



**SIVILOMBUDSMANNEN**  
Norwegian Parliamentary Ombudsman

**VISIT REPORT**

**SUMMARY AND RECOMMENDATIONS**

**Aleris Alta**

**26-29 September 2017**



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



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# 1 The Parliamentary Ombudsman's prevention mandate

As a result of Norway's ratification of the Optional Protocol to the UN Convention against Torture in 2013, the Parliamentary Ombudsman was issued with a special mandate to prevent torture and other cruel, inhuman or degrading treatment or punishment.<sup>1</sup> The Parliamentary Ombudsman has established its own National Preventive Mechanism (NPM) in order to fulfil this mandate.

The NPM regularly visits locations where people are deprived of their liberty, such as prisons, police custody facilities, mental health care institutions and child welfare institutions. The visits can be both announced and unannounced.

The Parliamentary Ombudsman has right of access to all places of detention and the right to speak in private with people who have been deprived of their liberty. The Parliamentary Ombudsman also has right of access to all necessary information that is relevant to the conditions for people deprived of their liberty.

The risk of torture or ill-treatment occurring is influenced by factors such as legal and institutional frameworks, physical conditions, training, resources, management and institutional culture.<sup>2</sup> Effective prevention work therefore requires a broad approach that does not exclusively focus on whether the situation complies with Norwegian law.

The Parliamentary Ombudsman's consideration of factors that constitute a risk of torture and ill-treatment is based on a wide range of sources. During its visits, the Ombudsman examines the conditions at the institution through its own observations, interviews and a review of documentation. Private interviews with those who are deprived of their liberty are a particularly important source of information, because they have first-hand knowledge of the conditions at the institution in question. They are in a particularly vulnerable situation and have a special need for protection. Interviews are also conducted with the staff, management and other relevant parties. Documentation is also obtained to elucidate the conditions at the institution, such as local guidelines, administrative decisions on the use of force, logs and health documentation.

After each visit, the Parliamentary Ombudsman writes a report describing its findings and recommendations for preventing torture and other cruel, inhuman or degrading treatment or punishment.

The reports are published on the Parliamentary Ombudsman's website and the institutions visited are given a deadline for informing the Ombudsman about their follow-up of the recommendations. These letters are also published.

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

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<sup>1</sup> Section 3 a of the Parliamentary Ombudsman Act.

<sup>2</sup> See the UN Subcommittee on Prevention of Torture (SPT), The approach of the Subcommittee on Prevention of Torture to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 30 December 2010 CAT/OP/30/6.

## 2 Summary

The Parliamentary Ombudsman visited Aleris Alta in September 2017. Aleris is a private company that provides health and care services throughout Scandinavia. Aleris established a child welfare institution in Alta in autumn 2015. Two shared housing units were established: Mathisdalen and Russeluft.

The Parliamentary Ombudsman visited both units.

Both of the shared housing units were approved for holding youth without their consent, and could each accommodate two adolescents at the same time. They are long-term units where youth can spend a prolonged period of time, often up to a year or more.

Aleris Alta takes in adolescents from all over Norway. Some of them come to Aleris Alta from very far away and are accompanied by the police. The police wore plain clothes during these journeys, but the adolescents could nonetheless perceive travelling with police as unpleasant.

The institution did not have a procedure for documenting whether the adolescents arrived there with police, whether coercive measures had been used during the journey or whether coercive measures were in use on their arrival. However, our information indicated that this had occurred. Using such coercive measures when transporting children and youth is perceived as very invasive. It has a great potential for harm, is humiliating and stigmatising and entails a risk of inhuman and degrading treatment.

Aleris Alta appeared to have good procedures and practices in place for making preparations for the arrival of new adolescents and looking after them when they arrived at the units. It emerged, for example, that force was rarely used in connection with admission. The employees devoted a lot of resources to preparations for the admission of new adolescents and emphasised conversation and involvement from the start of their stay.

Aleris Alta had procedures for when and how the police should be notified if an adolescent runs away, but a separate procedure was not in place for other forms of cooperation with the police. Employees at Aleris Alta expressed their wish for more regular dialogue or an arena for meetings with the police to discuss roles, how the institution and police work and their needs.

Aleris Alta appeared to be restrictive in its use of force such as restrictions on freedom of movement and the use of electronic means of communication. The employees stated that they did not regard restricting adolescents' freedom of movement outside the unit to be expedient, and that they tried instead to employ other means of following them up rather than accompanying them outside the house. The reviewed documentation showed that the employees invested a lot of time in making arrangements, driving/picking them up, staying in contact with them on the phone etc. to prevent restricting their freedom.

The large majority of the administrative decisions to use force at Alta Aleris concerned decisions to collect urine samples, which were carried out with the adolescent's consent. The employees and management emphasised that collecting urine samples, even with consent, is very invasive. An administrative decision was therefore made in every case to ensure the adolescent's due process protection and involvement, and to establish a dialogue about their treatment.

Aleris Alta had written procedures for the prevention and handling of abuse. During the visit, all of the staff, however, did not appear to be as familiar with these procedures, and there was uncertainty about how, as employees, they were to proceed if there was a suspicion of abuse. It is important that the management of all child welfare institutions facilitate regular reflection on and discussion of how they are to work on the prevention of abuse. Clear procedures should also be in place for how employees are to report suspicion of abuse and the employees should have good knowledge of them.

Alta municipality had a cooperation agreement with Finnmark county authority to ensure that children and youth in child welfare institutions in Alta municipality receive the education they are entitled to at all times, and that their education commences without undue delay. During its visit, the Parliamentary Ombudsman's impression was that the youth at Aleris quickly resumed their education. Aleris also tried to ensure that other daytime activities were in place for adolescents who weren't in school, as soon as they arrived.

The employees and management employed a range of different tools and methods to ensure the adolescents' involvement. Involving them in decisions and plans was highlighted as being the most important means of motivating the young people to complete their treatment and to prevent the use of force. Overall, the visit showed that Aleris Alta takes the youth's opinions seriously and actively consults them and converses with them, which influences their day-to-day life and future.

## Recommendations

### Police assistance

- It should be documented whether adolescents have been accompanied by the police on their journey to Alta, and whether coercive measures were used.
- Aleris Alta should prepare separate procedures for its contact with the police and hold regular cooperation meetings with the police in Alta.

### Prevention and reporting of abuse

- Employees should undergo regular training in the prevention and reporting of abuse.

### Health services

- The institution should continue its work on establishing a cooperation agreement with the adolescent psychiatry service (BUP) and *Barnehabiliteringen i Alta*.

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