R.5:**

See R.4.

**3. Safeguards against ill-treatment of persons detained by the police**

**recommendations**

**Re R.6:**

Denmark's preliminary report of 20 October 1997 concerning the CPT's second periodical visit states that the Ministry of Justice will follow developments during 1998 as well and in the light of the practical experiences with the newly issued circular letter will consider during 1999 whether there is a need for adjustment of the circular letter in accordance with the proposals of the Committee.

By letter of 23 December 1997\*, the CPT stated that the considerations of the Ministry of Justice on the Committee's recommendations concerning the circular letter should not be postponed until 1999.

The Ministry of Justice has noted the views of the Committee and in the light of the renewed recommendation of the Committee will already now initiate the forthcoming assessment and procure statements from the police and the prosecutors on their experiences from the use of the circular letter in 1997 and 1998. Please also see R.8.

In addition, the Ministry of Justice has published a booklet on ethnic minorities and the police in the autumn of 1997 in cooperation with the Documentation and Advisory Centre on Racial Discrimination (Dokumentations- og Rådgivningscentret om racediskrimination) and the National Commissioner of Police. The purpose of the booklet is to inform about rights and duties in relation to the police and thus help to improve the contact between the police and ethnic minorities.

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\* The text of the letter is appended to this report.

The booklet has been prepared in a number of different languages and has been distributed to all police districts and to the Documentation and Advisory Centre on Racial Discrimination for further distribution. A copy of the booklet is annexed in Danish and English as *enclosure 2*.

**Re R.7:**

See R.6.

**Re R.8:**

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT states that with a view to drafting the final report to the CPT, the Ministry of Justice has requested the Director of Public Prosecutions to make a statement clarifying whether, in connection with the questioning of a detainee, the police states in the police report that the detainee has been given the printed guidelines on detainees' rights.

About the circular letter of 20 January 1997 from the Ministry of Justice to the police and prosecutors containing guidelines giving instructions on detainees' rights and on handing out the guidelines to the detainees, the Director of Public Prosecutions has stated on the basis of statements from all the District Public Prosecutors in Denmark that practice concerning handing out of the guidelines and the extent to which this is recorded differ between the various police districts.

Therefore the Director of Public Prosecutions has stated that to ensure a uniform practice in all police districts, a clarification of the circular letter could be

considered so that it appears unambiguously that the printed guidelines must always be handed out unless the detainee manifestly does not understand the guidelines in one of the six translations. In the latter case, it has to be ensured, naturally, that the detainee is informed of his or her rights in another way.

The Director of Public Prosecutions has also stated that it might be considered to emphasise that handing out of the guidelines must always be noted in the detention report, the detention protocol or in the day report.

In connection with assessment of the circular letter the Ministry of Justice will explain the proposal of the Director of Public Prosecutions to the police and prosecutors and, based on the statements procured, consider changing the circular letter as outlined by the Director of Public Prosecutions.

**Re R.9:**

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT states that in the light of the Committee's recommendations, the Ministry of Justice has requested a statement from the Director of Public Prosecutions and the National Commissioner of Police, who are responsible for the training of police officers.

Denmark's preliminary report of 23 January 1992 concerning the first periodical visit of the CPT explained the rather detailed rules concerning interrogations laid down in the Danish Administration of Justice Act (retsplejeloven). In that connection, the Ministry of Justice indicated that in its opinion there is no need to lay down further, detailed rules on the conduct of interrogations. Furthermore, legal technical considerations speak in favour of a system as the present one where the Administration of Justice Act lays down the overall framework for interrogation rather than a system with very detailed rules combined with rules of exception.

Based on statements from all the District Public Prosecutors in Denmark, the Director of Public Prosecutions has stated that the overwhelming opinion is that the current rules of the Administration of Justice Act together with the textbook material, etc., available are fully adequate to ensure the proper conduct of interrogations of detainees.

The Director of Public Prosecutions does not find it expedient to amend the rules of the Administration of Justice Act or in general to draft supplementary directions on the conduct of interrogations.

In this connection the Director of Public Prosecutions has stated that formal directions are not the only useful means to ensure the central element for the detainee, viz., that an interrogation is conducted with due consideration to the person of the detainee, the situation at the time and conditions in general. Particularly the access to having a lawyer present during the interrogation and the right to refuse to make a statement together with the other rules and procedures established in the field seem, in the opinion of the Director of Public Prosecutions, to ensure adequately the detainee's legal position and provide him or her with the requisite protection against ill-treatment.

The Director of Public Prosecutions has stated that the teaching of interrogation is considered to be of substantial importance in the overall training of police officers in Denmark. The instruction provided is very thorough and varied, and interrogation is both an independent subject and an integral part of other subjects or topics.

Danish police training consists of a three-year basic course and some compulsory further education courses.

The basic training programme comprises two compulsory periods of eight months each at the Police Academy and two compulsory periods of practical training at police stations. Both experienced police staff and external lecturers with an academic background are in charge of instruction. The training programme also comprises a number of special courses.

The rules on police interrogation are basically taught during the two basic training modules completed at the Police Academy, but the rules are also incorporated in the instruction at some of the subsequent courses.

The basic training includes thorough instruction of all police officers in the provisions of part 18 of the Administration of Justice Act on witnesses and part 68 on interrogation and special investigative steps, which are central to police interrogations. Furthermore, the topic "interrogation studies" comprises instruction in the provisions of part 66 of the Administration of Justice Act on the defence of a provisionally charged person, part 66 a on lawyer's assistance to the

injured party, part 67 on general provisions on investigation and part 69 on arrest.

The instruction also includes a number of administrative provisions relating to police interrogations, including notification and summoning, for example, of a representative of the local authorities in case of interrogation of an under-18 provisionally charged person, as well as guidance to the questioned person and requirements to documentation in the police report, etc.

Interrogation is also taught as an integral part of other subjects and topics, such as the subjects of report writing and investigation. The human aspect in connection with communication and interrogation is often a natural component in the psychology course given during basic training.

Through the very varying forms of tuition at the Police Academy, the students have an opportunity to supplement the theoretical instruction by practising different interrogation situations with informers, witnesses and provisionally charged persons.

Also the compulsory further training courses have police interrogations as a separate topic. This topic includes interrogation techniques and the psychological factors of importance to the conduct by police staff of expedient interrogations. Instruction is also given in the special conditions that may apply to interrogation of children, foreigners, persons going through a crisis, mentally disordered and mentally deficient persons, etc.

Special courses on advanced investigation and processing of cases of sexual offences against children also thoroughly teach interrogation ethics and the forms of interrogation especially associated with these subjects.

Finally the Preparatory Police Leader Training also includes instruction in rules on police interrogations.

Anyway, police interrogation is often included in other contexts than those described above, where the question of interrogation is a natural part of other topics.

Against this background, the Ministry of Justice still finds that it is not expedient to lay down detailed rules on the conduct of interrogations.

As a matter of interest, in January 1997 the Copenhagen Police formulated a special strategy on the relationship between the Copenhagen Police and ethnic minorities. The purpose of the strategy is to strengthen confidence in and cooperation between the police and the ethnic minorities and to identify areas of potential conflict and prescribe possible solutions.

comments

Re C.1:

No further comments.

Re C.2:

See R.6.

requests for information

Re I.4:

See R.6.

Re I.5:

No further comments.

Re I.6:

No further comments.

Re I.7:

No further comments.

**B. PRISONS**

**1. Torture and other forms of ill-treatment**

recommendations

**Re R.10:**

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT states that in the light of the mutually discordant medical information in the case, the Department of Prisons and Probation on 4 June 1997 requested the Medico-Legal Council as an impartial medical instance to issue an opinion on the specific case mentioned in the report, and that the Department will await the opinion of the Medico-Legal Council before a decision is made on any further investigations into the case. The report also states that the Committee would be notified about the outcome of these deliberations.

The Medico-Legal Council has now stated that in its opinion, the spiral-shaped fracture of the inmate's upper arm may very well have occurred in connection with the application of an arm twisting hold such as stated by the consultant of the Western Prison Hospital, to which the inmate was transferred after he had been exposed to the use of force.

The Council states that when the hold in question is used, the humerus is subjected to extremely strong rotation, especially if the person offers resistance, as it happened in the specific case. Further the Council states that it is well known that

strong and sudden twists of the humerus may lead to the occurrence of spiral-shaped fractures of the shaft of the bone.

After a review of X-ray pictures from July 1996, the Medico-Legal Council states finally that the fracture in the lower end of the upper arm bone has healed thoroughly with a modest angle formation towards the ulnar side of 15-20 degrees.

Having considered the opinion of the Council, the Department of Prisons and Probation finds no occasion to initiate further investigations into the matter.

For your information we attach a copy of the opinion of 23 October 1997 of the Medico-Legal Council as well as a translation into English of the opinion as *enclosure 3*.

**Re R.11:**

As described in Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT and in former replies to the CPT, the Prison and Probation Service has endeavoured for a number of years to counter the problems of negatively strong inmates or groups of inmates who, by violence and threats, establish a negative dominance over their co-inmates.

The former decision to establish two separate units with ten places each for negatively strong inmates was repealed in connection with adoption of the 1998 Finance Act. At the same time, in an effort to engender safety vis-à-vis negatively strong inmates, an amount of DKK 28 million was allocated to increase manning in units especially exposed to problems with these inmates.

The background for this is that in the light of the increasing number of inmates with outlaw motorcycle gang affiliations in the institutions of the Prison and Probation Service, the Ministry of Justice has deemed subsequently that the plan of establishing the two units would not be able to alleviate the problems of the negatively strong inmates.

In addition it is assumed that considerations on possible initiatives to solve the problems with negatively strong inmates are to be incorporated in a budget analysis of the Prison and Probation Service. The purpose of this analysis is to assess the construction requirements of the Prison and Probation Service, including the need for construction of new prisons, to create a basis for the formulation of a multi-year plan for renewal of the building stock of the Prison



and Probation Service and for assessment of the operational consequences thereof.

The preliminary report to the CPT states that the Ministry of Justice expected to appoint a working group in the autumn of 1997 for considering whether the current rules and principles for distribution of inmates between different institutions and for occupation of inmates should be amended. The working group was also to examine the problems of inter-prisoner violence and threats and to submit proposals for an overall plan of how to limit these problems.

However, in the light of the above, the Ministry of Justice has decided first to consider the question of allocation of negatively strong inmates to counter the problems of these inmates' dominance over co-inmates. Consequently the Department of Prisons and Probation in February 1998 appointed a working group to submit proposals for a long-term solution to the current problems of allocation of negatively strong inmates. The working group can submit proposals for a provisional arrangement that will apply until a long-term arrangement has been established.

The working group also has to consider whether, to counter the problems of the negatively strong inmates, there is a need in certain fields for deviation from the rules that apply in general to inmates of the institutions of the Prison and Probation Service.

The working group is to submit its recommendations as soon as possible and not later than 1 May 1998 for the recommendation to be incorporated into the above budget analysis of the Prison and Probation Service. As mentioned above, this budget analysis is to include considerations on possible new initiatives to solve the problems of the negatively strong inmates. A copy of the mandate of the working group is annexed for your information as *enclosure 4*.

The Committee will be notified of the result of the deliberations of the working group.

Then, during the spring, the Department of Prisons and Probation will appoint another working group to continue the work on the remaining questions concerning distribution of inmates between the various institutions and occupation of inmates. The working group will also be charged with the task of making an investigation into the problems of inter-prisoner violence and threats and making a proposal of an overall plan to limit these problems.

comments

Re C.3:

No further comments.

Re C.4:

See R.11.

requests for information

Re I.8:

Denmark's preliminary report of 20 October 1997 concerning the second periodical visit of the CPT states among other things that a disciplinary investigation against a prison officer was still pending concerning a complaint from 1996 of unjustified use of force and placing in a protective cell and that the Committee would be notified of the outcome of the case.

The disciplinary investigation necessitated the procuring of a large number of statements from the parties involved. The investigation has now been concluded, and on 16 February 1998, the Ministry of Justice received a report from the investigation leader appointed in the matter, who has also submitted a recommendation on decision of the case.

The report is at present the subject of a consultation procedure with the prison officer in question. When the consultation period has expired, the Ministry of Justice will decide the case following assessment of the facts of the case. The Ministry of Justice will then revert to the CPT to notify the Committee of the outcome of the case.

2. Solitary confinement of remand prisoners by court order

recommendations

Re R.12:

No further comments.

**Re R.13:**

No further comments.

**Re R.14:**

No further comments.

**Re R.15:**

No further comments.

**Re R.16:**

No further comments.

**Re R.17:**

No further comments.

**Re R.18:**

No further comments.

**comments**

**Re C.5:**

The Standing Committee on Administration of Criminal Justice (Strafferetsplejeudvalget) is expected to submit a report on solitary confinement of remand prisoners in the summer of 1998. The report of the Standing Committee will be forwarded to the CPT when available.

**3. Conditions of detention in general**

**recommendations**

Concerning the physical conditions of the institutions in general, it can be stated by way of introduction that in connection with the adoption of the 1998

Finance Act it was decided to initiate a budget analysis of the Prison and Probation Service with a view to preparing a multi-year appropriation agreement concerning the Prison and Probation Service in the course of 1998 to take effect from 1999, see also above under R.11.

The budget analysis of the Prison and Probation Service is divided into three part analyses, one of which relates to an analysis of the buildings of the Prison and Probation Service to assess the need for the building of new prisons or renovation of existing prisons. The analyses are to be completed before the summer of 1998.

The mandate for the part analysis of the buildings of the Prison and Probation Service states that the purpose of the part analysis is to assess the construction requirements of the Prison and Probation Service, including the need for construction of new prisons or renovation of the existing ones. Deliberations on a new initiative to solve the problems of negatively strong inmates are to be incorporated. The part analysis is to create the basis for a formulation of a multi-year plan for renewal of the building stock of the Prison and Probation Service and an assessment of the operational consequences thereof.

For the purpose of the analysis, the Prison and Probation Service has to map and assess the existing institutions concerning location, size, security aspects, standard of building, state of maintenance, fitting out, flexibility, etc. Furthermore, the need for new prisons is to be mapped and assessed. The mapping of the Prison and Probation Service will include recommendations and suggestions from inspection bodies, including the CPT and the Ombudsman of the Danish Parliament.

**Re R.19:**

Copenhagen Prisons are still working on a total renovation of the individual wings of the Western Prison. Completion of work on the Southern Wing is expected in the first half of 1998. It is still planned to renovate and repaint the cells in the Western Hospital during 1998-1999.

**Re R.20:**

According to Copenhagen Prisons, drawings for the project with niches on each floor are being prepared at present. It is intended to launch the project during 1998.

**Re R.21:**

Copenhagen Prisons have been requested to reconsider realistic possibilities of any alternative solutions to the limited freedom of movement in connection with the wedge-shaped compartments (the "layer-cake yard") used for outdoor exercise.

In consideration of the daily arrangement of outdoor exercise for about 100 inmates in solitary confinement and of the security measures required in that connection, Copenhagen Prisons find, however, that it is impossible to change conditions in the light of the relatively limited area available.

However, in the opinion of the prison the yard will have a less oppressive effect if it is freshened up by means of lighting, paint and possibly decoration. As soon as the weather permits, the prison will therefore commence such a "face-lift".

**Re R.22:**

The psychiatric unit of the Institution at Herstedvester was refloored in 1997 at the places in need thereof. In addition both cells, association rooms and the dining hall were painted.

**Re R.23:**

In the light of the remarks of the CPT, Esbjerg Local Prison has been asked to consider the possibilities of expanding the offers to the inmates of the prison so that they can be incorporated in the overall planning of the Prison and Probation Service.

The prison has stated that in the spring of 1997 they drafted a proposal for establishing a leisure room on the former outdoor exercise area for women. The room enables the prison to expand its leisure offers to the inmates.

The proposal is still at draft level, the prison at the moment having to give first priority to other urgent construction works. These works are a necessary renovation of the perimeter wall - a project of an estimated DKK 1.8 million - and a proposal for establishment of separate bathing facilities for female staff. The Ministry of Justice will decide on the proposal for establishment of a leisure room when the local prison has forwarded drawings and prices.

Concerning outdoor activities the prison has previously discussed whether to tear down every second wall in the wedge-shaped compartments, which are very small. However, these considerations were shelved since the result would be a loss of

four wedge compartments and a need to increase the number of inmates in each compartment during outdoor exercise. The prison found this to be unwarrantable for security reasons. No other possibilities of enlarging outdoor activities for the inmates can be pointed to.

**Re R.24:**

The refurbishment of the segregation and sick units, first floor west, of Horsens State Prison has been completed. Cells and corridors have been painted, cell doors replaced, a kitchen fitted out for the inmates of the segregation unit, and the sick ward equipment has been replaced.

**Re R.25:**

Horsens State Prison has been asked to consider possible alternative solutions in respect of the outdoor exercise area of the remand unit.

The State Prison has reported back that alternative solutions have been thoroughly discussed in the prison. Several of the solutions discussed are deemed impossible to implement by the prison for practical, security and space reasons.

A possible alternative solution remains, using the exercise area already existing for convicted prisoners to some extent for outdoor exercise for remand prisoners. The on-going discussions of the prison have not yet been concluded. On conclusion of the discussions, the prison will submit a recommendation. The Committee will be kept informed of further developments in the matter.

**Re R.26:**

Horsens State Prison has decided to carry out a thorough renovation of the gymnasium. The renovation will include repairs to walls, wood panelling of the ceiling, replacement of the floor, painting, etc. The work, which may be divided into stages, will commence in May 1998. The spokesmen of the inmates have agreed to this since the renovation work will thus not start until the winter months - when the gymnasium is frequently used by the inmates - are over. The renovation means that the gymnasium cannot be used for a period.

Concerning the pilot project with the Danish Sports Federation (Danmarks Idræts

Forbund), the Prison and Probation Service has cooperated with the Danish Sports Federation on a bodybuilding and weight training course for 12 prison officers from prisons on Zealand. The course finished at the end of January 1998. During the next six months, the newly trained instructors will test the knowledge and the skills acquired during the course - especially in the activation of vulnerable inmates who do not normally take part in leisure activities. If the experience gained is positive, the Prison and Probation Service and the Danish Sports Federation will together train instructors in all prisons.

comments

Re C.6:

No further comments.

Re C.7:

No further comments.

Re C.8:

No further comments.

Re C.9:

No further comments.

requests for information

Re I.9:

No further comments.

Re I.10:

In connection with adoption of the 1998 Finance Act, the Danish Parliament decided that about 30 places in Møgelkær Open State Prison are to be changed to semi-open/semi-closed places reserved for inmates who have not been able to adapt to the conditions in an open prison.

The impending change is at present being prepared together with representatives of

Møgelkær State Prison. Arrangement of the unit is to be clarified, both as concerns the building and the staffing situation. Rules for stays in the unit will be laid down on the basis of the rules applying for stays in open prisons.

The special unit at Møgelkær State Prison is expected to be established in the near future.

Please also see the comments to R.11 on appointment of the working group concerning distribution and occupation of inmates.

#### **4. Health care services**

##### **recommendations**

###### **Re R.27:**

No further comments.

###### **Re R.28:**

No further comments.

###### **Re R. 29:**

No further comments.

##### **requests for information**

###### **Re I.11:**

No further comments.

###### **Re I.12:**

No further comments.

###### **Re I.13:**



Concerning the information on the work of the Standing Committee on the Criminal Code (Straffelovrådet) of preparing a special act on enforcement of punishments, etc., please see the comments to R.30. Otherwise there are no further comments.

**Re I.14:**

No further comments.

**Re I.15:**

No further comments.

**Re I.16:**

No further comments.

**Re I.17:**

No further comments.

**Re I.18:**

No further comments.

**Re I.19:**

To ensure continuous follow-up on the treatment with libido-suppressing drugs, the Institution at Herstedvester cooperates closely with specialists of endocrinology and andrology employed with the general hospital services. All patients receive a check-up every two weeks.

The patients living in Copenhagen are checked by the doctors of the Institution at Herstedvester in cooperation with an external expert from a specialised hospital ward in Copenhagen. Patients who, after discharge or release on parole, have taken up residence elsewhere in Denmark are mainly checked by doctors from the Psychiatric Hospital of Århus or from the Psychiatric Hospital of Middelfart on Funen.

The doctors at the two hospitals mentioned and the doctors of the Institution at

Herstedvester follow common directions for implementation of the check-up. At the check-up, the mental and physical effects of the treatment on the patient in question are assessed, and the patient is examined for any side-effects by means of blood tests, etc.

The Institution at Herstedvester also holds regular meetings with representatives of the Psychiatric Hospital of Århus, the Psychiatric Hospital of Middelfart and the State University Hospital in Copenhagen (Rigshospitalet), at which general and specific problems concerning the treatment are discussed.

**5. Other issues related to the CPT's mandate**

**recommendations**

**Re R.30:**

The report of the Standing Committee on the Criminal Code on an act on enforcement of punishment, etc., was published on 30 March 1998. The report of the Standing Committee and the press release from the Ministry of Justice are annexed in Danish as *enclosure 5*.

**comments**

**Re C.10:**

No further comments.

**Re C.11:**

No further comments.

**Re C.12:**

No further comments.

**Re C.13:**

No further comments.

requests for information

Re I.20:

Denmark's preliminary report of 20 October 1997 concerning the CPT's second periodical visit states that the Ministry of Justice has requested a statement from the Director of Public Prosecutions on police practices in connection with interpreter services during visits from family and relatives of prisoners in solitary confinement who do not speak Danish.

The Director of Public Prosecutions has procured statements from all the District Public Prosecutors in Denmark and has stated against this background that at visits to prisoners in solitary confinement who do not speak Danish, the main rule is that the police summon an interpreter if the police personnel supervising the visit do not understand the language spoken. This ensures that the object of the solitary confinement is not defeated.

The Director of Public Prosecutions has stated that the frequency of visits for all remand prisoners in solitary confinement depends on police staff resources. It must be ensured, however, that the frequency of visits for persons in solitary confinement, where visits require the presence of an interpreter, is not lower than for other persons in solitary confinement. Any problems of procuring an interpreter must be solved specifically in the opinion of the Director of Public Prosecutions, and the question

of use of interpreter services in this field is hardly suitable for general regulation.

The Director of Public Prosecutions also referred in general to the provision in section 771(1) of the Administration of Justice Act according to which a remand prisoner can demand that police refusals of visits or demands for supervision be submitted to the court.

**Re I.21:**

See R.30.

**Re I.22:**

No further comments.

**Re I.23:**

No further comments.

**Re I.24:**

No further comments.

**Re I.25:**

No further comments.

**APPENDIX**

**EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE  
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

*The President*

Strasbourg, 23 December 1997

Dear Sirs,

**Subject: Interim report of the Danish Government in response to the report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Denmark from 29 September to 9 October 1996**

I refer to the letter dated 20 October 1997, with which Messrs. Jensen and Hesselbjerg of the Law Department at the Ministry of Justice transmitted the above-mentioned interim report. The Committee is most grateful to the Danish Government for having subsequently agreed to publish its interim report.

The Committee intends in due course to provide detailed comments on both the interim and follow-up reports in response to the CPT's visit report. In this connection, the Committee looks forward to receiving a substantive response, in the Government's follow-up report, to its recommendations regarding material conditions in police establishments and the production of a code of practice for police interrogations (cf. paragraphs 24 and 43 of the CPT's report and pages 11 and 13 - 14 of the interim report).

The Committee has noted that the interim report does not provide substantive responses to its detailed recommendations regarding amendment of the circular letter of 20 January 1997 on the rights of persons detained by the police. In this respect, the interim report indicates that "in 1998, the Ministry of Justice will follow developments and in the light of the practical experiences with the newly issued circular letter will consider during 1999 whether there is a need to adjust the circular letter, for example in accordance with the proposals of the Committee" (cf. page 12 of the interim report). In the view of the CPT, consideration of its recommendations on these important matters should not be deferred until 1999.

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Cc: Mr Hans KLINGENBERG, Ministry of Foreign Affairs.

Having regard to paragraph 154 of its visit report, the Committee requests the Danish Government to provide, in its follow-up report, a full account of action taken to implement the recommendations set out in paragraphs 29 and 33 of the CPT's visit report. It trusts that it will also be possible for the Danish authorities to provide reactions to the comments and the request for information made in paragraph 39 of that report.

Yours faithfully,

Ivan ZAKINE