



**Response of the Norwegian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Norway from 27 June to 6 July 1993**

The Norwegian authorities have decided to publish this document.
The CPT's report on its visit to Norway (CPT/Inf(94)11) has also been made public.

Strasbourg/Oslo, 21 September 1994



THE ROYAL NORWEGIAN MINISTRY OF JUSTICE AND POLICE
AKERSGT. 42, P.O. BOX 8005 DEP. 0030 OSLO 1, TELEPHONE (02) 34 90 90 - TELEFAX (02) 34 95 33

Mr. Claude Nicolay
President of the European Committee
for the prevention of torture and inhuman
or degrading treatment or punishment
F- 67075 Strasbourg Cedex
Frankrike

Your ref.

Our ref.

Date
14.09.1994

Dear Mr. Nicolay

In pursuance of Article 10, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, the Norwegian Government has the honour to enclose herewith the interim report drawn up after having received the report dated 18 March 1994 from the the European Committee for the prevention of torture and inhuman or degrading treatment or punishment after its visit to Norway from 27 June to 6 July 1993.

This report follows the same pattern as the summary of the CPT's recommendations, comments and requests for information contained in Appendix I of the CPT's report to the Norwegian authorities (cf. paragraph 39 of the report of the first meeting between the CPT and the liaison officers).

Norwegian authorities have taken note of the fact that the CPT is highly conscious of the differences inherent in each country, and that it takes account of them when drawing up its assessment, while also ensuring that certain minimum standards of treatment of persons deprived of their liberty is always met.

The Norwegian Government has noted that the CPT's delegation visiting Norway heard no allegations of torture or physical ill-treatment of persons held in police establishments or in prisons.

In the enclosed interim report the Norwegian Government has emphasized the legal framework which pertains to individuals in custody in particular.

It should be noted that generally speaking, incarcerated individuals have the same rights and obligations as all other persons residing in the

country - with the obvious limitations incurred by their imprisonment or detention. The practical consequence of this general policy is that there are various legal bodies safeguarding their rights.

In addition to legal safeguards established through legislation and rules and regulations to prevent ill-treatment, all charged persons are entitled to legal counsel of their own choosing, free of charge, through the entire process.

Considerable efforts are spent by Norwegian authorities on the education of police- and prison officers to prevent ill-treatment of detainees. Police officers must complete three years of basic training, prison officers two years. Both programmes attract a large number of able applicants each year, of whom only few are found suitable after thorough screening. While in active duty officers are expected to participate in various additional training programmes.

Through its instructions, inspections and other instruments designed to safeguard the interests and to prevent ill-treatment of detained persons, Norwegian authorities expect senior police and prison officers to make it quite clear to their subordinates that ill-treatment is inadmissible and reactions will be taken against any perpetrator according to applicable rules and regulations.


Further safeguards to prevent ill-treatment of detainees include the establishment of a medical service independent of the police and the penal institutions. This arrangement is aimed at ensuring a high degree of professional integrity and independence to protect the interests of the patients and to provide identical standard of treatment to both detained persons and to the ordinary citizens.

Similar arrangements to that of the independent medical services also applies to educational and library services in the prisons.

In the opinion of the Norwegian authorities, various independent services provide added safeguards against ill-treatment, as well as better regimes for the inmates.

It has been noted that the CPT's delegation was met with a spirit of close co-operation and that it received a very satisfactory reception from management and staff in all the places of detention visited. The Norwegian authorities intend to continue its relationship with the CPT in this spirit and look forward to our future cooperation.

Yours faithfully


Ingelin Killinggreen
Secretary General

**INTERIM REPORT GIVING DETAILS OF HOW THE NORWEGIAN
AUTHORITIES INTEND TO IMPLEMENT THE CPT'S
RECOMMENDATIONS AND AN ACCOUNT OF ACTION
ALREADY TAKEN.**

This report follows the same pattern as the summary of the CPT's recommendations, comments and requests for information contained in Appendix I of the CPT's report to the Norwegian authorities (cf. paragraph 39 of the report of the first meeting between the CPT and the liaison officers).

A. Police Establishments

1. Torture and other forms of ill-treatment

comments

- it is most important for senior police officers to make it quite plain to their subordinates that ill-treatment of persons in custody, whether of a physical or a psychological nature, is inadmissible and will be severely punished (paragraph 15).

Norwegian policy is quite clear on this matter. Any kind of ill-treatment is inadmissible and will be severely punished. Not only is it made plain by senior police officers to their subordinates, it is also made plain through the educational programmes for police officers, including their three year basic training.

requests for information

- in respect of 1992 and 1993:

the number of complaints of ill-treatment lodged against police officers and the number of criminal/disciplinary proceedings initiated as a result of such complaints;

The number of complaints about ill-treatment lodged against police officers in 1992 is not available because the special investigation bodies were not operational due to salary disputes from March to December during that year.

There is a possibility that the reported number of complaints lodged in 1993 might be skewed due to cases being carried over from 1992.

For further information please find enclosed the annual report on the special investigation bodies for 1993 from the Attorney General.

During 1993 in all 609 complaints were reported. Sixty of these concerned cases were from 1992 or earlier. The special investigation bodies completed their investigation in 591 cases. The recommendations to the competent public prosecutors were as follows:

- In 162 cases the complaints were found to be manifestly illfounded.*
- In 100 cases the complaints were based on allegations which, even if proven correct, would not be liable to penal prosecution or punishment.*
- In 263 cases of the complaints concerned , a recommendation was made discontinue further procedure because of the state of evidence*
- In 61 cases the complaints were recommended to be followed up by the public prosecutor*

There is no statistical data available on the final outcome on complaints after the special investigation bodies have recommended reactions against police officers. Norwegian authorities will, however, assess whether there is need for statistical data on this matter.

an account of the criminal/disciplinary sanctions imposed during that period following complaints of ill-treatment.

There is no statistical data on the final outcome on reactions against police officers after a possible court trial.

An assessment will be made on whether there is a need for such statistics.

2. Conditions of detention in police establishments

recommendations

- in cases where a detainee is, or becomes, highly agitated, the police should immediately contact a doctor and act in accordance with his opinion (paragraph 20);

In such cases a doctor is always contacted immediately.

- precise instructions to be issued to the police in order to ensure that, in cases of in corpore concealment of drugs, the necessary steps are taken solely under the responsibility of a medical authority, which should make a diagnosis and choose the appropriate treatment, staff and setting (paragraph 25);

Rules for bodily searches are found in Section 157 of the Criminal Procedure Act and Chapter 10 of the Prosecution Instructions. If a suspect does not consent, the question of a bodily search is resolved by a court order. If the purpose of the search would otherwise be thwarted, a decision by the prosecuting authority can take the place of a court order, cf. third and fourth paragraphs, Section 157 of the Criminal Procedure Act. Detailed regulations concerning who can perform bodily searches and how they are to be performed are found in Chapter 10 of the Prosecution Instructions, especially Sections 10-4 to 10-6. Section 10-5 states for instance that blood tests, x-rays, rectal and vaginal examinations, administering purgatives and other operations which may require medical knowledge, must always be performed by qualified health personnel, preferably by a doctor.

Urine samples, breath analysis and examination of the oral cavity are given as examples of examinations which may be performed by the police on their own. The Norwegian authorities have until now not received any indications that the police does not comply with these rules.

- any person required to spend the night in police custody in Norway to be provided with a clean mattress and blankets (paragraph 28).

Bedclothes and a mattress are ordered once the person has been questioned and the prosecuting authorities have decided that he should remain under arrest.

The cells in police headquarters throughout the country are for short-time stays only. Intoxicated detainees are, for example, released as soon as they are able to take care of themselves.

Persons who have been charged and arrested by decision of the prosecuting authorities shall be transferred to a prison as soon as possible. If, however, on rare occasions, a prison space cannot be provided immediately, bedclothes and a mattress are provided.

- steps to be taken to ensure that material conditions in police cells meet the requirement set out in paragraph 16 of the report (paragraph 28).

The cells and adjacent facilities, such as showers, at Oslo Police Headquarters were recently renovated and improved. Toilets and water are available in 85 of the 100 cells.

New cells and facilities are under construction or has been recently renovated at several other police headquarters throughout the country.

- steps to be taken to ensure that persons remanded in custody in Norway are not kept for prolonged periods in police establishments (paragraph 28).

Recent statistics show a considerable improvement in this area as a result of steps taken to correct the situation. Detainees are very seldom kept for prolonged periods, i.e. a maximum of five days, in police establishments.

Please see enclosure for further statistics.

comments

- the ventilation (air conditioning) at Oslo Police Headquarters appeared to be in need of improvement (paragraph 22).

The air conditioning system at Oslo Police Headquarters was renovated in 1988. According to information obtained by the Ministry of Justice the system is functioning satisfactory.

- persons in police custody at Oslo Police Headquarters claimed to have received nothing to eat or drink until they had been detained for some 24 hours (paragraph 24).

Food is served three times a day, at 0800 hours, 1130 hours and 1630 hours at Oslo Police Headquarters. If an inmate does not require food, this is noted in the journal. Norwegian authorities have not received any such complaints.

- *it would be desirable for improvements to be made as regards access to natural light in the detention cells at Asker & Bærum Police Headquarters at Sandvika (paragraph 26).*

The cells at Asker & Bærum police Headquarters which are only supplied with artificial light are below ground level. Major, excessively costly structural alterations would be needed to provide access to natural light.

The Norwegian authorities would like to call to the CPT's attention that a new ventilation system is currently being installed in the detention cells at Asker & Bærum Police Headquarters.

It should also be noted that the cells are for short-term occupancy only. The total average length of stay in the cells during two randomly chosen months, February and June 1994, is approximately 12.5 hours. Broken down to the various categories of grounds for commitment the numbers are as follows;

- *Average length of stay for detainees committed due to the Aliens Act is 12.5 hours*
- *Average length of stay due to intoxication is approximately 4.6 hours*
- *Average length of stay due to remand is approximately 20.5 hours. This number includes, however, two lengthy stays of 140.5 hours and 65.5 hours which were the result of waiting for in corpore concealment of drugs to be expelled. If the two cases of extraordinary lengthy stays are excluded, the average length of stay for remanded detainees is 13.6 hours.*

- *it would be desirable for all police cells in Norway to be equipped with a call system (paragraph 28).*

All the cells at the Oslo Police Headquarters were previously equipped with a call system. After some time it was decided that only eighteen cells should have a call system. These cells are used for persons remanded in custody.

Norwegian authorities do not consider a call system to be appropriate in cells used for recovery from intoxication because experience shows that such systems are abused and deliberately damaged.

We would also like to point out the ethical dimensions of this recommendation. A call system might be felt as an infringement on privacy as it will enable officers to listen to the inmates' activity in the cells. Visual inspection carried out at least every thirty minutes is considered to be adequate.

requests for information

- information on the use of the cell for sick detainees at Romerike Police Headquarters (number of instances of use in 1993; any regulations concerning the use of the cell) (paragraph 19);

The Romerike Police Headquarters moved into the building in 1990. No separate records have been kept, but the device for securing a person has been in use perhaps two or three times a year. In these cases, the sole purpose has been to protect the detainee. The police force occasionally has to take responsibility for a person waiting to be admitted to a psychiatric hospital. In such cases, a doctor has always been contacted, and has had no objection to the strictly temporary use of the device until a bed can be provided. It should be noted that all county municipalities are obliged, according the Mental Health Act Section 2 to provide emergency psychiatric care. The person in question is always provided with a soft surface to lie on, and is secured to the wall. The door of the cell remains open all the time. Frequent visual inspection is carried out and if necessary a police officer has been stationed permanently outside the open cell door.

In a few cases, a detainee has also been fitted with a motorcycle helmet. This has only been done to ensure that the person in question cannot injure himself.

We would also like to add that detainees on rare occasions have been secured to the wall at their own request, because they have informed the police that they suffer from claustrophobia. The alternative to closing the door has been to secure the person to the wall. During the four years the building has been in use, there have been no complaints from the detainees themselves, or from lawyers, doctors or other concerning the use of the device.

- the comments of the Norwegian authorities on the inspection of cells and the provision of food to detainees at Oslo Police Headquarters (paragraph 24).

As to our knowledge no complaints have been filed on provision of food.

As noted by the CPT, the Police Instructions stipulate that at least half-hourly inspections of cells are to be made by the custody officers. Emergency situations may, however, arise which will somewhat delay inspection. However, the Police Instructions shall be followed and non-compliance is subject to disciplinary action.

The Ministry of Justice has been monitoring the matter and will continue doing so in the future.

3. Safeguards against ill-treatment of detainees

recommendations

- persons held by the police to be entitled to have access to a lawyer from the very outset of their detention. This right should include both the right to contact the lawyer and to be visited by him (in both cases under conditions guaranteeing the confidentiality of their discussions) (paragraph 34);

The Norwegian rules comply with the CPT's recommendations. Pursuant to Section 94 of the Criminal Procedure Act, cf. Chapter 8 of the Prosecution Instructions, suspects have the right to an attorney during all phases of their case. The same provision also states that this right must be made known to the individual, as pointed out by the CPT. In this connection it may be noted that suspects must be informed before questioning that they are not required to make a statement, cf. Section 232 of the Criminal Procedure Act. Information which must be given to suspects in connection with questioning is regulated in more detail in Section 8-1 of the Prosecution Instructions. Those individuals who are charged must be informed that they have the right to an attorney of their own choosing, also during questioning by the police.

- the right of persons detained by the police to be examined by a doctor to be explicitly recognised. Further:

a detained person to be entitled, if he so wishes, to be examined by a doctor of his choice (in addition to any examination carried out by a doctor designated by the police authorities);

According to current health regulations, a patient have a right to be examined by a doctor of his/her own choice. These regulations also apply to detained persons. There may of course be practical limits to this right, such as travel distances, the requested doctor's availability, etc.

It should be noted that a 24-hour duty roster of doctors has been established in most districts of Norway. Outside normal office hours, the general public must contact the doctor on duty, and the same applies to detainees.

Generally speaking, it should be noted that medical services, both at police head quarters and in the prisons are run independently of the police and prisons.

any medical examination to be undertaken out of hearing and, preferably, out of the sight of police officers (unless the doctor concerned requests otherwise);

The issue of confidentiality is regulated by the Act relating to Medical Practitioners, Sections 25 and 31. The medical practitioner cannot consent to routines and procedures which are not considered proper medical practice.

the results of the medical examination as well as relevant statements by the detainee and the doctor's conclusion to be formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 36);

These particular issues regarding medical records are regulated by the Act relating to Medical Practitioners Sections 43 and 46, as well as by detailed regulations, both of which are enclosed. All medical practitioners are obligated to keep records in accordance with regulations instituted by the Ministry of Health. With certain exceptions, patients have a right to be informed of the contents of their medical records.

a form setting out their rights to be given systematically to detained persons by the police at the outset of their custody. The form should be available in different languages. The person concerned should also certify that he has been informed of his rights (paragraph 37);

Guidelines pertaining to judicial remedies for convicted individuals have been prepared in Norwegian, English and French. The Norwegian authorities will further evaluate the CPT's recommendations at this point. Individuals held in custody are of course represented by an attorney who throughout the case safeguards their interests in this area.

- a code of practice for police interrogations to be drawn up (paragraph 39);

Police questioning of subjects is regulated by Section 230 and 232 of the Criminal Procedure Act and Chapter 8 of the Prosecution Instructions. Detailed rules for police questioning and preparation of police reports already exists, cf. especially Sections 8-2 and 8-11 of the Prosecution Instructions.

CPT recommends to institute time limits for questioning, in addition to rest periods and breaks during questioning. Section 8-2 of the Prosecution Instructions states that questioning must not aim at tiring out the individual being questioned. The individuals must in addition be given an opportunity to participate in normal meals and get their necessary rest.

Those being questioned are entitled to a break in the questioning if they become tired and request a break.

With regard to the requirements concerning what should be recorded, the rules for preparation of police reports also comply with the CPT's recommendation.

With regard to consideration for especially vulnerable individuals, there are regulations for this in Sections 84, 96, 232 and 232a of the Criminal Procedure Act, cf. Section 8-3 of the Prosecution Instructions. When minors are questioned, the right to assistance by their legal guardian and notification of the Child Welfare Services can be mentioned as an example. The right to assistance by a legal guardian also applies to mentally ill individuals. These individuals can be exempted from appearing in court if it is regarded as harmful to them.

- *the possibility of making electronic recording of interrogations a standard practice to be examined. The system to be introduced should offer all appropriate guarantees (for example, consent of the person in custody; use of two tapes, one of which would be sealed in the presence of the detainee and the other used as a working copy) (paragraph 40);*

The Committee has noted that Section 8-13 of the Prosecution Instructions authorises such recordings, but they are seldom used in practice. The main advantage of using electronic aids is that such recordings would have a greater evidential value than whatever is rendered from a police report. A recording will depict how the questions were asked and how the statements were made.

The Norwegian authorities are in doubt as to whether the recommendation would represent prudent use of the economic

resources available and as to whether this will contribute to the case being further enlightened.

- the return to police custody for questioning of a remand prisoner held in prison should be subject to the authorisation of a judge or public prosecutor (paragraph 41);

Individuals are remanded in custody by court order only, except for the first 24 hours by decision of the prosecuting authority. Custody is used for further investigation and questioning. It may be noted that of all the reports made to the special investigation body until now, none have been linked to the conditions discussed by the Committee here. The CPT's recommendation would clearly result in an extension of time spent in custody and the time used for the investigation. In this connection it may be pointed out that the individual remanded in custody is not required to make a statement to the police.

- the possibility of establishing an individualised custody record to be examined (paragraph 42).

The proposal will be considered by the Norwegian Authorities, which will give further details on possible steps to be taken in the follow-up report to the CPT.

requests for information

- the comments of the Norwegian authorities on allegations that detainees did not have the opportunity to have their family or a third party informed of the fact of their detention until after questioning by a detective, or even until after their appearance before the prosecutor, and that detainees had not been informed of the outcome of the notification once it had been made (paragraph 31);

Section 182 of the Criminal Procedure Act states that the prosecuting authority and the police have an independent duty to make sure that the household of an individual under arrest or other person designated by the individual is notified. Unless the individual under arrest is immediately questioned, and such questioning does not last long, it would be in violation of this provision to postpone such notification until after the completion of the questioning. If it is assumed that notification will significantly harm the investigation, then such notification may be omitted. This question must then be submitted to the court the first time the individual under arrest makes an appearance.

The complaints that have been made concerning individuals under arrest who have not been able to notify their relatives were in most cases the result of inadequate capacity. Most complaints have been made for arrests at night. It has also occurred that the police have attempted to contact the next of kin without success, and the individual under arrest has not been advised of this.

- *the way in which a balance is ensured between, on the one hand, the legal remedies of police officers against persons who have made false accusations and, on the other hand, the need not to deter victims of ill-treatment by the police from lodging complaints (paragraph 44);*

The CPT points out that it is important that the police officers' access to take legal action against individuals who have made false accusations of encroachment does not prevent victims of abuse on the part of the police from submitting a complaint to the police. Both reports of encroachment on the part of the police and reports of false accusations from the police are dealt with as separate criminal cases, with all the ensuing ramifications such as burden of proof, complying with rules, etc. In practice, the prosecuting authority is very restrictive when it comes to indicting a suspect for making a false report against a police officer. Only in cases where there is an admission to the false report or it can be documented by objective means is an indictment considered. In this connection we would like to point out that the police have complained that the prosecuting authority is too lenient in its reactions against individuals who have made reports which with a high degree of probability have been considered to be unfounded.

- *whether the competent judicial authorities carry out on-the-spot supervision of the execution of custodial measures (paragraph 45).*

No such arrangements exist in the police service. However, the issue was raised in connection with a complaint that a person subject to a custody order was held in police detention after the five-day limit.

The matter has not, however, been considered by the Ministry of Justice, which is responsible for supervision of the police.

Moreover, it should be noted that complaints in connection with the use of coercive measures by the police during the investigation of criminal cases are dealt with by a superior prosecuting authority, either the public prosecutor or director general of public prosecutions.

B. Snarøya Holding Centre for Asylum Seekers

recommendations

- consideration to be given to introducing medical screening - either by a doctor or by a qualified nurse reporting to a doctor - for each new arrival at the Centre (paragraph 48);

Compulsory medical screening of all asylum seekers is carried out shortly after they apply for asylum in Norway.

Asylum seekers who arrive at the Centre shortly after having applied for asylum, will therefore recently have been through the above-mentioned medical screening.

Asylum seekers who arrive at the Centre after a longer stay in a state reception centre will have had access to the ordinary health system in the municipalities and county municipalities and will have received any necessary medical care during their stay there.

All asylum seekers who arrive at the Centre will in any case have access to any necessary or requested medical care during their short stay in the Centre. All requests for medical care have been complied with.

It should be noted that the average stay in the Centre is between one and two days and that some people stay in the Centre for only a few hours.

- an information booklet to be given to persons held in accordance with the legislation on aliens, in order to explain their rights, the procedure applicable to them and the rules of the Centre; this booklet to be made available in an appropriate range of languages (paragraph 49).

An information booklet concerning asylum seekers' rights, the procedure applicable to them and the rules of the Centre will be finished in the near future.

This booklet will be available in an appropriate range of languages.

comments

- the Norwegian authorities are invited to explore the possibility of making additional activities available to persons staying at the Centre for other than a short period (paragraph 47).

The average stay in the Centre is, as mentioned above, one to two days. Longer stays seldom occur.

The practice at the Centre is that persons who stay there for more than two weeks are transferred to custody in ordinary prisons. Asker & Bærum Police Headquarters recommends that persons who stay in the Centre for less than two weeks, but who appear to require additional activities should also be transferred to ordinary custody.

In 1992 the Ministry of Justice authorised the purchase of various toys for children staying in the Centre. There is now a need to supplement these, and this will be done in the near future.

requests for information

- information on the arrangements made in practice to ensure compliance with the formal safeguards which exist to ensure that foreign nationals are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment (paragraph 50).

The Norwegian immigration authorities consider it very important to have a sound knowledge of the situation in the relevant countries.

All international treaties regarding the matter have been ratified by Norwegian authorities and there is extensive Nordic cooperation to ensure that foreign nationals are not returned to a country where they run a risk of being subjected to torture or to inhuman or degrading treatment or punishment. Additionally, information is gathered from sources such as the UNHCR, Amnesty International, the Ministry of Foreign Affairs, Norwegian foreign service missions and official visits made by employees of the immigration authorities.

It should also be noted that asylum seekers have the right to be represented and counselled by an attorney of their own choice, free of charge.

C Prisons

1. Torture and other forms of ill-treatment

requests for information

- in respect of 1992 and 1993:

the number of complaints of ill-treatment lodged against prison officers;

Norwegian authorities have not compiled formal statistics on complaints of ill-treatment. Allegations are dealt with on a case to case basis, and most are resolved locally.

The need to compile such statistics on a regular basis will be assessed.

the number of cases in which disciplinary/criminal proceedings were initiated as a result of complaints of ill-treatment, with an indication of any sanctions imposed (paragraph 55).

No systematic statistics are currently available. Cases which result in criminal proceedings are followed up by the prosecuting authority, while cases resulting in disciplinary sanctions imposed by the prison administration are recorded by each institution, unless the decision is appealed and forwarded to the Ministry of Justice or ultimately appealed in court.

The need to compile such statistics on a regular basis will be assessed.

2. Solitary confinement of remand prisoners by court order

recommendations

- the necessary steps to be taken to ensure that:

the imposition of restrictions on contacts between a remand prisoner and others, and the renewal of such restrictions, is applied only in cases where it is absolutely essential in order to protect the interest of justice;

The enforcement of a ban on or surveillance of correspondence and visits is regulated in the second paragraph, Section 186 of the

Criminal Procedure Act. It is the court which determines whether a ban on or surveillance of correspondence and visits will be imposed. Such restrictions may only be imposed when called for out of consideration for the investigation and when the nature of the case and other criteria indicate that it is not an unreasonable encroachment, cf. also Section 174 of the Criminal Procedure Act. The age and health of the charged individual and the assumed harm of the restriction will be important factors in such an evaluation.

whenever a prisoner subject to measures restricting his contacts with others, or a prison officer acting on his behalf, so requests, a doctor is called forthwith to examine the prisoner. The findings of the examination, including an assessment of the prisoners physical and mental health and, if appropriate, the foreseeable effects on continued isolation, to be set out in a written report to be sent to competent judicial authorities;

Any prisoner, regardless of whether or not he is subject to measures restricting his contacts with others, may request a medical examination by a doctor. If the inmate so wishes, the findings of the examination will be set out in a written report and passed on to the competent judicial authorities (Act relating to Medical Practitioners Sections 30 and 32)

any prisoner subject to restrictions for an extended period is offered activities in addition to outside exercise and guaranteed appropriate human contact (paragraph 65);

Prisoners subject to restrictions will, as far as personnel and other resources permit, be offered various activities, including work-related activities in their cells, opportunities for physical exercise and contact with prison staff.

- improvements to be made to the exercise areas set aside for remand prisoners held in solitary confinement by court order at Oslo and Ullersmo Prisons, in order to give them adequate space to exert themselves physically, preferably with shelter from inclement weather (paragraph 66).

The construction of shelters from inclement weather within the exercise areas set aside for prisoners held in solitary confinement by court order at Ullersmo and Oslo prisons would reduce the amount of space in which inmates can take physical exercise and make the areas less secure with regard to escapes.

The Norwegian authorities have no plans to erect such shelters. However, it should be noted that the prisons supply inmates with suitable clothing for poor and cold weather.

Ullersmo Prison is currently drawing up plans to improve opportunities for various types of physical activity within the exercise areas.

Oslo Prison offers inmates of this category opportunities for physical activities in other parts of the institution.

comments

- it would not be acceptable for inmates to be held, as a matter of routine, in solitary confinement during their first week of remand (paragraph 65).

A ban on or surveillance of correspondence and visits is not imposed routinely for charged individuals during their first week of remand in custody.

The enforcement of a ban on or surveillance of correspondence and visits is regulated in the second paragraph, Section 186 of the Criminal Procedure Act. It is the court which determines whether a ban on or surveillance of correspondence and visits will be imposed. Such restrictions may only be imposed due to the investigation and when the nature of the case and other criteria indicate that it is not an unreasonable encroachment, cf. also Section 174 of the Criminal Procedure Act. The age and health of the charged individual and the assumed harm of the restriction will be important factors in such an evaluation. The Norwegian authorities find it unacceptable to use restrictive measures to create psychological pressure on the charged individuals.

requests for information

- whether the exploitation by the police of "forbud/kontroll" measures as a means of exerting pressure on detainees with the aim of advancing their enquiries would constitute a breach of the relevant provisions in the Prosecution Instructions (paragraph 60);

An investigator may advise suspects that if they continue to refuse to make a statement then the police will petition for a ban on or surveillance of correspondence and visits or an extension thereof. The investigator may inform suspects of the prosecutorial consequences that will result from their stand. Suspects may also be informed that the restrictions will be loosened if they cooperate.

In the opinion of Norwegian authorities, information on the use of bans on or surveillance of correspondence and visits represents a violation of Section 8-2 of the Prosecution Instructions when it is used without procedural basis for petitioning for, or repealing a ban on, or surveillance of correspondence and visits.

- whether the decision to impose restrictions on prisoners' contacts with others is appealable (paragraph 65);

A ban on correspondence and visits can be appealed in the same manner as other court orders, cf. Section 377 of the Criminal Procedure Act. The police can also repeal the ban/surveillance when it is no longer required.

- whether the reasons for decisions to impose or extend restrictions are recorded in writing and whether the person concerned is informed of those reasons (paragraph 65);

Reasons must be given for court orders and they must be recorded. The court makes sure that the individual remanded in custody is advised of the court order, cf. Sections 19 and 52 of the Criminal Procedure Act.

- in respect of the last four years:

statistics on the number of persons remanded into custody under section 171 of the Criminal Procedure Act on the ground of the prevention of the destruction of, or interference with, evidence, expressed as a percentage of the total number of persons remanded into custody;

statistics concerning (i) the number of remand prisoners subjected to restrictions under section 186.2 of the Criminal Procedure Act, expressed as a percentage of the total number of persons remanded, and (ii) the length of time during which such restrictions were applied (paragraph 65);

The requested statistics have not being compiled by Statistics Norway, and are thus not available.

The need to compile such statistics on a regular basis will be assessed.

- the results of the study on the length of remand detention commissioned by the Norwegian authorities (paragraph 67).

This matter will be dealt with in the follow-up report.

3. Ullersmo Prison high security unit

recommendations

- appropriate steps to be taken to ensure that placement in a high security unit for an extended period is fully reviewed at least every three months, where appropriate, on the basis of a medico-social opinion (paragraph 76).

According to Circular F.st. 11/92 a decision on placement in the high security unit is valid for four months. The placement may thereafter be renewed for further periods of four months, up to a limit of two years (not 6 months as reported in paragraph 68 of the CPT's report).

In addition to the four-monthly reviews, each individual's committal to the unit is assessed weekly by the director in meetings with security, health, and social welfare personnel, thus complying with the CPT's recommendation to include medico-social opinion in the review.

The Norwegian authorities are taking steps to ensure that full reviews of placements in high security units are conducted every three months.

comments

- in order to improve the situation within Unit S at Ullersmo, it would be advisable to discontinue using it to accommodate remand prisoners subject to solitary confinement by court order (paragraph 73).

The Norwegian authorities do not find that the presence of prisoners on remand subject to solitary confinement by court order impairs the quality of life enjoyed by convicted prisoners assigned to the unit. The convicted inmates are given priority and their regime maintained regardless of whether or not prisoners on remand in solitary confinement are placed in the unit.

requests for information

- the comments of the Norwegian authorities on the desirability of inviting inmates from other units of the prison to take part on a voluntary basis in activities organised within Unit S (paragraph 73);

An inmate is only committed to a high security unit if all other security measures have been exhausted or are obviously inadequate.

A decision to commit a prisoner to Unit S must thus be based on very strong indications that such placement is necessary to prevent escape, the influx and/or handling of illegal substances and contraband, or (intentional) destructive and disruptive influence on the prison population.

Thus, it is normally inadvisable to mix prisoners in the Unit with other inmates for security reasons.

- whether a prisoner placed in a high security unit, or in respect of whom such a placement is renewed, is informed in writing of the reasons for that measure (it being understood that the reasons given might not include details which security requirements reasonably justify withholding from the prisoner) (paragraph 76);

Prisoners committed to a high security unit are informed in writing of the reasons for the measure by the Director or, if the decision is upheld after an appeal has been lodged against it, by the Central Prison Board.

- whether the prisoner concerned can put his views to the competent authority before any final decision is taken on his placement/renewal of his placement in a high security unit (paragraph 76);

An appeal to the competent authorities against a decision on placement in a high security unit can be made, but does not have a suspensive effect.

- the avenues open to a prisoner for the purpose of challenging a decision to place him in a high security unit, or to renew such a placement (paragraph 76).

An inmate may appeal a decision on placement in a high security unit to the Central Prison Board. If the appeal is turned down, the decision may be tried in court.

4. Conditions of detention in general

recommendations

- steps to be taken to ensure that the inmates of Block A in Oslo Prison (and in any other Norwegian prison where similar conditions apply) have ready access to toilet facilities at all times (paragraph 78);

All new prisons currently under construction or recently constructed are equipped with individual toilet facilities adjoining each cell.

The general rules on release from cells during night were recently altered after one prison officer was killed and another taken hostage after having released an inmate who claimed that he needed to visit the toilet.

Norwegian authorities are not planning to take special steps to ensure that all inmates have ready access to toilet facilities during the night.

- the reception cells at Oslo Prison to be renovated in the light of the remarks formulated in paragraph 79 of the report (paragraph 79)

Oslo prison is currently being completely renovated at a total cost of NOK 40 million. The work will be completed within three years.

The broken window in the reception cell at Oslo Prison has been repaired. The installation of a call system is being considered, as well as fitting glass on the inside of the window bars to prevent suicide attempts. However, fitting a glass pane on the inside of the bars would impair ventilation through the window.

- steps be taken to increase the number of work places available to the inmates of blocks A and B at Oslo Prison (paragraph 82).

In Block B, D wing, work is distributed to inmates confined to their cells due to restrictions placed upon them by court order. Subject to approval by the police, some remand prisoners may also work in small groups, despite the fact that they are restricted to solitary confinement by court order.

Oslo Prison is planning further improvement of work opportunities offered to inmates in Block B of the institution.

All prisoners in Block A at Oslo Prison are offered either work or educational programmes.

5. Medical services

recommendations

- appropriate measures to be taken to ensure that every newly arrived prisoner, whether convicted or on remand, is seen on reception by a member of the prison health service, who is either a doctor or a qualified nurse reporting to a doctor (paragraph 89);

The rules regulating prisoners' health services are to be found in Section 42.5 of the Prison Rules. These rules only prescribe automatic medical screening of inmates in "central prisons" - i.e. facilities to which convicted inmates with sentences of minimum 6 or 18 months from the entire country are committed. The Oslo Prison is not a central institution and inmates are thus not automatically screened by health personnel.

However, in order to ensure that all necessary information is communicated to the institution's medical staff, every prisoner is, upon arrival, asked to complete a questionnaire on his health status, need of medicines, etc. If the completed questionnaire so indicates, the inmate will immediately be seen by a member of the medical service team. Additionally, inmates at risk, such as prisoners under the influence of drugs upon arrival, or known drug abusers, prisoners in solitary confinement by court order for more than one or two weeks, etc. may be visited without themselves explicitly requesting this.

The Norwegian authorities will in the near future assess whether there is a need for health personnel to see every newly arrived inmate at Oslo Prison (and other prisons of similar category), regardless of grounds for committal, length of expected stay, etc. There might be practical reasons grouping inmates in two categories, one to be seen by health personnel immediately after arrival, and the other to contact the health services themselves when the need arises, as is the general practice now, both in prisons and in society in general.

- steps to be taken to ensure that mentally ill persons are not placed in Ila prison and that any prisoner sent there who is subsequently diagnosed as mentally ill is transferred to a psychiatric hospital without delay (paragraph 94).

Norwegian authorities have taken steps to ensure that mentally ill persons are not placed in Ila prison or other penal institutions.

Among the above mentioned initiatives is a bill submitted to the Storting on July 1, 1994 proposing changes in the current rules.

The purpose of the bill is;

- to abolish the current system of security detention*
- mentally ill offenders may be sentenced to involuntary psychiatric treatment*
- to improve safeguards and court control*
- to improve society's protection from dangerous offenders*

For further information on the bill, please see the enclosed press release.

Until the above mentioned bill is amended, admission to and treatment in psychiatric hospitals are regulated by the current Mental Health Act.

All cases of psychotic disorder referred by the ordinary health services to the psychiatric team servicing Ila Prison, have resulted in applications for and referrals to ordinary psychiatric hospital. When emergency psychiatric care is needed, it is the team's experience that patients are admitted within one to three days.

requests for information

- *information about the institution to be set up for prisoners suffering from personality disorders (planned date of entry into service, staff, regimes and therapeutic programmes, etc.) (paragraph 95);*

The construction of the institution, which will have room for 30 - 35 inmates with severe personality disorders is planned to be completed during 1998.

The aim of the institution's regime is two-fold;

- the protection of society from dangerous criminals;*
- the creation of an environment which will prevent deterioration of the clients' mental and behavioural state, and which will improve the prospects of rehabilitation.*

Both the daily regime and the therapeutic programmes will reflect these goals. Work and leisure activities for the detainees will be closely supervised and assisted by staff members.

Inmates may, upon their own request, receive ordinary psychiatric treatment from the general health services. As the institution will be

formally administered by the Prison Service it will be defined as a prison, and involuntary treatment or medication will be prohibited.

If a need for involuntary treatment or medication should arise, inmates should be transferred to psychiatric hospitals in the general community, as is the case today. Such transfers may also take place on a voluntary basis.

Like all other penal institutions, the institution will mainly be staffed by prison officers, all of whom have completed two years of further education, including courses in psychology, sociology, etc. The staff will include social workers and other professionals. The planned staff/inmate ratio is 3:1.

For further information, please see enclosure.

- information about the psychiatric services which are available to persons detained at Ullersmo Prison (paragraph 97);

One psychologist works 80% of a full position at Ullersmo and may be contacted directly by the prisoners. Another two psychologists offer inmates individual therapy on referral by the ordinary prison health services.

The position of psychiatrist, serving both the general community and the prison, is currently vacant. The position has been vacant during the past one and a half year. The vacancy has been advertised twice, but there has been no qualified applicants. Until this position is filled, such services are, when needed, supplied by a senior psychiatrist who may be consulted.

In addition to the above-mentioned "in-house services" at the prison, inmates may also be given short-term leave to consult psychologists and psychiatrists on an out-patient basis in the general community.

If hospitalisation is needed, prisoners are admitted to ordinary psychiatric hospitals in accordance with the Mental Health Act.

- the comments of the Norwegian authorities on the possibility of developing the preventive aspects of the anti-drug programme, together with their comments on whether enrolment in the treatment programme, organised in conjunction with an outside association ("Tyrilikkollektivet") and applied in unit C3 of Block A at Oslo Prison, was confined to Norwegian nationals (paragraph 99).

There are no formal barriers denying foreign nationals' participation in the treatment programme in unit C3 in Oslo Prison. Each applicant is individually screened, and security considerations are taken into account. As the programme includes a lengthy stay in an ordinary treatment centre at the end of the sentence, foreign nationals may be barred if a final decision to deport them upon release has been made. Financial barriers are also more likely to prevent participation if the inmate is to leave Norway after release. All applicants to the programme, regardless of nationality, must obtain guarantees from their municipalities of residence to pay for further treatment upon transfer from the C3 unit. Both foreign nationals and Norwegians alike may be unable to secure such funds, as may prospective clients of the Tyrili Centre who are not serving prison sentences.

6. Other aspects of relevance to the CPT's mandate

recommendations

- the conditions under which extended visits take place in Block B of Oslo Prison to be substantially improved. The aim should be for those visits to take place under homelike conditions, thereby promoting stable relationships (paragraph 109);

The conditions under which extended visits take place in Oslo Prison have been improved by installing proper furniture, such as a couch, chairs, a table etc. in the visiting rooms.

- the natural lighting in the security cells in the basement of Block B at the Oslo Prison to be improved substantially and the cells to be fitted with a call system. If it were not to prove possible to make these improvements, the cells to be taken out of service (paragraph 116);

Oslo Prison is, as a part of the total renovation, currently developing plans to improve the security cells in the basement of Block B.

- the material conditions of detention in the disciplinary cells at Oslo Prison to be improved; preferably, they should be equipped with a sleeping platform, and a table and chair, if necessary fixed to the floor (paragraph 123);

There are no "disciplinary cells" in Norwegian prisons. Any disciplinary sanction entailing isolation from the prison community (section 35.2 of the Prison Regulations) must be carried out in

ordinary prison cells, not in cells in any way stripped of ordinary furnishing.

It would not be advisable to equip security cells with any kind of furniture.

- a booklet setting out the daily routine and the prison regime, the rights and obligations of inmate and staff, avenues for complaint and disciplinary procedures to be made available to inmates, not only in Norwegian and English, but also in the other languages commonly spoken by prisoners (paragraph 130);

Oslo Prison will, in the near future, review its written information to inmates, with regard to both content and the languages in which it should be made available.

Ullersmo Prison will ask inmates to participate in the development and translation of information to other inmates. Ullersmo's prison population is truly international and information will be made available in the most common languages.

- measures to be taken to separate persons held under the Aliens Act from remand prisoners, and to provide them with a regime in keeping with their situation (paragraph 131).

The question of whether persons in prison held under the Immigration Act should be separated from other prisoners, and whether they should not be held in prisons, but rather in premises specially designed to accommodate them, is under evaluation.

comments

- it would be appropriate to carry out more frequent visual checks on prisoners confined to a security cell (paragraph 115);

Visual checks of inmates in security cells shall be carried out as a minimum at least every hour. Cells will be checked more often if either prison or other personnel consider this necessary in individual cases.

- it would be preferable not to hold persons detained under the Aliens Act in prisons, but rather in premises specially designed to accommodate them (paragraph 131).

The question is being considered by Norwegian authorities (see comments above) as part of a general project assessing the future over all structure of the prison system.

requests for information

- information on controls at Ullersmo Prison designed to combat drug trafficking in the establishment, and their impact on staff-inmate relations (paragraph 105);

Ullersmo Prison utilises various control instruments to combat drug trafficking in the establishment, including placement in Unit S.

In addition random checks of prisoners' cells and communal areas are carried out, sometimes using specially trained dogs.

In accordance with circulars and prison rules and regulations, a special toilet is used, when needed. So far the toilet has been used three times in 1994, and in all instances illicit drugs were expelled. Urine samples are obtained from inmates taking part in a voluntary scheme and may be required if drug use is suspected.

For at least three months after the inmate's arrival at the prison, visits are supervised, either a prison officer is present during the visit, or a window with telephone contact is used. Thereafter visits are only supervised if deemed necessary after individual assessment

All incoming and outgoing correspondence which is not explicitly excluded from control measures is read by specially appointed prison officers. Incoming packages are sniffed by specially trained dogs.

All telephone calls are monitored by prison officers, unless explicitly excluded from such measures.

Most control measures are carried out by prison officers as part of their daily routine. Conflicts between prison officers and inmates have occurred as a result of these controls. In order to prevent misunderstandings and unnecessary conflicts it is repeatedly emphasised that prison officers must behave correctly towards inmates at all times.

- confirmation that a new Director of Ila Prison has been appointed and taken up his functions (paragraph 106);

A new director has been appointed and took up his functions as director of Ila Prison in September 1993.

- the results of any enquiries which may have been conducted in response to allegations that detainees' mail to human rights bodies of the Council of Europe was being held up and that telephone calls between prisoners and their lawyers handling the applications in question were monitored, together with information on any measures which may have been taken as a result (paragraph 112);

There have been few such allegations and thus few enquiries conducted. The Ministry of Justice has in some cases issued statements regretting the incident. Additionally it has been strongly pointed out to staff and leadership of the various institutions that the action constitutes a breach of regulations.

- the comments of the Norwegian authorities on the fact that, in a few isolated cases in 1992, stays in security cells of longer than a few days had occurred at Oslo and Ullersmo prisons (paragraph 119);

The cases referred to above have been identified by Norwegian authorities. According to information received by the Ministry of Justice, these cases illustrate problems which may arise when inmates display threatening or abnormal behavioural patterns, such as breaking and destroying the furniture, sink etc. in their own cells, threatening or acting violently towards prison staff and/or fellow inmates, etc.

Before an inmate is placed in a security cell, an effort must have been made to persuade the inmate to cease the destructive behaviour which is the direct cause of the placement, or such efforts must be considered to be obviously in vain.

In most cases inmates calm down within a short period after being placed in a security cell, and can be transferred back to ordinary cells.

However, in one of the cases referred to by the CPT the inmate in question refused to move out of the security cell to his normal cell. He was placed in a security cell due to threats and threatening behaviour against prison officers.

In some other cases inmates were ultimately transferred to psychiatric care because the prison's medical staff considered it necessary and requested admittance to appropriate institutions. As the CPT points out, this process may, take some time for inmates, just as it does for the public in general.

- whether the following safeguards exist in Norway:

the right for any detainee in respect of whom means of restraint have been used, to be examined and, if necessary, treated by a doctor without delay;

Inmates in respect of whom means of restraint have been used have, like all other inmates, the right to be examined, and, if necessary to be treated by a doctor without delay. According to the Rules on Means of Restraints, Section 12, the prison doctor must, if possible, be consulted before the placement. If advice cannot be obtained before placement, the prison doctor must be informed as soon as possible after a decision on placement has been reached to give advice on further action.

such medical examinations performed out of the hearing and, unless the doctor requests otherwise, out of sight of non-medical personnel;

The issue is governed by the Act relating to Medical Practitioners, Sections 25 and 31. For further details, please find enclosed the Act relating to Medical Practitioners with comments. In the opinion of Norwegian authorities, the safeguards listed do exist.

the recording in writing, and transmission to the detainee, of the results of the medical examination as well as any relevant statements by the detainee and the doctor's conclusions;

These particular issues regarding medical records are governed by the Act relating to Medical Practitioners, Sections 43 and 46, as well as by detailed regulations, both of which are enclosed. All medical practitioners are obliged to keep records in accordance with regulations laid down by the Ministry of Health. With certain exceptions, patients have a right to be informed of the contents of their medical records.

the existence in each establishment of a central register containing full particulars of each case in which means of restraint have been used (paragraph 120);

Pursuant to Section 13 of the Rules on Means of Restraint, all incidents in which restraints are utilised must be recorded in a separate protocol. Moreover, a prison officer who has used restraints must immediately make an oral report to his superiors, and afterwards submit a written report. If the prison doctor has been consulted, he must at once inform the prison management of the consultation. The Central Prison Board must also be informed of

cases in which means of restraints have been used. For further details, please find enclosed the Rules on Means of Restraints, in which these questions are regulated.

- further information on the suggested abolition of prison Supervisory Boards and Supervising Officers (paragraph 129).

The suggestion has not yet been considered by the Norwegian authorities.