



S|OM

The Parliamentary Ombudsman Norway

**National Preventive Mechanism against
Torture and Ill-Treatment**

VISIT REPORT

- Summary and Recommendations

Tromsø prison

10-12 September 2014



Summary of the Report from the National Preventive Mechanism's Visit to Tromsø Prison

10-12 September 2014

The Parliamentary Ombudsman's preventive role

After Norway's ratification to the Optional Protocol to the Convention against Torture (OPCAT) in the summer of 2013, the Parliamentary Ombudsman was given a mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹ To fulfil this mandate, a special unit called the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

Representatives of the NPM make regular visits to locations where people are deprived of their liberty, such as prisons, police custody facilities, psychiatric institutions and child welfare institutions. The visits may be announced or unannounced.

On the basis of these visits, recommendations are issued with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

The Parliamentary Ombudsman, through the NPM, is authorized to enter all places of detention and to engage in private conversations with those who have been deprived of their liberty. The NPM also has access to all essential information relating to detention conditions. Through independent observation and dialogue conducted during its visits, the NPM seeks to uncover risk factors that could open the way for abuses to occur. Conversations with persons deprived of their liberty are given special priority.

The National Preventive Mechanism also conducts extensive dialogue with national authorities, civil society groups and international human rights bodies.

Summary

The Parliamentary Ombudsman's National Preventive Mechanism visited Tromsø prison from 10 to 12 September 2014. Tromsø prison has 59 spaces, of which 20 spaces are at lower security level and 39 at higher security level. The prison was notified of the visit four weeks in advance and was asked to submit specified information to the NPM. Tromsø prison promptly provided the requested information.

The visit opened with a meeting with the prison administration. The administration and other staff members willingly assisted the NPM during the visit, and provided all requested information quickly and efficiently. The NPM undertook an inspection of the prison facilities, with an emphasis on the sections with higher security. The NPM further met separately with the prison's health care service, which included an inspection of the health care facilities. Private conversations with inmates followed. The NPM spoke with 80 percent of the inmates sitting in high-security and 40 percent of the inmates sitting in low-security detention regimes. Most of the conversations took place in the inmates' cells.

¹ The Parliamentary Ombudsman Act § 3a.

The NPM also reviewed all essential documents related to full or partial exclusion from company ("*utelukkelse fra fellesskapet*") and the use of security cells in the period 2013-2014, and the use-of-force protocol for the period 2012-2014.

The NPM also spoke with staff members working at various levels of the organization as well as union representatives. The visit concluded with a meeting with the prison administration, during which the NPM set forth preliminary findings and recommendations.

Overall, the prison appeared well run. A high occupancy rate (96.4 percent as of 24 August 2014) and a demanding downsizing process contribute to setting high demands for the administration and the staff. The relationships among the inmates and between inmates and the prison staffs generally seemed positive.

During the visit, the prison's handling of serious incidents and use of force were given special attention. The review did not uncover problematic aspects with the extent of the use of the security cell. However, the practice of routinely fully removing all clothing for those who were put in a security cell was found inconsistent with human rights standards. A review of all the decisions of full or partial exclusion from company made in 2013 and so far in 2014 indicates that the prison is assessing and handling these cases responsibly.

The time right after admission to the prison is a particularly vulnerable time for inmates and the NPM therefore focused especially on the admissions practices and the treatment of inmates during this time. The NPM noted several weaknesses in the admissions procedures and the implementation of the contact officer scheme. The NPM also found weaknesses in how health-related matters were followed up on and taken care of upon admission to the prison, and to some extent also later during the stay in the prison. Furthermore, the NPM observed that the positions of the dentist and the psychologist were not covered by substitutes when needed, and that distribution of medicines by the Correctional Services was not sufficiently supervised.

The NPM also reviewed the extent to which inmates were ensured sufficient activities. The NPM found that the prison occasionally locks down entire sections of the prison. In such occasions, all the inmates within the locked-down sections have to remain in their cells during periods in which they normally would have the opportunity to spend time with other inmates. Conversations with inmates, the prison administration and staff members as well as reports from the prison supervisory board for the north region indicate that the extent of such collective locking of entire sections, known as "cell prison", increased from 2013 to 2014. Furthermore, such exclusion from company were often neither noted in the records nor given as written individual decisions as required by the Execution of Sentences Act.²

The NPM paid specific attention to the living conditions for women and persons with disabilities and found that Tromsø prison faces great challenges in providing these groups satisfactory prison conditions. For women, this was a problem for those serving in high security detention, while persons with disabilities lacked necessary conditions at both high and lower security regimes.

The NPM also examined the prison facilities, and had some remarks, including comments about the conditions for getting outside air and the air quality in certain prison cells.

On the basis of findings made during its visit, the NPM issues the following recommendations:

² The Execution of Sentences Act §37.

- Inmates that receive medical assistance outside the prison should not be returned to the prison if the inmate's health condition entails that the prison conditions constitute a serious threat to the inmate's life and health. The prison, the specialist health service and the community health service should cooperate to find adequate solutions with respect to the health and security for vulnerable sick inmates.
- Full removal of an inmate's clothing when placing him in a security cell should only take place after an individual risk assessment. Inmates should be given their own clothes back after the body search, or be given suitable alternative clothing so that the inmates do not have to remain naked in the security cell.
- It is recommended that the prison follow up on its plans to systematize and implement quality control measures for its procedures for admission to the prison in general and for the admission interview in particular.
- The prison should offer an interpreter for the admission interview for all inmates that do not have sufficient Norwegian or English skills, as well as when essential information is given at a later stage. The question "do you need an interpreter" should be asked in several languages so it is clear that it is understood. The offer and use of interpreter should be documented.
- Access to a personal contact officer during the initial period after admission should be emphasized. If the contact officer is not available during this period, another officer should be temporarily given the tasks of the contact officer.
- New inmates should be given a health assessment by a physician, or a nurse under the supervision of a physician, preferably during the admission interview or possibly within 24 hours of admission. It is suggested that all new inmates that arrive in the prison after regular working hours should be given a health assessment by a physician at the local accident and emergency care centre.
- Substitutes should cover for the dentist, psychologist, and other health care workers that are away from work or are otherwise not accessible.
- All health-related written requests ("*samtalelapper*") should be answered within 24 hours on weekdays and on Mondays after the weekend. The prison should ensure that all written requests to the health department, including to the dentist and psychologist, are treated confidentially. Inmates should be informed that written requests containing health-related matters can be placed in a sealed envelope.
- The health department should ensure that new inmates receive their medicines within 24 hours of admission.
- The health department and the prison should cooperate in adapting activities for inmates with poor health conditions or disabilities. Those inmates that are unable to participate in work or evening workouts should be offered adapted activities in order to avoid passivity, lack of physical activity and full or partial exclusion from company.

- The prison and the health department should cooperate in securing control over the entire process of medicine distribution. To prevent injuries and protect patient safety, it is important that the prison and the health department create joint written procedures for reporting and following up on the distribution of medicines, including reporting any deviations. The deviation statistics should be examined quarterly with discussion of potential measures for improvement.
- The prison and the health department should cooperate in implementing procedures to ensure that new inmates can hand over personal medicines without providing information about their health to the correctional services.
- Procedures for the admission interview should include guidance for prison officers on how to ask for consent from inmates when health information is collected.
- The health department, the specialist health service and the prison should cooperate in establishing written procedures for managing opioid maintenance treatment. The Correctional Services should have procedures for documenting and reporting Subutex control and any potential deviations. The deviation statistics should be examined quarterly with discussion of potential measures for improvement.
- The Correctional Services should start training in opioid maintenance treatment of all prison officers with regular repetition courses. Unskilled and inexperienced officers should not be used for management of opioid maintenance treatment without direct supervision by an inspector.
- The health department should participate in regular supervision of nutrition, cleaning, hygiene, indoor climate and other health care related issues in the prison. The health department can contribute with its professional knowledge to improve the living conditions of the inmates in the prison. It is suggested that the prison and the health department inspect the buildings, including the cells, outdoor areas, kitchen, hallway, visitation rooms, health department, workshop and school, at least every six months to prevent conditions that could be damaging to one's health. They should focus especially on vulnerable groups that can be easily exposed to conditions that can be damaging to one's health, including inmates with disabilities.
- The prison should implement measures that provide all inmates with the opportunity to spend at least eight hours outside their cell each day, engaged in meaningful activities.
- Further, the prison should keep an overview of all inmates that have spent less than eight hours outside their cell each day and document what activities are offered for them.
- Staffing situations can only be used as the basis for collective exclusion from company during extraordinary staffing situations.

- It should be ensured that each restriction of, or collective exclusion from company, is logged in the records and that individual written decisions are provided, if necessary, afterwards.
- Tromsø prison should implement measures to ensure that inmates in the remand unit have the same opportunity to spend time in community as inmates in other departments.
- Women should have satisfactory prison conditions while sitting in high security detention.
- Inmates with disabilities should have adapted facilities so that they have the same prison conditions as other inmates. While waiting for such cells to be created, inmates that today serve in restricted sections for no other reason than their disabilities should be ensured access to communal activities where they are.
- Adapted space in sections with lower security should be provided in order for inmates with disabilities to have the same opportunity to serve their sentence there as other inmates.
- Inmates that have restrictions imposed by the court, or that have limited possibility to spend time in the company of other inmates, should be secured a satisfactory outdoor air option. Inmates should, at a minimum, be allowed to breathe fresh air and see daylight, and be given an area that provides a real opportunity for movement and the feeling of being outside.
- The prison should ensure that inmates can receive visits from family and their social network. It is especially important to ensure that visits take place in order to maintain inmates' regular contact with their own children.



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