



SIVILOMBUDSMANNEN
Norwegian Parliamentary Ombudsman

VISIT REPORT

SUMMARY AND RECOMMENDATIONS

Hedmark Youth and Family Centre

10–11 May 2017



**National Preventive Mechanism against
Torture and Ill-Treatment**



SIVILOMBUDSMANNEN
Norwegian Parliamentary Ombudsman

VISIT REPORT - Summary and Recommendations

Hedmark Youth and Family Centre

10-11 May 2017

1 The Parliamentary Ombudsman's prevention mandate

Based on Norway's ratification of the Optional Protocol to the UN Convention against Torture, the Parliamentary Ombudsman has been given a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹ To fulfil this mandate, a special unit known as the National Preventive Mechanism (NPM) was established in the Parliamentary Ombudsman's office.

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

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

The Parliamentary Ombudsman, represented by the NPM, has right of access to all places of detention and the right to speak privately with people deprived of their liberty. The NPM also has right of access to all essential information relating to detention conditions. During its visits, the NPM seeks to identify risk factors for violations through independent observations and through conducting interviews with the people involved. Interviews with persons deprived of their liberty are given special priority.

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

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

1 Summary

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) visited Hedmark youth and family centre, unit Vien 4-25, in May 2017. Vien 4-25 is one of three emergency units at Hedmark youth and family centre. The unit admits adolescents aged between 13 and 18 and is approved for the placement of three adolescents under the Norwegian Child Welfare Act Sections 4-25.

Vien 4-25 is a closed unit. This means that the doors are locked and leaving the unit is only permitted by agreement with the staff.

Hedmark youth and family centre is owned by the Office for Children, Youth and Family Affairs – Region East, and is located in bright and pleasant premises with good opportunities for varied activities.

Regarding admission, the unit appeared to limit the use of body searches. In addition, the unit had prepared new procedures for body searches, which implied that the adolescents did not have to be completely naked, but could remove their clothing in two stages. This practice is in line with the European Committee for the Prevention of Torture's (CPT) recommendations.

Findings showed that the adolescents in some cases were excluded from the community rooms and the company of the other young people after admission. In one case in 2017, this restriction lasted for three days. The institution stated that it did not register administrative decisions limiting freedom of movement in these cases. When the staff decide to deny an adolescent access to the community rooms, this is a restriction on their freedom of movement for which an administrative decision should be made. Without an administrative decision, it is not possible to make a complaint against the decision.

It was also found that the Vien 4-25 unit requested police assistance on several occasions in 2016 and 2017. The Parliamentary Ombudsman emphasises that it is a highly invasive measure to use police assistance inside an institution, and that the institution cannot use the police to carry out its own duties. The circular concerning the Rights Regulations states that institutions shall have the staff and methods necessary to deal with the target group for which they are approved within the applicable regulatory framework.

The use of force entails a risk of degrading and inhuman treatment. National and international research shows that children in institutions feel that too much force is used.

A review of the records showed that physical force only had been used on a few occasions in 2017, but that force had been used extensively in recent years in relation to some adolescents. Extensive measures appeared to have been implemented by the unit to take care of these adolescents, but the systematic nature of the situations that resulted in the use of physical force gave cause for concern about whether their health issues could be fully addressed within the framework of a child welfare institution.

Moreover, the review of records showed that a high proportion of administrative decisions to use force at Vien 4–25 concern restrictions on freedom of movement outside the institution. There were some points for improvement as regards the unit's registration and follow-up of such decisions. However, conversations and log entries gave reason to believe that the staff were actively working to reduce such restrictions by gradually giving the adolescents more freedom.

Endeavours should always be made to review administrative decisions and use-of-force records with the adolescents, among other things to secure their right to file complaints.

Vien 4-25 worked to prevent the use of force through training and a focus on trauma-sensitive child welfare work. However, it was found during the visit that the unit could strengthen systematic efforts to prevent use of force together with the individual adolescents. It also emerged that the unit did not systematically involve the adolescents in the preparation of *plan for the emergency stay*. The management described this plan as the most important document for the individual adolescents' stay.

Education is fundamental to all development. National and international rules and guidelines give children and young people staying in child welfare institutions the same right to education as other children. Vien 4-25 cooperated closely with the local lower secondary school. The institution stated that it was more challenging to provide a relevant education for adolescents of upper secondary school age if they cannot attend their local school, because they are not entitled to a place at a school near the institution unless there is spare capacity.

Recommendations

Arrival at the institution

- The adolescents' due process protection should be secured by making and registering administrative decisions in cases where adolescents are excluded from the community with the other residents.

Police assistance

- The police should not be used to carry out the institution's own duties.
- The unit should ensure that it has clear guidelines for what role the police is allowed to have in connection with admission and when assistance is needed. The role of the police, if any, should be documented.

Use of force at institutions

- Administrative decisions restricting freedom of movement should not apply for the maximum period of 14 days as a matter of routine.
- The unit should ensure that decisions to limit freedom of movement are assessed on a continuous basis and that measures to prevent the use of force are documented in a satisfactory manner.
- Administrative decisions to extend restrictions on freedom of movement and the pertaining records should be properly registered.
- The adolescents' right to file complaints should always be secured.

Preventing the use of force

- The unit should strengthen its systematic efforts to prevent the use of force together with the individual adolescents.

The right to be heard and to participate

- The adolescents should be guaranteed systematic participation in all plans concerning their stay at the unit.
- In its development work, the unit should make systematic use of information from discharge interviews and feedback from the adolescents.

The right to schooling and leisure activities

- The unit should endeavour to ensure that more is done to secure the adolescents' right to upper secondary education

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

