



**SIVILOMBUDSMANNEN**  
Norwegian Parliamentary Ombudsman

## VISIT REPORT

### SUMMARY AND RECOMMENDATIONS

# Arendal Prison

7-8 February 2018



National Preventive Mechanism against  
Torture and Ill-Treatment



**SIVILOMBUDSMANNEN**  
Norwegian Parliamentary Ombudsman

## VISIT REPORT

**Arendal Prison**

7-8 February 2018

## 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 Arendal Prison on 7–8 February 2018. The date of the visit was not announced in advance. The visit was well organised by the prison administration.

Arendal Prison's regular capacity consists of 32 places for men at the high-security level. Arendal Prison also has three sections with lower levels of security, but these sections were not included in the visit.

The NPM carried out over 30 interviews with the inmates and prison officers during the visit. Additional interviews with the prison administration and the health service were also carried out.

Arendal Prison opened in 1862, and is a prison consisting mainly of cells and with limited communal areas. The prison administration stated that a decision has been made to close Arendal Prison once the new prison in Agder has been completed in 2020.

Arendal Prison received the NPM in a separate office on the ground floor of the prison. With few exceptions, the inmates stated that they had not received either written or oral information regarding the prison's rules and procedures upon arrival. The lack of information provided to new inmates at Arendal Prison was considered a matter that gives cause for concern.

Arendal Prison had eight workplaces and five school places at the wood production workshop. Five of the inmates worked in the kitchen, as a prison orderly or in the laundry, and there were five spots for common core subjects. Many of the inmates who were employed expressed contentment with the work and education they were offered, and felt that it provided them with an important break from being detained in their cells. However, several inmates complained of poor indoor climate at the vocational school, and that their offer of work was often limited due to teachers and prison officers being on sick leave. The prison stated that there were not sufficient funds to hire temporary staff when there was sickness absence to keep these operations running.

A room at the prison's top floor was used as a communal area in the evenings, four days a week. The inmates in the communal sections had access to the fitness room four times a week, while the inmates in the remand section could exercise three times a week, according to the prison administration. The fitness room appeared to be worn-out, badly ventilated and limited both in terms of size and training equipment. At the time of the visit, no programme activities existed at the prison. The NPM was informed that there had previously been several different programmes, but that these had been discontinued due to a lack of funding. Both the inmates and the employees expressed the need for programme activities.

A review of the procedures at the prison demonstrated that the inmates in the section were let out of their cells for only 3 hours and 15 minutes on Saturdays and Sundays. Most of the inmates the Parliamentary Ombudsman spoke to dreaded the weekends in particular. The fact that the whole section was locked in for longer than 20 out of 24 hours from Friday afternoon to Monday morning had a huge impact on the inmates.

A review of the prison procedures in the remand section revealed that the inmates could be let out of their cells on weekdays in connection with spending time in the prison yard for up to one hour, cleaning of the cell and showering. Almost all the inmates in the remand section were therefore held

in isolation according to international standards. The prison had few measures to compensate for the detrimental effects of isolation. During the visit, the Ombudsman perceived that inmates seemed to be functioning very poorly under these circumstances.

Seven administrative decisions were made in Arendal Prison in 2017 on complete isolation pursuant to the Execution of Sentences Act Section 37, and 113 decisions on partial isolation. Most of the decisions on partial isolation were made in the admission phase, and 53 of the 113 decisions were based on the lack of available places in the section for convicted inmates. The Parliamentary Ombudsman has, in previous statements and reports, pointed out the judicial challenges of referring to a lack of space as grounds for placing inmates in isolation.

Arendal Prison has two holding cells. These are found in the security section alongside the two security cells, separated from the prison's regular sections. The NPM was informed that the holding cells had been used for 151 days, divided by 83 inmates in 2016, and 152 days divided by 66 inmates in 2017. Both holding cells appeared to be worn-out and not suitable for prolonged stays. The lack of windows was particularly problematic making the cell resemble an underground shelter. The Parliamentary Ombudsman is of the view that placing inmates in the holding cells at Arendal Prison for a prolonged period of time requires a decision pursuant to the provisions relating to the use of coercive measures set out in the Execution of Sentences Act Section 38.

Several inmates said that they did not feel safe. Many suffered due to the widespread practice of detaining inmates in their cells, and several told stories about inmates screaming, crying loudly or kicking or hitting the doors. This led to several inmates fearing that other inmates might develop aggressive tendencies due to excessive lock-ins.

A higher number of inmates in Arendal Prison expressed suicidal thoughts, or reported that fellow inmates had such thoughts, than the Parliamentary Ombudsman has previously encountered during visits to other prisons. The limited social interaction and the thought of long lock-ups during the weekends, were pointed out by several inmates as factors that contributed to this. The Ombudsman is concerned that the widespread practice of detaining inmates in their cells constitutes a risk of inhuman treatment.

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



### 3 Recommendations

#### **Admission procedures**

- The prison should ensure that all inmates, when they arrive, receive verbal and written information about their rights and the prison's procedures in a language they understand.

#### **Employment and activities**

- The prison should ensure that inmates can both spend time in the exercise yard and use the exercise facilities.
- The prison should introduce schemes to ensure that time spent in the largest exercise yard is not limited on the basis of the number of inmates wishing to spend time outdoors.
- Arrangements should be made to ensure that inmates who are placed in isolation for long periods of time can make use of the large exercise yard.
- The prison should implement measures to ensure that all inmates in the section for convicted inmates have an opportunity to spend at least eight hours a day outside their cells, including at weekends.

#### **Isolation**

- The prison should ensure that decisions on the use of isolation are always made in accordance with the guidelines from the Directorate of Norwegian Correctional Service, when inmates are locked-in their cells during working hours or the stipulated communal periods.
- Isolation on grounds of circumstances relating to prison premises and staffing, should only occur in emergencies.
- In collaboration with the health service, the prison should prepare procedures ensuring that inmates who voluntarily want to be placed in isolation are properly followed up.
- The prison should ensure that all inmates placed in isolation have access to satisfactory and meaningful measures to compensate for the detrimental effects of isolation.
- Decisions regarding holding cells should be made pursuant to the Execution of Sentences Act Section 38, and should be registered for subsequent controls.
- Inmates who are being detained in holding cells for longer than very short periods, should have sufficient access to compensatory measures and breaks.

#### **Other invasive measures**

- The choice of body searching methods should be based on individual assessments and not be dependent on which member of staff is responsible for making such assessments.
- Male officers should be used for body searches.

#### **Environment and safety**

- The prison should ensure that the contact officer scheme works satisfactorily.

- The prison should ensure that foreign inmates are given the option of having an interpreter present.

**Health**

- The health service should ensure that suicide risk is always assessed in the first admission interview.
- Health service staff should familiarise themselves with the Istanbul Protocol, and acquire special expertise in uncovering abuse in accordance with the Protocol.
- The health service should have a camera available so that any injuries that the inmates may have can be documented by medical personnel in the patient records.
- The prison should ensure that request forms for medical consultations are always put in a sealed envelope.
- The health service should ensure that inmates who are isolated also receive daily supervision at weekends and during public holidays.
- Interpreters should be used whenever necessary in connection with conversations with the health service.
- The prison and the health service should prepare procedures to prevent self-harm and suicide, as well as dealing with suicidal inmates.

**Contact with the outside world**

- The prison should make efforts to ensure that the inmates are able to use the phone at weekends, particularly during the time they are locked in their cells.
- The prison should make efforts to ensure that inmates with special needs can receive visits at weekends.



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](mailto:postmottak@sivilombudsmannen.no)  
[www.sivilombudsmannen.no](http://www.sivilombudsmannen.no)

