

Til Danske Regioner

Region Midtjyllands bemærkninger til rapport fra CPT



Danske Regioner har anmodet Region Midtjylland om bemærkninger til konkrete afsnit i torturkomitéens (CPT) rapport. Afsnittene vedrører forhold, som følger af komitéens besøg på Den Sikrede Døgninstitution Grenen foråret 2014.

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De relevante afsnit i CPT's rapport og Region Midtjyllands bemærkninger hertil følger nedenfor.

Side 1

#### **Uddrag fra CPT rapport:**

"86. *The delegation received no allegations of ill-treatment by staff in either of the two establishments visited. On the contrary, many juveniles met by the delegation spoke highly of the staff and the atmosphere in both institutions was positive.*

*Nevertheless, several juveniles who were or had previously been at Grenen Institution complained that staff could be too quick to sound the alarm following a verbal altercation which consequently resulted in force being applied to the juvenile. **The CPT would appreciate the comments of the Danish authorities on the application of the use of force at the Secure Institution for Juveniles Grenen.***" (afsnit 86, side 52)

#### Region Midtjyllands bemærkninger:

Medarbejderne på Grenen er trænet i at håndtere forskellige situationer, som har potentiale til at udvikle sig til en egentlig farlig situation for medarbejderne eller de unge. Derfor er det Grenens sikkerhedspolitik, at den enkelte medarbejder selv og løbende vurderer sit behov for at kunne tilkalde assistance fra sine kolleger, hvis medarbejderen i en given situation føler sig utryg.

En medarbejders vurdering om at tilkalde assistance vil givetvis i nogle tilfælde kunne *opfattes* af en anbragt, som værende for hurtig og konfliktoptrappende. Det er dog Grenens klare vurdering, at når en utryg medarbejder præventivt tilkalder sine kolleger via et personsikringsudstyr (alarmer), så virker det netop også præventivt og

tryghedsskabende, og beror på en professionel vurdering i situationen.

Det kan oplyses, at alarmen kun er benyttet en enkelt gang i perioden 29. juli 2014 til den 7. oktober 2014. Der er ikke logfiler for en længere periode.

#### **Uddrag fra CPT rapport:**

"88. *Material conditions in the two institutions were of a high standard and offered a personalised environment: juveniles had their own rooms in small living units of 5 to 6 residents. All rooms in both institutions were of an adequate size (between 7 and 15 m<sup>2</sup>), appropriately furnished (bed, table, chair, wardrobe, television and DVD player) with sufficient access to natural light and ventilation. The rooms were also equipped with a call bell. The units had open-plan common kitchens and spacious, homelike, dining and living areas with sofas, television and games (table football, billiards and/or ping pong tables).*

*At Sølager, the rooms were equipped with a fully-partitioned sanitary annexe with a toilet, sink and shower, while at Grenen, each of the three units possessed two bathrooms for five juveniles. Juveniles at Grenen were provided with a flask to use should they need to urinate while they were confined to their rooms (from 2 to 3 p.m. and 11 p.m. to 7 a.m.). Some of the young persons interviewed did not know whether they were allowed to ask for access to the toilet at night or whether they had to use the flask. In the CPT's view, all juveniles should be provided with ready access to toilet facilities without undue delay, including at night, and should be informed about this right. **The CPT recommends that such an approach be rigorously applied.**" (afsnit 88, side 53)*

#### Region Midtjyllands bemærkninger:

De unge har og skal have adgang til at anvende et toilet om natten og den unge skal selv frit kunne vælge, om den unge ønsker at anvende en urinkolbe. CPT's fund har givet anledning til, at denne valgmulighed nu også er skrevet ind i den ungeinformation, der på skrift udleveres til alle unge på 1. dagen for deres anbringelse på Grenens sikrede afdelinger.

#### **Uddrag fra CPT rapport:**

"89. *The pedagogical approach underpinning the regime at both institutions was to promote a sense of community and to be activity-focussed. The structure and most of the planning of each day was provided by the establishment, with the aim of relieving the burden of planning from the young persons and helping them to combat the "chaos" which most of them had experienced prior to their arrival*

at the institution. In group meetings, the juveniles were able to make suggestions for various activities and food.

The young persons at both institutions had to take part in a full day of structured activities: they attended school and/or workshops during weekday mornings, followed by one hour of rest time in their rooms and leisure or sports activities with other juveniles and/or staff every afternoon. In the evenings, juveniles participated in a communal meal and had to agree amongst themselves on a group activity. At Grenen, they also watched the news together. Rooms were locked at night at Sølager from 10.30 p.m. to 8 a.m. and at Grenen from 11 p.m. to 7 a.m. The young persons could move freely within their units, but had no access to other juveniles' rooms. At Grenen, juveniles were furthermore only allowed to talk to each other in the presence of a member of staff, and many juveniles complained about this particular restriction. While such a measure might be deemed necessary at the outset of a juvenile's stay at the institution, it should only be maintained based upon an individual risk assessment. At present, the measure appears to be disproportionate.

**The CPT recommends that the Danish authorities review the application of this restrictive measure at the Secure Institution for Juveniles Grenen.”** (afsnit 89, side 53)

#### Region Midtjyllands bemærkninger:

Det kan oplyses, at de unges værelser aflåses kl. 23:30 om lørdagen og kl. 22:30 på alle øvrige dage.

Den sikrede døgninstitutionens opgave er bl.a. at sikre, at unge, som er underlagt besøgs – og brevkontrol, jf. retsplejeloven, ikke kommunikerer direkte eller indirekte med omverdenen, med mindre de har politiets eksplicitte tilladelse hertil. En del af denne opgave består i at sikre, at en ung ikke har mulighed for at få andre anbragte unge til at påvirke vidner og andre, der kan influere på politiets efterforskning. Der vil derfor i konkrete tilfælde være situationer, hvor de unge ikke må være sammen med andre unge alene.

Derudover er miljøet på en sikret institution kendetegnet ved en massiv pædagogisk tilstedeværelse. Dette giver et institutionsmiljø, hvor de unge yderst sjældent er alene sammen.

#### **Uddrag fra CPT rapport:**

"90. Primary and lower secondary school education in small groups was offered to those juveniles who had not completed their education. The classrooms had computers with internet access which could be used by the juveniles under supervision. However, none of the teachers was specialised in teaching juveniles with learning disabilities. **The CPT recommends that efforts be made by the Dan-**

**ish authorities to take the necessary steps to ensure that at least one teacher is qualified to teach juveniles with learning disabilities.”** (afsnit 90, side 53)

Region Midtjyllands bemærkninger:

Grenens lærere er alle seminarieuddannede og deres kompetencer vedligeholdes og udvikles gennem efteruddannelse, samt deltagelse i konferencer, der omhandler specialundervisning. Dette gør sig også gældende i forhold til at opdatere og kvalificere lærernes kompetencer over for unge med indlæringsvanskeligheder.

Gennem supervision af eksterne psykologer tilegner lærerne sig viden om, hvordan undervisningen i forhold til den enkelte elev helt specifikt kan og skal gribes an i en undervisnings- og læringsituation.

**Uddrag fra CPT rapport:**

"92. *Both establishments relied for medical (including dental) care on the regular community health service. The only exception was psychiatric treatment at Grenen, which was provided by a part-time child and adolescent psychiatrist, who visited the "South" unit every two weeks and the other units every four weeks (for six hours each). When in need of a medical consultation or treatment, the juveniles were usually brought to a hospital/surgery (by staff or by the police) or a doctor was called to the institution. The juvenile's family doctor was contacted whenever possible. A few juveniles met by the delegation at both establishments complained about delayed access to a doctor. One juvenile at Grenen alleged that he had been denied access to a doctor following the use of force by staff.*

***The CPT recommends that juveniles held at the Secure Institutions for Juveniles Sølager and Grenen be guaranteed prompt access to a doctor at any time. Further, the CPT would like to be informed whether there is always someone competent to provide first aid present at the establishments, including at night.*** (afsnit 92, side 54)

Region Midtjyllands bemærkninger:

Grenen tilbyder de unge hurtig adgang til en læge. Der er hele døgnet en medarbejder til stede, som kan yde førstehjælp. Ultimo 2014 og primo 2015 vil alle ansatte på ny deltage i et kursus i basal genoplivning.

**Uddrag fra CPT rapport:**

"94. *Whenever medication, including psychotropic substances, had to be distributed to a juvenile, it was administered by the regular staff of the institutions. At both institutions, all staff involved in the distribution of medication had passed a three-day training course on medication management and some of them had com-*

pleted an additional two-day course. The delegation was assured that medication was always administered according to a prescription, never upon the decision of the regular staff.

The CPT considers that medicines should preferably be distributed by health-care staff, since the visibility of medication and its dosage by regular staff could compromise medical confidentiality. That said, the Committee acknowledges that the daily presence of health-care staff poses particular challenges for very small establishments, especially when they are located in rural areas, such as the ones visited. **The CPT trusts that only staff who have been appropriately trained are tasked with the distribution of medicine.**" (afsnit 94, side 55)

Region Midtjyllands bemærkninger:

Alle ansatte der håndterer medicin er uddannet i medicinhåndtering.

**Uddrag fra CPT rapport:**

"95. *The delegation was concerned that no medical screening upon admission of the juveniles took place in either of the establishments visited. This is an issue that was already highlighted in the report on the 2008 visit. Moreover, at Grenen, the delegation was informed that a juvenile, even if injured upon arrival at the institution, would only be medically examined if he or she asked for it.*

*In the CPT's view, all persons entering a place of deprivation of liberty should be medically assessed upon admission. Such screening is essential, particularly to identify special medical needs, to prevent suicides and the spread of transmissible diseases, and for recording injuries in good time. The systematic recording of injuries will make a significant contribution to the prevention of ill-treatment. This is all the more important when it concerns juveniles.*

*There is no reason why a proper medical assessment of a juvenile entering a secure juvenile institution cannot be carried out within 24 hours of their admission. Such an assessment could be performed by a medical doctor or a fully qualified nurse reporting to a doctor.*

*The response of the Danish regions of 16 May 2014 to the CPT's delegation's preliminary observations only refers to persons living in the community and not to juveniles deprived of their liberty, for whom the State has an increased responsibility.*

**The Committee reiterates its recommendation that steps be taken to ensure that every newly-admitted juvenile be physically examined by a health-care professional within 24 hours of his or her admission.** "(afsnit 95, side 55)

Region Midtjyllands bemærkninger:

Såfremt en ansat konstaterer, at en ung har brug for at blive tilset af en læge, så vil der uden tøven blive taget kontakt til en læge.

Unge på Grenens sikrede afdelinger har lige adgang til sundhedsydelse, som samfundets øvrige borgere.

**Uddrag fra CPT rapport:**

"98. *The CPT attaches great importance to the existence of a proper admission procedure in every place of detention, which should be used by staff for engaging with the detained person to assess his/her specific needs. This is all the more important when it concerns juveniles.*

*At Grenen, juveniles were usually confined to their rooms immediately upon admission to the institution for up to a week or longer before being permitted to participate in any activities with the rest of the group. During this period, they were only allowed out of their room to go to the bathroom or to have a cigarette outside with staff, but were not offered any association or access to outdoor exercise. Moreover, it appeared that this period was not used for discussions or counselling with staff and that the juvenile was merely left alone in his/her room.*

*The response of the Danish regions of 16 May 2014 states that confinement of juveniles to their rooms upon admission was intended to be part of a stabilisation process and that the "necessary measures" for each juvenile were assessed on an individual basis. However, from the CPT's findings, the measure appeared to be routinely applied, for too lengthy a period and with insufficient engagement by staff.*

***The CPT recommends that - if needed at all - the period of confinement of a juvenile in his/her room upon admission should be based on individual assessment and reduced to the absolute minimum necessary. Furthermore, all young persons should be offered at least one hour of outdoor exercise every day and human contact and other activities during the application of the admission measure. The first days of a juvenile's placement should be used by staff to engage with the young person so as to assess his/her specific needs and establish a trusting relationship. Further, the confinement of juveniles to their rooms should be properly recorded.*** (afsnit 98, side 56)

Region Midtjyllands bemærkninger:

Det skal understreges, at den unge under den individuelle introduktion, helt eller delvist er deltagende i det sociale fællesskab med de øvrige unge, samt i aktiviteter, ligesom den unge også introduceres til Grenens skole og værksteder.

Der skal herudover understreges, at den unge, som minimum, tilbydes 1 time udendørs aktiviteter dagligt gennem introduktionsforløbet. Under den individuelle introduktion er den nyanbragte unge i kontakt med de pædagogiske medarbejdere, samt med de øvrige anbragte unge i den kontekst og i det tempo det vurderes at være omsorgsfuldt og forsvarligt, ud fra et hensyn til den nyanbragte unges, samt de øvrige anbragte unges, integritet, behov og gruppedynamik.

Den individuelle introduktion er et pædagogisk tiltag, der gennemføres i en periode af gennemsnitligt 5 dages varighed. Formålet er at skabe en så tryk ramme som muligt for den nyanbragte unge, de øvrige anbragte unge, og de pædagogiske medarbejdere. Når en ung anbringes på en sikret døgninstitution, er den unge ofte præget af kaos. Denne voldsomme og indgribende foranstaltning, som en anbringelse på en sikret afdeling er, er en stressende faktor for den unge, og får ofte den unge til at reagere uhensigtsmæssigt ud fra tanker og følelser præget af frygt, angst, vrede, stress, ked af det mv.. Den unge ses ofte præget af en misbrugsproblematik ved anbringelsen på den sikrede afdeling. Der er særligt fokus på, at den nyanbragte unge føler sig tryk ved de pædagogiske medarbejdere, de øvrige anbragte unge, samt ved institutionens aktiviteter, undervisning, struktur og regler.

#### **Uddrag fra CPT rapport:**

"99. *At both institutions, an information sheet on the day-to-day activities and procedures was distributed to juveniles upon admission. The delegation was pleased to hear that further foreign language versions were under preparation at Sølager. **The CPT would like to be informed of the various language versions currently available.***" (afsnit 99, side 57)

#### Region Midtjyllands bemærkninger:

På Grenen forefindes de skriftlige aktivitetsplaner og procedurer på dansk. Til udenlandske unge oversætter medarbejderne de nødvendige oplysninger via Google Translate, anvender en intern tolk, og i mere sjældne tilfælde rekvireres en ekstern tolk, hvis dette skønnes nødvendigt.

#### **Uddrag fra CPT rapport:**

"100. *A positive aspect at both institutions was that the small living units were well-staffed. On each unit (at Grenen and Sølager alike), three staff members were in charge of five or six juveniles during day-time (and one member of staff during night-time once the juveniles were confined to their rooms). In addition, teachers and social workers instructed and supported the juveniles at school and in the workshops. The large majority of staff were either social educators or had practical experience in social work (e.g. as street-*

workers) and reflected the commendable emphasis the institutions placed on education and rehabilitation rather than on control and security. Moreover, several staff members had a multi-cultural background, which largely facilitated communication with juveniles of non-Danish origin.

That said, at Grenen, the number of female members of staff employed was insufficient to ensure a permanent presence of female staff when young women were being held in the establishment, as was the case at the time of the delegation's visit. In the CPT's view, the presence of male as well as female staff is not only important for carrying out gender-sensitive tasks, it can also have a beneficial effect for fostering a degree of normality in a place of detention.

**The CPT recommends that the presence of at least one female staff member should be guaranteed at the Secure Institution for Juveniles Grenen whenever female juveniles are being accommodated.”** (afsnit 100, side 57)

Region Midtjyllands bemærkninger:

Det ville være hensigtsmæssigt, hvis der altid var en kvindelig medarbejder til stede, når en ung pige ankommer på institutionen. Der er relativt få unge piger, som anbringes på de sikrede afdelinger, og der er relativt få kvinder, der søger arbejde på Grenen. Grenen arbejder til stadighed på at tiltrække kvindelige ansøgere, der kan arbejde med unge på de sikrede afdelinger.

**Uddrag fra CPT rapport:**

"102. Manual restraint and removal of a juvenile to another (usually his/her) room can be used to prevent him/her from harming him/herself or others or when the young person's behaviour makes it irresponsible to allow him/her to remain in the company of other juveniles. Any form of mechanical restraint is explicitly forbidden. The use of manual restraint at Sølager has been decreasing year on year from 41 cases in 2011 to 34 cases in 2012 and 20 cases in 2013. This downward trend is positive. However, at Grenen, the delegation received two allegations of pain-inducing means of restraint being applied to juveniles with their arms being twisted behind their backs. **The CPT would like to receive confirmation that all means of manual physical restraint applied to juveniles are safe and induce as little pain as possible.**" (afsnit 102, side 58)

Region Midtjyllands bemærkninger:

Der gøres en udtalt indsats for at enhver magtanvendelse på Grenen gennemføres på en så skånsom og kortvarig måde som muligt, samt med størst mulig hensyntagen til den unge. Ansatte undervises løbende i magtanvendelseslovgivningen og i nænsom magtanvendelse. Undervisningen bliver løbende videreudviklet. Enhver magtanvendelse



se analyseres med et sigte om at skabe læring og at forebygge brug af magt, samt at sikre at fysisk magt kun anvendes, når dette er absolut nødvendigt og gennemføres på en proportional og mindst indgribende måde.

#### **Uddrag fra CPT rapport:**

"103. *Searches of the juveniles' rooms may generally be carried out when they are considered "necessary to enforce regulations and observe security precautions", while body searches (limited by law to tapping over the juvenile's shirt and examination of pockets and shoes) are only authorised on the basis of a suspicion that the juvenile possesses banned items. At Sølager, the number of searches had gone down between 2011 and 2013 from 59 to 41 and no complaints were received about the manner in which they were conducted.*

*However, at Grenen complaints were received concerning strip-searches carried out by police when juveniles were admitted to the institution. Juveniles met by the delegation explained that they had had to strip completely naked and bend over during the search which took place in the visits room of each unit. Such an approach is disrespectful and not in line with best practice. Strip searches should be conducted in such a way as to avoid the juveniles having to be completely naked (i.e. the juvenile should be able to continue wearing a top while the trousers are removed and searched and before taking off the top should be permitted to put on the trousers again).*

***The CPT recommends that the Danish authorities ensure that resort to strip searches is based on an individual risk assessment and subject to rigorous criteria and supervision. Further, they should review the way in which juveniles are searched upon admission to the Secure Institution for Juveniles Grenen, in the light of the above remarks. This is an issue which needs to be addressed by both the Ministry of Justice and the Ministry for Children, Equality, Integration and Social Affairs.*** (afsnit 103 , side 58)

#### Region Midtjyllands bemærkninger:

Politiet forestår kropsvisitationer. Ansatte på Grenen overværer aldrig politiets eventuelle kropsvisitationer.

#### **Uddrag fra CPT rapport:**

"104. *A juvenile can be placed in isolation in a specially designed room for up to four hours if there is an imminent danger that he/she would harm him/herself or others. If the juvenile suffers from a mental disorder, he/she must be seen and regularly visited by a psychiatric specialist during isolation.*

*At Sølager, an isolation room had existed until some years previously, but the director of the institution did not recall it having been used during her 26 years of her service. It had meanwhile been taken out of service. This is positive.*

*At Grenen, each unit had an isolation room, but isolation was rarely used. Juveniles from the "South" unit could be placed in isolation for up to four hours and juveniles from the "Kronen" and "North" unit for up to two hours. During isolation, juveniles were under permanent video surveillance, the door was always kept ajar and staff viewed the juveniles through a door window every ten minutes. **The CPT would like to receive the breakdown of the figures of isolation (number of cases, length) for each of the three units of Grenen for the first half of 2014.**" (afsnit 104, side 59)*

Region Midtjyllands bemærkninger:

I de første 6 måneder i 2014 har der været én isolationsanbringelse. Den foregik på den særligt sikrede afdeling SYD. Selve isolationsanbringelsen havde en varighed på 7 minutter.

**Uddrag fra CPT rapport:**

"106. *At both secure institutions, juveniles could be sent to their rooms and excluded from association with the rest of the group. No maximum duration for the confinement was stipulated.*

*At Grenen, the delegation was informed that the measure would usually last a few hours to a full day during which the juvenile was only allowed out of his/her room to go to the bathroom or to have a cigarette outside. The juvenile was not offered any association or access to outdoor exercise. Further, most of the juveniles interviewed at Grenen complained that confinement to one's room was used disproportionately by staff. Several juveniles stated that they had been sent to their rooms because they had disagreed with a statement by a staff member and that the measure had only ended once they had expressed agreement with the member of staff. For example, juveniles claimed that they were sent to their rooms for refusing to eat a particular food or challenging a statement by an educator over a minor issue such as washing up a cup. **The CPT would like to receive the Danish authorities' comments on the approach employed by staff at Grenen juvenile secure institution with regard to confinement to a room.**" (afsnit 105, side 59)*

Region Midtjyllands bemærkninger:

De i rapporten beskrevne situationer kan ikke genkendes fra praksis på institutionen og er ikke forenelig med Grenens pædagogiske tilgang eller etiske ramme til at intervenere med en "time-out" på værelset. Tilgangen til brug af time-out har og skal have omsorg og

tryghed som sit sigte, og skal opfylde principperne om proportionalitet og mindst mulig indgriben.

En time-out gennemføres ofte på den unges ulåste værelse og i en tidsramme på maksimalt 3 timer. Time-out er en metode, som i tid, sted og aktivitetsindhold afstemmes det individuelle og aktuelle behandlingsbehov, og med en løbende evaluering. Time-out forløbet er således pædagogisk fagligt begrundet, og der gøres en væsentlig indsats for at få den unge til at forstå baggrunden og formålet med forløbet.

#### **Uddrag fra CPT rapport:**

"111. *The CPT recognises that restrictions on visits and other communications made by juveniles may be necessary in some cases, either for the purposes of the police investigation or for the protection of the juvenile concerned. However, in the Committee's view, this measure should be used sparingly and for as short a period as possible. Restrictions on contact with the outside world should never be imposed systematically, but their necessity should always be assessed on a case-by-case basis. This is all the more important when it concerns juveniles and the necessity for them to maintain contact with the outside world.*

***The CPT reiterates its recommendation that the application of limitations on detained juveniles' contact with the outside world be reviewed. The imposition of such limitations should be the exception, not the rule.*** (afsnit 111, side 61)

#### Region Midtjyllands bemærkninger:

Forhold vedrørende besøgs- og brevkontrol reguleres af politiet.

#### **Uddrag fra CPT rapport:**

"112. *Juveniles at both institutions had a number of avenues of complaint as described in the CPT's previous report. Information on complaints procedures was provided in writing upon admission. The delegation was pleased to note that at Grenen, the information given (on complaints procedures and also on rules regarding use of force) was followed up within two weeks to ensure understanding and juveniles were asked to confirm in writing that the information had been explained.*

*However, at Grenen, not many juveniles used the complaints mechanisms, yet several of them indicated to the delegation that they had little or no trust in the existing procedures. In the CPT's view, staff should foster the young persons' confidence in the effectiveness of the complaints system. **The Committee would like to receive the Danish authorities comments on this matter.*** (afsnit 112, side 61)

Region Midtjyllands bemærkninger:

Det er én af Grenens opgaver at bidrage til at opbygge de unges viden om klageadgange samt vække deres tillid til at klager behandles ordentligt. Grenen gør meget ud af, systematisk og dokumenteret, at oplyse og vejlede de unge i at gøre brug af klageadgange. Grenen stiller sig om nødvendigt til rådighed for den unge med hjælp til at formulere en klage