



Thematic Report on Prevention of Inter-user Violence and Intimidation

Doc. No. 14/01741-2

What has the theme led to?

The prevention of inter-user violence and intimidation was one of the themes for those monitoring visits which the Ombudsman carried out in institutions for adults in 2013 in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

On the basis of his monitoring visits, the Ombudsman generally recommends that institutions for adults, for instance prisons and accommodation facilities for adults, formulate a policy for prevention of inter-user violence and intimidation, unless this must be considered irrelevant in the specific institution.

A prevention policy may increase the focus on specific measures taken by each individual institution to prevent inter-user violence and intimidation. Consequently, such a policy may contribute to the prevention of inter-user violence and intimidation and the number of such incidents may be brought down and avoided to the largest possible extent.

The Ombudsman will discuss the follow-up on this general recommendation with key authorities. In addition, he will follow up on the recommendation during his monitoring visits.

The Ombudsman has compiled a list of actual initiatives and measures which he has encountered during his monitoring visits and which the institutions have used as part of their efforts to prevent inter-user violence and intimidation. The list includes for instance skills development and registration of inter-user violence and intimidation. The list may serve as inspiration for the institutions' efforts to prevent inter-user violence and intimidation, and it is included at the back of this report.

Both the formulation of a prevention policy and the list of initiatives and measures may be seen as part of the best practice for the prevention of inter-user violence and intimidation.

The formulation of a prevention policy is also in keeping with a recommendation made by the European Committee on the Prevention of Torture, etc. after a visit to Ringe State Prison in 2014. The Committee recommended that steps were taken to put into place a comprehensive anti-bullying strategy in order to reduce inter-prisoner violence and intimidation. In that context, the Committee also mentioned some of the initiatives and measures which are mentioned further down in this report.

The Ombudsman has sent this report to the Department of the Prison and Probation Service, the Ministry of Health and Prevention, the Ministry for Children, Gender Equality, Integration and Social Matters and to the National Board of Social Services. The purpose is to notify the authorities of the report so that the authorities can include it in their deliberations concerning this issue.

Please read more about the Ombudsman's work on various themes in the appendix to this report.

Reasons for the choice of theme

It is implied in human rights conventions that the State has a responsibility to protect prison inmates from abuse by other prisoners. In other words, the State shall protect persons deprived of their liberty from assault by other persons deprived of their liberty.

The Ombudsman addresses a number of general focus areas during his monitoring visits. Prevention of inter-user violence and intimidation is part of the focus area of interactions which deals with the relationship between users, among other things.

The Ombudsman's monitoring is particularly aimed at society's most vulnerable citizens. Some of the characteristics of the group of vulnerable citizens are that they usually have very few resources and that their rights may easily be put under pressure. This may also apply to citizens who are deprived of their liberty.

What did the Ombudsman do?

In 2013, the Ombudsman chose prevention of inter-user violence and intimidation as one of the themes for his monitoring visits to institutions for adults. The theme was cross-sectional in the sense that prevention of inter-user violence and intimidation was relevant in connection with the majority of the visits that year. The theme was relevant in relation to, for instance, visits to prisons and psychiatric wards but also in connection with visits to accommodation facilities in the social services sector.

The theme had the following topics:

- The Ombudsman asked the institution to provide advance information to a relevant extent on the way in which the institution prevented inter-user violence and intimidation
- The talks which the Ombudsman's monitoring team had with the management, staff, relatives and users in the institution were also focused on the prevention of inter-user violence and intimidation.

In addition, the Ombudsman asked the institution to inform him in advance of the number of episodes involving inter-user violence and intimidation within the last three years and of the guidelines for the handling of violent incidents (anti-violence policy).

The monitoring visits were carried out as part of the Ombudsman's general monitoring activities pursuant to section 18 of the Ombudsman Act and as part of the Ombudsman's task of preventing exposure to for instance inhuman or degrading treatment of persons who are or who may be deprived of their liberty, cf. the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Ombudsman's work to prevent degrading treatment, etc. pursuant to the Protocol is carried out in cooperation with the Danish Institute for Human Rights and with DIGNITY – Danish Institute Against Torture. DIGNITY and the Institute for Human Rights contribute to the cooperation with special medical and human rights expertise, meaning among other things that staff with this expertise participates in the planning and execution of and follow-up on monitoring visits on behalf of the two institutes.

What did the Ombudsman find?

On the basis of the completed visits, the Ombudsman noted the following, among other things:

- Many institutions were conscious of the need to prevent inter-user violence and intimidation and they implemented various initiatives and measures as part of their prevention efforts.
- Most institutions had not formulated a policy on the prevention of inter-user violence and intimidation. On the other hand, the institutions had often

formulated a policy regarding violence and threats against staff (work environment perspective).

List of initiatives and measures to prevent inter-user violence and intimidation

The Ombudsman has compiled a list of some of the various specific initiatives and measures which he encountered during the monitoring visits and which the institutions used as part of their efforts to prevent inter-user violence and intimidation. The list may serve as inspiration for the institutions' efforts to prevent inter-user violence and intimidation.

Please note that the list is not exhaustive. In addition, the list includes in particular initiatives and measures tied to human relationships between users themselves and between users and staff, just as the list shows that the setting of values is used in the institutions to prevent inter-user violence and intimidation. Many other measures may be worth considering, for instance the use of a special admission unit, closed cell doors, sectioning, transfer of users and interior decorating initiatives, perhaps with regard to choice of colour.

Finally, please note that the Ombudsman has not assessed the effect of the various initiatives and measures he has seen used. This is because the Ombudsman does not have the qualifications for making such an assessment.

See the list overleaf.

Copenhagen, 1 June 2015



List of initiatives and measures aimed at preventing inter-user violence and intimidation

1. Continuous skills development of staff, for instance through courses on conflict management or prevention of violence, and follow-up courses.
2. Establishing a set of values in the institution, consisting of for instance integrity, recognition and dialogue, and to verbalise these values on the user's arrival at the institution.
3. Induction programme on arrival during which it is agreed with the user how the staff may help in a conflict situation, including the way in which the user would prefer to be confronted when behaving inappropriately towards fellow users.
4. Risk assessment of the user on arrival and then on a regular basis.
5. According to the house rules, violence and intimidation will not be tolerated in any way, and the user signs the house rules, stating that he/she has read them and will abide by them.
6. Staff are focused on dialogue, take the user seriously and meet the user with attention and solicitude.
7. Staff are accessible to the users and observant of the moods among the institution's users.
8. The staff are focused on creating the framework for a good community spirit between the users and assess the users' ability to be a part of the community and their need for support, attitude adjustment and normal role models.

9. Management are focused on creating good relations between the users through accessible management, attitude adjustment, showing respect for the users and observing a good level of information.
10. Focus on continuously integrating the violence and intimidation preventing efforts into the pedagogical practice.
11. Staff endeavour to provide the user with alternative options for solving conflicts, both as role models and through guidance, and to discover why the user reacted with violence and intimidation in a particular situation.
12. Registration of, and follow-up on, inter-user violence and intimidation with a view to record-keeping, insight and learning.
13. Staff react consistently, act and follow up on violence and intimidation, for instance by helping the user to report the violence to the police.
14. Dialogue between users via conflict councils when conflicts do occur.

ENCLOSURE

THEMES – ADULTS



Themes for monitoring visits

Every year, the Ombudsman selects one or more themes for the year's monitoring visits in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

The selection of a definite theme depends especially on where an additional monitoring effort is required. The Ombudsman often selects a narrow topic such as placement in solitary confinement cell under the Prison and Probation Service. At other times, the Ombudsman selects broad themes such as institutions for adults and treatment of alcohol and drug abuse.

The themes enable the Ombudsman to include current topics in the monitoring visits and to undertake an in-depth investigation of certain issues and to gain experience of practice, including best practice.

A principle aim of the carrying out of monitoring visits during that particular year is to clarify and investigate the themes of the year in question. In consequence of this, the main part of the annual monitoring visits are undertaken in institutions where the topics are relevant.

Thematic Reports

At the end of the year, the Ombudsman reports on the outcome of the monitoring visits during the year in cooperation with the Danish Institute for Human Rights and DIGNITY – Danish Institute Against Torture.

The themes are especially reported in separate reports on the individual topics. The Ombudsman sums up and communicates the most important results of the themes in the reports.

General recommendations

The outcome of the themes may be general recommendations to the authorities such as, for example, a recommendation to draw up a policy for the prevention of inter-user violence and intimidation.

General recommendations are based on the Ombudsman's experience within the specific field. Such recommendations would normally be given to specific institutions during previous monitoring visits.

In general, the Ombudsman will discuss the follow-up on his general recommendations with key authorities. Furthermore, the Ombudsman will follow up on his recommendations during the monitoring visits.

The general recommendations are aimed at having a preventive effect. The reason for the preventive work within the monitoring area is based on the Ombudsman's task as National Preventive Mechanism pursuant to The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The thematic reports are published on the Ombudsman's website www.ombudsmanden.dk. In addition to this, the Ombudsman also submits the reports to the relevant authorities so that the authorities can include the reports in their deliberations regarding the various sectors.