



SIVILOMBUDSMANNEN

Norwegian Parliamentary Ombudsman
National Preventive Mechanism

VISIT REPORT

Drammen prison

24–26 May 2016



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¹ This is an excerpt in English of the full report from the visit to Drammen Prison. The full report can be found in Norwegian on the website of the Parliamentary Ombudsman, www.sivilombudsmannen.no.

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1 The Parliamentary Ombudsman's prevention mandate

Based on Norway's ratification of the Optional Protocol to the UN Convention against Torture, the Parliamentary Ombudsman has been given a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.² To fulfil this mandate, a special unit known as the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

The NPM makes regular visits to places where people are deprived of their liberty, such as prisons, police custody facilities, mental health care institutions and child welfare institutions. The visits can 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 seeks to identify risk factors for violations through independent observations and through conducting interviews with the people involved. Interviews with persons deprived of their liberty are given special priority.

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

² Parliamentary Ombudsman Act Section 3(a).

2 Summary

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited Drammen Prison in the period 24–25 May 2016. The dates of the visit were not announced. Drammen Prison has a capacity of 54 places, divided between three sections, all at the high security level. The prison accommodates both women and men.

Despite the fact that international standards state that female inmates shall be kept physically separate from male inmates, women and men serve together in all the departments in Drammen Prison. Female and male inmates work together, take part in communal activities together, go outside for fresh air together, go to school together and exercise together. This places great demands on staffing and security in the prison. During the NPM's visit, a number of findings were made that indicate that men and women should not serve together in the manner seen in Drammen Prison.

The NPM received a lot of feedback about the officers being present during communal activities in the departments. It also emerged from the prison's procedures that communal activities shall take place under supervision. Despite the staff's focus on maintaining the inmates' safety, however, it emerged that there was considerable risk of harassment and abuse etc. and that female inmates received a lot of unwelcome attention from male inmates. The risk of undesirable incidents under minimum staffing conditions and in hectic periods was confirmed.

Findings also showed that, in some areas, it was difficult to offer the same conditions and activities to male and female inmates in the prison. This was partially explained by the fact that the women make up a minority that needs facilitation, and partly that the security need increases when men and women serve together. The prison had few activities and programmes targeting female inmates.

Separate toilets and showers were not installed in 39 of 54 cells in the prison. Buckets were used during the evening and night, without the possibility of letting inmates out of their cell when needed. Several of the inmates stated that they found using the bucket degrading and that they therefore used the sink as a toilet during the night. The sink also had to be used for brushing teeth and for washing the cutlery handed out to the individual inmates. Women have special sanitary needs, especially in connection with menstruation, menopause and pregnancy. The lack of toilets in the cells and limited access to a shower for large parts of the day therefore represent a special problem for women.

It was found that a very high percentage of inmates spend less than eight hours a day outside their cells. Figures for 2015 provided by the prison show that approximately 41 per cent of the inmates spend less than eight hours outside their cells on weekdays. On weekends, approximately 93 per cent spend less than eight hours outside their cells. Combined with limited opportunities for activities both on weekdays and at weekends, this is problematic. It emerged during the visit that the prison's outdoor areas to a limited extent facilitated activity and exercise in fresh air.

Despite the fact that foreign inmates make up a considerable proportion of the inmates, findings from the visit show that the prison only in exceptional circumstances uses an interpreter when working with these inmates. Several of the foreign inmates felt that they had not received good, understandable information on their arrival. 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. It also emerged that some foreign female inmates felt dependent on male inmates to obtain and understand information.

The Parliamentary Ombudsman points out that it is positive that the prison has an information video in six languages that can be shown to new inmates.

During the visit, it emerged that many inmates had not had, or did not perceive that they had had, a conversation with the health service in connection with their arrival. Furthermore, it emerged that inmates had been used as interpreters in conversations with the health service. Weaknesses were found in the procedures for assessing mental health in connection with the admission and follow-up of inmates in solitary confinement. International standards state that inmates in solitary confinement should be checked on by health personnel at least once a day.

Recommendations

Physical conditions

- Until toilets have been installed in all cells, all inmates should be able to use the toilets when necessary, at all hours of the day.

Communication and language

- The prison should ensure that all inmates on arrival receive updated information about their rights and the prison's procedures and that the information is understood.
- The prison should provide all inmates who do not have sufficient language skills in Norwegian or English, or a language that the staff are fully proficient in, with interpreters during the admission interviews and when important information is to be provided at a later date. The question 'do you need an interpreter?' should be asked in more than one language to ensure that it is understood. The offer of and use of interpreters should be documented.
- The prison should ensure that all newly arrived inmates receive information about their contact officer and that these officers, as soon as possible, make contact with the inmates in question.

Protecting and safeguarding the inmates

- The prison should have written procedures for the prevention and handling of suicide risk.

Contact with family and friends

- The prison should take steps to ensure that inmates who are unable to receive visits from family and friends because of the travel distance are given an opportunity to communicate with them via Skype or a similar online solution.

Activity programme and communal activities

- The prison should initiate measures to increase the employment rate among inmates.
- The prison should facilitate activities where female inmates can be separated from male inmates.

- The prison should implement measures to ensure that all inmates who are not subject to restrictions have an opportunity to spend at least eight hours a day on meaningful activity outside their cells. Steps should be taken to facilitate more time outside the cells at weekends in particular.
- The prison should ensure that women who need to participate in programmes for mastering substance abuse are offered courses or other adapted services on a par with men.

Control measures

- Body searches should be carried out in stages, so that detainees are given an opportunity to cover up their upper body before removing the clothes on their lower body.
- The prison should ensure correct application of the law in connection with decisions on exclusion from company.

Health services

- The prison should ensure that confidentiality is maintained regarding all consultations with the health department's medical staff, including with the dentist, physiotherapist, psychologist and psychiatrist. The staff should ensure that requests for medical consultations are placed in a closed envelope and that such envelopes are readily available to all the inmates.
- The prison should ensure that written requests for medical consultations are available in the most frequently used languages.
- The prison and the health department should together quality assure the procedures for exchange of information between the prison and the health department concerning newly arrived inmates.
- The health service should ensure that all newly arrived inmates undergo a medical examination by a doctor, or a nurse reporting to a doctor, preferably in connection with the admission interview or within 24 hours of being admitted at the latest.
- The health service should draw up procedures for assessing inmates' mental health and suicide risk during the admission interview.
- The health service should ensure that inmates in solitary confinement are checked on by health personnel at least once a day.
- The prison and the health department should cooperate on ensuring that no discrepancies occur in connection with the distribution of medication.
- The health department should never use prison officers or inmates as interpreters in connection with health consultations.
- Interpreters should be used whenever necessary in connection with conversations with the health service.

3 How the visit was conducted

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited Drammen Prison on 24 and 25 May 2016. The prison received notification in early April that a visit would take place during the period May–June 2016. Prior to the visit, the NPM received the requested information from the prison and relevant reports from the supervisory council. The NPM also sent information material to the prison in the form of brochures and posters in several languages. The posters were posted and the brochures made available to the prison inmates.

During the visit, an inspection was carried out of all sections, the gym, library, the prison employment service, kitchen, school and outdoor areas. Interviews were conducted with inmates, some members of staff and the prison administration.

One of the express goals of the visit was to examine the conditions for female inmates, especially in light of the fact that women and men serve together in the sections in Drammen Prison. Interviews were therefore conducted with all the female inmates during the visit.

Drammen Prison also has a high proportion of foreign inmates. A number of interviews were conducted with the use of interpreters.

Interviews were also conducted with the prison health department and with the prison's activity coordinator.

The visit was concluded with a meeting with the prison administration.

The following persons participated from the office of the Parliamentary Ombudsman:

- Helga Fastrup Ervik (Head of the NPM, legal adviser)
- Mette Jansen Wannerstedt (Senior Adviser, sociologist)
- Caroline Klæth Eriksen (Adviser, social scientist)
- Jonina Hermannsdottir (Senior Adviser, criminologist)

The prison administration and other staff were forthcoming throughout the visit.

4 About Drammen Prison

Drammen Prison is located in the centre of Drammen, in the same building as the courthouse. The prison was built in 1962. It has a capacity of 54 places, all at the high security level. At the time of the NPM's visit, the occupancy rate was 90.7 per cent. The number of days served in 2015 was 17,917.

The prison is divided into the following sections:

- Section 1: intake department – 10 places
- Section 6: communal section – 27 places divided between two sub-sections, with 14 and 13 places, respectively
- Section 7: communal section – 17 places

The prison accommodates both women and men, who serve together in all the three sections. At the time of the NPM's visit, there were 49 inmates in the prison, 12 of whom were women, spread across the sections. One woman was in the intake department, eight in section 6 and three in section 7. The prison stated that it wanted to have as few female inmates as possible, but that the number varies between 5 and 15 female inmates. In 2015, the average number of inmates in Drammen Prison was 50, of whom 9 were women and 41 men on average.

Drammen Prison is primarily a prison for inmates on remand and inmates serving short sentences. Convicted inmates serving short sentences can spend their whole prison term in Drammen Prison, while inmates sentenced to longer sentences can serve there while waiting for a place at another prison. At the time of the NPM's visit, the proportion of inmates on remand was 63 per cent. At 14 April 2016, the average prison term was 1.2 years (441 days) for men and 0.6 years (204 days) for women. The prison stated that the average number of days served was approximately 40.

At the time of the visit, 47 per cent of the inmates were foreign nationals, of 13 different nationalities.

Drammen Prison is located on levels one, five, six, seven and eight of the building. The intake department and the main reception are separated from the rest of the prison by three floors used by Drammen District Court.

In addition to the intake department (section 1), level one contains the main reception, the registration room and an exercise yard. The intake department consists of a room where registration and body searches take place, a shower and a small storage facility. The prison had underwear and necessary sanitary articles available for women.

Level six housed the visiting department and section 6, plus a pertaining exercise room. Level seven consisted of communal section 7, the laundry, workshop, kitchen, library and exercise room. Inmates in section 7 were required to be in employment. This section was described as more open than section 6. Level five contained the administration and the health department. Level eight consisted of a gym and an exercise yard.

The size of the cells varied between the sections; approx. 11.5 square metres in the intake department and approx. 10 square metres in sections 6 and 7. Standard furnishing in the cells included a desk, shelves, a bed, chair, cupboard, TV, fridge, kettle and a radio intercom system. All

the cells had windows. In the intake department, the windows were covered in adhesive film to obstruct the view from both inside and outside, but let in light. None of the windows could be opened.

In the intake department, the cells contained a shower and a toilet. The cells in sections 6 and 7 contained a sink and a bucket – see chapter 6.2. *Sanitary conditions*.

5 The situation for female inmates

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.³ According to a study conducted in three women-only prisons in Norway, 57 per cent of female inmates had been the victim of sexual abuse as an adult and 42 per cent as a child.⁴

For reasons including the intention of protecting women from sexual harassment and abuse, the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) unequivocally state that female inmates shall be kept physically separate from male inmates.⁵ This is also underlined in the UN Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders (the Bangkok Rules), Rule 18.8, and by the European Committee for the Prevention of Torture (CPT).⁶

At the national level, Report to the Storting No 12 (2014–2015) on increased capacity in the Correctional Service (*Utviklingsplan for kapasitet i kriminalomsorgen*), and Proposition to the Storting 1 S (2014–2015) from the Ministry of Justice and Public Security⁷, have stated that women shall serve their sentences separate from men. It is also underlined that female and male inmates shall serve under equal conditions, both in terms of content and as regards physical conditions. This equality principle is also underlined in the international standards.⁸

Despite clear international standards, which are also supported by national guidelines, women and men serve together in all the sections in Drammen Prison. During the visit, a number of findings were made that support discontinuing the practice of female and male inmates serving together in the manner seen in Drammen Prison.

The prison stated that, as far as possible, women and men were offered the same activities and programmes. This was difficult to achieve in some areas, however, among other things because the women make up a minority that needs special adaptation, or because the security need increases. The laundry, for example, was one place where women and men could not work together because there were usually no officers present. At the time of the visit, there were twelve female inmates in the prison, but none of them worked in the laundry.

It also emerged that women were not given the same opportunity as men to participate in a programme for mastering substance abuse problems (see chapter 10 *Activity programme and communal activities*).

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

⁴ Amundsen, Marie-Lisbeth (2010) *Bak glemselens slør* ('Behind the mist of time').

⁵ The UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by the UN General Assembly on 17 December 2015, Rule 11(a).

⁶ CPT Standards, CPT/Inf/E (2002) 1 Rev. 2015 page 94 paragraph 24.

⁷ Proposition 1 S (2014–2015) The Ministry of Justice and Public Security, section 6.1.1.

⁸ The CPT Standards page 94 paragraph 25.

The prison's activity coordinator offered workout sessions for women twice a week. Over and above this, the prison did not offer any activities where female inmates were separated from male inmates.

Women have special sanitary needs, especially in connection with menstruation, menopause and pregnancy. The lack of toilets in the cells in sections 6 and 7 and limited access to a shower for large parts of the day therefore represent a special problem for women (see chapter 6.2 *Sanitary conditions*).

In sections 6 and 7, female and male inmates took part in communal activities together. This places great demands on staffing and security in the prison. Communal activities took place in the corridor of the section, with the cell doors open. Inmates were allowed to be in each other's cells, but not with the door closed.

In interviews with both inmates and staff, it emerged that the female inmates received a lot of unwelcome attention from the male inmates. The NPM was also made aware that a female inmate had become pregnant during her time in Drammen Prison in 2015.⁹

The NPM received a lot of feedback about the officers being present during communal activities in the sections. It also emerged from the prison's procedures that communal activities shall always take place under supervision. Despite considerable focus on the inmates' safety, there was considerable risk of harassment, abuse etc. Open cell doors and a basic staffing level of two officers per section entailed a risk of incidents that would not be registered by the officers (see chapter 8.2 **Feil! Fant ikke referansekinden.** *Sense of security*). It is underlined that use of force and abuse can occur without been seen or heard. Female inmates may be subjected to pressure and threats that lead to force and abuse being overlooked by the staff.

The prison administration confirmed the risk of undesirable incidents, especially under minimum staffing conditions and in hectic periods.

The prison had implemented some measures to ensure that the officers had a better overview during communal activities; in section 6, the shared toilets and showers had recently been partitioned off so that women and men had separate facilities.

Furthermore, it emerged that little use of interpreters and a high proportion of foreign inmates resulted in female inmates being dependent on male inmates for information. This type of dependency can lead to an unfortunate power relationship between inmates and make women more vulnerable to male inmates (see also chapter 7.2 *Communication with foreign inmates*).

The conditions in Drammen Prison meant that female and male inmates took part in communal activities together, worked together, went outside together, went to school together and exercised together.

In the guide *Women in detention*, the Association for the Prevention of Torture (APT) points out that limited contact between female and male inmates can bring some normality to prison life and enable female inmates to participate in a larger variety of prisoner programmes.¹⁰ However, the APT

⁹ The women served together with her husband, but was subject to the same rules as the other inmates.

¹⁰ The Association for the Prevention of Torture, *Women in detention: a guide to gender-sensitive monitoring*, 2013.

underlines that such an arrangement must be based on the woman's consent and be limited to situations in which the prison is able to guarantee their safety.

This report provides recommendations based on the fact that male and female inmates currently serve together in the prison. However, it is underlined that international standards and the findings made during the visit clearly indicate that women and men should not serve together in the manner seen in Drammen Prison.

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