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The Parliamentary Ombudsman Norway

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

VISIT REPORT

- Summary and Recommendations

Bergen prison

4-6 November 2014



The National Preventive Mechanism's visit to Bergen Prison

4-6 November 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 of the report

The Parliamentary Ombudsman's National Preventive Mechanism (the NPM) visited Bergen prison from 4 to 6 November 2014. Bergen prison's current capacity is 265, of which 209 spaces are situated behind the circular wall in high security (closed), and 56 spaces in lower security (open). The NPM's visit did not extend to the prison's two open sections, D and Osterøy. The prison was notified of the visit four weeks in advance, and was asked to send specified information to the NPM. This was done in a timely fashion.

The visit opened with a meeting with the prison administration. The administration and other staff members assisted the NPM readily during the entire visit, and provided all information that was requested. An inspection of the high-security sections was conducted, including the prison's means of restraint, holding cells ("venteceller"), community rooms, reception department and visiting rooms. Additional meetings were held with the prison's health service, whose facilities were also inspected. Conversations with inmates followed. These took place in the inmates' cells or in meeting rooms in the various sections. A document review was conducted of all key documents from 2014, including use-of-force protocols relating to security cells. Written decisions on the exclusion of inmates from the company of others in 2014 were also reviewed. In addition, the NPM talked with several staff members at different levels of the organization, as well as with union representatives.

¹ The Parliamentary Ombudsman Act § 3a.

The visit concluded with a meeting with the prison administration, during which the NPM set forth preliminary findings and recommendations.

Very high occupancy, including a growing number of challenging inmates, has affected the prison in general and the activation level in particular. The prison administration portrayed the staffing situation as difficult.

This combination of factors seems to influence how prison officers relate to the inmates. Several inmates said it was commendable the way some officers sit down and chat with the inmates. However, it became clear that a majority believed that officers were insufficiently present in communal areas. Several inmates told of episodes that had made them feel anxious and insecure. The NPM received several descriptions of severe harassment and violent incidents between inmates that had not caught the notice of officers. Most female inmates in particular indicated that they were often left to themselves. Several foreign inmates, too, said they felt ignored, and described harsh, unsafe conditions and poor communication. Information gleaned from conversations with inmates indicates that the opportunity to spend time outdoors in fresh air was not offered every day.

Inmate conditions in section A-East and section A-West were described by several sources as particularly challenging. Over half the inmates lacked an offer of work and were isolated in their cells for large parts of the day, several days a week. Although several inmates described positive relations with the staff, several of them felt unsafe doing activities because prison officers appeared insufficiently engaged.

During the visit, the prison's use of force was given special attention. The document review indicated a generally high threshold for placing inmates in security cells. However, the review turned up significant weaknesses in the associated recordkeeping, and several of the NPM's recommendations stem from a review of supervision logs related to the use of security cells and restraining beds. The use of holding cells was also deemed to have problematic aspects when the cell in question bears clear similarities to a security cell.

Close attention was paid to admissions processing and the care provided to inmates during the introductory phase of their detention in prison, when they may be particularly vulnerable. The prison appeared to have developed sound admissions practices. The majority of inmates stated that they had received sufficient information upon admission, though their perceptions varied. Informational materials translated into several languages were lacking, however.

Conversations with inmates indicated that the majority of the inmates were provided health service consultations shortly after admission. It emerged, however, that inmate confidentiality could be better protected and that procedural lapses occur in making sure that inmates are accompanied to their medical and psychology appointments in the prison. The psychologists, for their part, seek more opportunity to perform outreach in communal activities with the inmates.

The NPM found grounds for concern about psychologically vulnerable inmates. Information provided by the prison administration, health service and other staff members – and corroborated by the NPM's own observations, interviews and document review – suggests a need to prioritize health care for the mentally ill and those who may be prone to mental health injury. The information also indicates that Bergen prison houses some inmates with serious mental illnesses for whom it is difficult to provide satisfactory health services.

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

- All decisions to use a security cell should be made and documented in accordance with the Execution of Sentences Act § 38. The decision document should always make clear which less intrusive measures have been attempted or found to be obviously inadequate.
- The supervision log should state clearly the names of inmates placed in security cells and the exact starting and ending times of their stays there.
- Inmates should be assured of healthy, hygienic security cell conditions.
- Complete removal of clothing on entering the security cell should occur only if an individual risk assessment has been conducted. If there is no particular risk of self-harm, inmates should be provided with suitable clothing beyond underpants.
- The supervision log should state clearly the names of inmates placed in restraining beds and the exact starting and ending times of restraining bed use. While an inmate is in a restraining bed the grounds for keeping him or her there should be assessed continuously. Such assessments should be recorded in the supervision log.
- All decisions to use a restraining bed should be made and documented in accordance with the Execution of Sentences Act § 38.
- Holding cells that have similarities to security cells should not be used in situations covered by the terms of § 38.
- All decision documents concerning the use of § 37 should indicate whether less intrusive measures have been considered. Statistics should be kept of the number, grounds and duration of all exclusions from company imposed under § 37.
- The prison should implement measures to ensure inmate safety in communal sections of the prison, including clear procedures on the presence of prison officers in living sections.
- The prison should implement measures to ensure that all inmates, regardless of gender, have the opportunity to spend at least eight hours per day outside their cells, occupied in meaningful activities.
- The prison should ensure that female inmates feel safe and cared for; prison officers should be present on a regular basis in living sections.
- The prison should ensure that inmates receive accurate information on arrival. Informational materials should be prepared in several languages.
- For all inmates who lack sufficient skill in Norwegian or English, the prison should offer to provide an interpreter at the admissions interview and at later times when essential information is to be given. The question “Do you need an interpreter?” should be posed in multiple languages so there is no doubt it has been understood.
- The contact officer should maintain special focus on isolated inmates, inmates with extensive needs and others in vulnerable situations. Provision should be made for their needs when the contact officer is not at work.
- The prison should implement measures to ensure that all inmates for whom the court has not imposed special restrictions (full isolation) have the opportunity to spend at least eight hours per day outside their cells, occupied in meaningful activities. Special measures should be applied for inmates subjected to full isolation by the court.

- If an inmate is subjected to conditions that correspond in practice to full or partial exclusion from company, at times when communal activities are normally conducted, the decision should be made and documented in accordance with the Execution of Sentences Act § 37.
- Through the presence of its officers, the prison should ensure that inmates feel safe during periods of interaction with other inmates.
- The prison should establish procedures to ensure that all inmates are given the opportunity to spend time in the open air every day.
- New inmates should undergo a health examination by a physician, or a nurse under the supervision of a physician, preferably in connection with the admissions interview or within 24 hours. The prison should enable such conversations to be conducted in a confidential and professionally sound manner.
- The prison should ensure that all requests or inquiries to the health department, including to the dentist, physiotherapist and psychologist, are treated confidentially. Inmates should be informed that they may put health-related requests (called *samtalelapper*) in closed envelopes, and envelopes appropriate to this purpose should be available to all. The prison should also ensure that oral requests are kept confidential.
- The prison should see to it that the health department has a waiting room that accommodates personal security and privacy needs.
- The prison should arrange for inmates to come on schedule to appointments with the health department or specialist health services, unless the inmates themselves wish to cancel.
- With assistance from its health department, the prison should design a system for regular officer training in the distribution of medications.
- The prison and health department should cooperate in maintaining control over the entire process of distributing medications. Uniform written procedures should be established for reporting and following up on the handling of medicines, including any deviations from procedure.
- The health department should become involved in public health efforts and other environmental health matters in the prison. The health department can use its expertise to help improve inmate living conditions. Special attention should be given to inmates who are especially vulnerable to illness or injury, including those with disabilities.
- The prison should make sure psychologists have offices suitable to maintaining confidentiality.
- The prison should ensure that as much information as possible is communicated to the health department so that health personnel can document and follow up the mental health conditions of vulnerable inmates. The health department and the prison should cooperate on preparing a plan to identify and monitor the needs of the most psychologically vulnerable inmates. Psychologists should also be given the opportunity to perform outreach in communal activities.
- Inmates with mental disorders should be provided the opportunity to receive satisfactory health care.
- The prison should establish systematic competence in supervising foreign inmates to ensure that they do not become isolated.
- Inmates with disabilities should be provided with accommodation to ensure that they serve their time under the same conditions as other inmates, regardless of disability. Until cells featuring such accommodation are created, inmates who now serve in restricted sections for no reason other than their disability should be given opportunities for communal activity where they are.



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