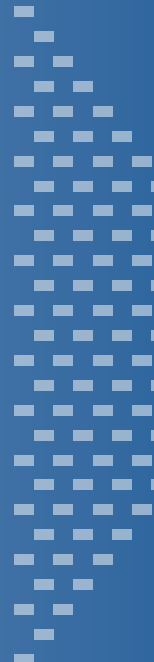
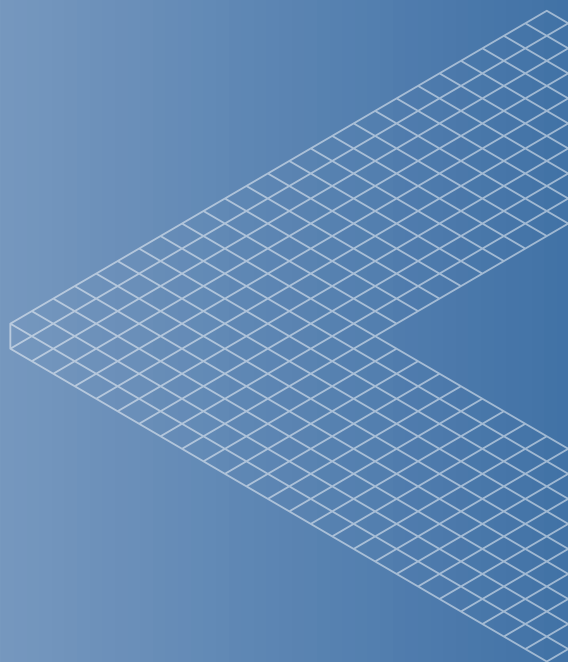
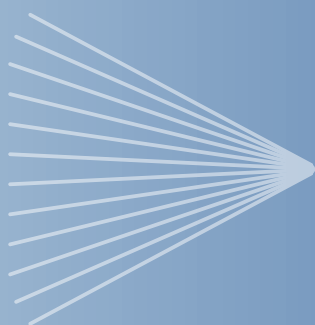


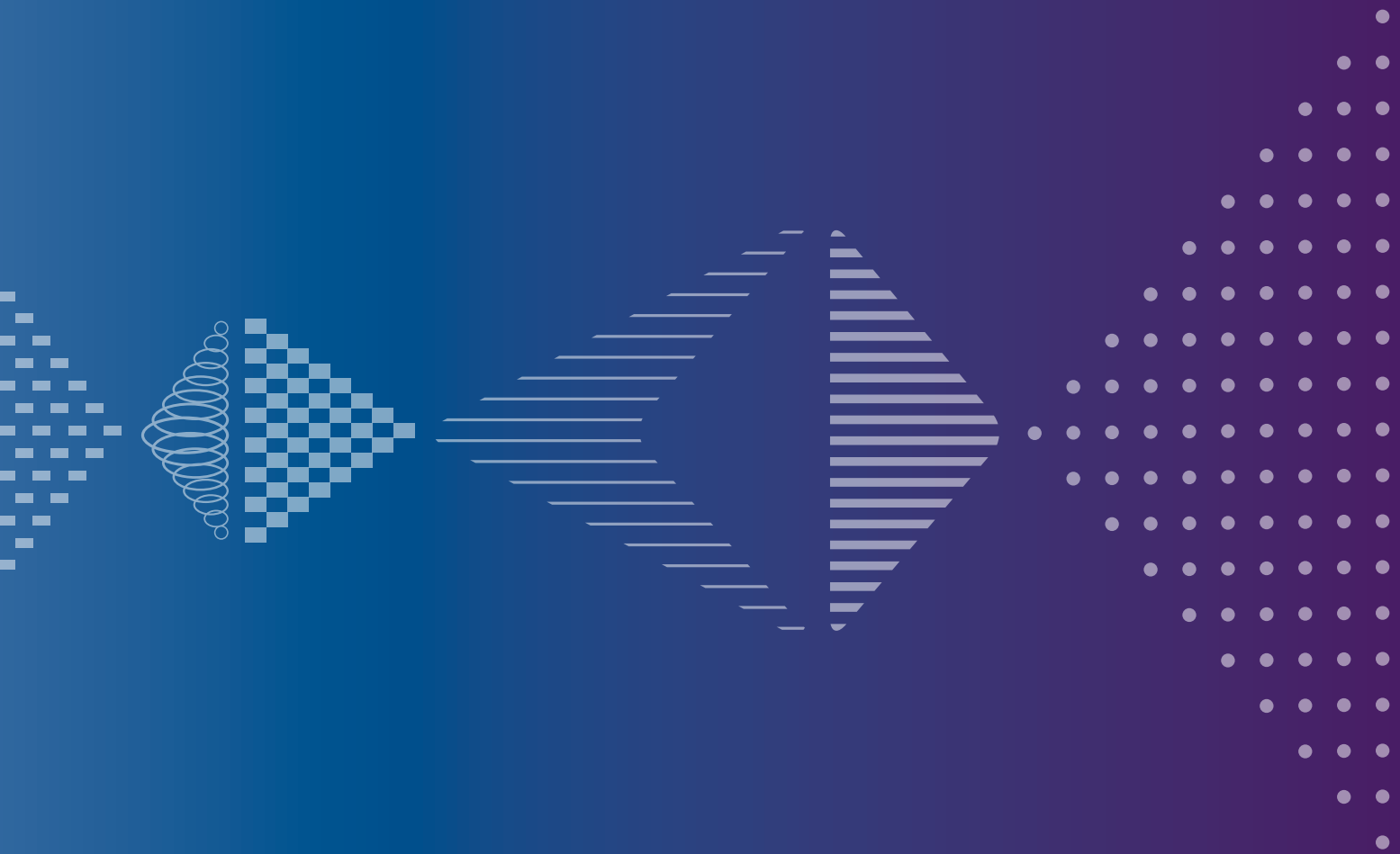


SIVILOMBUDSMANNEN
Norwegian Parliamentary Ombudsman

WOMEN IN PRISON

A thematic report about the conditions for female prisoners in Norway





WOMEN IN PRISON

A thematic report about the conditions for female prisoners in Norway

Preface

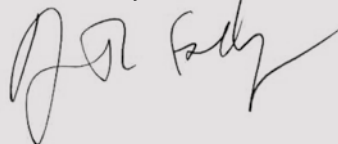
Women in prison is the first thematic report published by the Parliamentary Ombudsman under its UN mandate as the national preventive mechanism against torture and ill-treatment.

The difficult conditions that many women in prison are kept under in Norway today came to our attention already in connection with the first visit made under this mandate, to Tromsø Prison in September 2014. In the period 2014–2016, we have visited most of the high-security prisons where women can be placed. This report is a summary of the visit reports from these places. All reports are published on our website and can be read individually for a more detailed presentation of the challenges and good practices of the individual institutions.

Overall, we have found many circumstances that place women in a worse situation than men and that are in breach of international standards in this field.

This thematic report presents a broad picture of the conditions and helps to establish a knowledge base for action. This is necessary in order to ensure that women deprived of their liberty receive equal treatment and the same protection as men.

Aage Thor Falkanger
Parliamentary Ombudsman



Contents

1	The Parliamentary Ombudsman's prevention mandate	7
2	Introduction	8
3	Summary	10
4	Women in prison – who are they?	14
5	International and national regulatory framework for women in prison	16
5.1	International	16
5.2	National	17
6	The NPM's findings from visits and survey on women in prison	18
6.1	Physical conditions	20
6.1.1	The registration area	21
6.1.2	Sanitary conditions	21
6.1.3	Outdoor areas	23
6.2	Security and sense of security	28
6.2.1	Choice of security level for women in prison	28
6.2.2	The presence of prison officers	28
6.2.3	Risk of sexual harassment in Norwegian prisons	28
6.2.4	Male prison officers in prisons with female inmates	30
6.2.5	The use of double cells	31
6.3	Activities and recreation	33
6.3.1	Work	34
6.3.2	Education	36
6.3.3	Time spent out of the cell	37
6.3.4	Physical exercise as leisure activity	39
6.4	Health services	40
6.4.1	Mental health	40
6.4.2	Women's health and access to female doctors	43
6.4.3	Substance abuse rehabilitation measures for women	44
6.5	Contact with family	46
6.5.1	Mothers	47
6.5.2	Foreign women	48

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) carries out visits all over Norway to places where people are, or may be, deprived of their liberty.

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 issued with a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹

Exercise yard for inmates with restrictions in Stavanger Prison, August 2016.



The Parliamentary Ombudsman's National Preventive Mechanism (NPM) carries out visits all over Norway to places where people are, or may be, deprived of their liberty. The purpose of these visits is to prevent torture and other cruel, inhuman or degrading treatment or punishment by identifying risk factors for violation. During its visits, the NPM talks to persons who are deprived of their liberty, the administration, staff and other involved parties. Interviews with persons deprived of their liberty are given special priority. The NPM also has right of access to all necessary information relating to the conditions for people deprived of their liberty.

Based on these visits, the NPM issues recommendations with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment.

In its endeavours to fulfil the prevention mandate, the Parliamentary Ombudsman also engages in extensive dialogue with national authorities, civil society and international human rights bodies.

2

Introduction

More than 200 women are held in Norwegian prisons at any time.² This makes up 5.2 per cent of all inmates,³ which is somewhat above the average proportion of women in the total prison population in Europe.⁴ Globally, the number of women in prison has increased considerably over the past ten years, while it has remained relatively stable in Norway.⁵

International research shows that the low number of women in prison compared with men often leads to the prison administration and prisons in general being organised on the basis of the needs of male inmates.⁶ This is reflected in prison architecture, security, available activities and health services, among other things. In addition, an even higher percentage of women in prison come from disadvantaged backgrounds than men do. They have more often been victims of abuse in childhood, have untreated mental health problems and substance abuse problems.⁷

Differences in prison conditions for men and women have been a known challenge for a long time, also in the Norwegian Correctional Service. 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.⁸

The report concluded that efforts are required at many different levels and in many different areas before we can say that conditions are equal for men and women under the responsibility of the Correctional Service.

In the report, a total of 54 measures were proposed to improve the conditions for women in prison in Norway.⁹ As part of the follow-up of the report, the Directorate of the Norwegian Correctional Service has worked on a strategy for women remanded in custody and serving custodial sentences. The strategy is expected to be completed in 2017.

The NPM has visited 14 prisons in the period 2014–2016. This includes both high-security women's prisons and six high-security prisons where women and men serve together.¹⁰ In addition, the NPM carried out a survey in 2016 of the conditions in all Norwegian prisons and transitional housing facilities with both male and female inmates.

This report summarises the findings concerning female inmates that the Parliamentary Ombudsman has so far identified during its work under the prevention mandate. Chapter 3 contains a summary of the report. Chapter 4 gives a more detailed description of the characteristics of female inmates in Norwegian prisons as a group. Chapter 5 deals with the most important international and national standards and regulatory framework in the field. Chapter 6 makes up the main part of the report, and presents the findings in more detail for each of the thematic areas.

2 Statistics Norway Table: 10530: Prison population, by type of imprisonment, age and sex. Per 1 January 2014.

3 Ibid.

4 World Prison Brief (2015) World Female Imprisonment List, third edition.

5 Statistics Norway Table: 10530: Prison population, by type of imprisonment, age and sex.

6 Fair, Helen (2009) *International Review of Women's Prisons*, Prison Service Journal, 184, page 2: 'A major consequence of the small proportion of women within the total prison population is that prisons and prison systems tend to be organised on the basis of the needs and requirements of the male prisoners.'

7 Ibid. Page 3.

8 The Correctional Service (2015) *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*.

9 Ibid. Page 68.

10 An overview of the visits is provided in Chapter 6.

International research shows that the low number of women in prison compared with men often leads to the prison administration and prisons in general being organised on the basis of the needs of male inmates.

3

Summary

This report addresses key issues relating to women's prison conditions, including the physical environment, sense of security, activities, health services and contact with family. The report largely confirms that women in prison are a particularly vulnerable group. In many cases, they risk serving under worse conditions than men. The following is a brief summary of the findings of the report.

It is a well-documented fact that Norwegian prisons have a problem with old premises. Statsbygg's annual report for 2015 states that:

'At the end of 2015, Statsbygg's property portfolio is well maintained, except for the prison portfolio. The significant maintenance backlog in the prison portfolio makes its operating situation unpredictable, and meeting the target figures for operating costs is a considerable challenge. There is still a risk of prison places being closed in some prisons.'¹¹

The Parliamentary Ombudsman's visits to Norwegian prisons confirms the physical conditions that Statsbygg describes, and prisons with female inmates are no exception. Despite it being a positive development that new prison places are being established for women, the Parliamentary Ombudsman is therefore particularly concerned about the fact that the women's prison in Kragerø and the planned new unit for women in Kongsvinger prison are located in old buildings that are not particularly well suited to accommodating the needs of women in prison.¹²

The state of Norwegian prison buildings has a bearing on many factors of great importance to women's prison conditions, and this thematic report describes findings relating to sanitary facilities and limited areas for physical activity in prisons with female inmates in particular. The Parliamentary Ombudsman is concerned about the fact that cells without toilets are still in use, even for female inmates. Such conditions are an additional burden on menstruating or pregnant women.

Possibilities for physical activity are a particularly important condition for mental as well as physical health during sometimes long periods of imprisonment. The size and design of the exercise yards imposes stringent restrictions on physical activity outdoors in both the women's prisons that the NPM has visited. The same applies to Section G in Kongsvinger Prison, which in the proposed national budget for 2017 is suggested converted into a women's prison. Some of the prisons where men and women serve together have separate exercise yards for the women, but they are smaller and not as well equipped as the men's yards. In some prisons and to some extent, this is resolved by giving the women access to the men's exercise yards. However, this entails security challenges and depends on personnel resources.

11 Statsbygg, Annual report 2015, http://www.statsbygg.no/files/omOss/aasrapport_2015.pdf.

12 Telemark Prison, Kragerø unit with 18 new places is a not particularly well-suited building that has been used as a prison since 1890. The new women's unit at Kongsvinger Prison, now Section G, was built in 1864.

Most of the women the NPM has spoken to have stated that they feel safe in prison. There are exceptions, however. In sections with few prison officers on guard, more women say that they do not feel safe. Mixed-sex prisons with both female and male inmates give rise to particular challenges. Despite most mixed prisons having separate women's sections, inmates spend a lot of time together in connection with work, school and leisure activities. The Parliamentary Ombudsman is concerned because several women have reported unwanted attention from male inmates, and believes that there is a real risk of sexual harassment and abuse in Norwegian prisons in such situations. Few prisons have special procedures and training in place to detect or deal with such abuse, and the Parliamentary Ombudsman has also previously recommended that written procedures be prepared for such situations.

Good and meaningful activities, including school and work, can be crucial to counteracting unfortunate harmful effects of imprisonment and reduce the risk of future crime. However, the Parliamentary Ombudsmen has found that e.g. work activities for female inmates are often inadequate or given low priority due to resource or security concerns. The fact that female inmates as a group have weak labour market attachment makes this even more problematic.¹³

The health and care services provided in prisons should be equivalent to the services received by the general population.¹⁴ Inmates shall be offered services adapted to their individual needs following an individual assessment.

During the NPM's visits, inmates with mental health problems are often pointed out as a particularly vulnerable group. Several of the prisons describe an increase in the number of women with mental health problems in recent years.¹⁵ Findings made by the NPM suggest that many women could have an unmet need for medical help in connection with such problems. This finding is supported by the prisons as well as the health services.

A high proportion of female inmates have been sexually abused. Many inmates have negative experiences with men that could make it difficult for women to use the services of male health personnel. The Parliamentary Ombudsman has recommended that steps should be taken to ensure that women who, for one reason or another, want a female GP have access to one.¹⁶

The NPM's visits show that access to substance abuse rehabilitation measures varies greatly between women and men, despite knowledge about the high prevalence of substance abuse among female inmates.¹⁷ In interviews with women serving in mixed prisons, it was clear that many want the opportunity to take part in more and more extensive substance abuse rehabilitation programmes. After visits to prisons where such opportunities have been inadequate, the Parliamentary Ombudsman has recommended that women be offered substance abuse treatment equivalent to that offered to male inmates.¹⁸

13 Skardhamar, Torbjørn (2002) *Levekår og livssituasjon blant innsatte i norske fengsler*, the K series No 1/2002.

14 For an overview of health services in Norwegian prisons, see the Norwegian Directorate of Health's guide (January 2013) *Helse- og omsorgstjenester til innsatte i fengsel*.

15 The Parliamentary Ombudsman's report from Bredtveit Prison, page 28.

16 The Parliamentary Ombudsman's report from Bredtveit Prison, page 27, report from Stavanger Prison, page 33.

17 See e.g. the Norwegian Centre for Addiction Research (SERAF), University of Oslo (2016) *Rusmiddelbruk og helsesituasjon blant innsatte i norske fengsel*.

18 The Parliamentary Ombudsman's report from Stavanger Prison, page 15.

Contact with the outside world, and particularly with family and children, is important to prison inmates. Because few prisons in Norway take female inmates, women risk being detained in prisons far away from their home. This means that it will be difficult for some inmates to receive visits from family, particularly their children. This is especially the case for children who are

too young to travel alone and children who do not live in the same country as their mother. Hardly any prisons that the NPM has visited offers inmates the possibility to communicate with family via Skype or similar modern means of communication. The Parliamentary Ombudsman has recommended in several visit reports that the Correctional Service introduce such technology, also in high-security prisons.¹⁹

Overall, the Parliamentary Ombudsman's findings show that women serve under worse conditions than men. These are some of the reasons for this:

- › Several women's prisons are located in old and unsuitable buildings.
- › Many women have significantly poorer access to outdoor areas and physical activities than men.
- › Women consistently have poorer access to real work training than men.
- › Female inmates often have other health problems than men, and therefore need different health services. Mental health care for women in prison should be improved.
- › The substance abuse rehabilitation services offered to women in prison are inferior to those offered to men.
- › Women serving in mixed-sex prisons have an increased risk of unwanted attention or sexual harassment by male inmates.
- › Some women risk having to serve in prisons with a higher level of security than their case indicates due to the limited number of prison places for women.
- › Female inmates risk having to serve their sentence in prisons far away from their families and their own children because of the low number of suitable prison places. This can be particularly challenging for mothers who want visits from children who cannot travel alone.

19 See e.g. the Parliamentary Ombudsman's reports from Kongsvinger Prison, page 28, Bredtveit Prison, page 32, Vadsø Prison, page 28, and Drammen Prison, page 21.

**Overall,
the Parliamentary
Ombudsman's findings
show that women serve
under worse conditions
than men.**

4

Women in prison – who are they?

As part of its work on the Correctional Service's report on women, the working group conducted a day count of female inmates on 27 October 2014.²⁰ The count showed that there were 197 women and 3,546 men in Norwegian prisons on that date. Of the women, 170 had been convicted and 27 were remanded in custody. The women made up 5.56 per cent of the total prison population.

The survey shows a considerable spread in ages. There were few women under 20 years of age, while the average age was 36.4 years. In Norway as a whole, there were three women aged 18–20 years. There were eight female inmates in the age group 60–70 years.

The convicted women in prison on this date had been convicted of the following offences:

- › **The General Civil Penal Code Section 219, violence against own children: 19 women**
- › **The General Civil Penal Code Section 233, murder: 21 women**
- › **The General Civil Penal Code Section 162, drug offences: 55 women**
- › **The General Civil Penal Code Section 257, theft: 42 women**
- › **The General Civil Penal Code Section 227/228, violent offences: 18 women**
- › **The Road Traffic Act Section 31, driving under the influence: 9 women**
- › **In addition, five women were convicted of sexual offences and one of rape.**

Many of the women have been convicted of very serious crimes, a fact which, according to the report, is also reflected in the average terms of imprisonment, which were 855 days for Norwegian citizens and 405 days for foreign citizens.

Female inmates are a particularly vulnerable group in many respects. Research shows that more female inmates than male inmates have been sexually abused, which often leads to trauma and feelings of shame and guilt.²¹ According to a study conducted in three women-only prisons in Norway, 57 per cent of female inmates had been sexually abused as an adult and 42 per cent as a child.²²

Women also have other health problems than men. In the 2004 Fafo report *Levekår blant innsatte* ('Living conditions among inmates'), researchers found that the proportion of female inmates who had mental health problems was four times higher than in the general population.²³ It also emerged that a higher proportion of female than male 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 abuse.²⁴ A new and extensive study of the mental health of Norwegian prison inmates identified a very high proportion of mental health problems among both men and women, including anxiety disorders and substance abuse-related problems.²⁵

20 The Correctional Service (2015) *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 23.

21 Friestad, Rustad, Kjelsberg, *Adverse childhood experiences among women prisoners: Relationships to suicide attempts and drug abuse*. International Journal of Social Psychiatry, February 2014 vol. 60 Issue 1, p. 40–46.

22 Amundsen, Marie-Lisbet, *Bak glemselens slør*, 2010, FONTENE Forskning 1/10, pp. 4–15.

23 Friestad, Christine and Hansen, Inger Lise Skog, *Levekår blant innsatte*, Fafo report 429, page 49.

It is worth noting that other surveys do not show a significant difference in mental health problems between male and female inmates. See *Forekomst av psykiske lidelser hos domfelte i norske fengsler*, conducted by Victoria Cramer in 2014 for the regional centre for research and education in forensic psychiatry and psychology in the South-Eastern health region.

24 Friestad, Christine and Hansen, Inger Lise Skog (2004), *Levekår blant innsatte*, Fafo report 429, page 65.

25 Cramer, Victoria (2014), *Forekomst av psykiske lidelser hos domfelte i norske fengsler*, The regional centre for research and education in forensic psychiatry and psychology in the South-Eastern health region. Project report 2014-1.



The guard room outside a ward in Bergen Prison, November 2014.

This survey also found that mental health and substance abuse problems are definitely more common among female inmates than among men compared with the general population.

Inmates with daily care and control of children are a particularly vulnerable group. Figures from the report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') showed that, at the time of the day count, 37 women in prison had care and control of a total of 82 children under the age of 18 years.²⁶

For foreign female inmates with no connection to Norway, care of children is a particular challenge. The day count showed that 19 per cent of women in prison were foreign citizens.²⁷ Bredtveit Detention and Security Prison and Ravneberget Prison have a significantly higher proportion of foreign inmates than the rest of the country.²⁸ Being far away from their children and uncertainty about who is taking care of the children in their home country while their mother is in prison contributes to making the time in prison extra challenging for many foreign women.²⁹

26 The Correctional Service (2015), *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 24.

27 *Ibid.* Page 23.

28 *Ibid.*

29 *Ibid.* Page 44.

5

International and national regulatory framework for women in prison

5.1 International

Women and men are entitled to the same protection of their human rights as set out in key human rights conventions such as the International Covenant on Civil and Political Rights³⁰ and the International Covenant on Economic, Social and Cultural Rights.³¹ Due to widespread discrimination against women in many areas of life, special protection for women has been established in the Convention on the Elimination of All Forms of Discrimination against Women.³²

In addition to the international human rights conventions that Norway has ratified, there are also special guidelines on the execution of sentences and treatment of female inmates. These global or regional standards are not directly legally binding, but provide important guidance on matters of principle.

The UN Standard Minimum Rules for the Treatment of Prisoners was the first extensive international set of rules to be adopted in 1955.³³ A revised version of the standard was adopted by the UN General Assembly in December 2015, and was then named the Mandela Rules.³⁴ They contain general minimum rules for all prison inmates, but also some special guidelines for female inmates. Among the most important ones are a prohibition on discrimination on grounds of gender, that women should in principle serve in separate women's prisons, and that

women and men should be kept physically separate in institutions which receive both male and female inmates. Moreover, prison officers in women's prisons or sections should be female. There are also special standards for pregnant inmates, for how births should take place, and for follow-up of female inmates who have given birth during their sentence.

In recent years, the number of female inmates globally has increased considerably, while most prisons were built for men.³⁵ Therefore, a need to develop more detailed guidelines for female inmates was identified. In 2010, the UN General Assembly adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules.³⁶ They supplement the existing regulatory framework and contain 70 rules developed especially for the protection of female inmates. Key areas covered by the Bangkok Rules include admission procedures, health services, searches of persons and objects, coercive measures, contact with the outside world and conditions for children who are in prison with their mothers.

The European Prison Rules were originally adopted by the Council of Europe's Committee of Ministers in 1997, and a revised version was approved in 2006.³⁷ The rules are based on the UN Standard Minimum Rules, and also contain special guidelines for the treatment of female inmates. Among other things, the rules specify

30 The International Covenant on Civil and Political Rights, 16 December 1966.

31 The International Covenant on Economic, Social and Cultural Rights, 16 December 1966.

32 The Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979.

33 The standards were adopted in 1955 by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the United Nations Economic and Social Council (ECOSOC) in 1957.

34 United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), A/Res/70/175.

35 The following is stated in the preamble to the Bangkok Rules: The General Assembly is '[a]ware of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of female prisoners has significantly increased over the years'.

36 United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229.

37 Council of Europe's recommendations, Rec (2006) 2, adopted on 11 January 2006.



Telemark Prison, Kragerø unit,
November 2016.

that, on admission, consideration shall be given to the need to keep male and female inmates separate, that special provision shall be made for the sanitary needs of women, and particular attention shall be paid to the needs of women, such as their physical, vocational and psychological needs, when decisions are made. They also provide guidelines for support to female inmates who are to give birth.

The European Committee for the Prevention of Torture (CPT) publishes its own standards based on its findings during visits to institutions where people are deprived of their liberty.³⁸ These standards are recommendations to the Council of Europe's member states. However, several of the standards are based on judgments pronounced by the European Court of Human Rights, and may therefore indirectly express obligations under the European Convention on Human Rights that are binding. The standards include a separate chapter on women deprived of their liberty and deals with areas

such as the gender of prison staff, separation of male and female inmates, equal access to activities for men and women, support in connection with childbirth and health services for female inmates.

5.2 National

The national regulatory framework for imprisonment mainly consists of the Execution of Sentences Act with pertaining regulations and guidelines.³⁹ These sources do not deal with conditions for female inmates to any great extent.⁴⁰ Exceptions include rules for deferral of the execution of sentences for pregnant women or women who have recently given birth, that female inmates should be searched by female prison officers, that urine specimens should be given with a female officer present and conditions relating to female inmates with children.⁴¹ The Correctional Service has also issued several circulars on the execution of sentences.⁴²

38 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *CPT standards*, CPT/Inf/E (2002) 1 - Rev. 2015.

39 Act No 21 of 18 May 2001 relating to the Execution of Sentences etc., Regulations No 183 of 22 February 2002 to the Act relating to the Execution of Sentences etc., Guidelines to the Act on Execution of Sentences etc. of 16 May 2002.

40 For a more detailed review of the regulatory framework and political governing documents, see the Correctional Service (2015) *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 12.

41 The Execution of Sentences Act Section 3 second paragraph. The Regulations Section 1-3. The Guidelines points 1.4, 3.3, 3.31, 3.32, 3.35, 3.36.

42 The circulars are available at <http://www.kriminalomsorgen.no/kdi-rundskriv.237914.no.html>.

6

The NPM's findings from visits and survey on women in prison

The NPM visited 14 prisons in the period 2014–2016, all of them high-security prisons. Two of them were women's prisons and six were prisons where women can serve together with men, known as mixed prisons.

Tromsø Prison (September 2014): Tromsø Prison has 59 places divided between 39 high-security places and 20 low-security places. At the time of the NPM's visit, there were five female inmates, four serving at a lower security level and one at the high-security level.

Bergen Prison (November 2014): Bergen Prison has 265 places divided between 209 high-security places and 56 low-security places. One of high-security sections has two living units for female inmates with room for seven inmates in each. The NPM's visit did not include the prison's two open sections, Section D and the Osterøy unit.

Bjørgvin Prison, Juvenile Unit (February and April 2015): Bjørgvin Prison's Juvenile Unit receives inmates aged between 15 and 18 years from all over Norway. The unit has a capacity of four places, and the security level is adapted to the unit's inmates at all times. The Juvenile Unit receives both male and female inmates. At the time of the visits, the unit had one female inmate.

Trondheim Prison (March 2015): Trondheim Prison has 194 places, divided between 155 high-security places, 29 places at the lower security level (the Leira section) and ten places in a day release unit (at Kongensgate 95). The unit at Kongensgate 95 was not visited. The prison has six high-security places for women.

Bredtveit Detention and Security Prison (March 2016): Bredtveit Detention and Security Prison (hereinafter referred to as Bredtveit Prison) has 45 high-security places for women. They are divided between four different sections.⁴³

Drammen Prison (May 2016): 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 a total of 49 inmates in the prison, 12 of whom were women, spread across all the sections. According to the proposed national budget for 2017, the places for women at Drammen Prison are to be transferred to what is now Section G at Kongsvinger Prison.⁴⁴

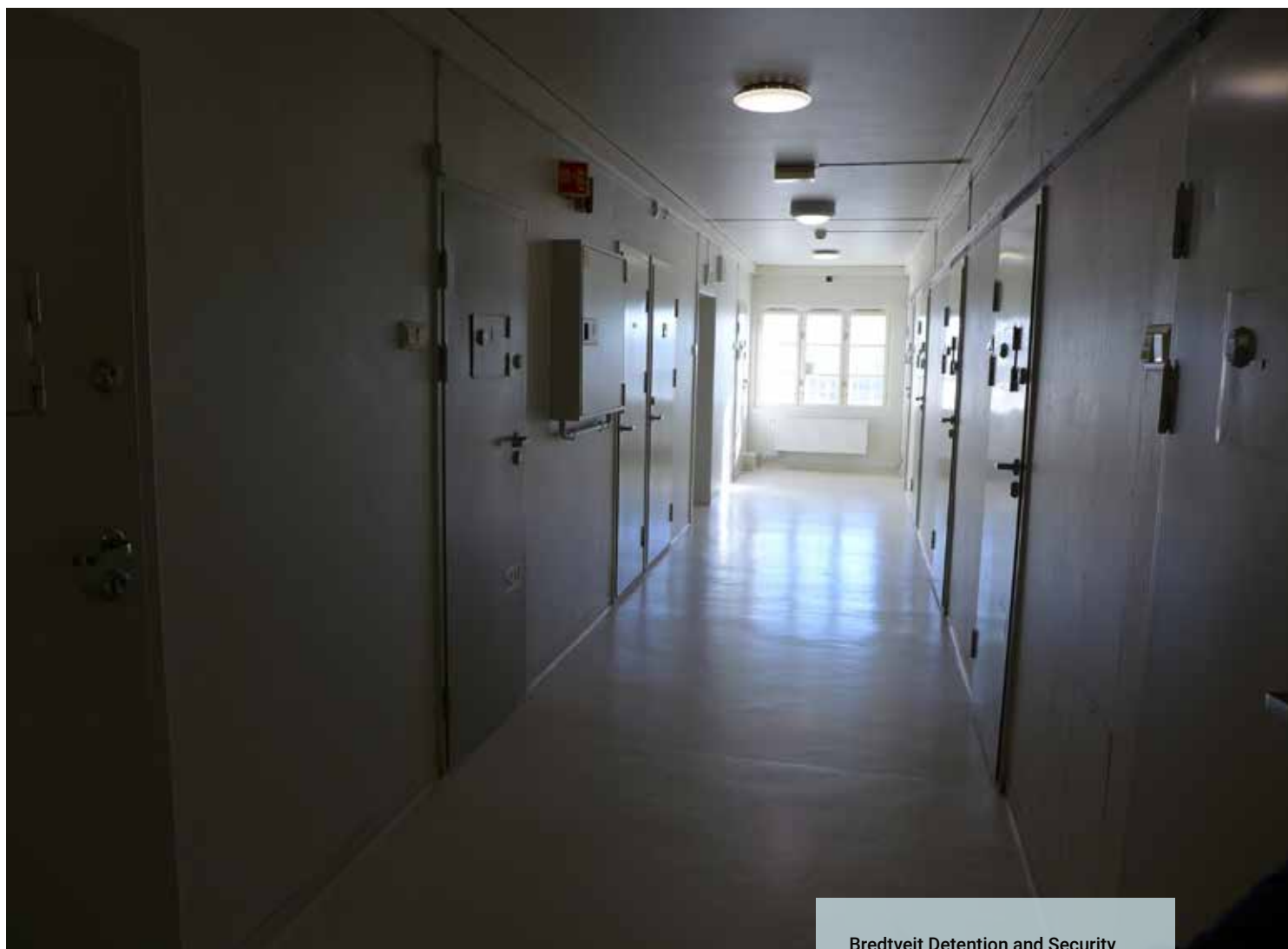
Stavanger Prison (August 2016): Stavanger Prison has 68 high-security places divided between men and women.⁴⁵ The women's section is separate from the three sections for men, and also has a separate restricted part for women remanded in custody and those excluded from the company of others. The women's section has a total of thirteen cells (four of which are double cells), and can accommodate 17 inmates.

Telemark Prison, Kragerø unit (November 2016): Telemark Prison's Kragerø unit (hereinafter referred to as Kragerø Prison) has an ordinary capacity of 18 high-security places (including three double cells). Since January 2016, the prison has only had female inmates.

43 Section B2 is also part of Bredtveit Prison. It is a section with lower security that can accommodate 19 women. The NPM did not visit Section B2.

44 Proposition No 1 to the Storting (Resolution) (2016–2017), Ministry of Justice and Public Security, page 84.

45 In addition, Auklend Overgangsbolig transitional housing section is part of Stavanger Prison. It can accommodate 13 inmates, both men and women. The NPM did not visit the transitional housing section.



**Bredtveit Detention and Security
Prison, March 2016.**

The NPM also visited Kongsvinger Prison in August 2015. During the visit, this was a prison for men. In the proposed national budget for 2017, the Ministry of Justice and Public Security proposed that it should be considered whether to change the old part of the prison, Section G, into places adapted for foreign female inmates who are to be expelled from the country.⁴⁶

According to the Correctional Service, a total of 21 prisons and three transitional housing facilities had female inmates in 2014.⁴⁷ The findings described in this report are mostly based on the visits to the above-mentioned

prisons. In addition, the NPM carried out a written survey in 2016 of the conditions in Norwegian prisons and transitional housing facilities with both male and female inmates. The purpose of this survey was to obtain an overview of prisons with both male and female inmates and how this is organised in practice. The survey was carried out by asking the administration of all prisons or transitional housing facilities with male and female inmates to give written answers to questions formulated in advance. Several of the institutions also chose to submit more comprehensive comments on circumstances relating to both male and female inmates.

⁴⁶ See the press release:

<https://www.regjeringen.no/no/aktuelt/satsing-pa-kriminalomsorgen-okt-kapasitet-og-bedre-behandlingstilbud/id2514878/>.

⁴⁷ The Correctional Service's annual statistics for 2014, page 35.



Visiting room in Tromsø Prison,
September 2014.

6.1 Physical conditions

There are two high-security women's prisons in Norway today; Bredtveit Prison and Kragerø Prison. Neither of these institutions were originally built to house women. Bredtveit Prison was built in 1921 as an 'approved school for young offenders who were assumed to have a potential for improvement'.⁴⁸ Since January 2016, Kragerø Prison has only received female inmates, which makes it the newest women's prison in Norway, but the prison building has been used as a prison for men since 1890.⁴⁹ None of the mixed prisons either were originally built to accommodate female inmates. This also applies to the old Kongsvinger Prison (known as Section G), which, according to the proposed national budget for 2017, is to take over foreign female inmates, among other things. It was completed as a prison in 1864, and is built in accordance with type drawings that emphasised that inmates should be 'kept isolated and excluded from the

company of people other than those who had duties in the prison in an official capacity'.⁵⁰

Based on the vulnerability and particular needs of female inmates, recent international prison architecture facilitates solutions that address these requirements.⁵¹ Particular attention is paid to registration areas where body searches can be carried out and urine samples collected with dignity, living units that support the social needs of women, that health services can be accessed under confidential conditions, and that there are areas where female inmates can have a normal form of contact with their children. There is also a focus on adapting the layout of the facility for work and activities for women.

Few of the prisons that the NPM has visited are especially adapted to meet these needs, and the buildings are often such that it is impossible to adapt or make major changes to the layout.

48 The Directorate for Cultural Heritage, *Forskrift om fredning av Statens kulturhistoriske eiendommer*, ('Regulations on listing of the State's historic properties') Appendix 2. Available at <http://www.riksantikvaren.no/content/download/15403/97204/file/2.Bredtveitfengselforvarings-ogsikringsanstalt.pdf>.

49 <http://www.kriminalomsorgen.no/krageroe-er-blitt-kvinnefengsel.5863394-237613.html>.

50 <http://www.statsbygg.no/Prosjekter-og-eiendommer/Eiendommer/Region-ost/02570-Kongsvinger-Fengsel-GAveling/>.

51 For a summary of architectural practices, see <https://www.penalreform.org/blog/10020/>.

While it is positive that the government endeavours to establish separate women's prisons and prisons with separate women's sections, it gives cause for concern that they have so far decided to locate them in older premises that do not meet modern requirements for prison conditions.⁵² In the following, we describe some physical conditions that the Parliamentary Ombudsman has noted as particularly challenging. Kragerø Prison and Kongsvinger Prison, Section G, have mostly been used as remand units for men until they were converted into women's prisons.

Toilet facilities in a cell in Stavanger Prison, August 2016.



6.1.1 The registration area

The registration room is normally the inmates' first experience of the prison and the area where body searches are carried out. For women, who more often than men have experienced sexual abuse, it is important that this process takes place in premises that preserve their dignity. Among other things, this requires shielding from view and access to water, toilet and shower facilities nearby.

6.1.2 Sanitary conditions

Satisfactory access to washing, shower and toilet facilities are particularly important to allow inmates to maintain good personal hygiene, to safeguard the right to respect for privacy, and to prevent the spread of infectious diseases.

It follows from the Execution of Sentences Act Section 2 that a sentence shall be executed in a manner that 'ensures satisfactory conditions for the prisoners'. The Regulations to the Execution of Sentences Act Section 3-22 states that 'common rooms and prisoners' rooms shall have satisfactory equipment and furniture and be kept in a proper state'.

Sanitary conditions in prisons are discussed in detail in the international standards. The Mandela Rules state in Rule 15 that 'The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner'. The European Prison Rules Article 19.3 state that 'Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy'. The CPT Standards specify that 'Ready access to proper toilet facilities and the maintenance of good standards of hygiene are essential components of a humane environment'.⁵³

52 This applies to Telemark Prison's Kragerø unit and Kongsvinger Prison.

53 The CPT standards, page 18, paragraph 49.



Signs by the toilets for women and men in Drammen Prison, May 2016.

Women have special sanitary needs, especially in connection with menstruation, menopause and pregnancy. This requires that their privacy be respected and that they be given access to satisfactory sanitary solutions. The international prison standards also set the condition that sanitary articles, including sanitary towels and tampons, must be easily accessible and distributed at no extra cost to inmates.

The Bangkok Rules state the following in Rule 5:

'The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.'

The European Prison Rules state in Article 19.7 that special provision shall be made for the sanitary needs of women.

The NPM has observed in Trondheim and Drammen Prison that women live in cells with no toilet available. It can take time for inmates to be let out of their cell to go to the toilet. This could result in inmates having to urinate in the sink or use toilet buckets, as is the case in Drammen Prison. This is not a satisfactory arrangement. It is even more problematic for menstruating and pregnant women, who will need more frequent access to toilets. In 2011, the CPT made recommendations to Norway, including on access to toilets in prisons.⁵⁴ It was also pointed out in that connection that inmates who need to use the toilet should have the opportunity to do so without delay, also at night. Moreover, the CPT emphasises in its standards for prisons:

‘The CPT must state that it does not like the practise found in certain countries of prisoners discharging human waste in a bucket in their cells (which are subsequently “slopped out” at appointed times).

Either a toilet facility should be located in cellular accommodation (preferably in a sanitary annex) or means should exist enabling prisoners who need to use a toilet facility to be released from their cells without undue delay at all times (including at night).’

The Parliamentary Ombudsman is concerned about the premises of some of the prisons visited by the NPM, and has recommended in several reports that inmates should have access to toilets in their cells. 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 and night. The Parliamentary Ombudsman also carried out visits to Trondheim Prison in 2012 and to Drammen Prison in 2013 where sanitary conditions were criticised.⁵⁵

The toilet situation is also a challenge in prisons that use double cells. At Kragerø Prison, for example, the inmates have toilets in the cells, but they are shielded only by thin screening walls that do not reach the floor or the ceiling, giving women who have to share a cell little privacy.

Otherwise, the visits have confirmed that necessary sanitary articles are distributed to female inmates in line with international guidelines.

6.1.3 Outdoor areas

The possibility for physical activity outdoors is important to the physical and mental health of inmates. This is particularly important because inmates spend much of the day indoors for a long period with limited possibilities of experiencing fresh air and natural light.

A prison’s outdoor areas should be sufficiently large to allow inmates to move, facilitate activities such as ball games or running, and offer opportunities for sunlight exposure, among other things to maintain satisfactory levels of vitamin D. Considering the Norwegian climate, part of the area should be covered when it rains or snows.

Rule 23.1 of the Mandela Rules and Article 27.1 of the European Prison Rules state that all inmates who do not work outdoors shall be given the opportunity for at least one hour of suitable physical activity in the open air every day if the weather permits. The following is stated in the CPT Standards:

‘Specific mention should be made of outdoor exercise. The requirement that prisoners be allowed at least one hour of exercise in the open air every day is widely accepted as a basic safeguard (preferably it should form part of a broader programme of activities). The CPT wishes to emphasise that all prisoners without exception (including those undergoing cellular

54 Report to the Norwegian Government on the visit to Norway carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT (2011) 70 page 41.

55 The Parliamentary Ombudsman’s statement of 12 June 2014 in cases 2013/1087 and 2013/3200.



The exercise yard in Kragerø Prison, November 2016.

confinement as a punishment) should be offered the possibility to take outdoor exercise daily. It is also axiomatic that outdoor exercise facilities should be reasonably spacious and whenever possible offer shelter from inclement weather.'

None of the international guidelines set out any special requirements for the outdoor areas for female inmates. They do, however, stipulate that the rules are to be implemented without any form of discrimination, for example on grounds of gender.⁵⁶

In Norwegian law, the Execution of Sentences Act Section 22 states that 'Prisoners shall as far as possible be allowed out in the open air every day'. Point 3.20 of the guidelines to the Act specifies that inmates who otherwise spend the whole day indoors should be allowed at least one hour in the open air every day if possible.

The exercise yards of the two women's prisons that the NPM has visited differ in terms of both size and design. Kragerø Prison has the least satisfactory solution by far, with an exercise yard of about 70 square metres. It is tarmacked, surrounded by high walls with wire mesh covering it, has no view and limited access to direct sunlight. It also offers nowhere to shelter from rain. The prison itself is also small and cramped, and the outdoor area does not do much to compensate for the inadequate access to fresh air and physical activity.

Bredtveit Prison is located on a large plot of land.⁵⁷ The main exercise yard, however, appeared small and poorly suited for other activities and forms of exercise than ball games. There 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 smaller exercise

⁵⁶ See e.g. the Mandela Rules, Rule 2, and the European Prison Rules, Rule 13.

⁵⁷ The Parliamentary Ombudsman's report from Bredtveit Prison, page 11.

yard that was mainly used by inmates who for various reasons needed to, or had been ordered to, spend time outside alone or for outdoor exercise in connection with work in prison. 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. The Parliamentary Ombudsman pointed out in its visit report that the average prison terms are just under five years for inmates in Bredtveit Prison and just under four years for inmates in Kragerø.⁵⁸ Therefore, it is natural to expect better and more appropriately designed outdoor areas in the women's prisons.

In connection with the plans to transfer foreign female inmates to Kongsvinger Prison, reference is also made to the Parliamentary Ombudsman's visit report concerning the exercise yard at Section G in Kongsvinger Prison, from which the following is quoted:

'The exercise yard in Section G was tarmacked and equipped with a basketball hoop and a volleyball net. [...] There was no suitable place to take shelter from the rain. The yard was fenced in by a low brick wall, which obstructed the view from both inside and outside. The yard was completely enclosed by a fine-mesh chain-link fence on top of the brick wall and a chain-link ceiling. Many inmates expressed dissatisfaction with the exercise yard in Section G. There was no space for running; the yard was small and very restricting in relation to outdoor activities.'⁵⁹

According to Rule 11(a) of the Mandela Rules, women and men should be kept separate from each other in mixed prisons. Part of the reason for this is to protect women from abuse and unwanted attention from male inmates. This presents particular challenges relating to time spent outdoors.

Two of the mixed prisons that the NPM visited had separate exercise yards for female inmates.⁶⁰ They were considerably smaller than the men's exercise yards. In Trondheim Prison, the women expressed dissatisfaction that they were not allowed to use the large exercise yard with sports facilities that the communal sections for men in the E section had access to. It is far bigger and provides opportunities for exercise and activities. The exercise area at the women's section is not suitable for e.g. running and ball games, both due to its small size and because it is situated in sloping terrain. A complaint about the conditions at this prison was filed with the Equality and Anti-Discrimination Ombudsman. In a statement of 25 March 2015, the Equality and Anti-Discrimination Ombudsman concluded that female inmates were being discriminated against on grounds of their gender because the Correctional Service had not considered measures to provide the women with equal access to the outdoor areas used by men.⁶¹ The Parliamentary Ombudsman has been informed by the administration of Trondheim Prison that changes have been implemented to give female inmates access to the big exercise yard.

Stavanger Prison has itself pointed out that its exercise yard for women is too small to be used for brisk walking or jogging. Women who wish to engage in such activities can apply to use the big exercise yard. Stavanger Prison has also implemented several measures to improve the situation.

⁵⁸ Ibid. Page 10.

⁵⁹ The Parliamentary Ombudsman's report from Kongsvinger Prison, page 26.

⁶⁰ Trondheim Prison and Stavanger Prison.

⁶¹ The Equality and Anti-Discrimination Ombudsman, opinion in case 14/825.



The exercise yard in Stavanger Prison, August 2016.

The women's exercise yard seemed well planned and tidy. It was possible to play volleyball or basketball or do simple exercise, and there was a small fish pond with running water. There were also benches and green areas, and the possibility to shelter from the rain. The administration pointed out that the exercise yard was not big enough to exercise by running, but stated that the women could apply to use the big exercise yard for that purpose. (From the Parliamentary Ombudsman's report from Stavanger Prison, 2016)

The other mixed prisons that the NPM has visited had no separate exercise yards for female inmates. Bergen Prison solved this problem by having different exercise times for women and men. However, information emerged that indicates that female inmates at living units C-5 and C-6 were not offered the opportunity to spend time outdoors every day.⁶²

In Tromsø and Drammen Prisons, female and male inmates usually had the same exercise times, which involved stricter security requirements for the staff.

Kragerø Prison has the least satisfactory solution by far, with an exercise yard of about 70 square metres. It is tarmacked, surrounded by high walls with wire mesh covering it, has no view and limited access to direct sunlight.

6.2 Security and sense of security

6.2.1 Choice of security level for women in prison

It is a well-known phenomenon in international prison research that women tend to be placed under stricter security regimes than necessary.⁶³ This is because most risk assessment and mapping tools were developed for men and do not take the special circumstances of women into account, and because there are few prison places for women. They could therefore be placed in high-risk prisons or sections due to a shortage of places.

In Norway, it is stated in the Execution of Sentences Act Section 14 final paragraph that 'a convicted person shall not be transferred to a more restrictive prison than is necessary.'

Despite this, the Parliamentary Ombudsman has found that in Norway too, women are serving under stricter security regimes than indicated by their case. In Kragerø Prison, both inmates and the prison administration confirmed that they had inmates that could have served their sentences in a low-security prison, but who had been placed in Kragerø Prison due to place availability.

In Tromsø Prison, security considerations makes it impossible for women to serve in communal sections together with men. This means that women serving a sentence under a high-security regime are placed in the remand section. This section is not suitable for women serving sentences. The prison administration stated that action has been taken to compensate for conditions there, but that low staffing levels makes it difficult. It was admitted that women are basically serving in solitary confinement.

It gives cause for concern that inmates risk having to serve under a stricter security regime than necessary. This will mean that they are deprived of more liberties than warranted by their individual case.

6.2.2 The presence of prison officers

The NPM's interviews with female inmates show that one of the most important factors for their sense of security seems to be presence of prison officers. There was a greater sense of insecurity in sections where there were few officers on duty or present during communal activities. The presence of staff during communal activities is an important measure to reduce the risk of conflicts between inmates and thereby improve security in the section.

Inmates mostly felt safe in the women's prisons Bredtveit and Kragerø Prison. There had been several serious conflicts at Bredtveit, but they were usually resolved through three-way conversations.⁶⁴ The inmates pointed to this as a successful measure to increase their sense of security and resolve conflicts that had or were about to get out of control. Kragerø Prison has weekly meetings between inmates and prison officers where topics that could have escalated into more serious conflicts were raised. The use of such measures 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.⁶⁵

63 See e.g. Ashdown J and James M, 'Women in Detention', *International Review of the Red Cross*, Volume 72, issue 877, March 2010, p. 130 and Penal Reform International/Association for the Prevention of Torture (2015) *Balancing security and dignity in prisons: a framework for preventive monitoring*.

64 The Parliamentary Ombudsman's report from Bredtveit Prison, page 21.

65 Rule 38(1).



Stavanger Prison,
August 2016.

The majority of women stated that they felt forgotten by the staff and that they were left to their own devices a lot of the time. They also stated that it was sometimes difficult to reach the staff via the call system. This, in combination with the physical location of the women's section, which is far away from the guardroom, caused several female inmates to feel unsafe. The NPM also found that the staff was sceptical about being in the women's living units. (From the Parliamentary Ombudsman's report from Bergen Prison, 2015)

In Drammen Prison, women serve in the same sections as men. In sections 6 and 7, female and male inmates took part in communal activities together. This has caused female inmates to feel unsafe on several occasions.⁶⁶ 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. It emerged in conversations with both inmates and members of staff that female inmates did not feel safe. The NPM received a lot of feedback that the officers were present during communal activities in the sections, but that there was a considerable risk that harassment and abuse could take place despite the focus on maintaining the inmates' safety. The prison administration confirmed the risk of undesirable incidents, especially under minimum staffing conditions and in hectic periods.

The NPM has on several occasions been informed that inmates feel unsafe in certain situations in prisons where both men and women serve. There are different reasons for this. In Stavanger, women had declined activities because they did not feel safe in the company of male inmates or because of previous relationships that made such contact difficult. This could result in the women becoming more isolated. In Bergen Prison, several of the inmates expressed that they felt unsafe because there were few officers present in the communal areas.

6.2.3 Risk of sexual harassment in Norwegian prisons

The risk of sexual abuse and harassment is the main reason for the international prison rules' requirements for women and men to be physically separated in prisons.⁶⁷

Norway has had a relatively high degree of mixed prisons, but the focus on protecting women from male inmates is increasing. This is partly due to growing awareness of female inmates' vulnerability and background, with many having experienced sexual abuse.⁶⁸

It emerges in Report No 12 to the Storting (2014–2015) *Utviklingsplan for kapasitet i kriminalomsorgen* regarding increasing capacity in the Correctional Service that:

'Women should be protected from male inmates. This involves adaptation of both premises and content. Experience shows that the best way of achieving this is in separate women-only prisons or sections. This must be balanced against considerations for distance to the home, particularly in relation to women who have a family and children.'⁶⁹

In February 2015 a Private Member's Motion was submitted that the Government should take action to facilitate the separation of men and women in prison, including to ensure that the next prison built in Norway is built with a separate section for women.⁷⁰ The motion was not adopted, but, while it was being debated, Minister of Justice and Public Security Anders Anundsen made the following statement:

'If women are to serve in prisons with male inmates, they shall do so in separate sections with adapted services. This involves adaptation of both premises and content. When new prison places for women are established, they shall be in accordance with the guidelines and recommendations described in the white paper.'⁷¹

These are important signals that should be followed up in practice. The Parliamentary Ombudsman's survey of the conditions in prisons where both women and men serve shows that men and women can in some cases spend a lot of time together during activities and exercise and in communal areas. Such an extent of mixed communal activities is demanding in terms of security and could increase the risk of sexual harassment.

Of the institutions that took part in the Parliamentary Ombudsman's survey on mixed prisons, it was transitional housing that had the highest degree of social interaction. These units are intended to give inmates a gradual return to society, and the principle of normality is therefore a strong consideration. Drammen Prison stands out among the high-security prisons. It emerged in conversations with both inmates and members of staff that female inmates received unwanted attention from male inmates.⁷² The NPM was also made aware that a female inmate had become pregnant during her time in Drammen Prison in 2015.⁷³

67 The Mandela Rules, Rule 11(a) and the CPT Standards, page 94, paragraph 24.

68 See e.g. <http://www.vg.no/nyheter/innenriks/fengsel/flere-opplever-seksuell-trakassering-i-fengselet/a/23616459/>.

69 Report No 12 to the Storting (2014–2015) *Utviklingsplan for kapasitet i kriminalomsorgen* ('Development plan for increasing capacity in the correctional service') section 9.3.4.

70 Private Member's Motion No 56 (2015–2016).

71 <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2015-2016/160512/7>.

72 The Parliamentary Ombudsman's report from Drammen Prison, page 11.

73 Ibid.

Of the other prisons without separate women's sections, only Mosjøen Prison has stated that it occasionally receives female inmates. These stays are usually short ones while awaiting a final and enforceable judgment. Mosjøen Prison also stated that it has in some cases received women who have applied to be transferred there to be near their own children. Haugesund Prison has previously received women, but will no longer do so after the Correctional Service Region South-West introduced stricter procedures in 2015.

In prisons with separate women's sections, women are also segregated to varying degrees. While the women always sleep in cells and have communal areas in the women's section, they have school, work or exercise activities together with men. Men will usually be in the majority in these situations. This demands a lot of the prison officers. The lack of necessary security and guards can create a risk of female inmates experiencing unwanted attention.

Such issues require the administration in mixed prisons to recognise women's vulnerability and work systematically to prevent women from finding themselves in difficult situations.

In joint events for both men and women, the women are allowed to enter the room first and sit down. This is to prevent them from having to enter a room where male inmates have already sat down and risk being met with unpleasant attention, and to allow them to freely choose the seats where they feel safest. (From the Parliamentary Ombudsman's report from Stavanger Prison, 2016)

6.2.4 Male prison officers in prisons with female inmates

From 2016, the NPM's visits have had a particular focus on prisons' procedures in cases where female inmates could find themselves in a particularly vulnerable situation in relation to a male member of staff. The changed relationship of power that arises between people when someone is deprived of their liberty can, for various reasons, make women particularly vulnerable. For women who have suffered abuse or been involved in prostitution, the proportion of male staff can be particularly challenging. The prisons that the NPM has visited had roughly the same number of male and female staff members.⁷⁴

International prison rules contain different provisions on male staff in prisons with female inmates. The following is stated in the Mandela Rules, Rule 81:

'No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member.'

'Women prisoners shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women.'

⁷⁴ This corresponds with some staff statistics from 2012 that show only a small majority of male employees in the Correctional Service as a whole. See *Personalstatistikk for kriminalomsorgen 2007–2012* ('Personnel statistics for the Correctional Service 2007–2012'), page 16. <http://www.kriminalomsorgen.no/getfile.php/2086915.823.fbbyevuvqx/Personalstatistikk+2007+-+2012.pdf>.

The CPT Standards, however, state that:

'As the CPT stressed in its 9th General Report, mixed gender staffing is an important safeguard against ill-treatment in places of detention. The presence of male and female staff can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention.'⁷⁵

Women are particularly vulnerable in situations such as body searches or when giving urine samples. International standards clearly state that body searches shall only be performed by personnel of the same sex.⁷⁶

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.'⁷⁷

Regarding urine samples, the guidelines state the following:

'Urine samples should be collected in accordance with one of the following procedures: the sample is given under supervision, and two staff members should be present. The staff members should be of the same sex as the inmate.'⁷⁸

The same emerges in Report to the Storting No 37 (2007–2008) *Punishment that works – less crime – a safer society*,⁷⁹ where it is stated that:

'Caution must be exercised in connection with body searches and the collection of urine samples from women, and efforts must be made to ensure that this is done by female officers.'

It emerges during conversations with inmates that men are very rarely present during body searches or when urine samples are collected. In cases where this has happened, the male officer has had his back turned or stood outside a door kept ajar.

Despite a high degree of contact with male officers, also in one-on-one situations, information has rarely emerged during the NPM's visits that indicate that female inmates have found it problematic to relate to male staff. However, it is important that the prison administration and officers have a high level of awareness of the risk associated with male officers working with female inmates.

It has emerged during the Parliamentary Ombudsman's survey on serving in mixed prisons that few prisons have special procedures or training in place to detect or deal with sexual abuse or harassment. The Parliamentary Ombudsman has also previously recommended that written procedures should be prepared for such situations.⁸⁰

6.2.5 The use of double cells

Both Kragerø Prison and the women's section in Stavanger Prison use double cells.⁸¹ Section B in Kragerø has three double cells, while Stavanger Prison has four double cells.

75 The CPT Standards, page 94.

76 The Mandela Rules, Rule 81(3) and the Bangkok Rules, Rule 19.

77 Point 3.31 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.

78 Ibid. Point 3.30.

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

80 See e.g. the Parliamentary Ombudsman's report from Bredtveit Prison, page 21.

81 The Parliamentary Ombudsman's report from Stavanger Prison, page 16.



The women's recreation room in Trondheim Prison, March 2015.

In its risk assessment for the women's section, Stavanger Prison referred to the fact that many find it difficult to share a cell.⁸² Due to physical limitations, several are incapable of climbing into the top bunk.⁸³ Kragerø Prison tries to consider the inmates' needs and wishes when placing people in double cells, but unfortunate circumstances and inmates feeling unsafe was also reported there.

Although some of the people the NPM spoke to believed that double cells could have their advantages, the staff admitted that it increases the risk of pressure of a sexual nature, and of sharing of and extortion regarding medication or other benefits that inmates have access to. Such factors could contribute to making some inmates vulnerable.

6.3 Activities and recreation

A good and broad range of activities is important in order to ensure that inmates have meaningful progress during the execution of their sentence. Access to different activities is set out in the international guidelines.

The following is stated in the Mandela Rules, Rule 92:

'To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.'

82 Ibid. Page 29.

83 Ibid.



The activity offered to women in Kragerø Prison consists of inserting screws into the holes in metal washers, November 2016.

As regards women, the Bangkok Rules, Rule 42, state that:

'Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.'

In Norway, the Correctional Service is charged with facilitating daytime activities for inmates.⁸⁴ The Regulations to the Execution of Sentences Act Section 3-12 makes reference to the following:

'Work, training, programmes or other measures are all on a par and satisfy the requirements of the duty to take part in activity. A prisoner may not be ordered to take part in training, programmes and other measures such as treatment and the like against his or her will. If the prisoner does not wish to take part in such measures, he or she may be ordered to work.'

6.3.1 Work

The Mandela Rules contain detailed standards for work in prisons.⁸⁵ Among other things, they state that work shall be of such a nature that it provides opportunities for work after the sentence has been served and that inmates shall receive fair wages for their work.

The European Prison Rules specifically prohibit discrimination on the basis of gender when it comes to the type of work offered.⁸⁶

The CPT has also pointed out that women deprived of their liberty should have the same possibility of meaningful work as men. The following is stated in the CPT Standards:

⁸⁴ Execution of Sentences Act Section 18.

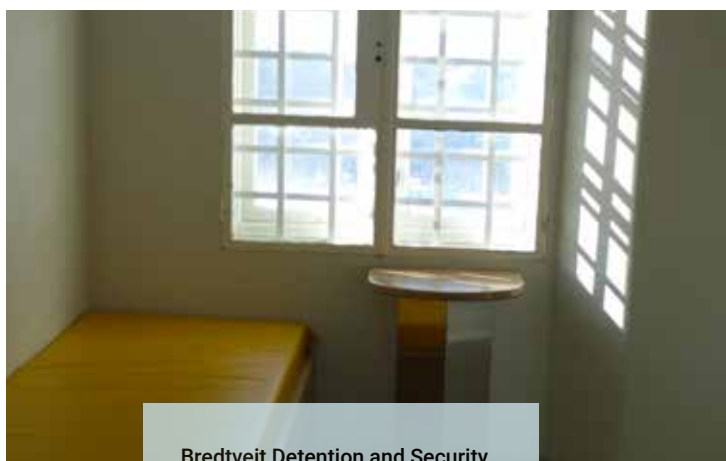
⁸⁵ Rule 96–103.

⁸⁶ Rule 26.4.

'Women deprived of their liberty should enjoy access to meaningful activities (work, training, education, sport etc.) on an equal footing with their male counterparts. As the Committee mentioned in its last General Report, CPT delegations all too often encounter women inmates being offered activities which have been deemed "appropriate" for them (such as sewing or handicrafts), whilst male prisoners are offered training of a far more vocational nature.'⁸⁷

The Correctional Service's strategy for the prison employment service for the period 2015–2018 states that:

'The prison employment service is intended to qualify inmates for labour market participation after they have served their sentence. Inmates shall as far as possible be offered activities through which they can gain competence and qualifications for ordinary work in today's labour market. The prison employment service shall endeavour to offer inmates activities that provide competence and training in accordance with demand in the labour market.'⁸⁸



**Bredtveit Detention and Security
Prison, March 2016**

This strategy makes no special mention of women's work in prison.

Female inmates often have a number of problems relating to living conditions, including little or no work experience. It emerged from a survey conducted in 2002 that only one of three women were in employment at the time of their imprisonment.⁸⁹ The work offered to female inmates has nonetheless traditionally been gender-stereotypical tasks, such as sewing, cleaning and cooking, and has to a lesser extent provided female inmates with work training and qualifications for the labour market.⁹⁰

The report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') showed that there are fewer types of work offered in women's prisons than for men in men's prisons.⁹¹ One of the reasons for this is said to be that women's prisons have relatively few inmates. For mixed prisons, it emerges that many prisons find it demanding in terms of resources to employ both men and women. A few of the mixed prisons offered separate activities for women. The report concludes that:

'It thus seems that conditions for women in men's prisons give them less opportunity to build new competence, which gives them a poorer starting point for entering the labour market after their stay in prison.'⁹²

The NPM's findings confirm this conclusion. One example is the work offered in Norway's newest women's prison, Kragerø Prison. The work offered to inmates is to package screws for a manufacturer of wet room equipment. The work is repetitive and gives them no qualifications they can benefit from after serving their sentence. Reference was made to the fact that the prison was subject to an earning requirement, and that this made it challenging

87 The CPT Standards page 94, paragraph 24.

88 <http://www.kriminalomsorgen.no/getfile.php/2992584.823.vxrrxftyse/Arbeidsdriftsstrategi+2015-2018.pdf>.

89 Skardhamar, Torbjørn (2002), *Levekår og livssituasjon blant innsatte i norske fengsler*, the K series No 1/2002.

90 Report No 37 to the Storting (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'.

91 The Correctional Service (2015), *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 54.

92 *Ibid.* Page 55.

to offer tasks that could provide real work training for inmates. Bredtveit Prison had more varied tasks, but also only provided a limited range of work activities.

Women are a minority in mixed prisons, and the work activities are often primarily adapted for men.⁹³

The administration of Stavanger Prison was aware that this might mean that some women will hesitate to apply to be transferred there and had therefore established low-threshold employment in a greenhouse in a sheltered location near the women's section that only women had access to.⁹⁴

In other prisons, work activities for women are given low priority on the basis of resource or security considerations. A review of the activity overview from the women's section in Bergen Prison showed that in one of the units, the majority of women had no work or school place.⁹⁵ Those who had activities had only a few hours a day, some only for very short periods. In periods where they had no work or school, they spent the time from the morning until 15.00 locked in their cells, except when they were let out for lunch. Several of the women described this as very hard. According to the prison's trade union, the women risk being given lower priority because they are a minority.⁹⁶

Good and meaningful work can be crucial to counteracting unfortunate harmful effects of imprisonment and reduce the risk of future crime. However, the Parliamentary Ombudsmen has found that work activities adapted for female inmates are often inadequate or given low priority due to resource or security concerns. This situation gives cause for concern, and the Correctional Service should focus more on this area.

6.3.2 Education

Research shows that the Norwegian prison inmates' level of education is considerably lower than among the general population.⁹⁷

Properly adapted training is important to successful rehabilitation, and it is therefore important to many inmates to complete interrupted schooling, improve their grades, qualify for further studies or study.

The right to education is set out in the Mandela Rules, for example in Rule 104:

'1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.'

In Norway, the right to education is enshrined in the Education Act and in the Execution of Sentences Act and pertaining regulations. Inmates in Norwegian prisons have the same right to education as the rest of the population.

The University of Bergen conducts regular surveys on the education of inmates in Norwegian prisons.⁹⁸ The reports show that there is not much of a difference between male and female inmates in terms of their level of education.⁹⁹ Men and women are also fairly equal in terms of educational activity in prison.¹⁰⁰

93 The Parliamentary Ombudsman's reports from Drammen Prison, page 10, and from Bergen Prison, page 14–15.

94 The Parliamentary Ombudsman's report from Stavanger Prison, page 18.

95 The Parliamentary Ombudsman's report from Bergen Prison, page 14.

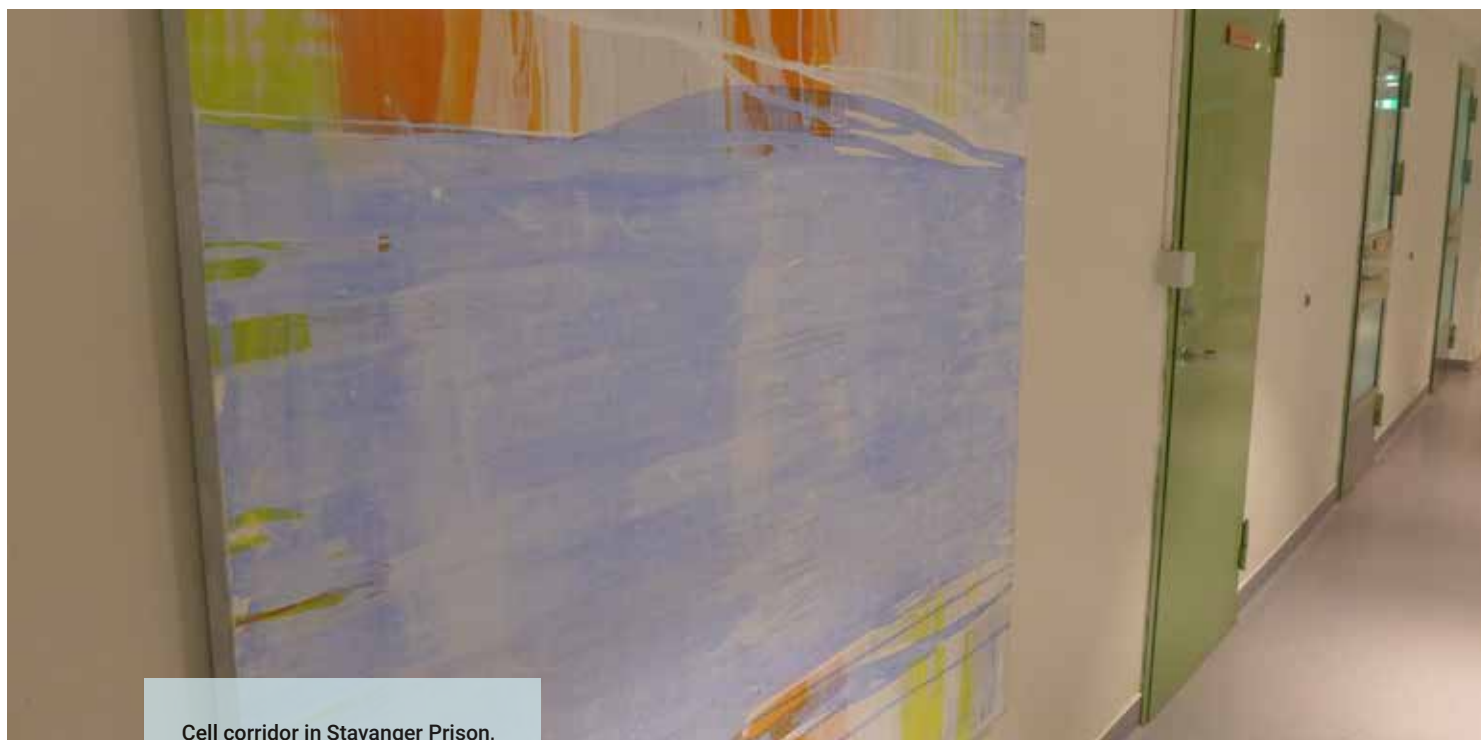
96 Ibid. Page 15.

97 Eikeland et al. (2016) *Nordmenn i fengsel: Utdanning, arbeid og kompetanse*, Office of the County Governor of Hordaland, page 34.

98 Ibid.

99 Ibid. Page 34.

100 Ibid. Page 44.



Cell corridor in Stavanger Prison, August 2016.

During the Parliamentary Ombudsman's visit to Bredtveit Prison, several inmates expressed their satisfaction with the schooling.¹⁰¹ Kragerø Prison had offered only limited schooling, however. They had a teacher in food and beverages studies, but other types of education were largely based on self-study with the assistance of an upper secondary school teacher. Several inmates requested more teaching activities and help with homework, among other things in order to be able to continue education that they had started at other prisons.

The administration of the mixed prisons stated that women and men were offered equivalent schooling.¹⁰² At the same time, it is important to be aware that the school situation is also an arena where women can experience unwanted attention from male inmates. Considering that women are in the minority in all mixed prisons, it is important that continuous efforts are made to ensure that women feel safe and looked after in school situations.

6.3.3 Time spent out of the cell

Insufficient activity and human contact can have a negative impact on the health and welfare of inmates, and could have a negative effect on their progression in the long term. The deprivation of liberty has already severely restricted their control over their own everyday lives, and further restrictions require special grounds.

The European Committee for the Prevention of Torture (CPT) points out in its standards that those remanded in custody should be able to spend at least eight hours a day outside their cells, while sentenced inmates should be allowed more time out of their cells.¹⁰³

101 The Parliamentary Ombudsman's report from Bredtveit Prison, page 12.

102 The Parliamentary Ombudsman's investigation of mixed prisons 2016, internal document.

103 The CPT Standards, page 17, paragraph 47.

With the exception of Norgerhaven Prison, there is no standard for when inmates in Norwegian prisons should be let out of their cells. The guidelines to the Execution of Sentences Act Section 17 state that:

'It shall be decided in advance when contact between inmates can begin and when it is to end.'¹⁰⁴

In practice, this means that it is up to the governor of each prison to decide the times when inmates are locked in and let out of their cells.¹⁰⁵ In addition, inmates can be excluded from the company of others pursuant to the Execution of Sentences Act Section 29 second paragraph, Sections 37, 38 and 39, and Section 40 second paragraph letter d.

The NPM has been informed during its visits that it may be necessary to lock inmates in their cells for security reasons due to shortage of resources.¹⁰⁶ This is covered by Section 37 of the Act, and the guidelines state that:

'In extraordinary circumstances, collective exclusion from company can be used in cases where urgent circumstances relating to premises or staffing so indicate, for example in the event of fire, injury/damage or extraordinary personnel shortage.'

Information obtained during visits suggests that women will more often than men risk having their time spent outside the cell restricted in such cases. The women's sections are often smaller than the sections where men serve, and it is therefore easier to lock them in. In some prisons, it has also been justified with reference to the fact that the women's section is smaller, so that locking them in affects a smaller number of inmates. In Tromsø Prison, women were sometimes placed in a remand section due to place availability.¹⁰⁷ In practice, this means that more women are serving under unnecessarily strict conditions.

The NPM got the impression that inmates in the women's section had often been locked in their cells in cases of high sickness absence or a high number of escorted leaves. Female inmates unambiguously stated that they were often given low priority and that they were often locked in their cells due to low staffing levels. Information that emerged in interviews with female inmates in the Leira section confirmed this impression.¹⁰⁸ The trade unions also expressed that the women's section was often not a priority if there was a shortage of resources. (From the Parliamentary Ombudsman's report from Trondheim Prison, 2015)

At the same time, the Parliamentary Ombudsman's findings indicate that this challenge is not exclusive to mixed prisons. In connection with the visit to Bredtveit Prison, it emerged that inmates at two sections only got to spend five hours and fifteen minutes out of their cells on Saturdays and Sundays.¹⁰⁹ This is far less than the CPT's recommendation.¹¹⁰ The reason given for the long lock-in hours at weekends was that the prison did not have the funds to increase staffing after having changed over to a new shift plan in 2013 on the instructions of the central prison authorities. After the visit, the prison has informed us that inmates in these sections have been given about an hour extra out of their cells at weekends, but this was achieved by reducing the time for inmates in two other sections correspondingly.¹¹¹

104 Point 3.15 of Guidelines to the Execution of Sentences Act.

105 For example in Denmark, the requirement for time outside the cells is set out in a national standard, see *Bekendtgørelse nr. 281 om indsattes adgang til fællesskab m.v. med andre innsatte i kriminalforsorgens institusjoner (fællesskabsbekendtgørelsen)*, 26 March 2012.

106 The Parliamentary Ombudsman's report from Trondheim Prison, page 20.

107 The Parliamentary Ombudsman's report from Tromsø Prison, page 20.

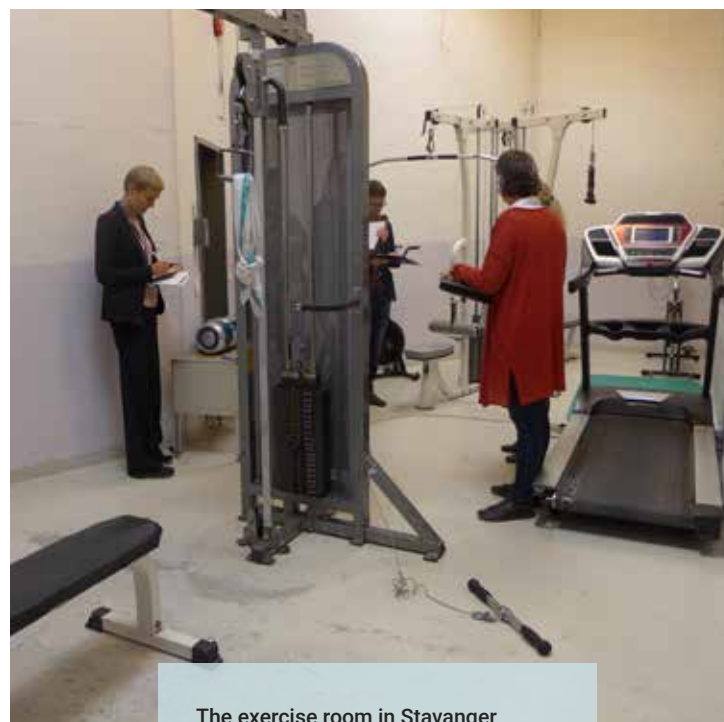
108 The women in the Leira section (lower security level) had also served in Trondheim Prison's Nermarka section.

109 The Parliamentary Ombudsman's report from Bredtveit Prison, page 24.

110 The CPT standards, page 17, paragraph 47.

111 Follow-up letters from Bredtveit Prison, 31 October 2016.

In addition to the formal requirements for time outside the cells, the premises also limit the possibility for communal activity. This applies to Stavanger Prison and Kongsvinger Prison's Section G in particular. The women's section in Stavanger Prison was organised as a communal section, but the size of the common area was not adapted to 17 inmates.¹¹² The common room at Section G in Kongsvinger was in the basement of the building. The room had only two small windows high up on the wall. Next to the common room was a room with exercise equipment, and there were two showers in the basement that were accessed directly from the common room. Inmates stated that the air quality in the common room is poor when inmates exercise and shower during communal periods. Some also reported that they found it stressful when inmates competed for the available places during the communal periods when many of them wanted to exercise and take a shower afterwards at the same time. The building also lacked a communal kitchen where inmates could make their own food, and there was no common dining room. Meals represent an important communal arena for inmates and staff. In Kongsvinger Prison's Section G, the inmates had to eat all their meals alone in their cell.¹¹³



The exercise room in Stavanger Prison, August 2016.

6.3.4 Physical exercise as leisure activity

It is a well-documented fact that regular physical activity brings great health benefits. Research also shows that physical exercise is suitable as part of a rehabilitation programme for groups at particular risk, such as people with mental illness or substance abuse problems.¹¹⁴

A recent literature study on physical exercise shows that it can also have a positive effect on symptoms and additional problems that are characteristic of prison inmates.¹¹⁵

The NPM has been informed in several interviews with inmates that exercise possibilities in prison are very important to their mental as well as their physical health. Exercise provides an outlet for frustration as well as compensating for a sedentary lifestyle.

112 The Parliamentary Ombudsman's report from Stavanger Prison, page 14.

113 The Parliamentary Ombudsman's report from Kongsvinger Prison, page 26. Kongsvinger Prison did not have any female inmates at the time of the visit, but, as described above, there are plans to convert Section G for this purpose.

114 See e.g. Dahl Orø, Thomas, *Trening som terapi for mennesker med rus- og psykiatrilidelse* at <http://www.innsikt.org/index.asp?id=33494>.

115 Malerbakken, Anne (2014) *Fysisk aktivitet og fengsel*, Master's thesis in sports science, Norwegian School of Sport Sciences.

All inmates are entitled to physical activity.¹¹⁶ However, the Parliamentary Ombudsman has found that there are several factors that in practice prevent women from being given the same opportunities as men. In Kragerø Prison, the premises limit access to physical activity. The size of the exercise yard prevents running, and the tarmac surface is not suitable for other forms of endurance training. Nor does the prison have a gym. Both staff and inmates confirmed that the fitness room was used a lot and that some inmates, following a security assessment, were to some extent allowed to exercise outside of prison. Bredtveit Prison has a bigger exercise area, but some sections had limited access to this during weekends.¹¹⁷ In Trondheim Prison, the women's section has its own fitness room, which is open during communal activity times.¹¹⁸

It is a challenge in prisons with limited fitness room capacity to ensure equal access for everyone. The NPM has been informed that in one prison, the inmates themselves put their names on a list to exercise, and that this resulted in self-imposed rules in the group limiting access to exercise for some inmates. This was in a prison for men, but it is also important to be aware of the need to ensure fair distribution of exercise time in women's and mixed prisons.

6.4 Health services

The health and care services provided in prisons should be equivalent to the services received by the general population.¹¹⁹ Inmates shall be offered services adapted to their individual needs following an individual assessment. Based on the inmates' background and medical needs, it is important that they have access to qualified personnel with special expertise on circumstances relating to their life situation.

Inmates' right to health services are described in detail in the Mandela Rules, Rules 24–35. Key elements are the right to medical services equivalent to those received by the general population, a confidentiality requirement, requirement for a medical examination directly after admission and access to medical attention while serving a sentence. It is expressly stated that the health services shall cover mental as well as somatic conditions.

The Bangkok Rules complement the Mandela Rules and stipulate several requirements for gender-specific care in Rule 6-18. Among other things, it is specified that information about sexual abuse, if any, and about previous pregnancies and childbirth must be registered in connection with the medical examination on admission. The rules also mention the choice of a doctor or nurse of the same sex, which is described in more detail under 6.4.2 below.

As regards women's health problems, the report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') showed that it is difficult to retrieve information about female inmates' state of health from reports and statistical presentations.¹²⁰ The reason for this is that the state of health is usually described for the prison population as a whole. This results in women's health challenges and needs not being highlighted to a sufficient extent.

6.4.1 Mental health

The Bangkok Rules make particular mention of the need for mental health services that meet the needs of women in Rule 12:

'Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in noncustodial settings.'

116 The Execution of Sentences Act Section 21.

117 The Parliamentary Ombudsman's report from Bredtveit Prison, page 12.

118 The Parliamentary Ombudsman's report from Trondheim Prison, page 12.

119 For an overview of health services in Norwegian prisons, see the Norwegian Directorate of Health's guide (January 2013) *Helse- og omsorgstjenester til innsatte i fengsel*.

120 The Correctional Service (2015), *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 24.

An extensive survey of mental health problems among men and women serving sentences was conducted in the period 2011–2013.¹²¹ The survey showed that, irrespective of gender, 92 per cent of inmates suffered from one or more forms of mental illness. This figure is considerably higher than in the general population. This survey showed that there are virtually no differences between male and female inmates in Norwegian prisons in the prevalence of the main groups of symptom disorders, personality disorders or ADHD.¹²² This is surprising, considering the sometimes considerable gender differences in these main groups in the general population. The survey report did not discuss the need for gender-specific treatment. The high proportion of female inmates who have been victims of sexual abuse nevertheless indicates that there is a great need for expertise and programmes adapted for women.¹²³

The report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') showed that anxiety, self-harming, eating disorders, psychoses, suicidal behaviour, various degrees of personality disorders and ADHD are common among women in prison.¹²⁴ Reference is also made to the fact that many of the women are mothers, and that they struggle with strong concern about their children and a sense of loss because they do not have care and control of them. Many women are also severely traumatised by sexual abuse or prostitution. During the NPM's visits, inmates with mental health problems are often pointed out as a particularly vulnerable group. Several of the prisons describe an increase in the number of women with mental health problems in recent years.¹²⁵

Findings made by the NPM suggest that many women could have an unmet need for help with mental health problems. This finding is supported by the prisons as well as the health services. Visits to the two high-security women's prisons, Bredtveit Prison and Kragerø Prison, confirmed that many inmates describe poor mental health, either for short periods or over time. Interviews with the prison health service and inmates indicated that the health service routinely examines inmates' mental health and maps the risk of e.g. self-harm and suicide during the admission interview.

The health service at Bredtveit Prison stated that they can contact the prison psychiatric outpatient clinic directly when more extensive follow-up is needed than the health service can provide.¹²⁶ It was pointed out that inmates with long-term mental disorders were followed up especially closely to ensure that their condition does not deteriorate 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 with extensive mental health issues in the last year. Among other things, there had been several suicide attempts. This was confirmed in the NPM's interviews with prison 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 highlighted the need for a separate enhanced section that would have a greater capacity for accommodating the needs of this group.

121 Cramer, Victoria (2014), *Forekomst av psykiske lidelser hos domfelte i norske fengsler*, The regional centre for research and education in forensic psychiatry and psychology in the South-Eastern health region.

122 Ibid. Page 33.

123 Amundsen, Marie-Lisbet, *Bak glemselens slør*, 2010, FONTENE Forskning 1/10, pp. 4–15.

124 The Correctional Service (2015), *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 25.

125 The Parliamentary Ombudsman's report from Bredtveit Prison, page 28.

126 Ibid.

Findings made by the NPM suggest that many women could have an unmet need for help with mental health problems. This finding is supported by the prisons as well as the health services.

6.4.2 Women's health and access to female doctors

The prison health service is to address the inmates' general health needs and should not be limited to accident and emergency functions. It is also important that health problems may be experienced differently and as more urgent by people who are deprived of their liberty. The inmates do not have the same opportunities as others to choose and, if applicable, change their regular GP. This limitation imposes a special responsibility on the health service for designing solutions that help to ensure that inmates receive the healthcare they are entitled to.

As mentioned above, many female inmates have been sexually abused. Many inmates have negative experiences of men. This could make it difficult for them to relate to male health personnel. If the woman in question comes from a different cultural background, this could intensify feelings of being unsafe and lack of trust. This is why it is stated in the Bangkok Rules 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.'¹²⁷

The United Nations Office on Drugs and Crime (UNODC) states the following in its comments to the Bangkok Rules, Rule 10(2):

'Due to cultural reasons, and/or because of past negative experiences with men, including being subjected to sexual abuse or violence, women may not wish to be examined by a male medical specialist and may even feel re-traumatized by such

an examination. This Rule takes into account this possibility, providing women with the right to request examination and treatment by a female medical specialist. Women should not have to provide a reason for such a request. The rule recognises that in some circumstances an adequately qualified woman medical practitioner may not be available, especially in emergency situations. In these cases the presence of a woman member of staff should help prevent any perceived or real risk of harassment, and reassure the woman prisoner concerned.'¹²⁸

It represents a challenge when women only have access to a male doctor. From a preventive healthcare point of view, it is important that inmates do not refrain from consulting a doctor or giving an honest description of their health problems because they find having an open dialogue with a male GP problematic. Despite this, the issue is not specifically dealt with in the Norwegian Directorate of Health's guide *Helse- og omsorgstjenester til innsatte i fengsel* ('Health and care services for prison inmates').¹²⁹

The level of awareness of this issue varied between the prisons that the NPM has visited. Kragerø Prison had a female doctor, and both the prison governor and the head of the health service expressed a wish to continue this arrangement. In some prisons, it was stated that a female nurse can be present during doctor's appointments or physiotherapy sessions if the inmate so wishes. In other prisons, the NPM has received information that suggests a lack of knowledge in this field and that some health services have rejected the idea that women may have a legitimate need to see a female doctor. In conversations with inmates, however, several have stated that they would not or have not felt comfortable seeing a male doctor. Some have mentioned that this is based on previous abuse experiences or special health conditions, while others have just described a lack of the trust required to be able to communicate openly with a male doctor.

127 The Bangkok Rules, Rule 10(2).

128 https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

129 The Norwegian Directorate of Health's guide (January 2013) *Helse- og omsorgstjenester til innsatte i fengsel*.

The Parliamentary Ombudsman has recommended, in agreement with international guidelines, that steps should be taken to ensure that women who, for one reason or another, want a female GP, are given access to one.¹³⁰

6.4.3 Substance abuse rehabilitation measures for women

Research shows that female inmates definitely have more extensive substance abuse problems than male inmates compared with the general population.¹³¹ This makes it particularly important to establish substance abuse rehabilitation measures especially adapted for this group.

The following is stated in the Bangkok Rules, Rule 15:

'Prison health service shall provide or facilitate specialized treatment programs designed for women substance abusers, taking into account prior victimization [...].'

The NPM's visits have identified great differences in access to substance abuse rehabilitation measures for women. Bredtveit Prison offered good services, while the services were particularly limited in mixed prisons. Stavanger, Bergen and Drammen prisons, among others, state that they have no or limited services for women compared with men.¹³² To the extent that women are offered such measures in mixed prisons, they are often provided in the form of substance abuse interviews¹³³ or

similar, while the men may be offered more comprehensive treatment such as the opportunity to serve in a unit for mastering substance abuse problems, for example in Bergen and Tromsø prisons. It also emerged during a visit to Kongsvinger Prison that it does not offer any substance abuse rehabilitation measures.¹³⁴ There is no information that any such measures are planned when this prison is converted into a women's prison.

In 2015, the Equality and Anti-Discrimination Ombudsman considered a complaint about women not having the same access to substance abuse rehabilitation measures as men in Trondheim Prison.¹³⁵ As a result of this case and the Parliamentary Ombudsman's recommendation following a visit to the prison, the women were offered substance abuse rehabilitation services at the women's section that was intended to give them an equivalent service to the men serving at the prison's substance abuse unit at the Modulen section.

In interviews with women serving in mixed prisons, it was clear that many want the opportunity to take part in more and more extensive substance abuse rehabilitation programmes. After visits to prisons where such opportunities have been inadequate, the Parliamentary Ombudsman has recommended that women be offered substance abuse treatment equivalent to that offered to male inmates.

130 The Parliamentary Ombudsman's report from Bredtveit Prison, page 27, and report from Stavanger Prison, page 33.

131 See e.g. the Norwegian Centre for Addiction Research (SERAF), University of Oslo (2016) *Rusmiddelbruk og helsesituasjon blant innsatte i norske fengsel*; Cramer, Victoria (2014), *Forekomst av psykiske lidelser hos domfelte i norske fengsler*, The regional centre for research and education in forensic psychiatry and psychology in the South-Eastern health region. Project report 2014-1. See also Friestad, Christine and Hansen, Inger Lise Skog (2004), *Levekår blant innsatte*, Fafo report 429.

132 The Parliamentary Ombudsman's reports from Stavanger Prison, page 15, from Bergen Prison, page 6, and from Trondheim Prison, page 20.

133 For information about substance abuse interviews in the Correctional Service, see <http://russamtalen.no/>

134 The Parliamentary Ombudsman's report from Kongsvinger Prison, page 15.

135 The Equality and Anti-Discrimination Ombudsman, opinion in case 14/825.

In interviews with women serving in mixed prisons, it was clear that many want the opportunity to take part in more and more extensive substance abuse rehabilitation programmes.

6.5 Contact with family

Contact with the outside world, particularly with family, is important to prison inmates. Next of kin can be a source of both moral and material support to the inmate in a difficult time. This contact is also important as a guarantee of their legal protection in that their family knows where the inmates are at all times and can help to ensure that their rights are respected. Maintaining contact with the family can also help to make it easier for the inmate to return to society after serving the sentence.

The Mandela Rules, Rule 58, states that

'Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and

(b) By receiving visits.'

This is reflected in the European Prison Rules Article 24.1:

'Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.'

The CPT Standards state the following:

'It is also very important for prisoners to maintain reasonably good contact with the outside world. Above all, a prisoner must be given the means of safeguarding his relationships with his family and close friends. The guiding principle should be the promotion of contact with the outside world; any limitations upon such contact should be based exclusively on security concerns of an appreciable nature or resource considerations.'¹³⁶

About female inmates in particular the Bangkok Rules, Rule 26, states the following:

'Women prisoners' contact with their families, including their children, and their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.'

Visits in Norwegian prisons are regulated by the Execution of Sentences Act Section 31. According to point 33.4 of the Guidelines to the Act, visit controls shall as a rule be conducted in high-security prisons. Exceptions from this rule may be granted on the basis of an individual assessment.

According to the guidelines, visits shall normally take place in a dedicated visiting room, and it is up to the governor of the prison to decide, based on local conditions, how often an inmate can receive visitors and on which days of the week visits can be received. As far as practically possible, inmates should be allowed at least one visit per week. Each visit should last for at least one hour if practically possible.



Visiting room adapted for visits from children, Kragerø Prison, November 2016.

6.5.1 Mothers

Contact with children is important both to male and female inmates. Therefore, the Execution of Sentences Act states that:

'Particular importance shall be attached to a child's right of access to his or her parents during the execution of a sanction.'

This is specified in the Regulations to the Act, Section 1-3:

'[i]n making decisions concerning convicted persons or prisoners who are taking care of or have regular access to their children, special heed shall be paid to what is best for the children. The child is entitled to express his or her opinion on matters directly concerning him or her.'

A survey of women's prison conditions conducted in 2010–2011 by JURK – the legal aid organisation for women showed that nearly 50 per cent (34 women) of

the informants had one or more children under the age of 18 years. Of the women with children under the age of 18, 85 per cent (29 women) stated that they had parental responsibility for children.¹³⁷ In the report *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar* ('Equal conditions for women and men under the responsibility of the Correctional Service') described that a day count conducted in 2014 found that 37 women in prison had care and control of a total of 82 children under the age of 18 years.¹³⁸

Because few prisons in Norway receive female inmates, some women risk being detained in prisons far away from their home. This means that it will be difficult for some inmates to receive visits from family, particularly their children. This is especially the case for children who are too young to travel alone and children who do not live in the same country as their mother. In addition, some prisons only have regular visiting hours on weekdays, which can make it difficult to receive visits from children of school age who have to travel to the prison.¹³⁹ However, the prisons have stated that in such cases, they try to facilitate visits during the weekend.¹⁴⁰

¹³⁷ JURK – the legal aid organisation for women, *En kartleggelse av kvinners soningsforhold i 2010/2011*, page 49.

¹³⁸ The Correctional Service (2015), *Likeverdige forhold for kvinner og menn under kriminalomsorgens ansvar*, page 24.

¹³⁹ The Parliamentary Ombudsman's report from Tromsø Prison, page 22.

¹⁴⁰ Follow-up letter from Tromsø Prison, 29 January 2015.

Bredtveit Prison, where about 25 per cent of female inmates in Norway serve, has two visiting rooms. One is a little bigger than the other and is used for visits from children. In addition to the two visiting rooms, there is a separate visiting apartment on the prison's premises. It is physically separate from the main prison building, but within the prison walls. The apartment can be used when inmates receive visits from their 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. There is also a small outdoor playground by the visiting apartment. Kragerø Prison has a small new visiting room with a selection of children's toys. Even though visiting rooms that are not deemed suitable for visits from children have been identified during visits, it is the Parliamentary Ombudsman's impression that the prisons try to use the available premises to create a dignified situation for visits.¹⁴¹

According to circular KDI4/2015 from the Directorate of the Norwegian Correctional Service, all prisons in Norway must appoint a person to be responsible for children. The role of this person is to attend to children as next of kin in meetings with the Correctional Service. The person responsible for children will also be responsible for contact with the child welfare service, since many women in prison have lost care and control of their children. In Telemark Prison's Kragerø unit, it was stated that the person responsible for children was based at Telemark Prison in Skien and had not visited the Kragerø unit at the time of our visit.

6.5.2 Foreign women

Foreign inmates are extra vulnerable in that they are far away from their home, culture, family and other networks. This can mean that they seldom or never receive visitors, and they may feel culturally and religiously distanced from other inmates. Language problems can result in inmates being poorly mapped on arrival and in their special needs not being identified. This could place foreign women in a vulnerable situation with an increased risk of isolation. This is particularly true for women who don't speak English either. Contact with their family is therefore very important to this group of inmates, but also entails some challenges.

It has emerged during several of the NPM's visits that women who had children in another country found it difficult to maintain good contact with the children.

According to the Regulations to the Execution of Sentences Act Section 3-29, telephone calls shall normally be paid by the inmates themselves. The NPM has been informed by foreign inmates at several prisons that financial limitations apply that make it difficult to make international calls, since they are more expensive than domestic telephone calls in Norway. In addition, the Regulations limit telephone calls to a total duration of 20 minutes per week. However, the prison administration can grant an extension if there are special reasons for doing so. In high-security prisons, calls should normally be subject to control. This entails challenges for foreign inmates who wish to talk to children in their mother tongue. Control can be waived in cases where there are no grounds for suspecting illegalities and in cases where the situation in the prison does not necessitate control. Several governors of prisons that the NPM has talked to confirm that they try to be flexible in such matters, including by allowing extended telephone times and conversation in the mother tongue for inmates who wish to talk to their own children.

141 The Parliamentary Ombudsman's report from Trondheim Prison, page 24. Since the visit, several steps have been taken to improve the situation for visiting children.

It has emerged during several of the NPM's visits that women who had children in another country found it difficult to maintain good contact with the children.

Almost none of the prisons that the NPM has visited offers inmates the possibility of communicating with their family via Skype or similar modern means of communication. There are exceptions, such as Norgerhaven. In its follow-up letter to the Parliamentary Ombudsman, Trondheim Prison stated that it will to an increasing extent introduce Skype calls for foreign inmates.¹⁴²

This form of internet calls will not only be beneficial for foreign inmates, but also for inmates who have family in Norway that lives far away from the prison. In most cases, this will be 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 serving long prison terms far away from family.

Inmates, and foreign inmates in particular, have told the NPM that such a solution would be of great help to them. Prison governors, including the governor of Kragerø Prison, have informed us that they would like to have the possibility of letting inmates use Skype. They do not see many security challenges in this, since calls can be controlled through recordings and the inmates could in any case have received visits without control had that been feasible.

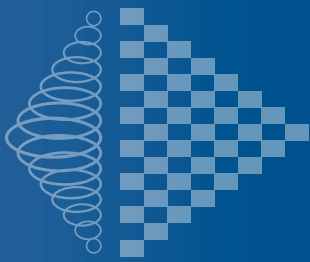
The Parliamentary Ombudsman has recommended in several visit reports that the Correctional Service introduce such technology, also in high-security prisons.¹⁴³ This will be particularly important to women, who often struggle with the loss of contact with their children and other family members and who, due to the limited number of prison places available for women, more often than men have to serve far away from their family.

Outside Bredtveit Detention and Security Prison, March 2016.



142 Follow-up letter from Trondheim Prison, 24 November 2015.

143 The Parliamentary Ombudsman's reports from Kongsvinger Prison, page 28, Bredtveit Prison, page 32, Vadsø Prison, page 28, and Drammen Prison, page 21.





Office address: Akersgata 8, Oslo
Postal address: P.O. Box 3 Sentrum, NO-0101 Oslo
Switchboard: 22 82 85 00
Toll-free number: 800 80 039
Fax: 22 82 85 11
Email: postmottak@sivilombudsmannen.no
www.sivilombudsmannen.no/forebyggingsenheten