



SIVILOMBUDSMANNEN

Norwegian Parliamentary Ombudsman
National Preventive Mechanism

VISIT REPORT

Bredtveit prison

15–16 March 2016

National Preventive Mechanism against
Torture and Ill-Treatment



SIVILOMBUDSMANNEN

Norwegian Parliamentary Ombudsman

VISIT REPORT

Bredtveit Prison

15-16 March 2016

1 The Parliamentary Ombudsman's preventive mandate

Based on Norway's ratification of the Optional Protocol to the UN Convention against Torture (OPCAT), the Parliamentary Ombudsman has been issued with a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹ The Parliamentary Ombudsman has established its own National Preventive Mechanism (NPM) in order to fulfil this mandate.

The NPM makes regular visits to locations where people are deprived of their liberty, such as prisons, police custody facilities, mental health care institutions and child welfare institutions. The visits may be announced or unannounced.

Based on these visits, the NPM issues recommendations with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment. The Parliamentary Ombudsman, represented by the NPM, has right of access to all places of detention and the right to speak privately with people deprived of their liberty. The NPM also has right of access to all essential information relating to detention conditions. During its visits, the NPM will seek to identify risks of violation by making its own observations and through interviews with the people involved. Interviews with detainees are given special priority.

The NPM also engages in extensive dialogue with national authorities, civil society and international human rights bodies.

¹ The Act relating to the Parliamentary Ombudsman for Public Administration Section 3(a).

2 Summary²

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited Bredtveit Detention and Security Prison on 15 and 16 March 2016. Bredtveit is a national prison for women who have received criminal convictions or preventive detention sentences and women remanded in custody. The prison administration received information in advance about which month the NPM would visit, but not the date. When the prison was notified of the visit, it was asked to provide information about the prison's operations. The prison complied with the request in a timely manner.

The visit included the whole prison except the lower security section. The prison administration and the other staff were helpful throughout the visit, and all requested information was made available to the NPM.

The visit started with an inspection of the prison, followed by interviews with the inmates. The interviews were largely held in the inmates' cells or in meeting rooms belonging to the different sections. The interviews took place in Norwegian and English. Interviews were also conducted with members of the prison staff. The visit ended with a meeting with the administration at which the NPM informed the administration about its preliminary findings and recommendations.

The changed relationship of power that arises between people when someone is deprived of their liberty can, for various reasons, make women extra vulnerable. For women who have suffered abuse or been involved in prostitution, the proportion of male staff can be particularly challenging. During the visit, particular emphasis was therefore placed on reviewing the prison's procedure in cases where inmates risked finding themselves in especially vulnerable situations with a male member of staff, for example during body searches, the taking of urine samples or in connection with confinement to a security cell or restraint bed.

None of the inmates the NPM talked to expressed any reservations about there being male officers in the prison or that this made them feel unsafe. Several inmates who had a male contact officer perceived this as positive.

The prison seems to be highly aware that situations that require removal of clothing can be a great burden for inmates who may be traumatised by previous sexual abuse. No examples were found of male inmates having performed body searches on inmates or having been present during the taking of urine samples. It nonetheless emerged from the use-of-force records that male officers had helped to undress an inmate who refused to take her clothes off voluntarily. This was done together with female officers. It also emerged that, on one occasion, male officers had supervised an inmate who was strapped to the restraint bed without clothes on. In the dialogue with the prison, it emerged that inmates should never be naked on the restraint bed and that this incident was a breach of procedure. On another occasion, a male officer had assisted in the process of an inmate strapped to the restraint bed using a bedpan. Although there may be safety or resource-related grounds for such decisions, it is underlined that situations such as this can be traumatic and entail a risk of inhuman treatment.

² Read the full report in Norwegian on the Parliamentary Ombudsman's website: <https://www.sivilombudsmannen.no/visit-reports-2016/category3084.html>.

A review of administrative decisions on use of the restraint bed showed that, on one occasion, an inmate was restrained for almost 42 hours. It emerged that the prison, in accordance with the regulations, had sent a request to the Correctional Service Region East on continued use of the restraint bed after 24 hours. That someone was strapped to the restraint bed for such a long period is nonetheless a cause for serious concern.

A document review shows that administrative decisions concerning exclusion from company were lacking in several cases. If inmates have not received written notification of the decision and the grounds for the measure, this constitutes a serious breach of their legal protection, and the prison should review its procedures relating to administrative decisions to ensure that its practices are in accordance with the regulations.

Foreign inmates are extra vulnerable in that they are far away from their home, culture, family and social network. Findings made during the visit show that the prison only uses interpreters in exceptional cases. Nor does it have access to video remote interpreting. Foreign inmates are entitled to information in a language they understand.

The health service seems to have good procedures for actively seeking out inmates and asking questions about their mental health. However, it emerged that the inmates did not have access to a female doctor, unless it concerned gynaecological examinations outside the prison. This is despite the fact that international standards state that women in prison shall have the option of choosing a female doctor.

During the NPM's visit, it emerged that, in two of the sections, inmates only spent 5 hours and 15 minutes outside their cells on Saturdays and Sundays. This is far below the amount recommended in international guidelines. In its standards, the European Committee for the Prevention of Torture (CPT) points out that inmates should spend at least eight hours outside their cells per day.

The exercise yard appeared small and poorly suited for other types of activities and exercise than ball games. Bredtveit is a prison with many inmates serving long sentences, including preventive detention sentences, and many of the inmates have extensive health problems. The possibility of physical activity was clearly poorer in this prison than in many of the big prisons for male inmates that the NPM has visited. The prison health service also stated that the outdoor areas limited the possibility of providing preventive health services.

During the NPM's visit, it clearly emerged that having newly arrived inmates and inmates who were demanding in terms of resources and had extensive need for supervision in the same section, is a situation that makes inmates feel unsafe and insecure. It also emerged that several inmates had found it difficult to start serving their sentence in Section 3, which also comprises inmates subject to restrictions and inmates with severe mental health problems. This situation appeared clearly unfortunate.

Recommendations

Physical conditions and activities in the prison

Outdoor areas

- The prison should ensure that the inmates have access to an outdoor area that facilitates varied activity and exercise.

Particularly vulnerable groups

- Inmates with disabilities who serve their sentence in a high security section should be ensured equal prison conditions with other inmates.

Invasive coercive measures

Use of security cells

- A full body search before confinement to a security cell should be based on an individual assessment that should be described in the supervision log. If it is considered that the inmate should not keep her own clothes in the security cell, the supervision log should also state what the inmate's clothes were replaced with.

Exclusion from company as a preventive measure

- A discontinuation decision should always be made when complete or partial exclusion is discontinued.
- The prison should review its procedures relating to administrative decisions to ensure that all decisions are made correctly.

Safeguarding of inmates' safety and security

Sense of security

- The prison should prepare written procedures for how to handle complaints relating to violence, threats, abuse or sexual harassment.
- It should be ensured that all inmates have a contact officer and that inmates have understood their contact officer's role and tasks.

Male officers in a women-only prison

- It should be ensured that there is also a female staff member present during supervision when the restraint bed is used and that only female staff members assist in intimate situations and situations where the inmate is naked.

Procedures for admission and locking in of inmates

Lock-in procedures

- The prison should immediately implement measures that ensure that all inmates who are not subject to restrictions have an opportunity to spend at least eight hours a day outside their cells, including at weekends.

Section 3

- Efforts should be made to find alternative solutions so as to avoid new inmates being placed with inmates with mental illness or other inmates with extensive needs for follow-up.

Health services in the prison**General health**

- Steps should be taken to ensure that women who, for one reason or another, want a female doctor have access to one.

Information to inmates**Admission interview**

- The prison should ensure that all inmates, when they arrive, receive updated verbal and written information about their rights and the prison's procedures in a language they understand. Efforts should especially be made to offer an interpreter during the admission interview.

Information to foreign inmates

- The prison should ensure that all inmates are given an opportunity to use an interpreter when needed, also after the admission phase.

Contact with next of kin

- The prison should ensure that inmates are given an opportunity to communicate with next of kin who live far away from the prison or abroad, for example with the use of modern solutions like Skype or similar.

3 How the visit was conducted

The visit to Bredtveit Detention and Security Prison took place during the period 15–16 March. The prison was notified in advance that the NPM would be visiting in March, but not given the date. The visit included the whole prison except the lower security section.

During the visit, an inspection of the prison's main building was conducted. The inspection included visiting rooms and body search rooms, all the sections in the main building including the communal rooms, the holding cell in Section 3, the security cells, the room for storing means of restraint etc. A brief interview was conducted with the prison administration after the inspection. The next day, the NPM looked at the school department, the health department, the prison employment service, the visiting apartment and the outdoor areas.

Interviews were held with 24 of the 45 inmates in the high security section. The interviews were conducted in the inmates' cells and in conversation rooms in the vicinity of the communal or school areas. The interviews took place in either Norwegian or English.

Furthermore, interviews were conducted with the health service, with prison officers and with the head workshop manager. The interview with the person responsible for children was conducted by phone a few days after the visit.

The visit concluded with a meeting with the administration, at which preliminary findings and recommendations were presented. The visit was well prepared and organised by the prison administration and staff.

The following representatives of the Parliamentary Ombudsman participated in the visit:

Aage Thor Falkanger, Parliamentary Ombudsman
Helga Fastrup Ervik, Head of the NPM, lawyer
Jonina Hermannsdottir, Senior Adviser, criminologist
Johannes Flisnes Nilsen, Adviser, lawyer
Mette Jansen Wannerstedt, Senior Adviser, sociologist
Aina Holmén, Senior Adviser, psychologist

The visit to Bredtveit Detention and Security Prison was the NPM's first visit to a prison with only female inmates.

4 Women in prison

Female inmates are a particularly vulnerable group in many respects. More female inmates than male inmates have been the victim of sexual abuse, which often leads to trauma and feelings of shame and guilt. Many female inmates struggle with poor self-esteem as a consequence of a difficult childhood and traumatic experiences, including sexual abuse and prostitution. To some extent, women have other health problems than men, and more women have infectious diseases. Research also suggests that the proportion of female inmates with severe substance abuse problems is higher.³

In the report *Levekår blant innsatte* ('Living conditions among inmates'), researchers found that the proportion with mental health problems was four times higher among female inmates than in the general population. It also emerged that a higher proportion of female inmates have extensive substance abuse problems, and that the consequences in the form of poor health, poor family relations and poor finances increase in step with the severity of substance use.⁴

According to a study conducted in three women-only prisons in Norway, 57% of female inmates had been the victim of sexual abuse as an adult and 42% as a child.⁵ Another study that was conducted among 316 inmates in seven prisons showed that female inmates, to a greater extent than male inmates, struggle with anxiety, severe depression and suicidal thoughts.⁶

For foreign female inmates with no connection to Norway, care of children is a particular challenge. The distance from their children and uncertainty about who is taking care of them while their mother is in prison means that many foreign women find the time in prison extra challenging.⁷

The proportion of women in Norwegian prison accounts for approximately 5–7% of the total prison population. A consequence of this is that female inmates receive less focus in the Correctional Service's governing documents, assessments and internal reports.

In 2015, a cross-disciplinary working group prepared the report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') on behalf of the Directorate of the Norwegian Correctional Service. The report contained a total of 54 proposals for measures to improve the conditions for female inmates in Norwegian prisons. In this connection, the Directorate stated that a strategy would be launched in 2016 for improving the conditions for women in prison. The strategy will contain concrete measures to improve the conditions for women in prison so that all inmates, regardless of gender, can receive equivalent services.

³ The Correctional Service, *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for men and women under the responsibility of the Correctional Service'), 2015, and Report to the Storting No 37 (2007–2008) *Punishment that works – less crime – a safer society (Report on the Norwegian Correctional Service)*.

⁴ Friestad, Christine and Hansen, Inger Lise Skog, *Levekår blant innsatte*, Fafo report 429, 2004.

⁵ Amundsen, Marie-Lisbet, *Bak glemselens slør* ('Behind the mists of time'), 2010, FONTENE Forskning 1/10, pp. 4–15.

⁶ Amundsen, Mary-Lisbet, *Kjønnsforskjeller i psykisk helse i norske fengsler* ('Gender differences in mental health in Norwegian prisons'), 2011, Nordisk tidsskrift for Helseforskning, no. 2-2011, 7th volume.

⁷ The Correctional Service, *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, 2015.

The Parliamentary Ombudsman looks forward to following this work.

5 General information about Bredtveit Prison

Bredtveit Detention and Security Prison is a national prison for women who have received criminal convictions or preventive detention sentences and women remanded in custody. The prison has room for a total of 64 inmates. The high security department has 45 places. The Bredtveitveien 2 section (Section B2) is a lower security section with room for 19 inmates. The prison stated that each inmate has their own cell.

In 2015, the occupancy rate in the prison was 94.8%. At the time of the NPM's visit, the average length of sentence was 4.9 years.

The high security section is divided into the following sections:

Section 1: Ordinary sentence and remand section (14 places)

Section 2: Motivational and responsibility unit (10 places)

Section 3: Admission and restricted section (12 places)

Section 4: Motivational, responsibility and trust-based unit (9 places).

The breakdown of inmates between remand, sentence and preventive detention as of 18 February 2016:

Sentence: 41 inmates

Preventive detention: 3 inmates

Remand: 19 inmates.

6 Physical conditions and activities in the prison

Bredtveit Prison was built in 1918, and several sections of the building appear to be outdated. The fact that the main building is protected limits the possibility of making the building and cells accessible for disabled inmates, and it has not been possible to install a lift.

6.1 Cells and communal rooms

Most of the cells in the prison are approximately 7–8 square metres in size, while some cells are up to 15 square metres. The standard furnishing in the cells consist of a desk, chair, mirror, washbasin, fridge, rubbish bin, a bed screwed to the floor and a flame-retardant mattress. All the cells have separate bathrooms, except in Section 4, where there is a shared toilet and shower in the corridor.

6.2 Outdoor areas

Bredtveit Prison is located on a large plot of land. The main exercise yard, however, appeared small and poorly suited for other activities and exercise than ball games. It is a small area with grass surrounding a tarmacked area the size of a handball court. There were two spots in the exercise yard where inmates could sit under a roof. In addition, the prison has a small exercise yard that was mainly used by inmates who needed to or had been instructed to spend time outside alone or for outdoor exercise in connection with the prison workshop.

The prison informed the NPM that all inmates are allowed to go outside at least one hour a day, and two hours a day in summer. Inmates who do not want to go outside are locked in their cells during the same period.

The possibility of physical activity is important for the welfare of inmates, and the outdoor areas should facilitate and encourage outdoor activities. A facilitated outdoor area will be a good measure to prevent both physical and mental health problems among inmates. In this context, reference is made to how Bredtveit is a prison with many inmates serving long sentences, including preventive detention sentences. The group of inmates is diverse, and many of them have major health problems. Taking steps to facilitate activity and social interaction with other inmates during time out of their cells is important in a prevention and rehabilitation perspective. The possibility of physical activity was clearly poorer in this prison than in many of the big prisons for male inmates that the NPM has visited. The prison health service also stated that the outdoor areas limited the possibility of providing preventive health services.

Recommendation

- The prison should ensure that the inmates have access to an outdoor area that facilitates varied activity and exercise.

6.3 Activity programmes in the prison

Female inmates often have a number of problems relating to living conditions, including little or no work experience. In a living condition survey conducted in 2002, it emerged that only one of three

women were in employment at the time of imprisonment.⁸ The work offered to female inmates has nonetheless traditionally been 'women's work', such as sewing, cleaning and cooking, and has to a lesser extent provided female inmates with work training and qualifications for the labour market.⁹

According to figures from the prison, 78% of the inmates were in employment or education in 2015. The figure includes inmates engaged half-time and full-time. Several inmates worked for parts of the day and went to school the rest of the day.

Work training and competence-raising measures

Inmates are trained and participate in the production of crafts, such as sewing, woodwork and other handiwork. They also receive instruction and work training in the main kitchen, the departmental kitchens and the laundry, and in cleaning and gardening. Inmates can also be granted certificates from upper secondary school (first and third year). The certificates are based on competence goals in the subjects of design, arts and craft, restaurant and food processing, building and construction. Cooperation has been established between the prison employment service and Grønland adult education centre on tuition in English as part of the prison employment service's work.

The kitchen and the laundry employed two inmates each, and the library employed one inmate.

Inmates who had taken the Norwegian Labour and Welfare Service's (NAV) landscape gardener course were responsible for keeping the outdoor areas in order. Each department had one inmate with main responsibility for cleaning various communal areas. It was stated that NAV funds several courses for inmates, including landscape gardening courses, barista courses, courses in dog keeping/handling, and truck and forklift driving courses.

Schooling

Grønland adult education centre provides tuition at all levels in general studies subjects and common core subjects for vocational programmes; design, arts and crafts, including hairdressing; food processing and music. Three inmates participated in entrepreneurship courses.

Several inmates expressed satisfaction with the education they were offered.

Recreational activities

A weekly activity plan is drawn up for the inmates. It is prepared by the recreational supervisor, the reintegration coordinator, the librarian, the school, NAV and the prison employment service jointly. The activities include a choir, gym, photography course, the prison radio station and a mindfulness course. The NPM also visited a well-equipped library, where small concerts and lectures were held.

Cooperation within the prison to ensure varied activities seemed to be working well.

The prison also appeared to be working systematically to offer activities to inmates subject to various forms of restrictions or inmates who, for other reasons, did not seek out activities. Several staff members pointed out that low staffing created challenges in attending to inmates with special needs who sometimes needed to be engaged in activity by themselves.

⁸ Skardhamar, Torbjørn, *Levekår og livssituasjon blant innsatte i norske fengsler* ('Living conditions and life situation among inmates in Norwegian prisons'), 2002, the K series No 1/2002.

⁹ Report to the Storting No 37 (2007–2008) *Punishment that works – less crime – a safer society*. Here, it was stated that, 'Steps must be taken to ensure that women are offered varied work and activities'.

Some sections had extensive access to the exercise area, while other sections only had access to exercise on Saturdays and Sundays, and then only six inmates at a time. This meant that not everyone who wanted to exercise had an opportunity to do so.

7 Particularly vulnerable groups

Bredtveit Prison has many inmates who, for various reasons, can be particularly vulnerable. During the NPM's visit, the prison stated that dedicated coordination teams are established for inmates who are considered to be particularly vulnerable for one reason or another. The coordination teams are interdisciplinary and are composed on the basis of the individual inmate's needs. A coordination team may, for example, consist of a social worker, a librarian, a workshop manager and the person responsible for education.

NPM's focus during the visit was on certain groups.

Inmates with mental illness

The prison's administration pointed out that more inmates than before suffer from serious mental illness when they arrive at the prison. Increased risk of suicide attempts or self-harm were among the challenges mentioned. Several of the staff felt that they did not have the resources and competence to handle inmates with the most serious mental disorders. See a more detailed discussion of mental health in section 11.2.

Mothers

The prison stated that, at the time of the NPM's visit, there were two inmates who had daily care of children. According to the prison, considerably more inmates had children but did not have daily care of them. Several inmates had access to their children by agreement with the child welfare service.

A visiting room or the visiting apartment is used when inmates' own children come to visit. See a more detailed description in section 13.

Young women

The prison stated that minors do not serve sentences in the prison. In connection with court hearings in the Oslo area, the prison has had minors as inmates for shorter periods. In such cases, the prison works closely with the juvenile unit in which the minor is on remand.

Foreign nationals

At the time of the NPM's visit, there were 25 inmates from a foreign background. Thirteen were foreign nationals who were to be deported to their home country after serving their sentences. There were a total of 12 nationalities in the prison at the time of the NPM's visit.

The most obvious vulnerability for many foreign inmates is poor language skills. In many cases, foreign inmates are also in a weaker position because they have less knowledge of Norwegian legislation, rights and the right to complain/appeal.

For a more detailed discussion of information to foreign inmates, see section 12.2.

Inmates with disabilities

During the NPM's visit, there were no inmates who needed an adapted cell. It was found, however, that the main building is not adapted for inmates with disabilities. The protected status of the building rules out necessary upgrades, including the installation of a lift.

The prison stated that a disabled inmate would probably be placed in the low security section of Section B2, which is more suitable for persons with disabilities, or in another prison.

It emerged that inmates with mobility impairments have previously been placed in the restricted section on the top floor of the building. In such cases, the inmate in question has had to be carried by prison officers to get out of the section. This comes across as an undignified situation for the inmate and also warrants criticism with regard to fire safety.

The UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) specify that prisoners with physical, mental or other disabilities shall have full and effective access to prison life on an equitable basis.¹⁰

Transgender people¹¹

In an international perspective, situations such as body searches, the taking of urine samples, the choice of sections as well as violence and harassment are well-known problems relating to transgender people, and they are therefore seen as a vulnerable group with an increased risk of self-isolation.

At the time of the NPM's visit, there were no transgender inmates in Bredtveit Prison, and, according to the prison, it happens very rarely. Furthermore, it was stated that the prison recognises that there may be special challenges for transgender people in prison, but that no separate guidelines have been prepared for how to deal with such a situation in Bredtveit Prison.

Recommendation

- Inmates with disabilities who serve their sentence in a high security section should be ensured equal prison conditions with other inmates.

¹⁰ The UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by the UN General Assembly on 17 December 2015; see Rule 5.2.

¹¹ Transgender is a collective term for anyone who transgresses gender, from transvestites, who occasionally cross-dress, to people whose gender expression, for all or most of the time, is consistent with their perceived gender identity – and people who experience such discomfort living with the sex they were assigned at birth that they have to change it hormonally and/or surgically (Source: the Norwegian Association of Transgenders).

8 Invasive coercive measures

Pursuant to Section 38 of the Execution of Sentences Act, the Correctional Service may make use of a security cell in order to:

- a) prevent a serious attack on or injury to a person (including to prevent an inmate from harming him/herself),
- b) prevent the implementation of serious threats or considerable damage to property, or
- c) prevent escape from prison.

It may only be used when strictly necessary under the circumstances, and where less intrusive measures have been tried to no avail or would obviously be inadequate. The need to uphold such a measure shall be continually assessed.

The use of restraint beds is regulated by Section 38 of the Execution of Sentences Act on the use of coercive measures. Using a restraint bed means restraining a person to the bed with straps on his/her arms and legs. It is a highly intrusive measure. The European Court of Human Rights (ECtHR) has underlined that the use of restraint beds entails a high risk of inhumane or degrading treatment and that the use of such measures indicate a strict review of the legality and the factual grounds for the measure and the implementation.¹² The Mandela Rules also stipulate strict conditions for the use of such measures.¹³

The Correctional Service's guidelines to the Execution of Sentences Act state the following:

'Security cells and restraint beds must not be used longer than absolute necessary, and the restrained inmate shall receive the necessary attention and care. The staff shall check on the inmate at least once per hour, and continuous monitoring should be considered. The inmate shall also be seen by health personnel at least once a day. The prison administration shall enquire about the inmate's condition on a daily basis, and it shall be continuously assessed whether the use of coercive measures can be discontinued.'¹⁴

8.1 Use of security cells

Bredtveit Prison has two security cells. One of them contained a restraint bed, which the NPM was told was removed if there was a need to use both security cells at the same time.

The cells were approximately six square metres in size, and the state of cleanliness was satisfactory at the time of the NPM's visit. The window admitted a good amount of daylight, and there was an adjustable ceiling light. Both the temperature and the air quality were satisfactory. It was possible to dim the ceiling light at night, and there was a clear colour contrast between the floor and walls. This is important to prevent inmates from becoming disoriented. Each cell had a call button for contacting the staff, which proved to be working during the NPM's visit. The toilet was a squat toilet.

¹² ECtHR judgment in *Julin v. Estonia*, pronounced 29 May 2012, Application No 16563/08, 40841/08, 8192/10 and 18656/10.

¹³ The Mandela Rules, Rules 47 and 48.

¹⁴ 'Guidelines to the Execution of Sentences Act and to its Regulations' (in Norwegian only), page 30.

There was a single mattress on the floor, and a small opening in the door for visual inspection and conversation. A clock was visible through a large inspection window on the wall of security cell 1. This is a positive solution, as a loss of sense of time can increase the psychological strain of being confined.

The security cells were placed two floors below Section 3, from which most of the security cell detainees were transferred. The NPM was told that the reinforced cell in Section 3 (see more detailed description in section 8.3) was one of the less intrusive measures used by the prison in order to reduce the use of the security cells.

Situations involving removal of clothing

As a matter of routine, inmates are undressed and a body search carried out before they are placed in a security cell. The prison seems to be highly aware that situations that require removal of clothing can be a great burden for inmates who may be traumatised by previous sexual abuse. At the same time, it was pointed out that, in some cases, safety considerations indicated the need for a male officer to be present during body searches in preparation for detention in a security cell.

There may be grounds for this when the inmate is placed in a security cell based on the risk of serious harm to the person or suicide. A full body search should be based on an individual assessment, which should be described in the supervision log. The supervision log should also state what the inmate's clothes were replaced with.

It emerged from the use-of-force records that, on occasion, male officers have helped to undress inmates who refuse to take their clothes off voluntarily. This was done together with female officers.

It also emerged that, on one occasion, male officers had supervised an inmate who was strapped to the restraint bed without clothes on. In the dialogue with the prison, it emerged that inmates should never be naked on the restraint bed and that this incident was a breach of procedure. On another occasion, a male officer had assisted in the process of an inmate strapped to the restraint bed using a bedpan. Although there may be safety or resource-related grounds for such decisions, it is underlined that situations such as this can be traumatic and entail a risk of inhuman treatment.

Use of security clothing

The NPM was presented with a rip-proof piece of clothing that can be used in cases where inmates' ordinary clothes must be removed due to a risk of self-harm or suicide. This is in line with the NPM's previous recommendations on preventing inmates with a high suicide risk from being left naked in a security cell. Such garments should only be used as a last resort, however, following an assessment of the suicide risk in each specific case. The garments cover most of the body, but bear little resemblance to clothes. The clothes can be perceived as stigmatising and degrading for people who have no wish to harm themselves. It is therefore underlined that such rip-proof security clothing should not be used as a matter of routine. The health service is usually involved when an inmate is to be let out of a security cell and back into their own cell.

Scope and duration

Seven administrative decisions were made on the use of the security cells in 2015. Three of these decisions concerned the same inmate, who was first transferred to a security cell and then to the restraint bed after having harmed herself during confinement in a security cell. On all three occasions, the inmate was transferred to a security cell from the restraint bed before being sent back

to the section. In the period from 1 January 2016 to the time of the NPM's visit in March 2016, one administrative decision was made on use of a security cell.

According to the records, confinement to the security cells lasted from just under 24 hours to 48.5 hours. All seven decisions mentioned which less intrusive measures the prison had attempted first.

A review of the supervision log indicated that supervision was carried out in accordance with the requirement set out in the guidelines to the Execution of Sentences Act (once every hour as a minimum).¹⁵

Recommendation

- A full body search before confinement to a security cell should be based on an individual assessment that should be described in the supervision log. If it is considered that the inmate should not keep her own clothes in the security cell, the supervision log should also state what the inmate's clothes were replaced with.

8.2 Use of the restraint bed

A restraint bed was installed in security cell 2. It could be removed as needed, in which case the cell served the purpose of an ordinary security cell.

According to the prison, continuous monitoring took place whenever the restraint bed was used. This was confirmed by the supervision logs. According to the prison, endeavours are made to maintain a conversation with an inmate who is strapped to the restraint bed, preferably with an officer that the inmate knows and trusts. The restraint bed itself looked clean and new. Security cell 2 had no access to a clock. However, this cell was seldom used except when the restraint bed was used, as continuous monitoring is required.

Scope and duration

A review of the administrative decisions shows that the restraint bed was used a total of three times in 2015, on one and the same inmate. In each case, the inmate in question had been strapped to the restraint bed following confinement to a security cell.

The three occasions on which the restraint bed was used lasted from a few hours to just under 42 hours. It emerged that the prison, in accordance with the regulations, had sent a request to the Correctional Service Region East on continued use of the restraint bed after 24 hours. That someone was strapped to the restraint bed for such a long period is nonetheless a cause for serious concern.

A review of the supervision log showed that the requirement for continuous monitoring was complied with.

8.3 Exclusion from company as a preventive measure

Pursuant to Section 37 of the Execution of Sentences Act, the prison may decide that a prisoner shall be wholly or partly excluded from the company of other prisoners if this is necessary in order to prevent the prisoner from continuing to influence the prison environment in a particularly negative

¹⁵ Point 3.41 of 'Guidelines to the Execution of Sentences Act and to its Regulations' (in Norwegian only) adopted by the Correctional Service's Central Administration on 16 May 2002 and amended on 27 October 2008, section 3.41.

manner, to prevent prisoners from injuring themselves or acting violently or threatening others, to prevent considerable material damage, to prevent criminal acts, or maintain peace, order and security, or if the prisoner himself or herself so wishes. Complete or partial exclusion pursuant to the first paragraph shall not be maintained longer than necessary, and the prison shall continually assess whether grounds for the exclusion continue to exist. An administrative decision shall always be made if an inmate is excluded from company.

Limitations of or exclusion from ordinary daily contact must meet the conditions set out in Section 17 second paragraph, Section 29 second paragraph, Sections 37, 38, 39 or Section 40 second paragraph (d). This follows from an interpretation of Section 17 first paragraph of the Execution of Sentences Act and is confirmed in section 3.15.17 of the Directorate's guidelines. In cases where inmates serve their sentence under conditions that in reality entail complete or partial exclusion from the company of others during periods when communal activities are organised, an administrative decision on complete or partial exclusion shall be made.

Rule 44 of the Mandela Rules defines solitary confinement as follows:

'For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.'

It also follows from Rule 43(b) that solitary confinement in excess of 15 days is prohibited. The background for the time limit is research findings indicating that the harmful effects of isolation may become irreversible after such time.

However, Norwegian legislation currently allows complete exclusion from the company of others for up to one year at a time. To the extent that complete exclusion from company entails 'solitary confinement' as defined in the Mandela Rules, a new assessment should be made of the relationship between the Mandela Rules and Section 37 of the Execution of Sentences Act. The Parliamentary Ombudsman will follow this up with the Ministry of Justice and Public Security.

Holding cell in Section 3

Inmates were normally excluded from the company of others by confining them to their own cells. Section 3, which is an admission section, had what was known as a holding cell. This cell only contained a plastic mattress placed on a wooden bench and a table fixed to the floor. There was no toilet in the cell, and inmates confined to the cell had to call an officer to be escorted to the toilet. According to the information provided, the cell was used as a less intrusive alternative to the security cells, or for shorter periods in connection with admission or internal transfers within the prison. Even though the cell is not furnished as a security cell, the furnishing warrants use of the cells for as short a period as possible.

Due process protection in connection with case processing

2015

Ahead of the NPM's visit, the prison stated that, in 2015, a total of 51 administrative decisions were made on full or partial exclusion from company pursuant to Section 37. A document review shows that administrative decisions were lacking in eight cases. If inmates have not received written notification of decisions and the grounds for the measure, it constitutes a serious breach of their legal protection.

Furthermore, the prison stated that, in 2015, no administrative decisions had been made on full exclusion exceeding 14 days. However, the NPM's review of the discontinuation decisions showed that an inmate had been excluded from company pursuant to Section 37 first paragraph (e) of the Execution of Sentences Act for a total of 18 days. Because several decisions were lacking, it cannot be ruled out that additional decisions have exceeded the 14-day deadline.

It is underlined that long-term isolation is a highly intrusive measure that can cause harm to health. In line with the CPT's recommendations, in cases of long-term isolation, a plan should be prepared for the purpose of changing the situation that caused the inmate to be excluded from company.¹⁶

2016

For 2016, the prison stated that seven administrative decisions had been made on full or partial exclusion from company pursuant to Section 37 before the NPM's visit. Two of these decisions concerned confinement in excess of 14 days, according to the prison.

The NPM's review shows that a total of eight administrative decisions had been made during this period. The review showed that only one of the decisions concerned confinement in excess of 14 days. This indicates that part of the requested documentation was lacking.

Deficiencies in the decisions

Some deficiencies were found in the administrative decisions that were received and reviewed for 2015 and 2016. They included cases of lacking discontinuation decisions, lacking signatures from the appropriate supervisor and that the dates on the discontinuation decisions were inconsistent with the dates on the administrative decisions.

Based on this, Bredtveit Prison should review its procedures relating to administrative decisions.

Recommendations

- A discontinuation decision should always be made when complete or partial exclusion is discontinued.
- The prison should review its procedures relating to administrative decisions to ensure that all decisions are made correctly.

¹⁶ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2015, page 34–35.

9 Safeguarding of inmates' safety and security

A review of the prison's procedures for preventing suicide and self-harm was conducted during the NPM's visit. A review was also conducted of the prevention and handling of violence and conflicts. The NPM also looked at how the prison handled the fact that half of the prison officers in this women-only prison are men.

9.1 Suicide and self-harm prevention procedures

The Directorate of Health's Action Plan for the Prevention of Suicide and Self-Harm (2014–2017) states that the prevalence of suicide is eight times higher in the prison population than in the general population. The risk is particularly high during remand in custody.

There were no suicides in the prison in 2015, but four suicide attempts, concerning two different inmates. A total of 26 cases of self-harm involving six different inmates were registered in 2015.

The prison stated that the health department assesses the inmates' state of health during the admission interview. This interview is usually held on the first or second working day after arrival. Any needs for further measures are then assessed. This was confirmed by the prison health service and also emerged during many of the interviews with the inmates. The prison has prepared an action list of suicide prevention measures. The list is primarily an overview of all existing measures.

Several inmates confirmed that the prison had a procedure of asking questions about inmates' mental health during the admission interview with the prison health service. Some inmates also stated that they had regular contact with a psychologist.

On suspicion of suicide risk, it was emphasised that the staff carry out frequent supervision, close follow-up and conversations with the inmate in question. A practice of keeping the cell door open was also used in some cases. If the risk is assumed to be high, the inmate in question is moved to a holding cell in Section 3. It is considered to be better suited for monitoring and also less burdensome than a security cell. See a more detailed discussion of security cells in section 8.1.

Research conducted by the Correctional Services has found that conversations with inmates are probably the most effective preventive measure.¹⁷ There is reason to believe that the staff at Bredtveit attend to this in a good way.

9.2 Sense of security

In interviews with both inmates and staff, it emerged that conflicts arise from time to time.

The prison has stated that, in 2015 and until the time of the NPM's visit in March 2016, there had been 20 reported cases of incidents involving violence and threats between inmates. According to the prison, it has a zero-tolerance approach to bullying. If there is a conflict between inmates, incident reports are written and statements obtained. In addition, a conversation may be held between a prison officer and the two inmates involved, while also considering whether to move one

¹⁷ Hammerlin, Yngve, *Selv mord og selvmordsnærhet i norske fengsler – Selvmordsforebyggende arbeid i fengsel* ('Suicide and suicidality in Norwegian prisons – Suicide prevention work in prison'), 2009, the Correctional Service of Norway Staff Academy (KRUS).

of the inmates to ensure peace and order. The prison informed the NPM that cases of a serious nature are always reported to the police.

The NPM's findings during the visit indicated that most of the inmates felt safe and secure in the prison. Previous conflicts between inmates seemed to have been resolved, either by moving inmates who created an unsafe environment or by conducting a three-way conversation. The use of three-way conversations to resolve conflicts between inmates is in line with the Mandela Rules, which encourage different types of conflict resolution to prevent disagreements between inmates from getting out of hand.¹⁸

The presence of staff during communal activities is an important measure to reduce the risk of conflicts between inmates and thereby contributing to increased safety in the section, and a sense of security among inmates. According to the prison, officers shall be present during communal activities in the sections. The findings of the NPM indicated that the staff were not present an equal amount of time in all the sections. No indications were found that inmates felt unsafe because of the staff.

The NPM asked whether the prison had written procedures for handling suspicion of or complaints about violence, abuse or sexual harassment in the prison. The prison stated that it had implemented such procedures but that they were not available in writing. Written procedures should be available to ensure equal treatment in the event of suspicion or complaints.

Contact officers

Most inmates stated that they had a satisfactory relationship with their contact officer. At the same time, some of the inmates were not sure whether they had a contact officer or of this officer's role. This is unfortunate for the inmates in question, as the contact officer plays an important role in relation to inmates. It is important that the prison ensures that all inmates have understood the contact officers' role and how they can help them in their day-to-day lives.

There were no indications that female inmates who had a male contact officer saw this as a problem, but some of them found it difficult to change contact officers if they wanted to.

Recommendations

- The prison should prepare written procedures for how to handle complaints relating to violence, threats, abuse or sexual harassment.
- It should be ensured that all inmates have a contact officer and that inmates have understood their contact officer's role and tasks.

9.3 Male officers in a women-only prison

The changed relationship of power that arises between people when someone is deprived of their liberty can, for various reasons, make women extra vulnerable. As mentioned in section 4, many female inmates have been the victim of abuse and different forms of sexual exploitation, among other things. For women who have suffered abuse or been involved in prostitution, the proportion of male staff can be particularly challenging. The differences in power between women and men are

¹⁸ The Mandela Rules, Rule 38 1.

the reason why the Mandela Rules state that female staff shall be responsible for female inmates.¹⁹ At Bredtveit, almost half the prison officers are male.

The CPT Standards state that the presence of both male and female staff can have a beneficial effect in terms of, among other things, fostering a degree of normality in a place of detention. At the same time, the CPT Standards specify the following:

'[...] persons deprived of their liberty should only be searched by staff of the same gender and that any search which requires an inmate to undress should be conducted out of the sight of custodial staff of the opposite gender.'²⁰

During the NPM's visit, emphasis was placed on establishing what procedures the prison had for protecting inmates against uncomfortable or degrading situations involving male prison officers and to protect them against abuse. In this context, reference is also made to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders (the Bangkok Rules), which underline the importance of developing and implementing policies and regulations for staff working with female inmates.²¹

The NPM placed particular emphasis on reviewing the prison's procedure in cases where inmates risked finding themselves in especially vulnerable situations with a male member of staff, for example during body searches, the taking of urine samples or in connection with confinement to a security cell or restraint bed.

The prison administration stated that great emphasis was placed on training new male staff members in conduct vis-à-vis female inmates. It was underlined that, if it was known that a new inmate has a history of being abused, she would not have to deal with male staff until after a certain period of time, when it was considered that she would not perceive this as unsafe.

International standards clearly state that body searches shall only be performed by personnel of the same sex.²²

The guidelines to the Execution of Sentences Act also state that:

'Body searches should be performed by a staff member of the same sex as the inmate. If the body search must be performed by a person of the opposite sex, another staff member shall be present during the body search.'²³

The same emerges in Report to the Storting No 37 (2007-2008) *Punishment that works – less crime – a safer society*²⁴.

Findings made during the NPM's visit indicated that the prison exercises caution in relation to inmates as regards body searches and the taking of urine samples. None of the inmates the NPM

¹⁹ The Mandela Rules, Rule 81 (3).

²⁰ The CPT Standards, page 94, paragraph 23.

²¹ The UN Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offender (the Bangkok Rules), adopted by the UN General Assembly on 21 December 2010, A/RES/65/229; see Rule 31.

²² See the Mandela Rules, Rule 81(3) and the Bangkok Rules, Rule 19.

²³ Point 3.31 of 'Guidelines to the Execution of Sentences Act and to its Regulations' (in Norwegian only) adopted by the Correctional Services' Central Administration on 16 May 2002 and amended on 27 October 2008.

²⁴ Report to the Storting No 37 (2007–2008) *Punishment that works – less crime – a safer society*, page 151.

talked to had been searched by a male officer, and no one expressed any reservations about there being male officers in the prison or that this made them feel unsafe. Several inmates who had a male contact officer perceived this as positive.

The use of male officers in situations where force is used

As regards confinement to a security cell and use of the restraint bed, it was less clear how the procedures were applied in practice. A review of the supervision log showed one case in which a male officer had assisted in the process of an inmate strapped to the restraint bed using a bedpan. It was not stated in the supervision log whether a female officer had also been present. According to the supervision log, there had also been cases where both male and female staff had assisted in undressing inmates in connection with their being confined to a security cell.

Recommendation

- It should be ensured that there is also a female staff member present during supervision when the restraint bed is used and that only female staff members assist in intimate situations and situations where the inmate is naked.

10 Procedures for admission and locking in of inmates

10.1 Lock-in procedures

Sections 3 and 1 had stringent procedures for locking in inmates at weekends. On Saturdays and Sundays, the cells were opened at 11.15 and locked again at 16.30. This meant that inmates in these two sections only had 5 hours and 15 minutes out of their cells on Saturdays and Sundays. This is far below the amount recommended in international guidelines. In its standards, the European Committee for the Prevention of Torture (CPT) points out that inmates should spend at least eight hours outside their cells per day.²⁵

The reason given for the long lock-in hours at weekends was that the prison did not have the means to increase staffing after having changed over to a new shift plan two-three years ago.

From a preventive point of view, lack of activity and human contact can entail a risk for the inmates' health, welfare and personal progression.

Recommendation

- The prison should immediately implement measures that ensure that all inmates who are not subject to restrictions have an opportunity to spend at least eight hours a day outside their cells, including at weekends.

10.2 Section 3

All inmates start serving their sentence in section 3. The section has twelve cells in addition to a holding cell that is only used temporarily and is not included in the total number of places in the prison. See a more detailed description of the holding cell in section 8.3.

During a normal prison term at Bredtveit Prison, the inmate would first be transferred from Section 3 to Section 1, then to Section 2 and finally to Section 4, which is a trust-based unit. Inmates in Section 4 have greater freedom both inside and outside the prison.

After a body search and registration on arrival, inmates are taken to Section 3, where they stay until a place becomes available in one of the other prison sections. This can take from one day to several weeks.

Section 3 is also a restricted section. This means that inmates who need an increased degree of supervision, usually because of mental illness, and inmates who are excluded from company because of a violation of the rules, are placed in this section. This entails a certain amount of unrest in Section 3, such as shouting and banging on the walls and doors. Section 3 is more heavily staffed than the other sections.

As long as inmates are not subject to restrictions or are too mentally ill, they can participate in tuition and work in the prison while being placed in Section 3.

²⁵ The CPT Standards, page 17, paragraph 47.

During the NPM's visit, it clearly emerged that having newly arrived inmates and inmates who were demanding in terms of resources and had extensive need for supervision in the same section, is a situation that makes inmates feel unsafe and insecure. It emerged that several of the inmates had found it difficult to start serving their sentences under such conditions. It also emerged that necessary follow-up of demanding inmates sometimes placed great limitations on the staff's possibilities of following up new inmates or inmates with extensive but less visible needs, for example inmates who isolate themselves. The situation appeared clearly unfortunate.

Placing inmates subject to restrictions and inmates with severe mental health problems in a section that is situated on the top floor of a building also means that great resources are required to ensure that each inmate has access to at least one hour of outdoor exercise a day.

Recommendation

- Efforts should be made to find alternative solutions so as to avoid new inmates being placed with inmates with mental illness or other inmates with extensive needs for follow-up.

11 Health services in the prison

The prison health service is affiliated to the local health service in the Bjerke district of Oslo municipality. At the time of the NPM's visit, the health service consisted of 2.6 nurses, a doctor working 50% of a full-time position, a physiotherapist working 10% and a dentist who comes to the prison once a week. In addition, two psychologists from the specialist health service visited the prison once a week. The nurses and the dentist are women, while the doctor and the physiotherapist are men.

It was possible for inmates to meet with a female psychologist or a female psychiatrist if they wanted to. It also emerged that requests for a female doctor were only met if it concerned a gynaecologist.

11.1 General health

Based on interviews with the prison health service, staff and inmates, it emerged that new inmates are usually offered an admission interview with a nurse within 24 hours, or shortly after. This is in line with the Mandela Rules and the CPT's recommendations.²⁶

Inmates who requested a medical consultation were entered in a note book ('health book') in the section. The nurses went through the book every morning. In special cases, the staff also sent notifications of concern to the health service about inmates with medical needs. The health service asked inmates to sign a consent form that enabled the health service to disclose the information to the Correctional Service.

The health service receives medication in pre-prepared medication dispensers from the pharmacy. They are checked by the health service before they are distributed by prison officers who have undergone medication distribution training.

Feedback from the inmates indicated that the duty of confidentiality between patient and doctor was maintained in a good way, and that no prison officers were present during the medical consultations. This was confirmed by the health service.

Foreign inmates

The prison health service regarded the referral of foreign inmates without a Norwegian personal ID number to the specialist health service as unproblematic, with reference to the fact that foreign inmates have the same patient rights as other inmates. This included both somatic and mental health care. Telephone interpreting was the primary choice when an interpreter was needed, while the psychologists used both telephone interpreters and on-site interpreters.

The health service's role in relation to the use of coercive measures

It emerged from the prison's procedures that the health service was notified immediately when security cells or the restraint bed was used. In these situations, it was standard procedure for the health service to make daily visits to the inmate in question. This is in line with the CPT's recommendations. The European Prison Rules also state the following:

²⁶ See the Mandela Rules, Rule 30 and the CPT Standards, page 19, paragraph 53.

'The medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to the health of prisoners held under conditions of solitary confinement, shall visit such prisoners daily, and shall provide them with prompt medical assistance and treatment at the request of such prisoners or the prison staff.'²⁷

The prison health service also seemed to maintain its professional integrity in these situations in a way that attended to the inmate's interests as a patient.

Access to a female doctor

Inmates do not have the same opportunities as others to choose and, if applicable, change their regular doctor (GP). This limitation gives the health service special responsibility for designing solutions that help to ensure that inmates receive the medical care they need and are entitled to.

Both previous negative experiences with men and their cultural background may make it difficult for women to receive proper medical care from male health personnel. Women's health challenges and the fact that women in prison may have a problematic relationship with their own bodies and health are the reason why the Bangkok Rules state that:

'If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the women prisoner, a woman staff member shall be present during the examination.'²⁸

The prison health service explained that a female nurse was always available for attendance during medical consultations if the inmate so wished. This was also practiced during physiotherapist sessions. However, there was little room for offering inmates a female doctor unless it concerned a gynaecological examination.

It is a challenge that, in principle, inmates in Bredtveit women-only prison only have access to a male doctor. From a preventive point of view, it is important that inmates do not refrain from consulting a doctor or giving an open description of their health problems because they find having an open relationship with a male doctor problematic.

Recommendation

- Steps should be taken to ensure that women who, for one reason or another, want a female doctor (GP) have access to one.

11.2 Mental health

Many of the inmates stated that they had suffered from poor mental health, either for shorter periods or for a greater length of time. This was confirmed in interviews with the staff, the administration and the prison health service.

²⁷ The CPT Standards, page 19, paragraph 53, and the European Prison Rules, Rule 43.2.

²⁸ The Bangkok Rules, Rule 10 (2)

A survey conducted during the period 2011–2013 included an extensive mapping of mental health problems among women and men in prison.²⁹ The survey showed that, irrespective of gender, 92% of inmates suffered from one or more forms of mental illness. This is considerably higher than in the general population.

Interviews with the prison health service and inmates indicated that the health service routinely identifies the risk of self-harm and suicide during the admission interview. This procedure is in line with the CPT's recommendations, which emphasise the health service's role in suicide prevention.³⁰ Similarly, the European Prison Rules emphasise that the prison health service shall 'pay special attention to suicide prevention'.³¹ The health service may contact the prison psychiatric outpatient clinic directly when more extensive follow-up is needed than the health service can provide. It was pointed out that inmates with long-term mental illness were followed up extra closely to ensure that their illness had not deteriorated during their time in prison. Some inmates had to be motivated over time to accept a referral to a psychologist.

According to the prison health service, there had been several inmates in the last year who had had extensive mental health problems. Among other things, there had been several suicide attempts recently. This was confirmed in the NPM's interviews with officers, during which it also emerged that this was a particularly demanding part of the staff's working day. Although the officers cooperated well with the prison health department, they often felt that they did not have sufficient resources to deal with inmates with serious mental health issues.

Because Bredtveit is the biggest high security women-only prison in Norway, it receives inmates with extensive mental health problems from all over the country. The health service pointed out that an increasing number of inmates with more extensive mental health problems underlined the need for a separate section that had a greater capacity for accommodating the needs of this group.

11.3 Mastering substance abuse problems

Research has shown that a higher proportion of female inmates have extensive substance abuse problems than male inmates.³² The prison stated that many of the inmates have problems with substance abuse. The health service identifies the need for measures to master substance abuse problems at the admission interviews and through observation and day-to-day conversations with the inmates.

The following measures to master substance abuse problems are available in the high security sections:

- Conversation groups once a week with social workers from the Pathfinder project/the Tyrili foundation. The social workers can also follow up individual inmates.
- Tyrili is also responsible for initial conversations with inmates with substance abuse problems while they are remanded in custody or at an early stage of their prison term. A substance

²⁹ Cramer, Victoria, *Forekomst av psykiske lidelser hos domfelle i norske fengsler* ('The prevalence of mental disorders among convicted persons in Norwegian prisons'), 2014, The regional centre for research and education in forensic psychiatry and psychology in the South-Eastern health region.

³⁰ The CPT Standards, page 44, paragraphs 57–59.

³¹ The European Prison Rules, Rule 47.2.

³² Friestad, Christine and Hansen, Inger Lise Skog, *Levekår blant innsatte* ('Living conditions among inmates'), Fafo report 429, 2004.

abuse group had recently been established that Tyrili was responsible for, for inmates in the prison's high security sections.

- Substance abuse interviews (three-structured conversations) between the prison staff and relevant inmates.
- Transfer for treatment at an institution (pursuant to Section 12 of the Execution of Sentences Act) for suitable inmates.

In addition, the health department offers treatment for substance abuse problems by making referrals, among other things. The health department also follows up and administers opioid maintenance treatment (LAR). The social counsellors in prison and the health department cooperate closely.

Overall, the health service appeared to be well-functioning in key areas.

12 Information to inmates

Most inmates have a great need for information the first few days in prison, especially first-time inmates. Good admission procedures are intended to ensure that inmates quickly become familiarised with their rights and duties in prison and that special needs, risk factors and vulnerability in inmates are identified in order to reduce the risk of suicide, self-harm and a deterioration of mental illnesses to a minimum. At the same time, it is a challenge that the admission process for many inmates can be characterised by a feeling of shock or by intoxication, and the information must therefore be repeated regularly to ensure that it is understood.

The importance of providing information to inmates during the admission phase is set out in the Bangkok Rules³³ and the Mandela Rules³⁴. They state, among other things, that all inmates, upon admission, shall be promptly provided with information about laws and internal prison regulations, their rights and obligations and all other matters necessary to enable the inmate to adapt to life in prison. It is also underlined that the information shall be given in a manner and a language that the inmate understands.

12.1 Admission interview

After registration and a body search, all inmates are moved to Section 3. Here, all inmates shall undergo an admission interview at which information is provided about, inter alia, the prison's rules and procedures.

In addition to an admission interview, the inmate is given an information pamphlet prepared by the prison. It contains information about, inter alia, the day-to-day routines in the different sections, the contact officer scheme and available activities. The pamphlet was available in Norwegian, English, Spanish, Russian and German. It emerged that the Norwegian version of the pamphlet is regularly updated, while the other language versions had not been revised and were therefore in part outdated. Separate admission interviews on and forms covering topics such as schooling, work and need for contact with NAV are also available. At these interviews, the social counsellor and the prison's reintegration coordinator play a central role.

Both inmates and staff confirmed that the admission process can be difficult for inmates and that many inmates are unable to understand or remember a lot of the information provided during this period. The information pamphlet, which inmates can refer to when needed, is therefore a good, important measure.

At the same time, many inmates have problems handling vast amounts of written information. It is therefore decisive that important information is repeated frequently, taking into consideration individual inmates' situations and understanding. It is also a challenge that the information pamphlet is only updated regularly in Norwegian and not in the other languages.

Morning meetings are held with inmates. In addition to the individual officers' contact with inmates, such regular meeting points are good arenas for providing information and engaging in dialogue with inmates about new procedures and routines. Some frustration was noted among inmates regarding

³³ The Bangkok Rules, Rule 2 (1).

³⁴ The Mandela Rules, Rules 54 and 55.

how information that was considered to be important to their time in prison, such as procedures for accepting gifts from next of kin during visits, had been changed by posting written notices that several of the inmates had not seen. The change had therefore been sudden for several inmates, and the fact that inmates did not feel that they had been given a chance to accommodate to the change in advance created frustration.

It emerged in information from the prison that there may be several women who have daily care of children that the prison does not know about. This indicated deficiencies in the registration of care of children. The Bangkok Rules state, inter alia, that a key part of the admission interview for female inmates should be to obtain reliable information about whether the inmate has children: how many, how old they are, where they are, whether the inmate has care and control of them.³⁵

Among other things, this is about the possibility of inmates who are mothers to maintain contact with their children during their time in prison, not least if the children live in another country.

Recommendation

- The prison should ensure that all inmates, when they arrive, receive updated verbal and written information about their rights and the prison's procedures in a language they understand. Efforts should especially be made to offer an interpreter during the admission interview.

12.2 Information to foreign inmates

Foreign inmates are extra vulnerable in that they are far away from their home, culture, family and social network. This can mean that they seldom or never receive visitors, and they may feel culturally and religiously distanced from other inmates. This makes foreign inmates more prone to isolation.

Foreign inmates are entitled to information in a language they understand.³⁶

In a report from a working group that was appointed by the Correctional Service's Central Administration (KSF), it is claimed that one of the reasons why a large proportion of foreign inmates are in high security prisons may be that they are unaware of the possibility of applying for transfer to a lower security prison.³⁷

The group was also of the view that foreign inmates could be unlawfully excluded from possibilities that they were supposed to be entitled to in order to receive equal treatment.

³⁵ 'The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status. The Bangkok Rules, Rule 3 (1).

³⁶ 'At admission, and as often as necessary afterwards all prisoners shall be informed in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison', the European Prison Rules, Rule 30.1. See also the Bangkok Rules, Rule 2 and the Mandela Rules, Rules 54 and 55.

³⁷ *Veien ut. Tiltak som fører til økt overføring av innsatte til fengsler med lavere sikkerhetsnivå og overgangsboliger* ('The way out. Measures that lead to increased transfer of inmates to low security prisons and transitional housing'). Report from a working group appointed by KSF, 2012, p. 38.

During the NPM's visit, it emerged that the prison only uses interpreters in its work with inmates in exceptional cases. On the few occasions that interpreters were used, they were interpreters that either the health service or the inmate's defence counsel had hired that the prison was allowed to 'borrow'. In some cases, Google Translate was used. Some inmates said that they had to ask other inmates to make rules and procedures clear.

It is difficult to see how the prison safeguards the inmates' rights in a satisfactory manner when the prison is unable to ensure that inmates have understood their rights, for example the right to appeal an administrative decision.

Video remote interpreting is a technical arrangement whereby the prison is connected to a firm of interpreters through the transfers of images and sound to a dedicated interpreting room in the prison. At the time of the NPM's visit, there was no equipment available for using video remote interpreting. It emerged that the prison has applied for funding for this. This arrangement can help to safeguard foreign inmates' need for information, and will be especially useful in connection with the admission interview. It will also be important to ensure that the prison has the correct information it needs about the inmates' background and situation.

In light of the fact that Bredtveit is Norway's only high-security detention and security prison for women, there is a great need for technical solutions that safeguard the inmates' right to information. Reference is made to how almost 40% of the inmates are from foreign backgrounds.

Recommendation

- The prison should ensure that all inmates are given an opportunity to use an interpreter when needed, also after the admission phase.

13 Contact with next of kin

Inmates who are not subject to restrictions can apply to have visits from next of kin up to once a week. Before the first visit can take place, next of kin must be approved by the prison authorities. This is a process that can take a few weeks.

Because there are few women-only prisons in Norway, some women will be in prisons that are far away from their home place. This means that some inmates will have difficulties receiving visits from their children. This is especially the case for children who are too small to travel alone and children who live in other countries than their mother.

Bredtveit has two visiting rooms, one of which is slightly bigger than the other and is used for visits from children. In addition to the two visiting rooms, there is a separate visiting apartment in the area. It is physically separate from the main prison building, but within the prison walls. There is also a small outdoor playground near the visiting apartment.

The prison has hired a dedicated staff member whose role is to attend to children as next of kin in meetings with the Correctional Service.

Visiting apartment

The apartment can be used when inmates receive visits from their children (up to the age of 18). This applies to both convicted persons and persons serving on remand. The person who has daily care of children can be given access to the apartment together with the inmate and the child(ren) if this is considered important for the child(ren). The apartment can also be used for one-day visits (up to four hours) and for overnight visits from inmates' children under the age of 18. If an inmate gives birth during a prison term, the apartment can also be used for breastfeeding until the mother is moved to another prison.

Inmates interviewed by the NPM described the possibilities of receiving ordinary visits as more or less satisfactory. None of the inmates that the NPM interviewed had used the visiting apartment.

Other contact with family

Several inmates mentioned how they were given too little time to talk to next of kin on the phone. Several talked about missing their family and feeling lonely as a consequence of having little contact with their family.

Many inmates whose family is far away from the prison or abroad could benefit from having access to Skype or a similar online solution to maintain contact with their family. According to the prison, inmates had expressed a strong wish for such a solution, but it had been postponed for technical reasons.

This is a relatively simple and inexpensive measure that can help to prevent challenges such as loneliness, depression and other types of psychological strain that often follow from long prison terms far away from family. It will also be in line with the Bangkok Rules, which specify that the prison shall give female inmates an opportunity to have contact with their families.³⁸ The European

³⁸ The Bangkok Rules, Rule 26.

Prison Rules also state that '[p]rison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so'.³⁹

Recommendation

- The prison should ensure that inmates are given an opportunity to communicate with next of kin who live far away from the prison or abroad, for example with the use of modern solutions like Skype or similar.

³⁹ See the European Prison Rules, Rule 24.5.

Office address: Akersgata 8, Oslo
Postal address: P.O. Box 3 Sentrum, NO-0101 Oslo
Telephone: +47 22 82 85 00
Free of charge: +47 800 80 039
Fax: +47 22 82 85 11
Email: postmottak@sivilombudsmannen.no
www.sivilombudsmannen.no/NPM

