



CPT/Inf (96) 16

**Follow-up report of the Norwegian Government in
response 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 requested the publication of their follow-up report. The CPT's report on its visit to Norway (CPT/Inf (94) 11) and the response of the Norwegian Government (CPT/Inf (94) 12) were made public in September 1994.

Strasbourg, 25 April 1996

**FOLLOW-UP REPORT OF
THE NORWEGIAN GOVERNMENT IN RESPONSE
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



ROYAL MINISTRY OF JUSTICE AND THE POLICE
SECRETARY GENERAL

OFFICE ADDRESS: AKERSGT. 42 - TEL. +47 22 34 90 90 - TELEX 21 403 JDEP N
POSTAL ADDRESS: P.O. BOX 8005 DEP., N-0030 OSLO, NORWAY

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

1257/95 D EBJ/kmr

09-03-95

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 honor to enclose herewith the follow-up report drawn up after having received the report dated 18 March 1994 from the European Committee for the prevention of torture and inhuman or degrading treatment or punishments (CPT) 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. Those points mentioned by the CPT to which an exhaustive comment or answer was provided in the Interim Report are, however, deleted.

The Norwegian Government has been informed that a misunderstanding had occurred with regard to paragraph 19 of the CPT's report. We would thus like to take the opportunity to rectify this;

The so-called sick cell of the Romerike Police Headquarters at Lillestrøm is a completely stripped cell, with no sanitary or other provisions. The cell is not used for sick detainees. Rather it is used for detainees awaiting transport to medical examination in connection with suspicion of in corpore concealment.

There are no specific regulations concerning the cell, which was used in four to five instances in 1993.

The Norwegian authorities would like to inform the CPT of the removal of the metal bar in one of the ordinary cells at Romerike Police Headquarters, commented upon in the CPT's report (paragraph 20).

The Norwegian Government is keen to establish an ongoing dialogue with CPT and is looking forward to our future cooperation.

Yours faithfully

Rakel Surlien

**FOLLOW-UP REPORT PROVIDING FULL ACCOUNT OF ACTION
TAKEN BY NORWEGIAN AUTHORITIES TO IMPLEMENT THE
CPT'S RECOMMENDATIONS .**

This report follows the same format as the summary of the CPT's recommendations, comments and requests for information, as contained in Appendix I of the CPT's report to the Norwegian authorities.

The questions mentioned by the CPT to which a comprehensive comment or answer was provided for in the interim report have been deleted.

A. Police Establishments

1. Torture and other forms of ill-treatment

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.

Police chiefs must, however, report to the Ministry of Justice any sanctions imposed upon police officers - apart from cases heard by the special investigative body - including cases pertaining to complaints of ill-treatment.

Three cases concerning complaints of ill-treatment were reported during 1992 and 1993. One case resulted in a not guilty verdict, one case in a guilty verdict, and one case in a written reprimand.

Norwegian authorities have assessed whether there is a need to compile systematic statistics, and have thereby concluded that the current reporting system is sufficient. Please find enclosed the circular instructions regulating the reporting system. (x)

(x) This text is available on request.

2. Conditions of detention in police establishments

comments

- 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).

As mentioned in Interim report, food is served three times a day, at 0800 hours, 1130 hours and 1630 hours at Oslo Police Headquarters.

Norwegian authorities have, on the basis of CPT's report, ordered Oslo Police Headquarters to assess the possibilities for storage of a limited amount of food to be available to detainees requiring food outside ordinary meal times.

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);

Please see the enclosed letter regarding the detention cells at Romerike Police Headquarters.

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

Norwegian authorities have been monitoring the matter and will continue doing so in the future. For further comments, please see the above, regarding this matter.

3. Safeguards against ill-treatment of detainees

recommendations

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

The proposal is currently being examined by the Norwegian Authorities. One method under consideration is to establish a computer assisted system for individualised custody records.

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;

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).

Norwegian authorities have, as part of an assessment on the need for such statistics, compiled information on the number of complaints of ill-treatment and their outcome in 1992 and 1993.

Of a total of 53 complaints in 1992 and 1993, two cases resulted in reprimands, of which one included a fine. Additionally, a prison officer was sentenced by the court to 7 months of penal sanctions in 1994 for sexual harassment of an inmate. 60 days of the sentence was unconditional and must be served in a penal institution.

Upon a more detailed analysis of the data, it is found that many of the reported complaints involve allegations of "negative attitudes", such as noisy rattling with keys at night,

Upon assessment of the compiled information, Norwegian authorities do not find it useful to compile central statistics on this matter.

2. Solitary confinement of remand prisoners by court order

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

The study is not yet completed. Recent statistics show, however, that the average time spent in remand detention during 1994 was 60 days, 61 days for men and 46 days for women. A total of 3,227 persons were placed in remand detention during 1994.

3. 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);

Norwegian authorities have conducted a limited study to determine the number of new prisoners who use prison health service upon arrival in Oslo prison.

80 % of new prisoners had contacted the health service upon arrival, either by personal request or by referral.

As a consequence of the above mentioned study, Norwegian authorities deem the current scheme as satisfactory.

Norwegian authorities are currently developing new regulations regarding prisoners' health services, which will include a further assessment on whether there is need for prison health services to examine every arrival to a prison, regardless of legal status or expected length of stay.

- 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).

During November 1994 the Board of Supervisors at Ila Prison sent an inquiry to the Ministers of Health and Justice asking about action taken or planned to be taken for 25 inmates diagnosed as suffering from serious mental disorder.

Upon review of the matter, it was found that 13 prisoners had already been transferred to psychiatric hospitals. By the middle of December only four of those still remaining in the prison fulfilled the criteria for serious mental disorder in accordance with the Mental Health Act, all of whom had been referred to psychiatric hospital during the same month. Date for placement for these patients was expected within two weeks.

In his reply to the Board of Supervisors, the Minister of Health on behalf of the Ministries of Health and Justice recognised the need to improve the situation for receiving such patients in the specially designated psychiatric security units, both on regional and district

level. He also stated his willingness to follow up with the action required.

A new evaluation of the need for psychiatric hospital care among prisoners at Ila will be carried out during Spring 1995.

requests for information

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

An investigation conducted by Health authorities in 1994 revealed that all referrals regarding prisoners suffering from severe psychiatric disorders in Ullersmo Prison had resulted in either out-patient treatment or admittance to psychiatric hospitals.