



SIVILOMBUDSMANNEN

Norwegian Parliamentary Ombudsman
National Preventive Mechanism

VISIT REPORT

**Telemark Prison,
Kragerø Unit**

1–2 November 2016



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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.¹ 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 locations where people are deprived of their liberty, such as prisons, police custody facilities, psychiatric 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.

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

2 Summary²

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited the Kragerø unit of Telemark Prison on 1–2 November 2016. The date of the visit was not announced. Telemark Prison's Kragerø unit has 18 high-security places for female inmates.

The prison administration and the other staff were helpful throughout the visit, and all requested information was quickly made available to the NPM.

The Kragerø unit of Telemark Prison has been a men's prison since the end of the 19th century, but was converted into a women's prison as of January 2016. The basis for the decision to convert the prison to a women's prison is unknown, and the prison administration was not included or involved in this process.

In connection with the transition to a women's prison, meetings were held with Bredtveit and Sandefjord prisons, but the staff at the Kragerø branch had not received courses or training in how to handle the special challenges that female inmates face or on international standards that apply to this group in particular.

The principle that no one shall serve under a stricter regime than necessary is considered a fundamental principle in the Norwegian correctional services. However, information emerged during the visit that indicates that several inmates in Kragerø Prison are serving under stricter security regimes than indicated by their case as a result of the lack of prison places for female prisoners in lower-security prisons. The Parliamentary Ombudsman will follow this up with the Ministry of Justice and Public Security.

The inmates mostly stated that they felt safe, were treated with respect, received help when needed and felt well taken care of by the staff. It also felt safe that the prison is small and has a stable staff. Body searches and the collection of urine samples from inmates seems to always be carried out by female prison officers.

Several inmates had daily care and control of children at the time of their imprisonment. Nevertheless, there was no person responsible for children at the prison, and the person based at the Skien unit of Telemark Prison had not visited the Kragerø unit since its conversion into a women's prison.

The amount of information material translated into other languages was highly limited, despite the fact that about 50 per cent of the inmates are foreigners at all times. The NPM's findings indicate that interpreters were used when documents were served on inmates or in connection with medical consultations. The prison also occasionally used the lawyers' interpreters to communicate messages to inmates. Other than that, there was little to suggest that the prison made much use of interpreting services in communication with foreign inmates, not even during admission.

The exercise yard appeared poorly suited for the purpose. It adds to this burden that it is not possible to see further than a few metres from anywhere in the prison, including the exercise yard and the common room on the top floor. The cells facing the back of the building had a view of the rock face

² Read the full report in Norwegian on the Parliamentary Ombudsman's website: <https://www.sivilombudsmannen.no/besoksrapporter/>.

one or two metres away. The severely restricted possibility for physical activity outdoors contributed to the impression that Kragerø Prison is unsuitable for long-term stays and for pregnant inmates.

The contact officer scheme appeared to function well.

A review of the sections' procedures showed that all the sections complied with the European Committee for the Prevention of Torture's (CPT) recommendation for minimum time outside the cell.

The prison's work activities appeared very monotonous and without physical adaptation of the tasks. Nor did it constitute work training that could qualify inmates for labour market participation after serving their sentence. Several inmates expressed discontent with the work activities offered in the workshop, both as regards their content and their lack of relevance to work outside prison. The educational activities were largely based on self-study with limited resources for teaching.

The prison health services appeared to function well in important areas, and the health service management expressed a high level of awareness of the various health challenges women can face in prison. At the same time, it emerged that aspects of the layout of the health service's offices and the distribution of medication represented problems in relation to confidentiality.

If a urine test uncovered substance abuse, inmates had no access to substance abuse rehabilitation measures other than what is known as 'substance abuse interviews'.

The inmates did not have the opportunity to use Skype or similar modern means of communication.

Recommendations

Protecting and safeguarding the inmates

The use of double cells

- The prison should exercise great caution in placing inmates in double cells. When this is done, it should be on a voluntary basis following a thorough risk assessment of placing the inmates together.

Physical conditions and communal activities

Outdoor areas

- The inmates should be guaranteed possibilities for physical activity outdoors that meet international standards.
- The exercise yard should be upgraded to the same level as other high-security prisons to be suitable for longer prison terms.

Admission procedures and information on admission

Information to foreign inmates on admission

- The prison should ensure that all inmates, when they arrive, receive verbal and written information about their rights and the prison's procedures in a language they understand.

- The prison should ensure that all foreign inmates who need interpreting are given the opportunity to use an interpreter when needed, also after the admission phase. This applies in particular to inmates who speak little or no English.

Control measures

Body searches

- Kragerø Prison should raise with the Directorate of the Norwegian Correctional Service the legal basis for using police or health personnel to carry out body searches of inmates.

Work and other activities

Worthwhile work activities?

- The prison should facilitate more varied work activities for inmates that can do more to qualify them for labour market participation.
- The prison should enter into a dialogue with the Norwegian Labour Inspection Authority for an assessment of whether the working conditions at the workshop meets the authority's requirements.

The health service

The health service's procedures on admission

- Newly admitted inmates should undergo a medical assessment by a doctor, or a nurse under the supervision of a doctor, preferably in connection with the admission interview or within 24 hours of being admitted at the latest.

Confidentiality

- The health service's premises must be adapted to ensure that inmates can have a confidential conversation with the health service without risk of being overheard.
- Inmates should not have to give information about medications they use to prison officers on admission to the prison.

Women's health

- Pregnancy should be mapped on admission.
- Pregnant women should not serve in Kragerø Prison.

Medication

- The prison and the health department should cooperate to find alternative procedures for distributing medication so that confidentiality regarding health issues is maintained.
- The prison should ensure that all staff who hand out medication to inmates have the necessary approval.

Contact with next of kin**Person responsible for children**

- Kragerø Prison must ensure that procedures are established for visits by the staff responsible for children, alternatively that a staff member responsible for children is appointed for Kragerø Prison.

Telephone

- In order to enable mothers to maintain good contact with their children while in prison, the prison should facilitate inmates' access to Skype or equivalent free communication solutions.

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