



SIVILOMBUDSMANNEN

Norwegian Parliamentary Ombudsman
National Preventive Mechanism

VISIT REPORT

Vadsø prison

10–11 May 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, 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.

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

2 Summary²

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) made a visit to Vadsø Prison on 10-11 May 2016. The date of the visit was not announced. Vadsø Prison's total capacity is 39 places, divided between 33 high security places and six lower security places.

One of the main findings during the visit was that the prison administration, prison officers and health service appeared to be working well to safeguard the safety of individuals and their basic needs. A clear majority of the inmates gave the staff very positive feedback. All of the inmates interviewed by the NPM stated that they felt physically safe and secure in the prison. The majority stated that the staff were regularly present in the communal areas and they all felt that the officers would intervene in the event of any sign of disturbance among the inmates. The inmates also gave very positive feedback regarding the follow up they received from the nurses, but several felt that the waiting time for an appointment with a doctor or dentist was long. Findings from the visit also showed that the nurses had particularly close follow-up of isolated inmates.

A number of findings were made regarding the need for better practice in the use of security cells. The security cells did not have clocks, making time orientation difficult for the detainees. Body searches involving full removal of clothing were routinely performed, including in cases where the measure was not based on a risk of self-harm or suicide. It also emerged that the inmates were occasionally naked in the security cell.

A review of administrative decisions regarding the use of security cells and exclusion from the company of others showed that the prison should tighten up its practice on certain points. One inmate was placed in a security cell after arriving at the prison in an intoxicated state. The Parliamentary Ombudsman underlined that the use of security cells shall only take place when deemed absolutely necessary. In general, the administrative decisions were designed in a satisfactory manner, but it was pointed out that the prison did not make administrative decisions when discontinuing exclusion from the company of others.

Vadsø Prison had a high proportion of inmates that were engaged in work or school during the day. At the same time, the prison administration estimated that eight inmates spent, on average, less than eight hours outside their cells each day.

Vadsø Prison had five double cells, which are shared by two inmates. No information about serious incidents emerged as a result of this practice. It was pointed out, all the same, that placing several people in the same cell increases the risk of undesirable incidents and that it makes it challenging for individuals to maintain their private life.

Several of the cells in Vadsø Prison did not have separate bathrooms. No information emerged regarding the use of bucket latrines for toilet visits during the night, such as was the case on the Ombudsman's previous visit to Vadsø Prison. The inmates could ask to be let out of their cell to use the toilet at night. Some inmates however stated that they sometimes urinated in the sink to avoid having to ask or wait to be taken to the bathroom.

² This document contains the summary and recommendations in English of the Parliamentary Ombudsman's report from the NPM visit to Vadsø prison. The full report is available in Norwegian on the Ombudsman's website: <https://www.sivilombudsmannen.no/reports/category2967.html>.

The prison had two small exercise areas intended for inmates who were excluded from company or placed in solitary confinement under a court order. The exercise areas had a high wall so that it was not possible to see out and they were too small to run in. It was pointed out that this form of exercise facilities can place an extra burden on those in isolation. It was also pointed out that Vadsø Prison did not have cells that were adapted for inmates with disabilities.

Recommendations

Invasive coercive measures

Use of the security cell and restraint bed

- A clock should be installed in the security cells.
- Body searches involving full removal of clothing before confinement to a security cell should only be carried out following an individual risk assessment, which should be recorded in the supervision log. In cases where full removal of clothing is considered necessary, the measure should be carried out in stages, so that the inmate is given an opportunity to cover his upper body before the clothes covering his lower body are removed.
- Inmates should as a general rule be allowed to wear normal clothing during detainment in a security cell. In the event of a suicide risk, the inmate should be offered suitable suicide prevention clothing.
- Inmates in security cells should be offered the opportunity to spend time outdoors, particularly if held there for more than 24 hours.

Legal protection in the case processing

- All administrative decisions regarding the use of security cells should contain a concrete description that documents which less intrusive measures have been attempted, or why such measures would obviously be inadequate.
- Administrative decisions should always be made on discontinuation of exclusion from company pursuant to Section 37 of the Execution of Sentences Act.

Activity programme and communal activities

Communal activities

- The prison should implement measures to ensure that all inmates have an opportunity to spend at least eight hours a day on meaningful activity outside their cells.

Protecting and safeguarding the inmates

Safeguarding the security of inmates

- The prison should exercise great caution in placing inmates in double cells. When this is done in exceptional cases, it should be on a voluntary basis and after a thorough risk evaluation, and with more intensive supervision.

Admission procedures

- The prison should ensure that all inmates receive verbal and written information on arrival about their rights and the prison's procedures in a language they understand, regardless of whether they have been in prison before.
- An information pack in English should be made available for the admission phase.

Following up inmates

- It should be ensured that all inmates have a contact officer and are clearly informed about this.

Health services**Confidentiality**

- The prison should, in consultation with the health department, prepare requests for medical consultations, which do not necessitate sharing confidential health information. Envelopes should always be available at the same place as the requests for medical consultations.

Physical conditions**Outdoor areas**

- Measures should be implemented to ensure that isolated inmates have the opportunity to engage in physical activity during time spent outdoors.

Sanitary conditions in the cells

- The prison should ensure that all inmates can go to the toilet when necessary and that this takes place in a hygienic and respectable manner.

Cells adapted for inmates with disabilities

- Inmates with disabilities should be ensured equal conditions with other inmates.

Contact with the outside world**Telephone**

- 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.

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