



**SIVILOMBUDSMANNEN**  
Norwegian Parliamentary Ombudsman

## VISIT REPORT

SUMMARY AND RECOMMENDATIONS

# Åna Prison

13-15 November 2017



National Preventive Mechanism against  
Torture and Ill-Treatment



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## Table of content

<b>1</b>	<b>The Parliamentary Ombudsman's prevention mandate.....</b>	<b>3</b>
<b>2</b>	<b>Summary .....</b>	<b>4</b>
<b>3</b>	<b>Recommendations:.....</b>	<b>6</b>

# 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.

<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's National Preventive Mechanism (NPM) made a visit to Åna Prison on 13–15 November 2017. The date of the visit was not announced in advance. The visit was well organised by the prison administration.

At the time of the NPM's visit, there were 153 high-security inmates in the prison. The Parliamentary Ombudsman's National Preventive Mechanism conducted interviews with 52 inmates in total. During the visit, interviews were also conducted with prison officers, floor managers, the chief duty officer, the recreational activities officer and the health service.

The main building at Åna Prison was built in 1915 and is now a listed building. The building has four wings (A–D), a central hall and an entrance area. The D wing, which comprises sections D2 and D3, was the only wing that had not recently undergone renovation. The wing generally appeared to be unsuitable for use as a prison.

The admission of inmates took place in the cellar of Åna Prison, where all the new inmates and their possessions were registered and searched. Copies of the prison's information pamphlet were available in the registration area in Norwegian, English, Latvian and Polish. The prison informed the NPM that the pamphlet was also available in Bulgarian and in Russian. The admission pamphlet was easy to follow and informative, and it is positive that it is available in a number of languages. However, some of the inmates stated that they had not been given the pamphlet on admission.

At the time of the visit, it was stated that 75 per cent of the inmates were engaged in work or education. Several of them stated that they were satisfied with the employment they were offered, and most of the inmates who took advantage of educational activities were satisfied with these activities. Many inmates and employees requested more programme activities. The lack of such activities was said to be due to a shortage of resources. Inmates who did not engage in work or educational activities were locked in their cells for the period during which the other inmates were occupied. They spent less time each day outside their cells than the minimum eight hours recommended by the European Committee for the Prevention of Torture (CPT) for remand inmates. All of the inmates spent less than five hours outside their cells at weekends.

It emerged during the interviews with inmates that they regarded the exercise options at the prison as poor. Few inmates took advantage of the obstacle course in the exercise yard, and many described it as being too demanding. A number of inmates requested more activity, increased exercise options and better quality exercise equipment. This was particularly the case for inmates in isolation.

The inmates largely gave the impression that they felt safe. However, the inmates in the different sections expressed slightly different opinions in this respect, and more of the inmates in the big communal sections stated that they sometimes did not feel safe. A number of inmates highlighted the exercise yard as an area in which there were instances of physical violence or threats being made.

The security cells at Åna Prison were physically separate from the other sections. The cells' location in the cellar meant that the inmates had to be moved hundreds of metres and down one or more

floors. The long distance and narrow stairwell access meant that the staff had, on occasion, used a goods trolley if the inmate was heavy or had put up a lot of resistance. The goods trolley is considered a degrading and unsuitable means of transporting inmates. Both the design and length of the trolley constitute an increased risk of personal injury.

A review of use-of-force records from 1 January 2016 to 20 September 2017 showed that around 35 per cent of all placements in security cells were due to a risk of suicide or self-harm. The staff stated that the threshold for using a security cell in connection with suicide risk was relatively low. This was explained as being due to limited staff resources, and little possibility to increase supervision through a greater staff presence in the communal sections. Both the records and interviews with inmates who had spent time in a security cell showed that many of them had felt abandoned and that they had felt a keen need for more contact with the staff.

The health service was routinely informed about admissions to security cells or the use of restraint beds. Hå accident and emergency unit was notified outside office hours. The records show that inmates confined to restraint beds or security cells were not seen by health personnel outside office hours. This situation could continue for several days at weekends and during holidays. The Parliamentary Ombudsman regards the lack of follow-up by health personnel outside office hours as a matter of grave concern.

Compared with the other prisons the NPM has visited, Åna Prison excludes a very high number of inmates from company pursuant to Section 37 of the Execution of Sentences Act. Åna appears to have a high number of exclusions based on the wishes of the inmates themselves and due to circumstances relating to prison premises and staffing. The Parliamentary Ombudsman is concerned about the apparently high exclusion figures at Åna Prison, and particularly the high prevalence of self-isolation. Both inmates and staff complained about the lack of activities for those fully excluded from company, which was said to be a result of a shortage of staff. It is a cause for concern that a low staffing level means that inmates are isolated in their cells without the prison providing activity and meaningful human contact.

Most of the inmates who had been in contact with the health service stated that they were followed up reasonably quickly. The inmates' level of satisfaction with the follow-up from the health service varied, but many were satisfied.

### 3 Recommendations:

- Åna Prison should consider taking immediate measures to improve the physical conditions in the prison's D wing.
- The prison should ensure that the inmates in the sections without separate toilets in the cells have access to a toilet when they need it, regardless of the hour of the day.
- The prison should ensure that inmates subject to court-imposed restrictions, or who have limited possibilities of social interaction with other inmates, have satisfactory exercise opportunities.
- The prison should ensure that all inmates receive updated information about their rights and the prison's procedures on arrival, and that the information booklet is also available in the inmate sections.
- The prison should immediately implement measures that ensure that all inmates who are not subject to restrictions have an opportunity to spend at least eight hours a day outside their cells, including at weekends.
- The prison should ensure that the contact officer scheme works satisfactorily.
- The prison should immediately ensure that dimmer switches are installed in all the security cells.
- The prison should ensure that all transport of inmates to security cells takes place in a responsible manner that also ensures the inmate's security and dignity.
- The prison should ensure that inmates in security cells have meaningful and sufficient human contact. This includes frequent meaningful contact for inmates who are deemed to be suicidal.
- The prison should ensure daily supervision of security cells by medical personnel.
- If an inmate in a security cell asks to contact a lawyer, the prison should organise this.
- Åna Prison should conduct systematic work to prevent the use of security cells for people who are deemed to be suicidal.
- Inmates in security cells should be offered the opportunity to spend time outdoors, particularly if held there for more than 24 hours.
- Inmates should as a general rule be allowed to wear normal clothing during detainment in a security cell. In the event of suicide risk, the inmate should be offered rip-resistant suicide prevention clothing.
- All administrative decisions regarding the use of security cells should contain a concrete description of which less intrusive measures have been attempted and why these failed.
- The prison should give priority to recording measures that are implemented to ensure that the security cells are not used longer than absolutely necessary.
- The prison should review the need and procedures for using restraint beds.
- The prison should analyse reasons for isolation pursuant to Section 37 of the Execution of Sentences Act and consider taking measures to reduce the number of administrative decisions and how long they should apply.
- The prison should consider two-stage body searches or other similar methods to make the body search process as non-invasive as possible, and they should be conducted by male officers.
- Urine samples should be collected under the supervision of male officers only.

- Health service staff should familiarise themselves with the Istanbul Protocol, and acquire expertise in uncovering abuse in accordance with the Protocol.
- The health service should ensure that suicide risk is always assessed in the first admission interview.
- In connection with the distribution of medication, the prison and the health service, in collaboration with a pharmacy supervisor, should ensure that medical information is not disclosed in a manner that is in breach of the duty of confidentiality for medical personnel.
- The health service and the prison should develop procedures that state that a doctor shall be contacted without undue delay in connection with administrative decisions on isolation.
- The health service should prepare a procedure that ensures daily supervision of all isolated inmates.
- The prison should ensure that confidentiality is maintained regarding all consultations with the healthcare department's medical staff, including with the dentist, physiotherapist, psychologist and psychiatrist. Inmates should be informed that request forms for medical consultations can be placed in sealed envelopes, and envelopes should be made readily available to all inmates. The field for the prison officer's signature on request forms for medical consultations should be removed immediately.
- The health service should ensure that a satisfactory scheme is in place that ensures daily supervision of inmates in security cells and restraint beds.
- The prison should consider the possibility of letting the inmates use their own clothes when they receive visitors.
- In consultation with the authorities, the prison should look into whether it is possible to find a solution that could enable the use of alternative means of communication.

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