

Response of the Icelandic 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 Iceland

from 29 March to 6 April 1998

The Icelandic Government has requested the publication of this response. The CPT's report on its visit to Iceland is set out in document CPT/Inf (99) 1.

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The President of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment
Mr. Ivan Zakine
Council of Europe
67075 Strasbourg Cedex
France

Dear Mr. Zakine,

With reference to Article 10 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment I have the honour to present the response of the Icelandic authorities to the CPT report on the Committee's visit to Iceland from 29 March to 6 April 1998. The Icelandic Ministers of Justice, Foreign Affairs, Health and Social Affairs have all contributed to the drafting of this response which is regarded by the Icelandic authorities as definitive.

The authorities have responded to the recommendations, comments and requests for information made in the CPT report, following the order used in the Summary in Appendix 1. Please let me know if this response gives rise to any further queries from the Committee, or if follow-up reports are expected on any specific matter.

The Icelandic authorities appreciate that the CPT was generally pleased with its reception in Iceland. Wherever it is possible, and where thought necessary or desirable, the recommendations of the CPT have been taken to heart and implemented or are to be implemented. The authorities will make their response public, once it has been submitted to the CPT.

The Icelandic authorities wish to express their appreciation of the Committee's work and look forward to working closely with the CPT in the future.

Yours truly,

Sveigþórsdóttir

INTRODUCTION

The replies of the Icelandic Government to the recommendations, comments and requests for information made by the European Committee for the Prevention of Torture and Inhuman or degrading Treatment or Punishment (CPT) following its visit to Iceland from 29 March to 6 April 1998 are presented in the following.

The recommendations, comments and requests for information made by the CPT are summarised in Annex I to its Report. These replies relate to the points made there, and are presented in the same order.

Preliminary Observations

The XIITσ report was introduced to the Icelandic Government 12 February 1999, and the main conclusions explained. It was noted that chief importance was to be given the action programme for prisons, laid down in 1992. The largest unfinished tasks are the construction of a remand prison in Reykjavík, provision of work for prisoners and more efficient treatment and rehabilitation programmes in the prisons.

The Ombudsman of Parliament was afforded an opportunity to make proposals and observations on the preparation by the Government of a report following the XIITσ visit and the comments subsequently made by the CPT. He did not consider that this suited his role and position as defined in the Act on the Ombudsman of Parliament, No. 85/1997; however, if the Ombudsman deemed any such observations necessary, they would be notified the Government in the manner provided for in the said Act.

As regards health care institutions, this field is subject to continuing work and contact is constantly maintained with the persons responsible for the institutions providing health care services in prisons. The XIITσ comments have been very constructive and efforts are made to act upon them in full. However, some of the comments reflect the fact that various factors, such as the division of responsibilities between the members of the various health care professions, may differ from one country to another. Notwithstanding any such differences, the main consideration must be that the quality of the services in question is the best possible.

Important legal and organisational changes have been made since the XIITσ first visit, in particular as regards law enforcement.

The office of the National Police Commissioner has been established by the new Police Act, and the new Icelandic national police force, which, among other functions, took over the role of the National Bureau of Investigation, is now subject to National Police Commissioner, who in turn is subject to the Minister of Justice.

Regional police commissioners have received powers of prosecution in minor criminal cases.

A prohibition of torture and other inhuman or degrading treatment or punishment has been included in the Constitution by Constitutional Amendment Act No. 97/1995, and amendments have also been made to the General Criminal Code in the same purpose.

A. Police establishments

1. Ill treatment

Comments

13. *In the light of the information received during the visit, the CPT invites the Icelandic authorities to remind police officers of these principles in an appropriate manner.*

Reply: The Icelandic Government attaches very high importance to protection of the citizens against any unnecessary application of physical force by police, and, where physical force must be applied, that this does not exceed the level necessary to overcome resistance.

On 22 February 1999, the Minister of Justice issued rules on application of force by police. There, it is clearly stated that police shall only resort to force when necessary, and that the degree of force applied shall be as required by the particular situation. The degrees of application of force, and their order of application, are defined. The new rules and the notes accompanying them have been introduced and emphasised in all police precincts. The State Police School will also provide more detailed tuition on these matters than previously. This will be included in police training and the detailed explanatory notes presented with them. The rules are not published. It is planned to adapt similar rules on application of force for prison staffs and for the Icelandic Coast Guard, as that agency also wields police authority. A copy of the rules is enclosed with this Report.

The CPT mention in Paragraph 13 of their Report that the Icelandic authorities should remind police officers, in the light of the information received during the visit, of the principle that when effecting an arrest, force must not exceed what is necessary. The reasons for this invitation may probably be traced to the observation made in Paragraph 143 on this matter. It is appropriate here to call attention to the unequivocal provisions of Sections 13 and 14 of the Police Act, No. 90/1996, to the effect that police activities are subject to the principle of proportionality. This also recalls Section 101 of the Code of Criminal Procedure, which provides that when arresting a person, no more inconvenience shall be caused him than necessary. Policemen may be expected to be fully familiar with all these provisions from their training courses, re-education courses, and the general instructions to be given them by their respective police commissioners. The State Police School also emphasises that arrests are in every respect to be conducted as laws and regulations provide. In courses on procedural law a detailed overview is presented of permissible use of force by police and compulsory measures, and practical training emphasises that the aim of such measures must be reached in a manner affecting the persons involved as little as possible.

As the CPT has recommended, the National Police Commissioner will take measures to notify policemen of the Χομμιττεεσ observations in this regard and instruct the regional commissioners to explain the reasons underlying them to the policemen. This is however a delicate matter, and it may be expected that the policemen will ask for information on whether, and if so how, the CPT has sought to confirm the accusations brought forth, few as they may be.

2. Conditions of detention in police establishments

Recommendations

18. *Remand prisoners detained at the Keflavík Police Station should be offered the opportunity to take proper outdoor exercise every day.*

Reply: The Magistrate at Keflavík plans to improve the facilities for outdoor exercise by fencing off an area for the purpose. Until such a fence can be erected he will reduce the use of the cells at his disposition for housing remand prisoners by sending them to continued remand imprisonment to the Litla-Hraun prison, where adequate room for remand prisoners is now available in place of the Sólumþrison, now taken out of use. In consequence remand prisoners will only be accommodated at the Keflavík police detention facility for more than two or three days, subject however to exceptions in very special cases.

Comments

18. *It would be far preferable for remand prisoners to be transferred immediately to a prison.*

Reply: Efforts have been made to ensure that remand prisoners are brought to prison as soon as possible, and significant progress has been made, for example in Reykjavík. However, situations sometimes occur when many persons are remanded, and accommodating them all in the same prison is deemed undesirable. We furthermore note that in remote and sparsely populated areas it may be difficult to transport remand prisoners to Reykjavík (or Akureyri), except at high

cost and inconvenience for the investigation, and in such cases this may even have the effect of prolonging the period of remand. For Vestmannaeyjar, the rule has been adopted that a remand prisoner is generally not to be kept there for more than four days, except if travel to the mainland is impossible due to weather.

Requests for information

16. *The timetable for the renovation work to be performed in the detention cells at the Reykjavik Police Headquarters and the precise improvements involved.*

Reply: Last autumn some improvements were made to the floors of the detention facility and to the showers, as moisture had penetrated the floor and affected the ceiling below. This was done in connection with renovation work in the lower storey. Air conditioning in the cells was also improved and a fire alarm system installed. At the beginning of this year responsibility for the maintenance of the police premises at Hverfisgata was passed to the State Real Property Authority, which has embarked upon extensive changes and amendments to the premises. It is clear that major improvements and renovation of the premises will have to be undertaken in the next few years. This involves, in particular, air conditioning, outdoor painting and elimination of cracks in individual cells. In the coming months the office of the Commissioner will, in co-operation with the Real Property Authority, organise the order of priorities for this work, which will take two to three years. The observations of the CPT will be duly considered in laying down the priorities. There are however no plans for further improvements to the detention facility in this year. The office of the Commissioner wants however to point out that daylight enters most of the cells through thick glass, and the persons detained by police are generally free the next morning following a few hours detention.

3. Safeguards against the ill-treatment of persons deprived of their liberty

Recommendations

24. *That specific provisions be adopted (as recommended in doc. CPT/Inf (94) 8, paragraph 36) governing access to a doctor for persons detained by the police.*

Reply: The Icelandic authorities reiterate the substance of their reply to the CPT of 23 March 1994, that the fundamental principle of providing medical assistance to an arrested person when needed, is followed. An arrested person who requests medical assistance is either brought to the place where general emergency services are provided to the public, or by summoning the doctor responsible for emergency medical services in the area in question. We do not know of any problems or complaints to the effect that medical services have been denied an arrested person.

It should also be noted that when a doctor is called to attend an arrested person, or an arrested person brought to a doctor, the service is provided in the same manner as ordinarily practised within the public health care system. Thus, an arrested person does not enjoy any further rights to consult a particular doctor than what follows from the general rules applying to health care, for example emergency medical services. A medical consultation takes place in absence of police, except if the doctor requests police presence.

Finally, the Icelandic Government wants to mention that since medical services to arrested persons are subject to the same rules as generally applicable within the health care system, the doctors providing these services have no connection to the police authorities, for example as employees or contractors of a police commissioner or a prison. Such an arrangement might obviously affect the trust they must enjoy. In other respects we refer to the reply of the Icelandic Government sent the CPT 23 March 1994.

25. *That information sheets provided to persons detained by police be revised so as to refer also to their right to have access to a doctor.*

Reply: As noted above, no problems are known to have come up or complaints voiced to the effect that an arrested person has been denied medical care. Arrested persons have requested medical assistance if they have considered this needed, without their attention having been especially called to this right. The Icelandic Government will however consider changing the information sheets in question as recommended by the CPT.

27. *That the return to police custody of a remand prisoner held in prison be subject to the authorisation of a judge or public prosecutor.*

Reply: Usually it is necessary for the investigation to interrogate a remand prisoner. This usually takes place in the remand prison. The situation or the facts of a case may however call for a formal police interview or other investigative measure, for example a line-up, at another place. The prisoner may then be expected to be delivered to police while this takes place.

The Icelandic authorities consider that an investigation, which is of such nature and at such stage as to have justified a remand order, makes constant consultation on the progress of the investigation necessary between the police and the prosecutor. This can also be inferred from Section 8 paragraph 1 of the Police Act and Section 67 of the Code of Criminal Procedure. We also consider appropriate, and in fact self-evident with a view to the principles concerning responsibility for and control of police investigations, that the prosecutor assume responsibility for a request to return a remand prisoner to police for formal interviews or other investigative purposes.

29. That the existing procedures for treatment of highly agitated persons in police custody be modified.

Reply: The Ministry has forwarded the ΧΙΠΤσ recommendation that the police should summon a doctor when dealing with highly agitated persons, to the National Police Commissioner. He has been entrusted with a revision of the rules applying to the treatment of persons in such a state when detained by police, with regard to this recommendation.

Comments

*23. Any delay in the exercise of an arrested *περσονσ* right to notify someone of his situation should require the approval of a senior police officer or a public prosecutor.*

Reply: According to Article 2 of Regulation No. 395/1997 the officer in charge of a police shift or the person responsible for an investigation can decide to delay the exercise of this right. In practice any decisions limiting the rights of a suspect, such as these, are referred to the senior officer on the shift or the senior officer available on call. In referring to the person responsible for an investigation, the provision is generally understood to mean an employee of the commissioner of police with legal training, i.e. a person engaged in the prosecution of criminal cases. The decision in question is therefore a responsibility of either the police officer in charge of a shift, or a representative of the prosecution.

If the provision quoted is not deemed clear and unequivocal enough, it may possibly be amended by inserting a provision to the effect that a policeman shall decide whether the exercise of this right shall be delayed, and refer his decision to a prosecutor for review without undue delay, and in any case no later than one hour from when the decision was made. The Icelandic Government will consider whether to amend the Regulation in this manner.

If a prosecutor, and not a police officer, is required to take this decision, the police may be tempted to delay notifying the matter, possibly without adequate reason, and hesitate in making contact with him. This might unnecessarily prolong the time until a decision is taken.

26. The provisions on the conduct of police interrogations as set out in Regulation No. 395/1997 could usefully be supplemented on a number of points. The Icelandic authorities are invited to revise the Regulation so as to make clear that breaks from interviewing should in principle be made at shorter intervals than six hours.

Reply: The points to which the CPT calls particular attention in paragraph 26 of its Report will be considered in connection with a revision of Regulation No. 395/1997.

Requests for information

*28. The comments of the Icelandic authorities on the reservations expressed inter alia by the *Ομβυδσμανσ* office as to the efficiency of the new procedure for examining complaints of ill-treatment by police officers.*

Reply: The Police Act, No. 90/1996, which went into effect 1 July 1997, laid down in Section 35 how an investigation of complaints against police should be proceeded with. According to that provision the commissioner of police should notify the Director of Public Prosecutions if a complaint were received or suspicion otherwise aroused of a criminal offence perpetrated by a policeman in the performance of his duties. The Director was to be in charge of the investigation, and be assisted by the office of the National Police Commissioner. This arrangement has now been changed by Section 6 of Act No. 29/1998, which entered into effect 29 April 1998, after the CPT visited Iceland. Section 35 provides in further detail for the *Διρεχτορσ* control of the treatment of such cases. The Section reads as follows in translation:

1. A complaint against a policeman on account of an alleged criminal offence in the performance of his duties shall be addressed to the Director of Public Prosecutions, who shall be in charge of the investigation of the matter.
2. In handling such cases the Director of Public Prosecutions may exercise the powers wielded by police in criminal cases generally.
3. Police shall assist the Director of Public Prosecutions in investigating cases subject to this Section, as may be requested.

This arrangement diverges from the general principle in Section 66 of the Code of Criminal Procedure, to the effect that criminal cases shall be investigated by police. The Director of Public Prosecutions endeavours to keep such investigations entirely in the hands of his own staff to the extent possible. If this can not be done, the procedure will as possible be to have a prosecutor attend all interviews and keep the investigation in the hands of the prosecutor, i.e. a staff member of the Director of Public Prosecutions, at all times. No significant flaws have been noticed in this arrangement, but little experience has been gathered of it so far. It might be deemed undesirable to have the Director of Public Prosecutions, who is the supreme holder of prosecution authority in Iceland, investigate such cases and take decisions on their progress at the initial stage. The Icelandic authorities however believe that this arrangement provides acceptable assurance of an impartial treatment of such cases, and that further changes are unnecessary unless experience indicates otherwise.

Among the comments made by the Ombudsman is that no clear rules are in effect on how police is to react if complaints are received from the citizenry alleging inappropriate behaviour or criminal acts on the part of policemen. The National Police Commissioner has now prepared draft rules on the treatment of such allegations or complaints, and these are expected to take a final form in a few weeks.

4. Persons detained by the police under the aliens legislation

Recommendations

That necessary measures be taken to ensure that persons who have been refused entry to Iceland, and are kept under police surveillance in the transit area of Keflavik International Airport, are provided for suitable means for sleeping, granted access to their luggage and properly equipped sanitary and washing facilities, and if necessary, granted medical care.

Reply: The Icelandic authorities endorse the view that the facilities afforded people refused entry to Iceland and kept under surveillance in the transit area is inadequate. A decision has been made to enlarge the air terminal at Keflavik Airport, and it is expected that an addition to the building will be completed in the spring of 2001, significantly improving the facilities afforded foreigners in this situation. The attention of the Ministry of Foreign Affairs, which is in charge of the Airport and the office of the Commissioner of Police at the Airport, has been called to this recommendation of the CPT.

Comments

33. The safeguards against ill-treatment of persons deprived of their liberty, set out in paragraphs 21 to 25, should also apply to persons detained under the aliens legislation.

Reply: In the opinion of the Icelandic authorities the situation of persons detained under the aliens legislation is not more grave than that of other persons deprived of their liberty. Medical attendance is of course available, and the persons in question are provided access to a doctor in a manner similar to people in police custody following arrest.

It may be noted in this context that the Immigration Office provides aliens with an opportunity to contact a representative of their home country if such representative is available in Iceland, as provided for in Article 36 of the Vienna Convention on Consular Relations, cf. Act No. 4/1978. The information sheet delivered to arrested persons mentions in particular that if the person in question is a foreign national and his home country maintains an embassy or a consular office in Iceland, he may request the police to notify of his arrest there.

Requests for information

32. *The comments of the Icelandic authorities on the possibility of accommodating persons deprived of their liberty under the Foreign Nationals Supervision Act in a space specifically designated for that purpose, offering material conditions and a regime appropriate to their legal status and staffed by suitably qualified personnel.*

Reply: The Icelandic authorities agree with the opinion that when further examination of the affairs of foreigners is needed, with the result that police involvement is necessary, better and more appropriate facilities must be available than at a police station.

The Immigration Office, which still is subject to the National Police Commissioner, has never requested imprisonment on remand in such cases; instead, the Icelandic Red Cross has been asked to accommodate the persons involved in accordance with an agreement concluded for the purpose. Hostel lodging is then provided. However, this arrangement obviously fails to provide the assurance for a $\phi\omicron\rho\epsilon\iota\gamma\nu\epsilon\rho\sigma$ presence required by Section 15 of Act No. 45/1965 on Supervision of Foreign Nationals, but efforts are made to guard them adequately, with the concessions appropriate to their situation. It should be noted, however, that when a decision has been taken to refuse a foreigner entry into Iceland, or to deport a foreigner who already has arrived, and the available avenues of appeal have been exhausted, he is informed that he will be deported. This means that the police must ensure his presence until deportation takes place. Normally no other lodging is then available than a cell at the Hafnarfjörður police station until he is sent to the port of departure. He will be accommodated there for less than one day (12–18 hours).

34. *A detailed account of the precise practical steps taken by the Icelandic authorities to ensure that persons are not returned to a country where they run the risk of being subjected to torture or other inhuman or degrading treatment or punishment.*

Reply: Icelandic law ensures that a person is not extradited or returned to another country if there is a significant reason to believe that he will run the risk of being subjected to torture. The provisions to this effect are chiefly found in the Act No. 13/1984 on Extradition of Criminal Offenders and Other Assistance in Criminal Matters (the Extradition Act), and the Foreign Nationals Supervision Act, No. 45/1965. A separate Act, No. 7/1962, applies to extradition of criminal offenders to Denmark, Finland, Norway and Sweden.

According to the Extradition Act a person may be extradited to a state where he or she is suspected of, or has been indicted or sentenced for, a punishable offence. The Act however makes various reservations to this general principle. Thus, according to Section 3 extradition is only allowed if the act is punishable by more than one year in prison under Icelandic law. Article 5 prohibits extradition on account of political offences. According to Article 6, extradition is prohibited if the person in question faces a significant risk of being, following extradition, subjected to oppression or persecution endangering life or liberty, or any oppression or persecution which is otherwise of serious nature, on account of his or her race, nationality, religion or political opinion, or on account of political conditions in other respects. Article 7 also permits denial of extradition in special cases on humanitarian grounds, such as on account of age, health or other personal situation.

The Ministry of Justice receives requests made by other states for extradition, and Sections 13–18 of the Extradition Act provide for the procedure in further detail. If the Ministry considers, on the basis of the extradition request and the attached documents, that it is to be declined at once, this shall be done. If the request is not declined at once by the Ministry it shall be forwarded to the Director of Public Prosecutions, who shall have the necessary investigation carried out immediately. The person to whom the request relates may request a court to determine whether the legal requirements for extradition are fulfilled. At the time the Director of Public Prosecutions notifies a person of a request for his extradition and the arguments in its support, he shall inform him of his right to refer the matter to the courts and that he can have legal counsel appointed for him. The fees of such legal counsel and other costs of the case shall be paid by the State Treasury.

According to the rules outlined above, the court assesses, upon the request of the person whose extradition is requested, whether the legal conditions for extradition are fulfilled. The court will then examine, among other things, whether Sections 6 or 7 of the Extradition Act prevent extradition. If there is a significant reason to believe that a person may be subjected to torture in the country to which he is extradited, the legal conditions are not fulfilled, and the court will then deny extradition.

A case of this kind was recently brought before the courts of Iceland for the first time. A judgment of the Supreme Court 17 October 1997 confirmed a decision of the district court denying extradition of a wife and her husband to the United States. The Americans had requested their extradition on account of a criminal action taking place against them in their home country. The spouses challenged the request and submitted detailed evidence in court, establishing that there was significant danger that they would not receive a fair trial before a court in Arizona. There was also a significant likelihood that they

would be treated inhumanely by being transported in irons to their destination in accordance with rules governing prisoner transport in the United States, and in being remanded to a prison in Maricopa County, Arizona. They demonstrated that the conditions in that prison were inhumane and degrading, and that an Icelandic decision to grant the extradition request would therefore conflict with their rights under Article 68 paragraph 1 of the Constitution, which prohibits torture and inhuman or degrading treatment or punishment; Article 3 of the European Human Rights Convention, and Article 7 of the International Covenant on Civil and Political Rights. The Supreme Court sustained the view that the legal requirements for extradition were not fulfilled, and that the administrative authorities were to observe the principle of proportionality when taking decisions on extradition, such as by seeking to negotiate with the Americans for a travel by the spouses to the United States of their own free will, and by bail instead of imprisonment on remand while their case was in progress in Arizona.

Foreigners may be denied entry into Iceland or expelled under the conditions specified in the Immigration Act, No. 45/1965. The same considerations apply to deportation as well as extradition, if a foreigner is deemed at risk of being subjected to torture or other inhuman or degrading treatment or punishment in the country to which he would be sent. Thus, the main sources of law applicable here are Article 68 paragraph 1 of the Constitution on the prohibition of torture, Article 3 of the European Human Rights Convention, and Article 7 of the International Covenant on Civil and Political Rights.

Iceland is a party to the Convention relative to the Status of Refugees of 1951 and the Protocol of 1967. According to Section 10 paragraph 4 of the Act a foreigner can not be denied entry to Iceland if he claims to have had to seek asylum as a political refugee, and this claim is considered likely to be true to fact. Here, the meaning of the term "refugee" is taken as defined in Article 1 of the Convention relative to the Status of Refugees. The Immigration Office decides on the request of a person for political asylum. Appeal against the decision of the Office can be lodged with the Ministry of Justice, and the person seeking asylum must be notified of his right of appeal. The Immigration Act, and the general rules of the Administrative Procedures Act, No. 37/1993, provide for procedure in such cases, including a *forþeygners* right of protest and his right to submit evidence on his behalf. During the past five years there have been no instances of a request for political asylum being granted in Iceland, i.e., of an applicant being deemed a political refugee within the meaning of the Convention relative to the Status of Refugees, but such applications have been relatively few in number. Foreigners are frequently returned to the countries from which they have come, most often the Nordic countries, and their requests for asylum are often under consideration by the authorities of those countries. There are however a few examples of foreigners seeking asylum having been granted residence permits, for example on account of conditions in their home countries, which nevertheless do not justify their definition as refugees.

B. Prisons

1. Preliminary remarks

Recommendations

41. That the highest priority be given to the construction of the new remand prison in Reykjavík.

Reply: In the Budget Act for 1999 ISK 15 millions are earmarked for cost of design and preparation of a prison at Tunguhól in Reykjavík. A separate project committee was active in the years 1995-1996, when a new committee was instituted for preparing the project. Various ideas have been prevalent among the committee members, and the most recent plan is that in addition to serving as a remand prison, the establishment shall also function as a reception prison and a prison for convicted prisoners, taking the place of both the old Reykjavík prison and the Kópavogur prison. Further funds will be requested in the Budget Act for next year, for continued need analysis and preparations, assuming the construction of a multi-purpose prison. At the time of writing negotiations are taking place for the formation of a new cabinet following elections this month, and the attention of the new cabinet will be called to the priority given the construction of a new remand prison until now.

Requests for information

41. Information on the new establishment (projected date of entry into service, planned capacity, regimes envisaged, health care service, etc.).

Reply: It is clear that the new remand prison will not be completed as soon as originally envisaged, as the first plans were to have it enter into service in 2001. Need analysis is in progress at present; consequently the planned capacity, etc., is

uncertain. The possibility of constructing a multi-purpose prison is now under examination, in order to make more efficient use of the available places. It would be incautious to state the definite time at which the prison will be ready for service.

42. Detailed information on the envisaged new regulations for prison officers and for improving work opportunities for prisoners, in the context of the action programme for prisons.

Reply: The Icelandic authorities have not made any settled plans to prepare new regulations for prison officers. However, letters of commission for prison officers are in preparation, where their roles and duties are defined. Nor have any settled decisions been taken as regards improvement of work opportunities for prisoners. This task is one subject to constant attention, both as regards provision and diversification. New rules on remuneration to working prisoners were issued in August 1998.

2. Ill-treatment

Recommendation

43. That prison officers at Litla-Hraun State Prison be reminded that force should only be used as a last resort and not be more than is strictly necessary.

Reply: Issue of new rules on the use of force by prison officers is planned, cf. paragraph 13, with a view to similar rules issued for police officers. The plan is to provide introductory courses in connection with their adoption, covering the rules in detail in all prisons.

Requests for information

43. Full information on the training received by prison officers in control and restraint techniques.

Reply: The persons engaged at Litla-Hraun prison are trained to avoid as possible any use of force. The wording of the CPT's report indicates that force may be employed before other resorts have been exhausted. This is emphatically denied.

All students at the School for Prison Wardens are trained in calming agitated prisoners. They are also trained to use force in a manner causing the least possible danger of physical injury, and the rules of law applying in this field are explained to them. In 1997 all the prison wardens at Litla-Hraun attended a two day special course on use of force. The course was given in the form of lectures and practical exercises in simulated situations.

The main points of emphasis were:

1. To endeavour to bring a critical situation to a conclusion without use of force.
2. To examine the situation thoroughly and assess whether the objective may be attained by use of force.
3. To use of force without causing physical injury.
4. To use no more force than necessary in order to attain the objective.

In 1998 all prison wardens at Litla-Hraun attended an eight-hour course where critical situations were simulated in order for prison wardens to try their skills. The heaviest emphasis was placed on attempting to the last possibility to solve a situation without force. In addition to this all the members of the special team at Litla-Hraun attend exercises twice a month for nine months of the year, and a special course each year lasting one week. These matters are attended to during the exercises, both by oral information and practical training. This special team is one of 12 members, and the shifts are organised so as to ensure the presence of at least two or three of its members on each shift at the prison. This ensures that specially trained personnel are always available if a situation develops where special training is needed in order to reinstate order or calm agitated prisoners. Force is the last resort employed. However, force may have to be employed without prior attempts to calm a prisoner, for example if a prison officer is suddenly attacked.

47. The report drafted by the independent expert committee appointed by the Minister for Justice to investigate recent deaths at Litla-Hraun State Prison.

Reply: This report, in English translation, has been sent to the CPT. The comments, observations and proposals of the committee are now being examined in order to determine any action to be taken.

47. The guidelines for the prevention of suicides in prisons, drafted by the Prison and Probation Administration's psychologist.

Reply: Rules on reaction of prison staff to suicide risks, etc. have now been completed, and a copy of them is attached. Prison staff will also be given separate written information on symptoms indicating suicide risk.

3. Solitary confinement of remand prisoners for investigation purposes

Recommendations

51. That the police be required to record in writing the specific reasons justifying the placing of a remand prisoner in solitary confinement for investigation purposes, and that the prisoner be informed of those reasons (it being understood that the reasons given might not include details which in the interest of the investigation it is reasonable to withhold from the prisoner).

Reply: The Icelandic authorities reiterate that a remand prisoner will only be placed in solitary confinement if the remand order is based on Section 103 paragraph 1 (a) of the Code of Criminal Procedure. Obviously deprivation of liberty will generally suffice if a danger is deemed to exist of secretion or removal of evidence and the like. Deprivation of liberty will however not always suffice to prevent a suspect from trying to influence witnesses or accomplices during an investigation. This means that solitary confinement may be necessary for the interests of the investigation. In other respects we refer to the replies of the Icelandic Government on this point to the Committee dated 23 March 1994.

51. That the same procedure be followed when decisions to remand in custody are reviewed by the court, and the police wish to prolong the solitary confinement for investigation purposes of the prisoner concerned.

Reply: As noted previously, a remand prisoner can always refer to the court a decision on solitary confinement by reason of the needs of an investigation (Article 16 of the Regulation on Remand Imprisonment, No. 179/1992). In such a case the police must, in court, substantiate the reasons underlying their request for the prisoner's isolation, and the court must then take a reasoned stand to the question whether his isolation is necessary or not. If imprisonment on remand is to be prolonged, the suspect is again brought to court. He can then challenge the request that his isolation is to continue after the remand has been prolonged.

53. That efforts be made to counter the harmful effects of solitary confinement whenever is subject to such a regime for a prolonged period; e.g. deployment of additional human resources to provide appropriate human contact and access to purposeful activities. The general aim should be to protect such prisoners from experiencing suffering or harm.

Reply: It may be noted that sentenced prisoners are very seldom placed in solitary confinement. Instead other recourses are attempted, such as deprivation of various privileges. In their conversations with the officials of the prison system, prisoners have frequently pointed out that as a disciplinary sanction, isolation for a short period of time is in various respects lighter for them to bear, as its duration is shorter, it does not damage them financially, and their rights to receive visits are not affected.

As regards remand prisoners placed in isolation over periods of longer duration on account of investigation needs, the change is planned to the prison wardens' routine to let them visit the cells of the prisoners more frequently and stay with them for some time. This is suited to reduce the harmful effects of their isolation. The same considerations recommend an increase of the prisoners' opportunities to stay out of doors. These matters are now being organised, and rules for the prison staffs are in preparation.

Provision of purposeful activities for these prisoners is harder to achieve. For long periods of time there is no prisoner in solitary confinement. The possibility of making some leisure activities available is however certainly worthy of consideration. Prison directors will be entrusted with making proposals to this effect to the Prison and Probation Administration before 1 June 1999.

Requests for information

50. *Whether arrangements are still in force enabling a remand prisoner whom the police intend to place in solitary confinement to contest this matter before the competent court, immediately after the latter has taken a decision to remand the person concerned in custody, and whether these arrangements apply to all remand prisoners without exception.*

Reply: This arrangement remains in full effect and applies to all remand prisoners equally. Article 16 of the Regulation on Imprisonment on Remand, No. 179/1992, provides expressly for the right of a remand prisoner to refer to a judge the decision to keep him isolated from others by reason of the needs of an investigation, and there are no exceptions from this.

4. Conditions of detention in general

Litla-Hraun State Prison

Recommendations

That the three cells used exceptionally for solitary confinement purposes be never used for periods of detention exceeding one or two days.

Reply: The CPT's report indicates that the special emergency cells in House 2 are used to accommodate prisoners for periods exceeding one or two days. The fact is, however, that these cells have, since they were made available in 1996, never been used for prisoner accommodation for more than a few hours in very few instances.

59. *That the Icelandic authorities seek to develop a proper programme of activities for prisoners accommodated in House 3.*

Reply: We are not aware of how the CPT reaches the conclusion that the prisoners in House 3 only have one hour each day for physical exercise and a stay outdoors, and that they do not have any opportunity for work or study. At the time the delegation visited the place the prisoners in House 3 were, on weekdays, allowed use of the sports room from 09.00 a.m. to 11.15 a.m., and could stay out of doors from 13.00 p.m. to 14.30 p.m. On Saturdays and Sundays, however, they are allowed an outdoor period from 01.00 p.m. to 02.00 p.m.

Subsequent changes are that now the prisoners at House 3 have access to studies and work, and now they may be said to have similar opportunities as the prisoners at House 4 for outdoor activities, studies and work.

63. *That a clear and formal procedure for the movement of prisoners between Houses/units be established. In particular, the prisoners concerned should be informed in an understandable manner of the criteria which they should fulfil in order to benefit from a better accommodation/regime, and be informed in writing of the reasons for decisions to move them to a different House/unit. Further, they should have the possibility to complain against such a decision to a higher authority, and be informed of such possibility in writing.*

Reply: On arrival in prison, the arrangement in effect as regards accommodation in the different units of the prison is explained to the prisoners, and what may cause them to be moved between the individual units. The reasons for such movement may be good or bad behaviour, a breach of the prison's rules, and various other reasons that may indicate the desirability to move them. Disagreement or enmity between the prisoners, a prisoner's fear of his fellow prisoners, etc., may provide a reason for movement. However, the prisoners have not always been informed of the reasons for a decision to move them between cells or units. This will be given due consideration when drafting rules on the prison's division into units and movement between units, as the CPT has recommended. The Prison and Probation Administration has been instructed to draft such rules, including provisions on appeal to a higher authority.

Comments

55. *The Icelandic authorities are invited to explore means of overcoming the problem of prisoners in cells in House 4 facing the sea having to cover the cell ventilation grills in order to prevent wind and sand from entering.*

Reply: Problems of wind and drifting sand are by no means limited to the prison buildings at Litla-Hraun. It is generally known that in certain kinds of weather sand and dust inevitably enter human habitations in this part of Iceland. The prisoners can in such weather close their cell windows, and as far as is known the prison's windows fit tightly.

56. *It would be preferable for the three cells in House 2 used exceptionally for solitary confinement purposes to be withdrawn from service as prisoner accommodation.*

Reply: The cells in question have a security function, and withdrawing them from service would significantly reduce the possibilities of the institution in reacting to emergencies. The Icelandic authorities can therefore not endorse this view.

58. *The Icelandic authorities are invited to reflect upon ways of providing prisoners with more vocational training possibilities. Further, it is important to provide elementary education for prisoners in need of such education.*

The Icelandic authorities are aware of the need of some prisoners for elementary education and attempts are made to fulfil them. Efforts are made to adapt tuition to individual needs. There are always some individuals who are given special tuition, as a portion of the prisoners has not completed primary school. Special tuition arrangements are frequently made for them, if they desire it. Increased provision of elementary education would be an improvement, but for this more financial appropriations would be necessary. An examination of the needs for this is the first step, and the Prison and Probation Administration will seek to have such an examination carried out.

It would undoubtedly be desirable to add to the vocational training opportunities at Litla-Hraun. At the present time training is provided in basic metalworking. Four prisoners completed an examination in commerce from the commercial studies line in the spring semester of 1998. Courses in operating heavy construction machinery and seamanship courses granting the right to command vessels of up to 30 tons are held regularly. Training in baiting and making of fishing nets is provided at Litla-Hraun and Kvabryggja.

Requests for information

58. *Whether the general health and safety regulations are applicable in the εσταβλισημεντο workshops.*

Reply: The Occupational Health and Safety Inspectorate conducts regular inspections of the εσταβλισημεντο workshops and machinery, and has not called attention to any sources of danger or given instructions for improvements.

60. *The misunderstanding has appeared that the prisoners at unit 3A enjoy the privilege of being allowed to lease videotapes. The fact is however that the establishment has a closed video system accessible for all prisoners, and in this respect there is no difference between the prisoners in House 3 and House 4. Normally two films are shown on the system each day. The prisoners on the 3rd floor of House 4 can however be allowed to have video players in their cells, whereas this is not available to other prisoners.*

61. *The arrangement described in this paragraph, that prisoners are accommodated in House 3 on arrival, has now been changed, and prisoners beginning their terms are now initially accommodated in House 4.*

Skjavastgur Prison, Reykjavik

Comments

67. *The Icelandic authorities are invited to pursue actively their efforts in order to provide additional activities for inmates at Skjavastgur Prison.*

Reply: The efforts to provide additional activities that can be pursued in the building will continue.

Akureyri State Prison

Comments

69. *The police cells located in the basement of the building are not suitable for periods of detention exceeding a few days.*

Reply: The cells in the basement of the Akureyri police station are almost exclusively used for people deprived of their liberty by reason of drunkenness and disorderliness, and only until they have regained a sober state. Women are only accommodated there exceptionally. In recent years women have been accommodated there two or three times for serving a term alternative to fines for periods of two to four days. In these cases the cells have been made more comfortable by bringing in a table, chairs, lamps etc. If no other persons are accommodated there the prisoner is allowed to stay in the hall

during daytime. In addition to this a female remand prisoner was once accommodated there for one or two days, and in such a case the same applies as regards a stay outside the cell.

70. The police custody cells at Akureyri Police Headquarters are not suitable for periods of detention lasting more than a few days.

Reply: Male remand prisoners are usually accommodated outside the ward intended for sentenced prisoners. They must generally be kept out of contact with each other, but if the court does not consider this needed, they are allowed to mix with other prisoners and are subject to the same conditions as they are. The CPT stress that these cells are not suitable for periods of detention lasting more than a few days, and the Prison and Probation Administration endorses this opinion.

71. The CPT invites the Icelandic authorities to attempt to provide additional activities for the inmates at Akureyri State Prison, in particular those detained there for a prolonged period.

Reply: Attempts have been made for many years to provide some light craft or other work for the inmates of the prison, but without success.

Requests for information

69. The regime applied to female prisoners held in this establishment.

Reply: As noted above, the use of the cells in the basement of the police station for accommodation of female prisoners is exceptional. When they have been used for this purpose detention has generally lasted for one or two days, and to a maximum of four days. For this reason a particular regime for female prisoners is not deemed needed.

72. The comments of the Icelandic authorities on the possibility of entrusting the management of the Akureyri State Prison to a person falling under the direct authority of the Prison and Probation Administration.

Reply: The Magistrate at Akureyri is in charge of the Akureyri State Prison. The assistant police superintendent is in charge of the day-to-day management of the prison as an agent of the Magistrate.

The average number of prisoners in the prison was 4.8 in 1997. The terms served are commonly of three to four months duration, and attempts are made to select prisoners for accommodation there who are deemed unlikely to give rise to disciplinary problems. Such problems are extremely rare in this prison. When such cases do occur, the assistant police superintendent consults the Prison and Probation Administration, who provides guidance and, as the case may be, orders what action is to be taken. It may be noted in this context that decisions to impose disciplinary sanctions can be appealed against to the Ministry of Justice, not to the Prison and Probation Administration.

It would not be feasible to commission a separate manager for the Akureyri State Prison, as the extent of the duties involved falls far short of justifying a full-time position. As the present arrangement has not given rise to any problems, the Prison and Probation Administration has not found it necessary to change this.

General

Recommendations

73. That measures be taken in order to develop rehabilitation and treatment programmes for prisoners.

Reply: The premises on which the CPT bases the inferences expressed in this paragraph are not fully known to the Icelandic authorities. It is proper here to explain briefly the possibilities of Icelandic prisoners for receiving treatment for their problems. The conclusions of studies of the rates of return to prison of Icelandic prisoners will also be described.

1. Psychological treatment in Icelandic prisons

Since it came into being the Prison and Probation Administration has employed one psychologist, but in response to increased demand an additional psychologist was engaged for a full-time position at Litla-Hraun in 1996. The number of consultations held by psychologists at Litla-Hraun in 1994-1997 is as follows:

	1994	1995	1996	1997
Consultations held by psychologists at Litla-Hraun	178	162	300	302

The objective of the services provided by the psychologists to prisoners is to assist them in coping with their situation as prisoners and to help them adjust to society when they have served their terms. The clients have also increasingly sought continued assistance after their release, either by regular consultation or irregular supportive consultations upon agreement. The experience of the present arrangement is good, and it has proved sensible to take the conditions and customs reigning within the prison system into account when providing criticism and recommendations for improvements.

As regards psychological treatment, the following shall be noted:

(1) Individual treatment, such as has been offered for the past ten years, seems to have provided positive results. It may be doubted that individualised $\pi\sigma\psi\chi\eta\omicron\lambda\omicron\gamma\iota\sigma\tau\omicron$ treatment, such as provided in Iceland, is granted so high a proportion of prisoners in any country. As an example, 20% of Icelandic prisoners were receiving individual treatment by a psychologist on 22 March 1999. Numerical information is not available on the prisoners each year receiving psychological services.

(2) The treatment modality offered in Icelandic prisons, i.e. cognitive behavioural therapy, is widely known in Europe and North America. It is employed both for individualised and group treatment of criminal offenders, and is believed to have been very successful.

(3) By reason of the small number of prisoners in Iceland the provision of group treatment may be more difficult in practice, and may even render such treatment unappealing to prisoners. A very large proportion of prisoners in Iceland know each other, i.e. they have known of each other before they came to prison and/or may expect to meet again after they have been released. This has had the effect, for example, that very few prisoners attend AA sessions; they know each other too well and a spirit of distrust reigns among them. The practice of not showing $\omicron\upsilon\epsilon\sigma$ "soft sides" to the group is a well-known feature of prisoner communities.

2. Two rehabilitation alternatives at the end of a prison term

A. Alcohol and drug abuse treatment

Since 1990 the Prison and Probation Administration has offered convicted prisoners the opportunity to complete the last few weeks of their terms by taking part in an alcohol and drug abuse treatment programme at $\text{S} \blacklozenge \blacklozenge$ a government-supported private organisation that offers treatment to alcohol and drug abusers. The treatment offered is of a traditional kind, taking takes place in a hospital and subsequently at a suitable institution.

Most prisoners who apply to complete their terms in this manner do so on their own initiative, frequently due to the recommendation or intervention of others, such as family members or employees of the prison system. Applications are delivered to the Prison and Probation Administration, which grants the application, as the case may be, following consultation with the chief physician at $\text{S} \blacklozenge \blacklozenge$ after having considered the $\pi\rho\iota\sigma\omicron\nu\epsilon\rho\sigma$ performance during the service of his term and any indications as to whether his desire is expressed in earnest. A survey of the number of prisoners offered this opportunity annually since 1990 has been presented in the annual reports of the PPA (refer to the table below). On 22 March this year three prisoners were completing their sentences by taking part in this programme. It is stated in the $\text{XIII}\text{T}\sigma$ Report that this is available to a "limited number of prisoners", but as the table shows the proportion of prisoners completing their sentences in this manner in 1997, who availed themselves of this opportunity, was 13%. We furthermore want to note that prisoners are very seldom denied this opportunity unless they have cases with the police which remain uncompleted, with the result that the end of their term is uncertain.

Most prisoners allowed to finish their terms by taking part in the alcohol and drug abuse treatment programme are completing a sentence of considerable duration, most frequently by conditional release. The idea behind this arrangement is to prepare them better for life outside prison. Before the treatment programme commences a written agreement is entered into between the PPA and the prisoners, stating the conditions to be accepted by the prisoner. If the conditions are disregarded or if the prisoner wants to cease his participation he is brought back to prison, where he completes the term.

B. The Vernd half-way house in Reykjavik

Since 1995, up to one fifth of all prisoners have completed their prison terms at the Vernd half-way house in Reykjavik. They attend work or school from there, participate in AA work and have very free access to their families and homes, as the rules on outdoor stay are liberal. They also enjoy special social care provided by the Vernd Association and the social services of the City of Reykjavik. This gives them added opportunities for adapting to society anew, frequently following long terms in prison.

It may be noted that on 22 March 1999 approximately one of every three prisoners in Iceland was receiving treatment of some kind (with a psychologist or a treatment institution) or accommodated at a half-way house in Reykjavik.

The following table shows the number of prisoners who were granted the opportunity to complete their sentences by an alcohol and drug abuse treatment course or at the Vernd half-way house in the years 1994–1997.

	1994	1995	1996	1997
Alcohol and drug abuse treatment	14	25	41	30
Proportion of prisoner population	7%	9%	13%	13%
Accommodation at the Vernd half-way house	*	31	60	43
Proportion of prisoner population	*	11%	19%	19%

* Accommodation at the Vernd half-way house began in 1995.

3. Rates of return to Icelandic prisons

Some studies have been made of the rates of return to prison of Icelandic criminal offenders. Þómar Kristmundsson (1985) investigated Icelandic prison return rates and found that more than half the number (55%) of prisoners completing their terms in 1979 and 1980 had served a term before, and in 1984 59% of them had again served a term. Recently Jón Friðrik Sigurðsson and Gísli H. Guðjónsson (1997) investigated the records of nearly 500 Icelandic prisoners who had completed prison terms in the years 1991 to 1995. One of their conclusions was that 40% of them had served a prison term before.

The research performed by Þómar Kristmundsson (1985) and Jón Friðrik Sigurðsson and Gísli H. Guðjónsson (1997) indicates that the number of returns to Icelandic prisons had considerably diminished during the period 1980–1995. A cross section of the Icelandic prison population taken now reveals, however, that approximately 50% have completed a prison term before. Without entering into a comparison to return rates elsewhere in Europe, it is clear that this return rate is not particularly high.

5. Medical services

Recommendations

78. That the Litla-Hraun State Prison be provided with the services of a full-time nurse; this should in particular bring an end to the current undesirable situation under which prison staff have access to medication and are distributing it to prisoners.

Reply: The distribution of medication now takes place in accordance with the instructions of the office of the Director General of Public Health, according to which prison wardens may hand out drugs which have already been packed in individual doses by a chemist. These are kept by the prison wardens in a locked storage. The doses are packed by the chemist as prescribed by a doctor, and all prescription and distribution is the responsibility of the doctor. The prison wardens have no power of decision in this context; nor do they have any authority to change what the doctor has prescribed. It can not be

seen that there is a reason to have a nurse take care of all regular drug distribution. For this almost four full-time positions would be required, which would be out of context with other staff engagement.

78. That every effort be made to ensure that the post of a psychologist at the Litla-Hraun Prison be filled as soon as possible.

Reply: According to Act No. 123/1997, cf. the agreement between the Prison and Probation Administration and the Ministry of Health and Social Security, the Administration continues to be in charge of certain services defined as health care services. This applies to psychological services and dentistry. Last August a psychologist was engaged for the Litla-Hraun Prison, who works there four days a week. The Prison and Probation Αδμινιστρατιονσ psychologist also serves some individual prisoners at Litla-Hraun. It may be worthwhile to consider whether all services defined as health care services should be under the direction and responsibility of the Ministry of Health and Social Security.

79. That a nurse visit Akureyri State Prison at least once a week.

Reply: The Akureyri health care centre will be requested to send a nurse to the Akureyri State Prison at least once a week.

84. That all necessary action be taken to ensure that prisoners have, in practice, access to a doctor as recommended in paragraph 106 of the Report on the 1993 visit.

Reply: A health care doctor now has regular consultation hours at Litla-Hraun four days a week, and a nurse has regular consultation hours three days a week. The prisoners can therefore request consultation with health care professionals all weekdays. In addition a doctor is always available on call if needed.

84. That the practice of prisoners being allowed to forward written requests for medical prescriptions be discontinued. That prescriptions for medicines be given only after a proper medical consultation.

Reply: This paragraph can be understood as indicating that prison wardens control, supervise or influence πρισονερσ access to doctors. The prison wardens have explicit orders to contact a doctor when a prisoner asks for this. They merely register the πρισονερσ requests, and the doctors themselves decide exclusively on their own whether to admit a prisoner to consultation. It is also asserted in the paragraph that the prisoners may forward written requests for medication without consulting a doctor. We do not know to what facts this comment relates, as the Prison and Probation Administration is not aware of such a practice. According to the doctors, no medicines are prescribed without a consultation.

86. That efforts be made to secure close co-operation between the different health professionals providing services to prisoners in Litla-Hraun State Prison.

Reply: As from the beginning of this year, regular consultation meetings have been held, which health care doctors, a nurse, a psychologist and the psychiatrist regularly visiting the prison have been notified to attend. Thus, this close co-operation has already begun.

88. That the current arrangements with respect to access by prisoners to psychiatric assistance be reviewed as a matter of urgency. In particular, provision should be made for regular visits by a psychiatrist to Litla-Hraun State Prison.

Reply: It should be noted that all doctors now are regularly present. The psychiatrist has responded to every request of the health care doctor for assistance, and also makes special visits. The psychiatrist has been asked to make his visits as regularly as possible. He ordinarily visits the prison on Thursdays.

92. That steps be taken without delay to develop fully-fledged therapeutic programmes aimed at combating alcohol and drug addiction.

Reply: All the health care professionals working at Litla-Hraun, the health care doctor, the psychiatrist, the nurses and the psychologists, have been acutely aware of this problem. They have, in their consultations and other activities, endeavoured to combat the πρισονερσ alcohol and drug dependence in co-operation with the prison wardens. AA-meetings are also offered. Also, the last part of a prison term may be served at a treatment centre of $\text{S} \blacklozenge \blacklozenge$. This persistent problem is under constant scrutiny and reassessment in co-operation with the management of the prison.

Some smuggling of drugs is inevitable to a prison where the prisoners are allowed visits by their family members and friends. Prisoners who are given short-term leaves from prison also inevitably constitute a risk factor. The prison authorities are however of the opinion that this problem has become less severe after 1995, when the unit division of Litla-Hraun prison

came fully into effect. In effect attempts are made to keep House 4 totally free of inebriating substances, and prisoners accommodated there, who are found to use such substances, are moved to other units. It should be noted that in 1997 control, treatment and other preventive measures against drug use at Litla-Hraun entailed a considerable financial burden.

Comments

77. A more even spread, throughout the week, of the hours when a doctor is in attendance at Litla-Hraun prison, would be preferable.

Reply: Doctors are now regularly in attendance on Mondays, Tuesdays, Thursdays and Fridays, and are also available on call at any time of day or night all days of the week. We therefore consider that this comment has been acted upon.

77. There is a need for the doctor at Litla-Hraun State Prison to be more actively involved in health promotion, particularly as this applies to the areas of drug abuse and health screening.

Reply: All prisoners are examined by a doctor on arrival to the prison with a view to general health status. This involves, i.a. the taking of blood samples for various purposes. A discussion also takes place with the individual prisoner on his health status in general, and proposals are made for a change in way of life. Regular consultation hours are advertised, and the prisoners are free to decide on their own whether to avail themselves of that service. The access to health care professionals must be described as good, and the strict rules applying to medications also call for frequent visits to them. This provides an opportunity for further consultation, examination and health promotion.

81. The CPT invites the Icelandic authorities to find a more appropriate facility for medical examinations and consultations at Akureyri State Prison.

Prisoners arriving at Akureyri State Prison for service of a term have generally undergone a medical examination at the Skólavörðustígur Prison in Reykjavík. A doctor who is called to the prison decides on his own whether to examine a prisoner there or have him brought to the Akureyri health care centre. This comment is being further considered by the prison management and the Akureyri health care centre. It may be added that health care services to prisoners at the Akureyri prison seem to proceed very smoothly.

Requests for information

76. Detailed information on the practical operation of the new system resulting from the amendment of the Prison Law - in particular copies of the service agreements concluded for each prison in Iceland.

Reply: Agreements for health services in prisons have been under preparation; an agreement for services at the Akureyri State Prison has been concluded, and agreements for such services at Litla-Hraun, Kvabryggja the Skólavörðustígur Prison and the prison for women at Kópavogur are in the final stage. Copies of these agreements will be forwarded as soon as they have been completed.

85. Whether the new service agreements concluded for prisons in Iceland will guarantee preservative dental treatment for all prisoners.

Reply: The words "the cost of other forms of treatment was fully covered by the prison and Probation Administration" indicate that a misunderstanding has occurred as regards the responsibility for cost due to health services to prisoners, other than δεντιστ services. The Ministry for Health and Social Services pays for general health care services and specialist services. Consequently dental services will not be covered by the service agreements.

It should be noted that dental services are generally not paid for from public funds, and this is the chief reason why this part of health care continues to be the responsibility of the Prison and Probation Administration. According to the rules of the PPA relating to δεντιστ services, a prisoner is entitled to such services, both preservative and urgent. The general rule is, however, both as regards prisoners and other citizens, that they must pay for this themselves. If a πρισονερσ financial situation prevents him from defraying this cost, the prison will pay for urgent services. The total cost for each individual prisoner may reach ISK 30,000 at a maximum annually. The prison where he is accommodated pays 75%, i.e. a maximum of ISK 22,500 annually. A doctor deems whether the situation of a prisoner in this respect is urgent. After this, a dentist will assess the πρισονερσ dental status.

According to Section 2 paragraph 2 of the Prisons and Imprisonment Act prisoners shall enjoy the same health care services as the public at large. In the opinion of the PPA, the present arrangement, described above, compensates for the difference in financial status between prisoners and other citizens. If the prisons were to pay for all dental services to prisoners, they would enjoy health care services considerably superior to those available to the general public.

89. Information about the precise content and practical implementation of the recent agreement to the effect that the psychiatric wards at Reykjavík and Akureyri now will accept prisoners in need of inpatient psychiatric treatment.

This agreement was made with the doctors in charge of the wards in question, as a part of the emphasis placed on the rights of prisoners to enjoy the same psychiatric services as are available to the general public. A written agreement has not been concluded.

6. Other issues of relevance to the XIII^o mandate

Recommendations

94. That the Icelandic authorities seek to promote constructive relations between staff and prisoners at Litla-Hraun State Prison, and more particularly in House 3 of that establishment.

Reply: The relations between staff and prisoners are generally friendly, and the conduct of the prison wardens vis-à-vis the prisoners has not been deemed to call for any intervention. It is clear, however, that some prisoners conduct themselves in such a manner as to necessitate a bearing more formal than generally necessary. Such situations usually last for limited periods of time, and it may be mentioned that when the XIII^o delegation visited the prison the situation in House 3 was delicate, with some tension reigning among the prisoners. For example one of the prisoners had to be forcibly removed from Ward 4 to the security ward in House 1.

96. That the Icelandic authorities pursue actively their efforts tackle the problem of inter-prisoner violence at Litla-Hraun State Prison, taking into account the remarks made in this paragraph.

Reply: Inter-prisoner violence may be difficult to prevent, although every effort is made to do this. The CPT refers in its report to the fact that separate accommodation of prisoners who do not get along with each other is one way of preventing violence among them. This may be difficult to achieve in a small prison like that at Litla-Hraun, especially when all the available places are occupied. When staff are aware of enmity among the prisoners, attempts are made to accommodate them in such a way as to minimise contact between them. This includes movement within the prison, and even movement to other prisons.

The Report furthermore states in paragraph 65 that approximately 60 prisoners had, since February 1998, requested to be placed in voluntary solitary confinement. These statistics are beyond comprehension. The fact is that in 1998, a total of eight prisoners were placed in solitary confinement for various reasons. That prisoners exceptionally request such accommodation need not be surprising. It is of short duration, and the prisoners so confined are carefully monitored.

97. That immediate steps be taken to ensure that juvenile prisoners are held separately from adults and offered a full programme of educational, recreational and other purposeful activities, including, in particular, physical activities. Moreover, the staff assigned to work with juvenile prisoners should be carefully chosen (and, more specifically, be persons capable of guiding and motivating young people), and receive appropriate training.

Reply: With the entry into effect of the new Legal Competence Act, 1 January 1998, the age at which people become competent to manage their personal affairs was increased from 16 years to 18. The Prison and Probation Administration has for some years been seeking ways to accommodate prisoners below this age limit in a treatment centre rather than in a prison.

With an agreement concluded between the PPA and the Child Welfare Centre at the end of October, last, the policy was declared to accommodate prisoners under the age of 18 generally in a treatment centre operated under the Act on Protection of Children and Adolescent Persons offering specialised treatment regimes, provided this is deemed better to serve the needs of a prisoner.

This agreement, made in the beginning for trial purposes for a period of one year, is already in full effect, and some young prisoners have already been accommodated in treatment homes under the auspices of the child welfare authorities. This generally makes it possible to provide education, activities and care which suits adolescents better than a prison can offer.

In this decade the prison authorities have also sought to accommodate young prisoners in the constructive environment of the Kvabryggja Prison, which is a semi-open institution for 14 prisoners in the Snæfellsnes peninsula, giving priority to drug-free adolescents. The adolescents mix very well with prisoners of all ages who are able to work.

The arrangement of accommodating young prisoners separately is in some other respects difficult. As shown in the table below, the number of young prisoners, i.e. prisoners aged 16 – 20, barely reaches 10% of the total number of prisoners serving a term each year. Thus, the number of prisoners of that age serving a term at any point in time is small, and it is highly inadvisable to group them all together in a single ward. These prisoners are frequently difficult and unruly, and it is difficult to provide them with special rehabilitation and treatment facilities. A ward of this kind would demand very high emphasis on security, discipline and prevention of the smuggling of narcotics. As regards participation in studies and leisure activities, the same rules apply to them as to other prisoners.

The following table shows the number of prisoners aged 16-25, and their proportion of the total number of prisoners completing sentences in the years 1994-1997:

Age groups	1994	1995	1996	1997
	Number (%)	Number (%)	Number (%)	Number (%)
16-17 years	2 (1.0)	7 (2.6)	4 (1.3)	1 (0.5)
18-20 years	22 (10.5)	22 (8.0)	29 (9.1)	17 (5.5)
21-25 years	55 (26.3)	73 (26.6)	72 (22.7)	81 (26.0)
Totals	79 (37.8)	102 (37.2)	108 (33.1)	99 (32.0)

98. *That the Icelandic authorities avoid, as far as possible, detaining men at the Kópavogur State Prison.*

Reply: A reference is made to the remarks presented under (26) above.

Requests for information

100. *Whether the amendments proposed to the Code of Criminal Procedure entitling remand prisoners to communicate with certain administrative and judicial authorities and other parties on a confidential basis, have now been adopted.*

Reply: Act No. 136/1996 amended Section 108 paragraph 2 of the CCP, entitling remand prisoners, notwithstanding the provision of paragraph 1 (d), to send letters to, and receive letters from, the courts, the Minister of Justice, the Ombudsman and their own defence counsel in confidence. The Minister may, by administrative regulation, permit remand prisoners to send letters to other public or private parties on the same basis.

101. *The comments of the Icelandic authorities on the desirability to establish a system under which each prison would be visited on an irregular basis by an independent body, possessing powers to inspect the πρισονσ premises and hear complaints from inmates about their treatment in the establishment.*

In the past years the Ombudsman has summoned officials of the Ministry of Justice to him or his staff members a few times, when he has seen an occasion to discuss individual matters concerning prisoners or prisons, or related affairs in a wider context. On such occasions the Ombudsman has expressed the opinion that the establishment of a commission or other independent authority visiting prisons in order to examine any complaints of prisoners on account of the treatment of their cases within the prison system, inspect their accommodation, etc., could be of benefit, as the ability of his office

to examine such matters was not unlimited. He has also proposed that this independent authority might have the power to resolve matters of complaint, so that the avenue of appeal would not inevitably lead to the Ministry of Justice.

The Ministry is now drafting proposals to be submitted to the new Minister of Justice concerning possible new arrangements of this nature.

C. Psychiatric establishments

I. Preliminary remarks

Requests for information

106. How the requirements of independence and impartiality are guaranteed during the first 23 days of involuntary placement and how the requirement of objective medical expertise is guaranteed during the involuntary placement procedure in its entirety.

Reply: In Iceland, this procedure is governed by the Legal Competence Act (sometimes referred to in English as the "Majority Act"). The general rule in Icelandic psychiatric wards is to call for a psychiatrist from another hospital, if involuntary placement is to be extended beyond the initial 48 hours, if at all possible. The *πατιεντς* right of appeal to the district court is then explained to the patient and his/her family members. In far most cases a certificate prepared by the *πατιεντς* family doctor concerning the need for placement is also at hand. The fourth doctor who has been involved with these matters is the consultant doctor of the Ministry of Justice, who, as the case may be, has examined the relevant files. The involvement of these independent doctors has constituted the guarantee enjoyed by the patient.

2. Follow-up visit to the Sogn Institution for Mentally Ill Offenders

Recommendations

109. That steps be taken immediately to ensure permanent nursing cover in the establishment, including at night and over weekends.

Reply: Shifts are manned day and night at all times of the year. A nurse is not permanently present, but can be summoned on short notice. In this respect, the detailed arrangement is among the responsibilities of the *ινστιτυτιονς* medical leadership.

110. That steps be taken without delay to ensure the presence of an adequate therapeutic staff at Sogn Institution.

Reply: The staff requirements of all health care institutions are subject to constant revision and reassessment, based on information from, and requests of, the persons in charge and the managements of each institution. Requests from Sogn have been subject to the same procedures. Decisions on financial appropriations are taken by Parliament.

*113. That a booklet setting out the internal regulations and *πατιεντς* rights and duties be issued to every patient upon arrival at Sogn Institution for Mentally Ill Offenders.*

Reply: The management at Sogn have been requested to do this.

Comments

*112. It would be desirable to have clinical reviews of *πατιεντς* progress better documented in the relevant medical records.*

Reply: The management at Sogn have been notified of this comment.

113. Specific arrangements should exist enabling patients to lodge formal complaints with a clearly designated body.

Reply: According to the Health Care Act and the Rights of Patients Act, patients can always lodge formal complaints with the office of the Director General of Public Health. This applies to prisoners as well as any other patients.

Requests for information

114. The comments of the Icelandic authorities on the possibility of transferring the Institution to a location less remote from the capital.

Reply: The location of the Institution is due to various factors. It was located at Sogn because that solution was considered the most feasible one when accommodation of criminally irresponsible persons was transferred to Iceland. The location of individual health institutions is subject to constant examination. Parliament has the final power of decision in such matters.

3. Psychiatric Ward at Akureyri Regional Hospital

Recommendations

119. That an information booklet be issued to every patient upon arrival.

Reply: This recommendation has been forwarded to the hospital management.

Comments

119. Specific arrangements should exist enabling patients to lodge formal complaints with a clearly designated body.

Reply: Refer to the reply under (113) above.

D. Stúðlar Diagnostic and Treatment Centre for Juveniles

I. Material conditions

Recommendations

125. That appropriate measures be taken to remedy safety deficiencies in the second emergency room.

Comments

124. In both emergency rooms, ventilation left much to be desired,

Requests for information

125. More details about the plans to take the emergency rooms out of service and to convert them into ordinary rooms for juveniles undergoing treatment at the Centre.

Reply: The Ministry for Social Affairs considered appropriate to present one reply to these three points. The Child Welfare Centre has repeatedly emphasised the need for a new acute reception facility for juveniles. According to a resolution of the Government of 23 February 1999 a committee was instituted to consider the urgent situation as regards the treatment afforded juveniles, assess the situation and propose improvements. The committee was composed of representatives from the Ministries of Health, Social Affairs and Justice. The committee proposed the establishment of an acute reception facility for juveniles suffering from behavioural and psychiatric problems such as drug abuse and anti-social proclivities. This was to take over the role now served by the Stúðlar emergency accommodation centre, simultaneously with accommodating some of the juveniles now received in urgent cases by the Psychiatric Ward for Children and Juveniles at the National Hospital. The committee emphasised that the facility would be operated on the joint responsibility of the health and social authorities. The report of the committee has not yet been submitted, but the Child Welfare Centre hopes that its proposals will be carried out shortly.

If this is done, the emergency rooms at **Stuðlar** will be taken out of use for juveniles subject to treatment, and changed accordingly. If not, appropriate action will be taken to improve ventilation and safety, and preparations for this are under way.

The staff are prohibited from applying physical restraints of any kind, and Section 53 paragraph 2 of the Child Welfare Act, No. 58/1992, prohibits physical or mental punishment in homes and institutions for children. This does not, however, prevent staff from taking necessary emergency action in order to prevent children from endangering their own safety or that of others. On 1 February 1999, the Child Welfare Centre issued rules on the rights of children and compulsory measures in treatment centres operated under the auspices of that office. These replaced older rules on the same subject issued in 1997. A copy of the rules, which are only available in Icelandic, is attached for information.

2. Staff

Comments

134. The CPT invites the Icelandic authorities to reflect upon ways to overcome the problem of high turnover of staff.

Reply: In 1995, a reorganisation of the **στατες** treatment system caused considerable changes in personnel employment while adjustments were taking place. This problem is now less felt; for example, in the past seven months only one staff member at **Stuðla** has left the institution. The Child Welfare Centre considers that this is to be thanked a better organisation, a change in wage policy and increased support to staff, and that this no longer constitutes a grave problem.

3. Medical care

Recommendations

137. That steps be taken to ensure that all newly-arrived juveniles are medically examined before admission or during the admission procedure.

Reply: The Icelandic authorities agree with the view that a general medical examination of all juveniles accommodated at **Stuðla** is needed. They will seek to lay down in further detail how this is to be implemented, in co-operation with the child welfare committees asking for admission, and the health care authorities.

*138. That the Icelandic authorities arrange for a daily visit of a nurse to **Stuðlar** Diagnostic and treatment Centre. Such a nurse could in particular receive requests from juveniles to see a doctor, ensure the provision and distribution of prescribed medicines and control the **Χεντρες** stock of medicine.*

Reply: In the opinion of the Child Welfare Centre these tasks are not so extensive as to make feasible the recruitment of a nurse to discharge them. The juveniles can request medical attention or service through their councillor, a psychologist, or through the **εσταβλισημεντο** doctor. That doctor is in charge of the **εσταβλισημεντο** stock of medicines, and two particular staff members, a programme supervisor and a group supervisor, distribute the prescribed medicines under his supervision. The medicines are placed in special boxes for each individual person for whom they have been prescribed, for one week at a time, and each administration of medicines is signed for separately. The director of the establishment regularly reviews the records so made.

4. Complaints and inspection procedures

*142. Whether juveniles placed in the institution are entitled to correspond with the child welfare committee on a confidential basis, and whether any provision has been made for regular inspections of juvenile establishments by an independent body with authority to receive the **φωπενιλεσ** complaints and inspect the premises.*

Reply: The rules on the rights of children and compulsory measures in treatment homes, mentioned above, prohibit the opening of the **φωπενιλεσ** mail, sent or received, or listening to their telephone conversations with public authorities, their legal counsel, or their legal representative. According to the Child Welfare Act, treatment institutions for juveniles are operated under the supervision and control of the Child Welfare Centre. The staff members of the Centre regularly visit all treatment institutions for juveniles, including **Stuðlar**. The rules on the rights of children and compulsory measures furthermore provide that in case of an alleged breach, the juvenile, his or her custodian, the child welfare committee or

a staff member of the institution can complain to the Child Welfare Centre. The juveniles are to be assisted in lodging a complaint, and the Child Welfare Centre has had a special form prepared for this purpose.

An Observation

In paragraph 126, a description is presented of the treatment afforded and the procedures employed at **Stuðlar**, which calls for rectification. A change has been made at **Stuðlar** to the effect that the juveniles are accepted to the treatment unit directly and enter their rooms on arrival. They are not locked in their rooms.

Paragraph 136 describes psychiatric and psychological services, stating that a child psychiatrist, employed on a 25% basis, held consultations in the Centre every weekday and was also on call in emergencies, and that the four psychologists organised individual and group therapy sessions daily. The fact is that the psychiatrist is employed on a 20% basis at **Stuðlar**. He is called to attend to the juveniles on both the treatment unit and the emergency unit when necessary, but does not hold daily consultations. There are three psychologists serving **Stuðlar**. They perform psychological assessments, hold individual and family interviews, and work in close consultation with the councillor who serves as the *χηιλδσ* link with the unit. Treatment sessions, organised by a programme supervisor, a group supervisor and the treatment unit councillors, are a regular item on each daily agenda.

Appendices:

1. Rules on application of force by police and the use of means of restraints and weapons.
(Point 13)
2. Rules on reaction of prison staff to suicide risks and other matters.
(Point 47)
3. Agreement concluded between the Prison and Probation Administration and the Child Welfare Centre on the accommodation of prisoners under the age of 18.
(Point 97)
4. Rules on the rights of children and compulsory measures in treatment centres operated under the auspices of the Child Welfare Centre.
(Point 125)

Note:

These Appendices (in Icelandic language) are available in PDF format.
