

To the members of The Legal Affairs Committee

We are a group of civil society agents, all in continuous dialogue with detained migrants in the Ellebæk Centre for Foreigners (hereinafter “*Ellebæk*”), who have chosen to come together in co-operation on this letter to The Legal Affairs Committee, prior to the public consultation about the European Committee for the Prevention of Torture (CPT)’s field report on Denmark published on 7th of January 2020.

On the 3rd of March 2020, the government responded to the aspects of the CPT-report that concern the material conditions in Ellebæk. Since the Danish government also has an obligation to reply to the rest of the report’s critique, we herein present our criticism of the conditions in Ellebæk, as well as our specific recommendations on how to improve them.

We are a group of various agents, who all have continuous engagements within and around Ellebæk. With the aid of the detainees, we have gained insight into the conditions of the Centre. The initiator of this letter, Ellebæk Contact Person Network, has systematized and compared information regarding the conditions within Ellebæk, and their effects on the detainees. Based on this information, we have developed documentation, which is enclosed as appendix A (in Danish). Furthermore, there are appendices from the co-signatories Retpolitisk Forening (the Association for Judicial Policy), four scientists affiliated with the research center AMIS at the University of Copenhagen (in English), the prison chaplain Per Bohlbro, and retired chief physician at Herstedvester Prison Heidi Hansen. The overall observations support the main critique contained within the CPT’s report. All signatories concur in the committee’s conclusion, that it is unacceptable that Ellebæk is a place with prison-like conditions for non-criminals.

The administratively detained migrants in Ellebæk, who are not criminals, but are in Denmark without a legally recognized basis of residence, are detained in a penitentiary institution. According to the CPT-report, it is unacceptable that the detainees are in prison-like conditions, when they in fact are **administrative detainees** and **not prisoners**. The CPT-report also describes that every sixth person in Ellebæk is detained for more than four months. We experience how this carceral detention criminalizes them, something that has serious consequences for their mental and physical well-being. As presented in Ellebæk Contact Person Network’s documentation, there is a lack of systematic and professional treatment of the detainees, in matters regarding mental and somatic health, legal rights, the process of application for visitors and communication.

Since the Danish government has been requested to improve the conditions in Ellebæk on the basis of the CPT report, below are our recommendations for the political work of The Legal Affairs Committee.

Specific recommendations to improve the conditions of all detainees in Ellebæk:

1. Systematic medical screening of somatic and mental health state on admission.
2. Systematic screening of victims of torture and identification of victims of human trafficking. This means that the government should finance these screenings specifically. The employees in Ellebæk often experience that their recommendation to screen a detainee for torture never happens ostensibly due to a lack of resources.
3. Comprehensive medical records with adequate medical follow-up and reporting to relevant authorities: records must be made available to the detainee and his/her lawyer. The medical treatment should be monitored and evaluated. This can be done through an examination of records by qualified professionals and by audit.
4. Thorough information on legal rights including: the right to meet his/her lawyer; to choose a different lawyer; and access to other impartial legal assistance.
5. For the sake of safety and suicide prevention, the government must implement the National Board of Health's recommendations in this area.
6. No solitary confinement.
7. As a result of the critique of the dilapidated material conditions, the Danish Patient Safety Board must conduct inspections at Ellebæk both at regular intervals and without notice.
8. The right to freedom of assembly and the right to organization for the detainees.
9. Essential communication should be conducted in a language that the detainee understands, by using professional interpreters.
10. Dignified and proper material conditions such as living rooms, library, and activity rooms.
11. Non-restricted access to outdoor areas. An outdoor cage measuring 5m² is not acceptable. The same goes for one measuring 6m².
12. No application-based system for visitors.
13. Access to ones own mobile phone.
14. Free internet access.
15. Access to various religious leaders, including priests, imams, etc.
16. Generally, religious needs must be taken into consideration. E.g. during the Ramadan the detainees must have the possibility to eat a freshly prepared evening meal after sunset.
17. The possibility to prepare and heat one's own food.
18. If food is served, it should be on plates rather than in black plastic trays.
19. The female detainees must have access to more activities and leisure possibilities as well as better material conditions.
20. The main staff at Ellebæk should consist of social workers, accompanied by teachers and professional health staff. All employees, who are in daily contact with the detainees, must have undergone professional training in basic conflict and crisis management, psychology, cultural understanding, the Aliens Act, and have access to supervision.
21. The planned capacity expansion of Ellebæk is cancelled.

Conclusion

As civil society actors, we feel obliged to share our knowledge and concern with you as the legislative power. We expect that you will work towards the government incorporating the above recommendations to accede CPT's critique. Meanwhile we also emphasize that these recommendations are not exhaustive in regards to the serious critique presented in both the CPT-report and in our documentation (Appendices A-F).

The signatories denounce the use of so-called "motivational measures", intended to make life as intolerable as possible for the detainees in the closed institution Ellebæk. Furthermore, we draw attention to the documented non-existing effect of the "motivational measures" (see appendix F, where the research presented shows, that it is recommendable to close institutions such as Ellebæk). The intolerable conditions create an atmosphere of distrust towards the Danish authorities for the detainees, which counteracts any possibility for voluntary repatriation.

The conditions of an administrative detention must **not** be prison-like (or, for that matter, worse, cf. the CPT's report §117, page 55). We also emphasize that it is not just to detain migrants who have neither committed nor are suspected of having committed any crime.

Signatories

Ellebæk Kontaktnetværk	HopeNow	Trine Christensen, Amnesty DK's generalsekretær
Niels-Erik Hansen, advokat	Retspolitisk Forening	Per Bohlbro, arrestuspræst i Ellebæk
Daniel Nørrung, advokat	Refugees Welcome	Jens Kenneth, kirkeassistent i Ellebæk
Anne Land, advokat	Heidi Hansen, tidl. overlæge i Herstedvester fængsel	Zachary Whyte, ph.d., lektor tilknyttet AMIS, Københavns Universitet
Helge Nørrung, pens. asyladvokat	Niels Stephensen, pensioneret overlæge	Annika Lindberg, ph.d., post.doc. tilknyttet Universitæt Bern/AMIS, Københavns Universitet
Dan Harild, advokat (L)	Anne Lise Marstrand-Jørgensen, forfatter	Cecilie Odgaard Jakobsen, ph.d.-studerende tilknyttet AMIS, Københavns Universitet
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Arbab Perveez, advokat (H)	Vibeke og Per Husfeldt, læger	
Morten Goll, adm. direktør i Trampolinhuset	Jørn Nerup (fhv. prof., overlæge, dr.med.)	
Michael Lindquist, advokat (H)	Julia Suárez-Krabbe, lektor ved IKH, Roskilde Universitet	
Kirsten Bindstrup, advokat (H)		
Bjørn Elmquist, advokat (H)		

Appendices:

- Appendix A: Documentation by Ellebæk Kontaktnetværk (in Danish)
- Appendix B: Additional remarks and recommendations concerning improvement of the conditions at Ellebæk Centre for Foreigners by Retspolitisk Forening (the Association for Judicial Policy – in Danish)
- Appendix C: International research perspectives on Ellebæk detention centre by four researchers at AMIS, University of Copenhagen
- Appendix D: Remarks on Ellebæk by prison chaplain Per Bohlbro and verger Jens Kenneth (in Danish)
- Appendix E: Remarks by Heidi Hansen, former chief physician of Herstedvester prison (in Danish)