

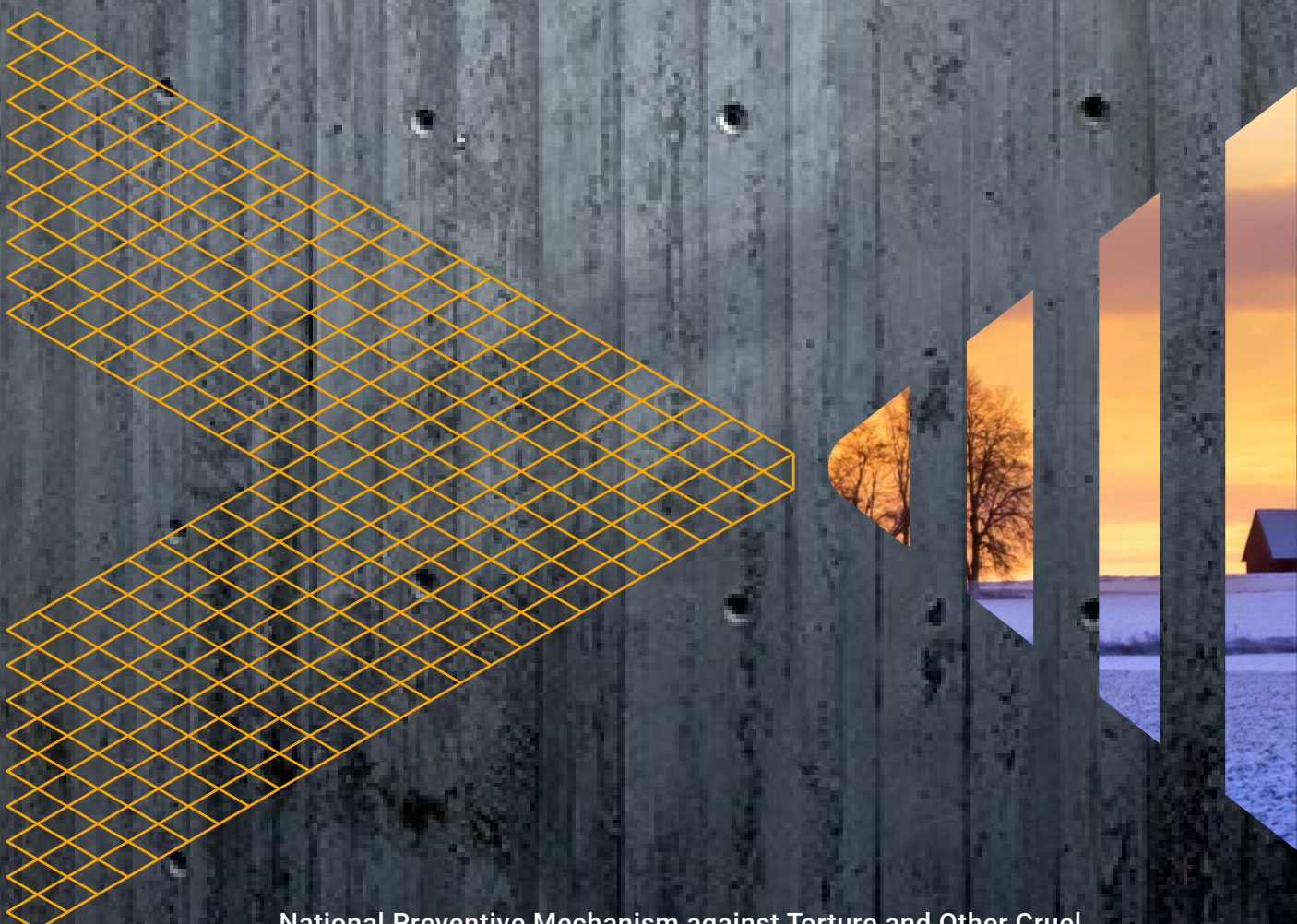


SIVILOMBUDET

Norwegian Parliamentary Ombud

ANNUAL REPORT 2021

DOCUMENT 4:1 (2021–2022)



National Preventive Mechanism against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment





Document 4:1 (2021–2022)

**The Parliamentary Ombud's Annual Report for 2021
as National Preventive Mechanism against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

Submitted to the Storting on the 29th of March 2022

Preface

2021 has been a productive year for the Norwegian National Preventive Mechanism (NPM) at the Parliamentary Ombud. In the past year, we have brought attention to the conditions for children in police custody and the most vulnerable groups residing in nursing homes. We have also conducted nine visits to homes for adults with developmental disabilities and we have highlighted deficiencies relating to due process rights for this group. By way of lectures, teaching and participation in consultations and input meetings, we have also raised awareness and shared knowledge on how to prevent the use of coercive measures in several sectors.

The year began with a societal lockdown and the spring was characterised by many restrictions and considerable uncertainty regarding the future development of the coronavirus pandemic. As a result of this situation, the NPM decided to focus its efforts on a larger study regarding children in police custody, rather than planning in-person visits that would involve a high risk of pandemic-related cancellations.

Since 2018, Norwegian authorities has reported an increase in the number of children placed in custody. As such, the study of children in police custody was a highly relevant topic for the NPM, deserving of more detailed examination. The project consisted of collecting national data from all police districts in Norway and a visit to the Oslo Police District Custody Facility. Our findings resulted in a report which pointed out that Oslo Police District is lacking suitable alternatives to holding cells for minors and that detained children are not offered continuous access to adult interaction, as required according to national and international guidelines.

Our study also revealed the need for national measures. In a letter to the Norwegian Ministry of Justice and Public Security we emphasized the need for an improved reliable national overview of the number of children in police custody, improved documentation of the conditions children face while in custody and a national effort to ensure suitable alternatives to the use of holding cells for children.

Once society reopened in September, it was possible to resume the NPM's ordinary visitation activities. In autumn, we conducted a total of nine in-person visits

to homes for adults with developmental disabilities in Kristiansand and Hamar municipalities. Some of these were group homes, while others were single dwellings. These visits built on our experiences from a visit conducted within the same sector to Drammen Municipality in 2020, which revealed several issues such as the use of coercive measures against residents without a valid legal decision.

In addition to conducting regular visits, The NPM also follows up previous years' visits and assesses whether our recommendations have been implemented. One example is from the Municipality of Nordre Follo, which received a report and recommendations from us following our visit to Høyås Residential Elderly Care and Rehabilitation Centre in 2020. In the aftermath of our visit, the municipality announced that it intends to follow up the recommendations made by the NPM by establishing a comprehensive project across the Municipality to ensure that the improvements benefit all relevant service recipients. Drammen Municipality has also informed us that their follow-up measures will affect all service recipients in the municipality, not just those that were visited by the NPM. These are good examples of how the NPM's visits and recommendations can have a positive ripple-effect, beyond the individuals and institutions we visit.

Our visits can also require long-term follow up. This happens in situations where we require further information about whether our recommendations are appropriately considered and implemented, or in situations where we do not receive adequate responses from the places we have visited. In 2021 we concluded prolonged communication exchange with

the Health facility Stavanger, the Child Welfare Institutions Stendi Nymogården and Jong Youth Home. These are facilities we visited in 2019. This year we also concluded a similar communication with the hospital in Østfold, Kalnes, which we visited in 2018.

The conditions at the Trandum Police Immigration Detention Centre has also required considerable follow-up in the past year. This has long been a matter of concern for the NPM and in May we asked the Norwegian Ministry of Justice and Public Security and the Norwegian Ministry of Health and Care Services to provide us with information on the current conditions for detainees. The Ministry of Health and Care Services informed us that it has tasked the Norwegian Directorate of Health to propose a new structure for the health services at the detention centre. In its response letter, the Norwegian Ministry of Justice and Public Security informed that it plans to revise the Norwegian Regulations relating to the Police Immigration Detention Centre and that it will involve the Parliamentary Ombud in such a process. It is important that the Ministry continues its work on revising these regulations. The Human Rights conditions for the detainees have been under scrutiny for several years and there is a need for prompt measures to ensure that the conditions at Trandum do not continue to be in breach of legislation or constitute a risk of violating the prohibition against inhuman or degrading treatment.

The advisory, educational and cooperative functions of the NPM have also been important components of our work in 2021. We have participated and contributed to many areas, including in a parliamentary consultation on amendments to the *Norwegian Execution of Sentences Act*. Here we highlighted that the proposals regarding the use of highly invasive restraint measures such as spit hoods and BodyCuff restraints were inadequately evaluated. We have also provided input on a new Norwegian Act relating to Child Welfare Services where we requested a clarification regarding staff responsibility for the use of coercive measures and a clarification of the requirement that all coercive measures must be necessary and proportionate. Furthermore, we have given lectures in educational or continuing educational programmes for many relevant occupations, including correctional officers, custody officers, border patrol officers and psychologists, medical doctors specialising in psychiatry and law students. We consider these efforts to be important measures in our work to prevent inhuman treatment.



Photo: Mona Ødegård

We have continued our important and valuable cooperation with civil society through regular meetings with our Advisory Committee and by participating in conferences and seminars. Internationally, we have maintained our relationship with the Nordic NPM network through regular meetings. In September, we were asked to contribute and share our experiences at a conference on isolation in the Danish Parliament (*Folketing*).

After eight years of work and 86 visits to almost all sectors that fall within our mandate, the NPM has a unique and comprehensive insight into the risk factors that may result in violations and inhuman treatment against persons deprived of their liberty in Norway. This knowledge makes it an obligation for us to work systematically with the broader implications of our findings and recommendations, through education, raising awareness and engaging in dialogue with national authorities. This work needs to be prioritized while we also focus on conducting new visits and following up on new findings. Today's current staffing situation unfortunately limits our capacity to secure systematic follow-up of our recommendations at a national level. This applies to recommendations within areas such as mental healthcare and Child Welfare Institutions, in addition to the major challenges described in our Special Report to the Norwegian Parliament about isolation in Norwegian prisons (Dok 4:3 (2018–2019)).

We look back at an eventful year for our preventive efforts. Despite many uncertainties due to the pandemic and with a limited number of staff, we have succeeded in maintaining a high level of activity. 2021 was also the year in which we received a new Norwegian Parliamentary Ombud Act. The new Act reflects the wording of the Optional Protocol to the Convention against Torture (OPCAT) to a greater extent than previous legislation. This underlines and clarifies the NPM's important mandate to prevent torture and inhuman or degrading treatment in the years to come.

Hanne Harlem
Parliamentary Ombud

A handwritten signature in black ink that reads "Hanne Harlem".

Sectors covered by the NPM's mandate

59 

**PRISONS AND
TRANSITIONAL
HOUSING**

127 

**DETENTION PREMISES
USED BY THE CUSTOMS
SERVICE**

Approx.

115 

**POLICE CUSTODY
FACILITIES, INCLUDING
WAITING CELLS**

3 

**POLICE IMMIGRATION
DETENTION CENTRES**

9 

**CUSTODY FACILITIES
OF THE NORWEGIAN
ARMED FORCES**

1 

**INVOLUNTARY
INSTITUTIONAL
TREATMENT CENTRE
(BRØSET)**

68 

**MENTAL HEALTHCARE
INSTITUTIONS**

Approx.
70 

**INSTITUTIONS
FOR INVOLUNTARY
TREATMENT OF PERSONS
WITH SUBSTANCE
ABUSE ADDICTIONS**




**HOUSING FOR PERSONS
WITH INTELLECTUAL
DISABILITIES**

The number of places where persons with intellectual disabilities can be deprived of their liberty is uncertain. This is due to a variety of reasons, including that many persons with intellectual disabilities live in their own home or in shared housing facilities.

Approx.
1000 

NURSING HOMES

Approx.
150 

**CHILD WELFARE
INSTITUTIONS**

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1



The Mandate of the NPM

On 14 May 2013, the Norwegian Parliament (Storting) voted in favour of Norway ratifying the Optional Protocol to the Convention against Torture (OPCAT). The Convention requires State Parties to establish a body for the prevention of torture and other cruel, inhuman or degrading treatment or punishment of persons who are deprived of their liberty.¹ This task was assigned to the Parliamentary Ombud and a separate department for the National Preventive Mechanism (NPM) was established to ensure this part of the Ombud's work.

The NPM has access to all places where persons are or may be deprived of their liberty and it may access all necessary information of significance for how deprivation of liberty is implemented. The NPM regularly visits places where persons are deprived of their liberty, including prisons, police custody facilities, psychiatric institutions and child welfare institutions. In 2020, the NPM visited nursing homes for the first time and in 2021, we have visited homes for adults with developmental disabilities. Such visits can be conducted with or without prior notice.

The NPM assesses the risk of torture and inhuman treatment based on a broad range of sources. During visits, the NPM examines the conditions of the location by way of observations, conversations and review of documentation. Private conversations with persons who are deprived of their liberty is a particularly important source of information. As part of its prevention work, the NPM has extensive dialogue with national authorities, oversight and supervisory bodies in the public administration, other ombud offices, civil society, NPMs in other countries and international actors in the field of human rights.

An Advisory Committee for the NPM has been set up. This committee contributes to the work of the NPM with their expertise, information, advice and insight.

The United Nations Convention Against Torture

The United Nations (UN) Convention Against Torture states that torture and inhuman treatment are prohibited and that this prohibition is absolute and non-derogable. States that consent to be bound by the Convention undertake to prohibit, prevent and prosecute all uses of torture and other cruel, inhuman or degrading treatment or punishment. Under the Convention, *“Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture [or other forms of cruel, inhuman or degrading treatment or punishment] has been committed in any territory under its jurisdiction”*.²

Norway ratified to the UN Convention Against Torture in 1986. The prohibition against torture is set out in different parts of Norwegian legislation, including Article 93 of the Constitution of Norway.

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**The United Nations (UN)
Convention Against Torture
states that torture and inhuman
treatment are prohibited and
that this prohibition is absolute
and non-derogable.**

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¹ Sections 1, 17, 18 and 19 of the Norwegian Parliamentary Ombud Act.

² Article 12 of the UN Convention Against Torture.

Optional Protocol to the Convention against Torture (OPCAT)

The objective of the Optional Protocol to the UN Convention against Torture is to prevent torture and inhuman treatment of persons who are deprived of their liberty. It was adopted by the UN General Assembly in 2002 and entered into force in 2006. The background for OPCAT is that persons who are deprived of their liberty are in an especially vulnerable situation and have an increased risk of being subjected to torture and other cruel, inhuman or degrading treatment or punishment.

States that consent to be bound by the Option Protocol undertake to have one or several NPMs that conduct regular visits to places where person are or may be deprived of their liberty, for the purpose of strengthening the protection of such persons against torture and inhuman treatment.

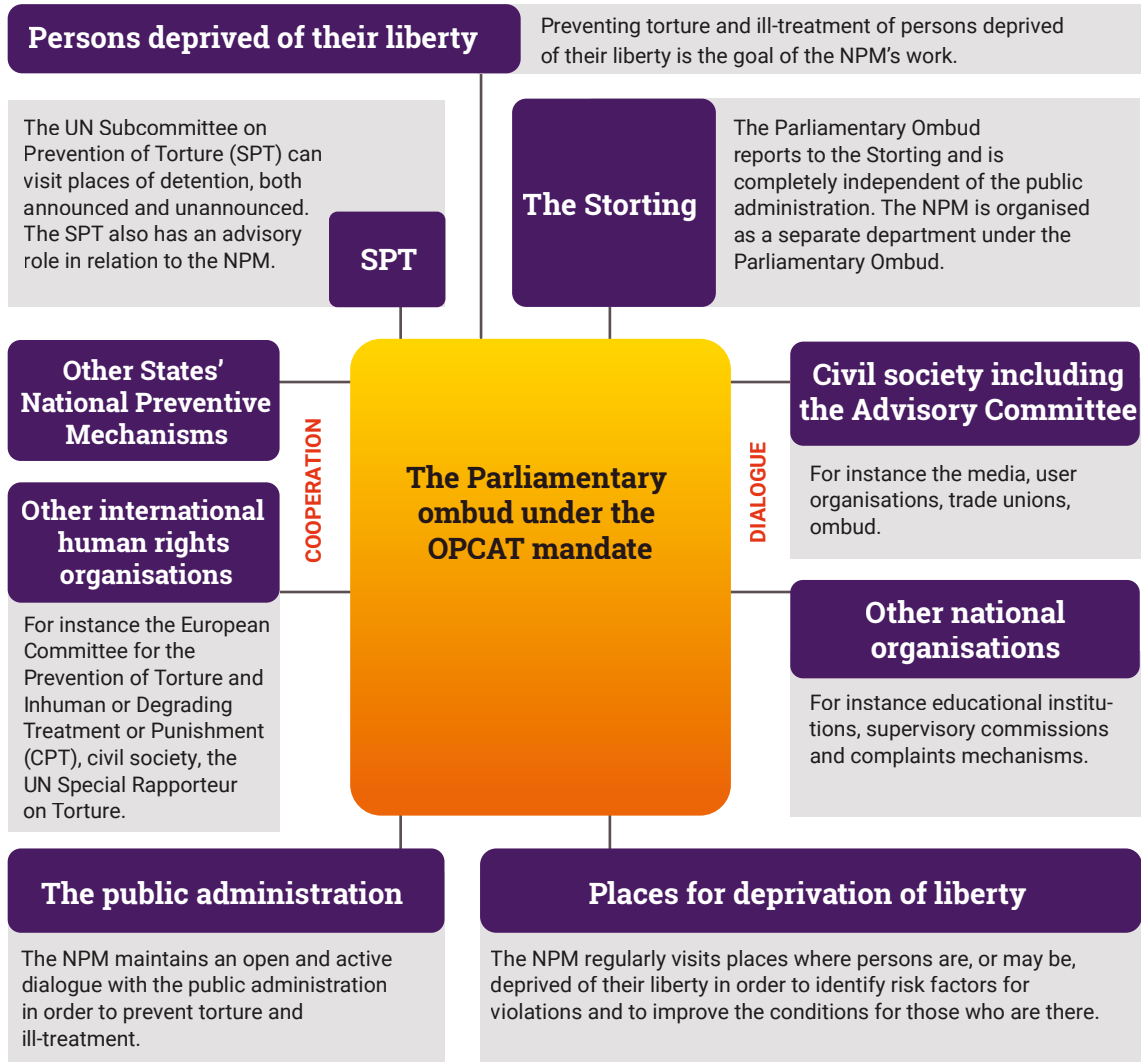
The NPMs have the option of issuing recommendations that highlight risk factors for violations of integrity. They can also submit proposals and comments to existing legislation or legislative

proposals. OPCAT also established an international prevention committee, the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), which works in parallel with the NPMs. The SPT may visit all places where persons are deprived of their liberty in OPCAT State Parties. Furthermore, the SPT may provide advice and guidance to the NPMs.

The NPMs must be independent of the authorities and places of detention, have the resources they require at their disposal and staff with necessary competence and expertise.



The NPM’s most important relations



2



Working Methods

The National Preventive Mechanism (NPM) aims to identify the risk of torture and inhuman treatment and prevent persons from being subjected to such abuses. This is mainly done by visiting institutions where persons are deprived of their liberty. Furthermore, the NPM engages in information and advocacy work, as well as knowledge sharing. These working methods contribute towards a holistic and interdisciplinary approach.

The risk of torture or inhuman treatment is affected by a number of different factors, including legal and institutional frameworks, physical conditions, training, resources, management and institutional culture. This necessitates a holistic approach whereby different working methods and professional perspectives are employed. To ensure an interdisciplinary perspective in the work, the NPM consists of employees with professional experience from different sectors and educational backgrounds, including law, criminology, human rights, psychology and social sciences.

Effective and credible prevention work is contingent on our ability to freely choose which places we will visit and when and how the visit will be conducted. Unrestricted access to documents and to all parts of the institutions we visit and the option of carrying out confidential conversations, is also crucial.





From the NPM visit to Oslo Police District Custody Facility in May 2021. Photo: the NPM

Planning and Implementation of Visits during the Pandemic

The coronavirus pandemic has had a major impact on the planning and implementation of visits in 2021. At the start of the year, the situation remained unclear and there was a considerable degree of uncertainty regarding new virus mutations and progress in mass vaccination. Already in March 2021, Covid infection numbers increased sharply, developing into what was referred to as

the third wave of infections. These circumstances naturally also limited the NPM's visits to institutions and other external work.

Many of the individuals the NPM normally visit are in vulnerable situations that are likely to be exacerbated by a disease like COVID-19. The Do No Harm principle entailed that the NPM had to limit its visits to the most vulnerable groups and sectors.

Therefore, at the start of the year, a decision was made to conduct a broader study of the conditions for children in police custody during the spring of 2021. The study included a visit to Oslo Police District (see chapters 3 and 4) and data collection from all national police districts. The background for the study was a reported increase in children in custody since 2018. We also considered a visit to a police custody facility to entail a lower risk, from a COVID-19 infectious control perspective, than visiting other institutions such as nursing homes or homes for adults with development disabilities. In a police custody facility, the system of control and physical design enable the implementation of COVID-19 infection control measures without excessive disadvantages on those visited. It was possible to plan for physical distancing, the use of face masks and to maintain control of close contacts in all situations where this was necessary for infection control purposes, without having a detrimental impact on safety.

In autumn 2021, it became possible to resume visits because large portions of the population had been vaccinated and society had reopened. As a result of this change, we conducted several visits to homes for adults with development disabilities in the municipalities of Hamar and Kristiansand (see chapters 3 and 4).

Prior to Visits: Quality Assessments and Planning

The NPM has access to all necessary information of significance for the conditions during deprivation of liberty and a thorough assessment is performed prior to each visit. This includes a review of e.g., routines and procedures, local guidelines, administrative decisions, records and statistics. Through this documentation, we receive an early indication of potential risk factors for inhuman and degrading treatment and ensure that the visits cover the areas that are most relevant for the place we are about to visit. In May 2021, we

were given training in infection control by the Occupational Health Service, as part of our preparations for conducting visits during the COVID-19 pandemic.

The places we visit vary considerably in size, structure and management. The considerable differences between the places covered by the NPM mandate require us to continuously develop our working methods. The visits are planned in such a manner that we have the opportunity to speak with as many people as possible at the relevant institution. At smaller institutions, it is especially important to plan to be present during a period in which as many people as possible are available for conversations and where we have the time to make contact with those who are deprived of their liberty.

Prior to the visits, we prepare interview guides that are adapted to those with whom we wish to speak. The conversations take place during the visit in the form of partially structured interviews with two of the NPM's members present. This ensures sufficient documentation of the information we receive.

In 2021, we prepared the visits to Oslo Police District Custody Facility and homes for adults with intellectual disabilities in Hamar and Kristiansand municipalities. We also started collecting data for visits planned for 2022.

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In 2021, the NPM has conducted in-person visits to police custody facilities and homes for adults with developmental disabilities.
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From the NPM visit to Oslo Police Custody in May 2021. Photo: the NPM

Before visiting the police custody facility in Oslo Police District, we obtained background information and statistics regarding children in custody from all national police districts. We also collected information from the Norwegian Police University College. Furthermore, we had correspondence with Oslo Municipality's section for social outreach in Oslo City Centre (*Uteseksjonen*), the Norwegian Bureau for the Investigation of Police Affairs, the Norwegian Ombudsperson for Children, the Defence Lawyers Group in the Norwegian Bar Association, the Norwegian National Human Rights Institution's (NIM) and the Norwegian National Police Directorate.

In advance of visits to homes for adults with developmental disabilities, we gathered information regarding all of the group homes in the municipalities of Hamar and Kristiansand, including information regarding the number of service



recipients per group home and persons in the municipalities subjected to a legal administrative decision on the use of coercion pursuant to Chapter 9 of the Norwegian Act Relating to Municipal Health and Care Services.¹ Based on this information, we decided to visit group homes where there were residents subjected to legal decisions on the use of coercion. In total, we examined the conditions of 13 persons with developmental disabilities in nine different locations in Hamar and Kristiansand.

Notification of Visits

The places we visit are generally not informed of the date of the visit. Usually, we provide notification that a visit will take place within a 2–12-month period. This enables us to gather information from a number of sources prior to the visit. Key sources during this phase are documents from the place that will be visited, oversight bodies, government

¹ Chapter 9 of the Norwegian Municipal Health and Care Services Act provides a legal basis for the use of coercive measures as part of health and care services for persons with developmental disabilities on more detailed conditions.

agencies and other relevant authorities. We also inform our Advisory Committee and request any information that the members of the committee may have. In some cases, we conduct entirely unannounced visits. This has not been the case in 2021.

In 2021 there were several factors that made it necessary to provide prior notice for our visits. One factor was the pandemic, which put a strain on the staffing situations at the places we visited and entailed a need for additional facilitation in terms of infection control. Another important reason why we opted to provide notification was that we visited homes for adults with developmental disabilities. Persons with developmental disabilities may benefit from being informed in advance, in order to feel safe during our visits.

During Visits: Conversations with Persons Deprived of their Liberty

During visits, we examine the conditions at the location using our own observations, conduct conversations and undertake review of relevant documents. We take pictures to document the design and conditions of the premises, available information (to residents) and equipment. The schedules for the visits are prepared in a manner that allows for adaptation of the work during the visit, enabling us to spend more time on important topics and cases that might arise during the visit.

The NPM always prioritises conducting private, confidential conversations with persons who are or may be deprived of their liberty. It is important that we are able to speak with those who are most vulnerable to abuse. These conversations are an important source of information since the persons who are deprived of their liberty have first-hand knowledge of the conditions in the relevant location we are visiting. They are in a vulnerable

situation and have a special right to protection. An interpreter is used if necessary. Conversations are also held with staff, management, health services and other relevant parties.

During the visit to Oslo Police District, we conducted conversations with police officers from the patrol and prevention services, police prosecutors and investigators, in addition to employees at the police custody facility. During the visits to homes for adults with developmental disabilities, we spoke with the residents who were subjected to legal administrative decisions on the use of coercion, staff at the homes, the municipal administration and habilitation service, relatives and legal guardians, as well as staff from the relevant County Governors' office. The methodology for conversations with relatives and legal guardians established in 2020 was further developed during these visits.

After Visits: Analysis and Publication of Findings

After the visit has been completed, a report is prepared. This report describes the risk factors that were uncovered during the visit and provides specific recommendations regarding how the risk of abuses can be prevented and reduced. In the analysis work that forms the basis for the report, we often collect additional documentation to supplement the sources in important areas.

Two weeks before the completion of the report, we send a draft to the facility we have visited. They are thereby given the opportunity to correct mistakes and misunderstandings. The final visit report is forwarded to the facility, with a copy to the relevant Government Ministry, Directorate and oversight body. We request that the recipient of the visit report ensure that the subjects of the report are also given access to it. The report is then published on the Parliamentary Ombud's website.

Some facilities we visit are very small. Therefore, we will often provide an overall description of findings from multiple locations in one single report. This may include smaller institutions in the child welfare sector and homes for adults with developmental disabilities. This is first and foremost done to preserve the anonymity of the persons who are deprived of their liberty. The visits we conducted to Hamar and Kristiansand municipalities in autumn 2021 will be summarised in two reports that will be published in 2022.

The visited facilities will be given a time limit for notifying the NPM of how they have implemented the recommendations given in the report. The follow-up of the facility will also be published on the Parliamentary Ombud's website. Certain recommendations require limited follow-up efforts, whereas other recommendations are more laborious. This entails that the follow-up of some visits may take a long time, while other follow-up processes can be completed relatively quickly.

National and International Dialogue

Disseminating knowledge about the status for persons deprived of their liberty in Norway is also a key component of the prevention work. Therefore, we work in a strategic and overarching manner on creating awareness and sharing knowledge both nationally (see Chapter 5, National dialogue) and internationally (see Chapter 6, International dialogue). With the aid of digital platforms, we have been able to exchange experiences from visits to new sectors and discuss problems with other

NPMs and with international and human rights organisations. The collaboration between the NPMs in the Nordic countries has been productive and occurs by way of regular virtual meetings.

Competence Building and the Use of External Experts

In order to maintain as high a level of activity as possible during the pandemic, we have worked on developing methods that facilitate the resumption of visits to places of deprivation of liberty in accordance with professional infection control advice. This has included internal training from the Occupational Health Service regarding infection control during visits.

Throughout the year, we have also worked on internal competence building in connection with the visits to nursing homes and to persons with developmental disabilities. This included awareness of risk factors and the regulatory frameworks governing both sectors, in addition to methodologies for the implementation of interviews and observations. External experts were utilised in this work and the Norwegian National Competence Service for Ageing and Health and the National Institute on Intellectual Disability and Community (NAKU) each held a series of virtual seminars for the NPM staff members. Highlighted topics included individual autonomy and participation, communication and mental and physical health in persons with developmental disabilities.

External experts were not part of visits in 2021.



The NPM staff in the autumn of 2021: From the left: Mette Jansen Wannerstedt, Silje Sønsterudbråten, Pia Kristin Lande, Helga Fastrup Ervik, sivilombud Hanne Harlem, Johannes Flisnes Nilsen, Jannicke Godø, Karin Afeef, Jonina Hermannsdottir, Helen Håkonsholm. Photo: Mona Ødegård



3



Selected topics from 2021

Children in Custody

Children below the age of 18 shall only be placed in police custody as a measure of last resort.¹ Since 2018, there has been an increase in the reported numbers of children placed in police custody in Norway. This was the backdrop for the NPM visit to Oslo Police District in the spring of 2021. During this visit we examined how children's rights are ensured and adhered to, during arrest and placement in custody. We also collected national data on minors in custody from all police districts in Norway.

Children's Rights and their Special Vulnerability

Being placed in police custody is a highly invasive measure. This is especially the case for children.

Both physically and mentally, children are in a vulnerable developmental phase and are therefore more prone to harm due to deprivation of liberty compared to adults. The brain is not fully developed until the early twenties² and normal development is contingent on relational security, social interaction and activities.³ When isolated from the world, this development is hampered. Children and adolescents who are left on their own in a difficult situation find themselves in a critical situation. The UN Convention on the Rights of the Child states

that every human being below the age of 18 shall be considered a child.⁴

As such, children who are placed in police custody are more vulnerable than others to being subjected to human rights abuses and are therefore entitled to special protection measures..⁵

Children are unable to evaluate time in the same manner as adults and they have not fully developed their ability to handle the stress, anxiety and uncertainty that isolation can cause.⁶ Children and adolescents who are arrested and placed in police custody may be in crisis, shock or intoxicated. Placement in a holding cell can cause trauma, and

1 In this article we have used the term "custody" for police custody, ie. when children are placed in custody by police as result of being *arrested* on suspicion of having committed a criminal offence or as a result of being *apprehended* under the Norwegian *Police Act*.

2 Lee, J. (2016). Lonely Too Long – Redefining and Reforming Juvenile Solitary Confinement. *Fordham Law Review*, 85, 846–870.

3 See e.g., Tetzchner, S.v. (2012). *Utviklingspsykologi [Developmental Psychology]*. Oslo: Gyldendal akademisk.

4 UN Convention on the Rights of the Child, Article 1. Children may be accountable within delimited areas before reaching the age of majority. For instance, children who have turned 15 years of age may be held criminally responsible, cf. Section 20, first paragraph of the Norwegian Penal Code. However, young offenders under 18 years of age enjoy protection as children pursuant to the UN Convention on the Rights of the Child.

5 UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 Mars 2015, A/HRC/28/68 (hereinafter UN Special Rapporteur on Torture, 2015), paragraphs 16–18.

6 Broberg, A. Almqvist, K. & Tjus, T. (2007) *Klinisk barnepsykologi. Utvikling på avveie [Clinical child psychology: Development gone astray]*. Fagbokforlaget 2007.



A police car with an integrated cell. Photo: NPM

for children this may be particularly harmful because it impacts the developmental process and may contribute to abnormal development and cause permanent damage.⁷

This is the reason why the UN Convention on the Rights of the Child expressly states that children should only be deprived of their liberty as a measure of last resort and for the shortest appropriate period of time.⁸

The NPM's Examination of the Conditions for Children in Custody

Under its mandate, the NPM has visited several places where children and adolescents are or may

be deprived of their liberty. These visits have resulted in several recommendations regarding the role of the police and the use of police assistance at institutions.⁹ We have also conducted visits to police custody facilities and issued some recommendations regarding the police's handling of minors.¹⁰ However, during the previous visits to police custody facilities, our focus has not been to examine the conditions for children in particular.

Following a period of decline, we noted that since 2018 there has again been a clear rise in the number of children placed in police custody in Norway.¹¹ Several actors have expressed concerns

7 Balaban, V. (2009). Assessment of Children. I E. Foa, T. Keane, M. Friedman & J. Cohen, *Effective Treatments for PTSD: Practice Guidelines from the International Society for Traumatic Stress Studies* (p. 62). New York/London: The Guildford Press. Tine Jensen, Specialist in child and adolescent psychology, PhD/Researcher (2016/2021). Barn og traumer [Children and trauma]. The Norwegian Psychological Association's website: <https://www.psykologforeningen.no/publikum/informasjonsvideoer/videoer-om-psykiske-lidelser/barn-og-traumer>.

8 UN Convention on the Rights of the Child, Article 37 (b). See also the UN Committee on the Rights of the Child, General Comment no. 10: Children's Rights in Juvenile Justice.

9 The Child Welfare Service's emergency institution for adolescents (2016), Akershus Youth and Family Centre, Sole Department (2016), Hedmark Youth and Family Centre, Vien Department (2017), Alta Youth Centre (2017), Alta Aleris (2017), Agder Institution for Adolescents, Furuly Department (2018), Humana East, Jessheim and Hol gård Department (2019) and Stavanger Health Trust, Department of Child and Adolescent Mental Health Care (2019).

10 Tønsberg Police Custody Facility (2014), Drammen Police Custody Facility (2014), Lillestrøm Police Custody Facility (2015) and Bergen Police Custody Facility (2016).

11 A decline was recorded in 2020. According to the Norwegian National Police Directorate's *Årsrapport om arrestforhold 2020 [Annual Report on conditions in police custody 2020]*, it is presumed that this decline is related to the COVID-19 pandemic and infection control measures imposed in this connection (restrictions on the serving of alcohol, ban on the serving of alcohol, reduced mobility etc.).

regarding this trend.¹² As a result, we conducted a study on how children's rights are safeguarded when children are arrested by the police and placed in custody. The study comprised of a two-day visit to Oslo Police District on 11–12 May 2021. In addition, we gathered information from the 11 other national police districts. Information was also obtained from the Norwegian National Police Directorate, the Norwegian Bureau for the Investigation of Police Affairs, Oslo Municipality's section for outreach in Oslo City Centre (*Uteseksjonen*), the Norwegian Ombudsperson for Children, the Defence Lawyers Group at the Norwegian Bar Association and the Norwegian National Human Rights Institution's (NIM).

When can Children be Placed in Custody?

Oslo Police District is the largest police district in the country measured in terms of population and it is the district where the highest number of children are remanded in custody. In 2020, children were remanded in custody in Oslo a total of 204 times. This represented approximately 30 per cent of the total number of cases where minors were placed in police custody in Norway.¹³

Minors may be placed in custody as result of being *arrested* on suspicion of having committed a criminal offence and as a result of being *apprehended* under the Norwegian *Police Act*. We obtained documentation regarding all minors who had been arrested or apprehended and placed in a cell during the period 1 January to 12 May 2021. This amounted to 35 individuals. 34 of them had been arrested and one apprehended. Based on the low number of persons apprehended under the *Police Act* during this period, we chose to exclusively examine arrests.

The threshold for arresting children should be high. The Norwegian *Criminal Procedure Act* states that minors shall not be arrested unless it is "especially necessary".¹⁴ Interviews indicated that both officers in the patrol units and police prosecutors at the Police Prosecuting Authority were aware that there should be a high threshold for arresting children. A review of criminal case documents also revealed that adolescents who are remanded in custody during the period we examined, had been arrested for serious incidents. However, there was a lack of documentation regarding what assessments were made to ensure that the special criteria applicable to arresting a child was fulfilled in each individual case. This criteria is strict and we expect that the police document the assessments made prior to arrest.

The Use of Holding Cells for Children – Inadequate Statistical Basis

For a minor to be placed in a cell or another locked room, it has to be "absolutely necessary".¹⁵ This applies irrespective of whether the minor has been arrested or apprehended. If placement in a cell is not absolutely necessary, the minor shall be detained in a less intrusive location.¹⁶ Alternatives to cell placement should be considered and attempted and the assessment and conclusion should be documented in the custody record. If the minor is placed in a cell, the duration of the stay should be as brief as possible.

In the Proposition to the Norwegian Parliament (*Storting*) *Barn og straff [Children and Punishment]* (2010–2011), measures were announced for the follow-up of minors in police custody. One such measure was the facilitation of "enhanced data quality in the registration of minors in police custody".¹⁷ Since then, there have been some

12 The Defence Lawyers Group in the Norwegian Bar Association, the Norwegian Ombudsman for Children and NIM have been in dialogue with Oslo Police District regarding children in police custody in 2020/2021.

13 Norwegian National Police Directorate (2020). *Annual Report on conditions in police custody 2020*. Chapter 2, part 2.1 Complete overview distributed according to police district, page 9.

14 Norwegian Criminal Procedure Act, Section 174 and the Norwegian Prosecution Instructions, Section 9-2, first paragraph, first sentence. See also the basic requirement of necessity and proportionality in Section 170a of the Norwegian Criminal Procedure Act.

15 Norwegian Instructions relating to the use of police custody cells, Chapter 5, Specifically regarding minors.

16 Guide to the Norwegian Instructions relating to the use of police custody cells, Chapter 5, Specifically regarding minors, page 16.

17 Prop. 135 (Bill) (2010–2011), Chapter 4.2.4, pages 29–30.

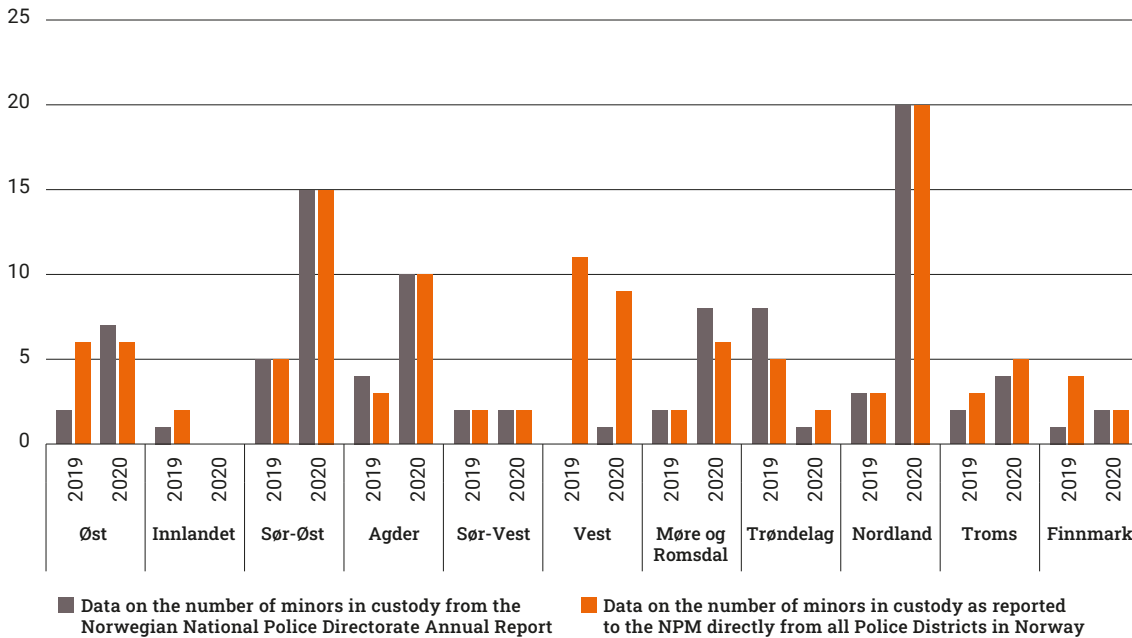


Figure 1: Differences in figures from the Norwegian National Police Directorate's annual report and figures reported directly to the NPM from the Police Districts 2019 and 2020 – children placed in cells, (does not include Oslo)

gradual improvements on the statistics regarding minors in custody, including in the Norwegian National Police Directorate's annual reports on conditions in police custody.

The NPM's study revealed nevertheless that figures regarding arrests of children in Norway remain uncertain.¹⁸ The figures in the Norwegian National Police Directorate's annual report did in many cases not correspond with the figures that the police districts reported directly to the NPM.

For example, according to the Norwegian National Police Directorate's annual reports, no minors had been placed in cells in the Western Police District in 2019 and only one child had been placed in a cell in 2020. The figures we obtained directly from the Western Police District indicated that 11 minors had been placed in cells in 2019 and nine in 2020.

We have not examined the reasons for these discrepancies but it appears clear that statistics on

arrests of children in Norway remain inadequate. This is censurable and was one of the matters the NPM addressed with the Norwegian Ministry of Justice and Public Security following the visit (see below).

170 of the total 204 minors who were remanded in custody in Oslo Police District in 2020 were placed in a cell in the police custody facility. Available figures from 2021 indicates that the threshold for placing minors in cells was lower in Oslo than in the rest of the country¹⁹ However, it was not possible to confirm this due to discrepancies in the reporting by the districts to the Norwegian National Police Directorate.

Inadequate Alternatives to Holding Cells for Children in Custody

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommends that authorities avoid the placement of minors in ordinary police

18 See also specific findings following the visit to Oslo Police Custody Facility, Chapter 5.1, page 20 of the report.

19 See e.g., Norwegian National Police Directorate (2019) Annual Report on conditions in police custody 2019, table 3, page 9.



Custody cells in Oslo Police District. To the left (red wall): ordinary cell. To the right (blue wall): a cell for minors with a TV behind the window. Photo to the left: Ivan Brodey for LMR arkitektur. Photo to the right: NPM

cells but rather hold them in a child-friendly location.²⁰ The UN Special Rapporteur on Torture has also stressed that children who are arrested must be placed in child-friendly locations.²¹

The need to facilitate and adapt conditions for children is also the background for the strict condition that placing a minor in a cell or another locked room must be “absolutely necessary”.

Nevertheless, the information obtained from all national police districts revealed that, in practice, there are few actual alternatives to holding cells when children are placed in police custody. No police districts reported to the NPM that they have adapted rooms as an alternative to cells for

arrested or apprehended minors who are detained for somewhat longer periods.

There is a clear risk that there is no real assessment regarding the condition of “absolutely necessary” when, in practice, there are no alternatives to cells for minors. This was also reflected in the written documentation we obtained. In the majority of the record entries we reviewed from all national police districts, standardised phrases such as “seriousness of the case” or “other circumstances” were used, or it was stated that other placement had been “considered but not found to be appropriate” as justification for the placement of a minor in a cell. In some cases, no considerations for alternatives to cells were recorded.

20 CPT (2015), point 99: “Further, every effort should be made to avoid placing juveniles in ordinary police cells but rather to hold them in a juvenile-friendly environment”.

21 UN Special Rapporteur on Torture (2015), paragraph 84 k), recommends: “Not to detain children in law enforcement establishments for more than 24 hours, and only in child-friendly environments”.

Children in Cells

In Norway, there are no special requirements for the design of cells or other rooms for children and adolescents who are placed in custody. Norwegian police cells are designed as holding cells, entirely devoid of furniture, made of concrete and almost always without the possibility to look outdoors. Irrespective of age, many experience a stay in such a holding cell as distressing.

The NPM finds a need for regulations in this area in order to ensure safe and child-friendly locations for children who are arrested or apprehended in police custody, in accordance with the recommendations of the European Committee for the Prevention of Torture (CPT).

The visit to the Oslo Police Custody Facility, collection of data from all national police districts and previous NPM visits to police custody facilities, reveal that very few police districts have made alterations to adapt cells for minors. In the very few cases where this has been done, the adaptations are very limited and the cells continue to resemble the characteristics of traditional holding cells.²²

Considering the risk of harm by using holding cells, especially for children, this is censurable. Holding cells are not child-friendly and do not generate the requisite safety. Therefore, children should not be placed in such cells.

Risk of Isolation

The serious harmful effects of isolation are well-known,²³ and it is a requirement that measures are put in place to prevent isolation and remedy the

consequences of placement in police custody.²⁴ Based on children's special needs for follow-up and protection, the requirements for minors are even stricter. Children are to be kept separate from adult detainees and social interaction must be ensured by staff members. Therefore, it is a requirement that minors in police custody shall "at all times" have the possibility to access staff from the police custody facility or persons working in the health and care services or child welfare service, and who are located on the premises.²⁵

A review of records for all minors placed in custody during the period January–May 2021 revealed that none of the minors placed in a cell in Oslo Police Custody Facility had the option of accessing adults to the extent required by the regulations.²⁶ Furthermore, there was no documentation of such access being offered.

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It was bad being there, I never want to go back. Being locked up, alone. It was very, very bad. Sitting in the cell, being locked in a room, was very bad. It makes me want to cry.

Quote, adolescent

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22 Under its prevention mandate, the Parliamentary Ombud has since the start-up in 2014 visited six police custody facilities: Tønsberg Police Custody Facility (2014), Drammen Police Custody Facility (2014), Lillestrøm Police Custody Facility (2015), Bergen Police Custody Facility (2016) and Oslo Police Custody Facility (2021).

23 Special report to the Norwegian Parliament (*Storting*) on isolation and lack of human contact in Norwegian prisons, Document 4:3 (2018/19). See https://www.sivilombudsmannen.no/wp-content/uploads/2019/06/SOM_S%C3%A6rskilt-melding_WEB.pdf

24 Norwegian Instructions relating to the use of police custody cells, Chapter 12. By Oslo District Court's judgement of 2 June 2014 (*A v the State*, represented by the Norwegian Ministry of Justice and Public Security), the Norwegian Government was found to have contravened Article 8 of the European Convention on Human Rights (ECHR) for *de facto* isolation in police custody. Following the judgement, the Norwegian Director of Public Prosecutions issued interim guidelines regarding the use of police custody to prevent unlawful isolation in Norwegian police custody facilities. The guidelines were followed up in the Norwegian Instructions relating to the use of police custody cells, which state that measures shall be implemented to prevent isolation and remedy the consequences of stays in police custody.

25 Norwegian Instructions relating to the use of police custody cells, Chapter 5, Specifically regarding minors. See also chapters 9, 10 and 11, regarding follow-up of all detainees.

26 Documentation was collected for all minors placed in a cell during the period 1 January 2021 until 12 May 2021 (date of the visit).



A corridor at Oslo Police Custody Facility. Photo: NPM

During the same period, the average time spent in cells for minors in Oslo Police Custody Facility was 14 hours. With few exceptions, those who were detained in the evening had to spend the night in police custody. For many children, it will be especially distressing to spend the night in custody. Few interrogations were conducted in the evening and this appeared to contribute to minors remaining in custody until the following day. When children are deprived of their liberty, this shall be for the shortest appropriate period of time. In the NPM's assessment, the time of placement for several of the minors indicated that it is possible to reduce the average time spent in custody by conducting multiple interrogations in the evening.

Lack of Adaptations for Children in Custody

Adequate information is important for anyone who finds themselves in a distressing and difficult situation. Children and adolescents who are

deprived of their liberty are entitled to age appropriate and tailored information from the moment they are detained by the police and until they are released or transferred to a prison or other location. The risk of abuse is considerable during the initial hours of deprivation of liberty and the UN Convention on the Rights of the Child requires that children who are suspected of a criminal offence be informed immediately and directly of the suspicions against them and of the right to legal assistance in the case.²⁷ Such information must be age-appropriate and should be provided both in writing and orally.²⁸ It is crucial that the information is provided in a simple, non-technical manner, using a language that the minor comprehends, using an interpreter, if necessary.²⁹

This is important, both in order to reduce the distress tied to the incarceration as well as to promote a sense of safety during interrogations.

27 UN Convention on the Rights of the Child, Article 40 2 (b) (iv) and the UN Committee on the Rights of the Child, General Comment no. 10, paragraphs 58–60. See also the ECHR, Article 5 (2) and the UN Covenant on Civil and Political Rights, Article 9 (2) and A/HRC/RES/31/31, paragraph 6; A/HRC/46/15, paragraph 4. Correspondingly, see CPT(2015), paragraph 98.

28 See also CPT (2015), point 98: "(...) a specific information sheet setting out the above-mentioned safeguards should be given to all juveniles taken into custody immediately upon their arrival at a law enforcement establishment. The information sheet must be child-friendly, written in simple and clear language and available in a variety of languages. Special care should be taken to ensure that juveniles fully understand the information". See also the UN Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules), rules 24 and 25.

29 See *Khlaifa and Others v. Italy* [Grand Chamber], 15 December 2016, application no. 16483/12, paragraph 115 and the UN Convention on the Rights of the Child, Article 40 2 (b) (iv). cf. the UN Committee on the Rights of the Child, General Comment no. 24, paragraphs 48 and 64.

During our visit, we found that children in custody in Oslo often do not receive adequate information regarding their rights. The written information distributed to children in custody is the same as that given to adults. The information was designed in a formal, inaccessible language and lacked information regarding the special rights of children, e.g., the right to have access to an adult throughout the stay.³⁰ This is not in accordance with the recommendations by the European Committee for the Prevention of Torture (CPT), which emphasises that information must be adapted according to the age and maturity of the child and be provided both in writing and orally.

It is also important that oral information is given in a good and comprehensible manner. During the visit, we found considerable variation in the manner in which minors were given information orally throughout the arrest procedure. Interviews and reviews of documentation and audio recordings of interviews revealed that some officers were good at communicating the relevant information and that they made an effort to ascertain whether or not the minor had understood them. Others would provide an outline of the child's rights quickly and routinely, without checking whether the information had been understood.

The Need for National Measures

The examination of the conditions for children in police custody revealed a clear need for national measures to ensure the safeguarding of these children. In a situation where the use of police custody for children is increasing, this is especially important. As such, the NPM followed-up several of its findings with the Norwegian Ministry of Justice and Public Security. In a letter to the Ministry, we requested clarification as to how the following challenges will be addressed:

› *Quality assurance of national figures*

There is a need for a reliable national overview that enables both local and national authorities to follow up the use of police custody in relation to minors. The Ministry was asked to provide the Ombud with a briefing on how this will be ensured.

› *Safe and child-friendly locations when children are placed in police custody*

We requested that the Ministry account for how national authorities can ensure safe and child-friendly locations for children who are arrested or apprehended in police custody. The police should have police custody facilities with suitable alternatives to placement in a holding cell and adapted rooms that safeguard children's need for safety in compliance with human rights standards.

› *Information adapted according to age and maturity*

Furthermore, we emphasised that minors who are arrested and placed in police custody should receive information that is easy to comprehend and adapted to their age and maturity. The findings revealed that there is a need to put in place standardised information material that is adapted to children and in accordance with human rights standards, and we asked the Ministry to clarify how this will be ensured.

› *Regulations adapted to the needs and best interests of the child*

The Norwegian *Criminal Procedure Act* and accompanying regulations should be interpreted and applied in the context of Article 104 of the Norwegian Constitution and the UN Convention on the Rights of the Child.³¹ The NPM's examination highlighted that the framework of legislation and instructions fails to reflect the basic rights of the child in certain important areas. Therefore, there is a need for the Ministry to more carefully examine how the regulatory framework can safeguard children's right to be heard, children's right to be appointed a public defence counsel and children's right to special protection against invasive coercive measures.

The Norwegian Ministry of Justice and Public Security has been requested to respond on these matters during the spring of 2022 and we will follow up these and other matters in our dialogue with the Ministry.

30 Norwegian Instructions relating to the use of police custody cells, Chapter 5, Specifically regarding minors, fourth paragraph.

31 The Norwegian Human Rights Act, sections 2 and 3.

Preventing ill-treatment in the Municipal Health and Care Services

Deprivation of liberty does not only occur when people are held in police custody, are imprisoned, or subjected to restrictive measures at an institutional level. Individuals may also be subjected to restrictions that amount to deprivation of liberty by health and care services. In the spring of 2021, the NPM published its first reports from two sectors that we have not previously examined: nursing homes for the elderly and homes for adults with developmental disabilities.

The NPM Mandate and the Municipal Health and Care Services

Prisons, police custody facilities, immigration detention centres, and closed psychiatric wards in mental health care institutions are facilities that obviously fall under the NPM mandate and where determining de facto deprivation of liberty is a simple task. However, the NPM mandate covers all places where a person experiences - or may experience - some form of restriction that prevents their freedom of movement. Although a formal administrative decision on restrictive measures may not be in place, some individuals may in reality be subjected to such extensive restrictions that their situation in practice amounts to deprivation of liberty. Short-term detention with significant use of coercion may also amount to deprivation of liberty.

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Deprivation of liberty covers more than the obvious situations where persons are held in police custody, are imprisoned or are subjected to a decision regarding detention in an institution.
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From a NPM visit to a nursing home for people with developmental disabilities. Photo: NPM

In nursing homes, decisions regarding admission or deprivation of liberty may sometimes be issued without the patient's consent.¹ Coercion may also be used when providing necessary health services to individuals who do not themselves have the capacity to provide consent and who oppose the provision of care.² There is no legislative basis for placing a person with developmental disabilities into a home,

including group homes. However, the Norwegian *Municipal Health and Care Services Act* allows for the use of coercion as part of the treatment and care plans for persons with developmental disabilities. In practice, residents in nursing homes and persons with developmental disabilities in care homes may be subjected to extensive restrictions in their daily lives,³ such as locked doors and measures restricting movement. Other factors may also impact the residents' freedom and ability to make their own decisions about where and how they want to live. In some cases, restrictions are grounded in a legal decision, while in other cases, the restrictions are implemented in practice without a decision.⁴

With this in mind, and following a review of information obtained from relevant non-governmental organisations, the NPM visited two nursing homes and three homes for adults with developmental disabilities in 2020. Reports from these visits were published in the spring of 2021.⁵ The reports are presented in more detail in Chapter 3. In the autumn of 2021, we visited nine additional care homes for adults with developmental disabilities in the municipalities of Hamar and Kristiansand. During the pandemic period in 2020 and 2021, we have thereby carried out NPM visits to 14 homes in five municipalities.

Human Rights Responsibilities for Municipalities – Risk Factors

In Norway, municipalities are responsible for providing all residents with necessary health and care services.⁶ Similar to all other public authorities, municipalities have human rights obligations and many of their legal responsibilities intersect with these rights.⁷

- 1 The Norwegian Patient and User Rights Act, Chapter 4A.
- 2 The Norwegian Patient and User Rights Act, Chapter 4A-3.
- 3 Guddingsmo, H., «Da må jeg spørre Boligen først!» - Opplevelsen av selvbestemmelse i bofellesskap [“Then I'll have to ask the Care Home first!” – Perceptions of individual autonomy in group homes] in J. Tøssebro (Ed.), (2019), *Hverdag i velferdsstatens bofellesskap [Everyday life in the group homes of the welfare state]* (page 78–94), Scandinavian University Press.
- 4 See, *inter alia*, Norwegian Official Report (NOU) 2019: 14 *Tvangsbegrensingsloven [Norwegian Act Relating to Reduction of Coercive Measures]*, Chapter 6.5, page 150 et seq.
- 5 Høyås Residential Elderly Care and Rehabilitation Centre in Nordre Follo Municipality, Åsgårdstrand Nursing Home in Horten municipality and homes for adults with developmental disabilities in Drammen Municipality.
- 6 Norwegian Act relating to municipal health and care services, etc. (Norwegian Health and Care Services Act), Section 3-1. Norwegian National Human Rights Institution (2021): *Kommuner og menneskerettigheter [Municipalities and human rights]*, Chapter 3.
- 7 Constitution of Norway, Article 92.

Persons who are deprived of their liberty depend on the authorities to safeguard their rights. When a person is deprived of his or her liberty, the threshold is lower for acts, or omissions, to be considered a violation of the prohibition against torture, cruel, inhuman, or degrading treatment.⁸ A combination of factors may result in human rights violations when someone is deprived of their liberty, including disproportionate use of coercive measures, inadequate protection against violence and abuse, or providing inadequate treatment and care services.

Elderly residents in long-term placements in nursing homes have considerable needs in terms of care. As such, residents are entirely dependent on staff fulfilling their basic human rights.⁹ In some cases, safeguarding elderly residents' basic needs and rights may represent a risk of violating the prohibition against inhuman or degrading treatment.¹⁰ Many persons with developmental disabilities are also dependent on staff support to exercise their autonomy and to enjoy an adequate standard of living. At the same time, many may experience difficulties in communicating their needs and voicing their opinion when something is not working or is contrary to their wishes. The cognitive impairment will often entail communication and expressions through behaviour and this behaviour may be perceived as problematic by their surroundings. Historically, challenging behaviour has frequently been met by coercive measures.¹¹

In the following, we highlight some risk factors that we examined during our visits to nursing homes and homes for adults with developmental disabilities.

Individual Autonomy and Participation

Persons with developmental disabilities and elderly residents in nursing homes have the same rights to autonomy over their own lives as all other people.¹² Any restriction of this fundamental right must be based on legislation, assessed on an individual case by case basis, and be necessary and proportionate. Effective safeguards must be established to prevent abuse and discrimination.¹³

For the opportunities for participation and individual autonomy to be genuine, information about rights, complaint mechanisms, procedures, and other matters must be provided in a comprehensible manner that is adapted to the individual's ability to receive such information.¹⁴ Lack of participation may lead to an increase in the use of coercive measures against the resident.¹⁵ For individuals who have difficulties in communicating and expressing themselves, this risk may be greater than for others and additional due diligence is therefore required.

During the visits, we have focused on how participation and individual autonomy are facilitated and how relatives and legal guardians are involved to safeguard the rights and participation of residents.

8 UN Special Rapporteur on Torture, Report to the UN Human Rights Commission, 23 December 2005, E/CN.4/2006/6, paragraphs 34–41 and the ECtHR's judgement in *Bouyid v Belgium*. 28 September 2015, application no. 23380/09.

9 UN Human Rights Committee, General Comment no. 20, paragraphs 2 and 5, cf. paragraph 11. UN Covenant on Civil and Political Rights, Article 7 and the UN Human Rights Committee, General Comment no. 20, paragraphs 2 and 5.

10 See the ECtHR's judgement in *Kudla v Poland*, 2000, application no. 30210/96, paragraph 94, the CPTs Recommendations 2020, paragraph 6, UN Human Rights Committee, Recommendations to Germany, 2004, CCPR/CO/80/DEU, paragraph 17 and the UN Committee Against Torture, Recommendations to Ireland, 2017, CAT/C/IRL/CO/2, paragraph 35.

11 NOU 2019: 14 pages 71–72.

12 Article 102, first paragraph, first sentence of the Constitution of Norway, Article 8 of the European Convention on Human Rights (ECHR), Article 17 (1) of the UN International Covenant on Civil and Political Rights (ICCPR) and Article 3, cf. articles 12, 14, 15, 17, 22 and 25 (d) of the UN Convention on the Rights of Persons with Disabilities (CRPD). The United Nations Principles for Older Persons of 1991, Principle no. 14. Recommendations by the Council of Europe 2014, no. 9–13.

13 ECHR, Art. 8 (2); EMDs judgement in *A.M.V. v. Finland*, 2017, (53251/13), paragraphs 69–73.

14 See the Norwegian Patient and User Rights Act, Section 3-5 and IS-2015-10 point 2.2.4. See also articles 19 and 21 of the CRPD.

15 Berge, K. og Ellingsen, K.E., (2015), *Selvbestemmelse og bruk av tvang og makt. En studie på oppdrag fra Barne-, ungdoms- og familiedirektoratet*, [Autonomy and the use of coercive measures. A study commissioned by the Norwegian Directorate for Children, Youth and Family Affairs], Norwegian National Institute on Intellectual Disability and Community (NAKU); IS-2015-10, paragraph 4.4.2



The NPM visited Åsgårdstrand Nursing Home in December 2020. Photo: NPM

Use of Coercive Measures

An important component of individual freedom is to be able to make decisions regarding oneself and one's own body. This is often referred to as the right to privacy and includes both physical and psychological privacy.¹⁶ The use of coercive measures is a violation of the right to privacy and involves a risk of inhuman or degrading treatment. Therefore, human rights have placed strict conditions on the use of coercive measures.

Both staff and management must be well-acquainted with the legal requirements governing the use of coercive measures. There must be no uncertainty regarding who has the responsibility for drafting and approving the decision. Staff members must also have good knowledge of how coercive measures shall be implemented in the most humane manner possible and have an awareness of how to prevent the use of coercive measures.

The municipality shall have a designated person with professional responsibility (an overall specialist manager) who is to be informed of all administrative decisions regarding the use of coercion or restrictions made against persons in nursing homes and persons in homes for adults with developmental disabilities. This is to ensure the quality, legality and offer a general overview of the use of coercive measures in the municipality.

We have examined whether and how coercion is used in nursing homes and in relation to persons with developmental disabilities, whether coercion is documented and whether such measures are legal. We have also reviewed the role of the County Governor in relation to the use of coercion. This is especially relevant for persons with developmental disabilities, where the County Governor has an important due process function.

The Right to Healthcare

The right to equal healthcare services is stated as a national goal in Norwegian legislation and in the Government's strategies.¹⁷ The right to equal physical and mental health services is also enshrined in several of the human rights conventions to which Norway is bound, including Article 12 of the UN International Covenant on Economic, Social, and Cultural Rights, which is incorporated into Norwegian law through the Norwegian *Human Rights Act*.¹⁸

¹⁶ The right to liberty and privacy follow from, *inter alia*, the Constitution of Norway, articles 93, second paragraph, 94, first paragraph, first sentence and 102, first paragraph, first sentence, the ECHR, articles 3, 5 and 8, the ICCPR, articles 7, 9, 10 and 17 (1) and the CRPD, in particular articles 3, 14, 15, 17 and 22.

¹⁷ See, *inter alia*, the statutory objectives in the Norwegian Health and Care Services Act, the Norwegian Specialist Health Services Act and the Norwegian Public Health Act. See also the Norwegian Directorate of Health, 20 August 2020. *Gode helse- og omsorgstjenester til personer med utviklingshemming (høringsutkast) [Good health and care services for persons with developmental disabilities (consultation draft)]*, Chapter 1.

¹⁸ Act of 21 May 1999 no. 30: Act relating to the strengthening of the status of human rights in Norwegian law (Norwegian Human Rights Act).

Many residents in nursing homes and homes for persons with developmental disabilities cannot be expected to be able to personally communicate their needs for medical examinations or follow-up care. For example, they may have difficulties conveying ailments and identifying signs or symptoms of disease. This may result in a risk of failure to detect the need for healthcare. Very many people have complex needs and are also dependent on care from mental health services.

During our visits, we examined capacity and competence relating to the follow-up of residents' health, their access to health services, and the use of medications.

Protection from Violence and Abuse

The municipality shall be especially attentive to the fact that patients and users may be subjected to, or at risk of being subjected to, violence or sexual abuse. The municipality must facilitate the health and care services to be capable of preventing and identifying violence and sexual abuse.¹⁹

Residents in nursing homes and homes for persons with developmental disabilities are especially vulnerable to violence and abuse. Abuse and violence have a considerable impact on the individual resident's quality of life and are linked to several serious health problems. Research and other documentation of incidents show that abusive conduct towards residents in nursing homes and homes for persons with developmental disabilities also occurs in Norway.²⁰



A noticeboard from one of the institutions we visited. Photo: NPM

Individuals working with elderly persons or persons with developmental disabilities should know how violence and abuse can be identified, reported, and handled.²¹ In both nursing homes and homes for adults with developmental disabilities, we have examined whether adequate procedures are in place to safeguard residents against violence, aggression, and abuse committed by other residents or staff members.

19 Norwegian Health and Care Services Act, Section 3-3a.

20 Grøvdal, Y. (2013), *Mellom frihet og beskyttelse? Vold og seksuelle overgrep mot mennesker med psykisk utviklingshemming – en kunnskapsoversikt [Between freedom and protection? Violence and sexual abuse against persons with developmental disabilities – a review]* (Report 2/2013), Oslo: Norwegian Centre for Violence and Traumatic Stress Studies. Botngård, A., Eide, A.H., Mosqueda, L. et al. (2020): *Elder abuse in Norwegian nursing homes: a cross-sectional exploratory study*. BMC Health Serv Res 20, 9. and Malmedal, W., Ingebrigtsen, O. & Saveman, B.I. (2009). *Inadequate care in Norwegian nursing homes, as reported by nursing staff*. Scandinavian Journal of Caring Sciences: 23 (2): 231–242.

21 Recommendations by the Council of Europe 2014, Article 18. Norwegian Directorate for Children, Youth and Family Affairs (2014), *Retningslinjer ved seksuelle overgrep mot voksne med utviklingshemming [Guidelines relating to sexual abuse against adults with developmental disabilities]*. See also the accompanying guide to the Guidelines, also issued by the Norwegian Directorate for Children, Youth and Family Affairs in 2014.

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Visits, Follow-up and Results in 2021

In the spring of 2021, we were again forced to reduce the number of in-person visits due to the pandemic. We therefore focused our efforts on conducting a larger study of the conditions for children in police custody. The study comprised of a visit to the Oslo Police District Custody Facility, as well as a collection of data from the other police districts in Norway. In the autumn, we visited nine homes for adults with developmental disabilities. We published reports regarding the conditions for children in custody and elderly persons in nursing homes, and also followed-up on several previous visits.

VISITS IN 2021

Over the course of 2021, we conducted visits to ten locations.¹ We were forced to limit visit activity due to the pandemic and COVID-19 infection control regulations, especially in the spring of 2021.

11–12 May: The NPM visited the Oslo Police Custody Facility in Oslo Police District. The purpose was to examine how children's rights are safeguarded when they are arrested and placed in police custody.

19–21 October: The NPM visited five homes for adults with developmental disabilities in Hamar Municipality. We examined the situation of a total of six individuals at these locations.

16–18 November: The NPM visited four different homes for adults with developmental disabilities in Kristiansand Municipality. We examined the situation of a total of seven individuals at these locations.

The NPM conducted its first visit to homes for persons with developmental disabilities in 2020. Persons with developmental disabilities may be

dependent on considerable assistance, medical and care services from the municipality. These services can be so invasive that they amount to deprivation of liberty. In such situations, the use of coercion and/or restrictions may occur. Persons with developmental disabilities may also experience other restrictions on their individual autonomy, which involves a risk of abuse.

During our visit to the group homes, conversations were held with both employees and residents, whereas conversations with relatives and legal guardians were conducted by telephone.

Following each visit, the NPM publishes a report describing findings and issues recommendations that aim to prevent torture, inhuman or degrading treatment. Below are excerpts from the summaries in the visit reports that were published in 2021. The reports are published in their entirety on the Parliamentary Ombud's website. The reports from the visits that were conducted in autumn 2021 will be published in 2022.

¹ During visits to places that have wards, subunits or homes that in practice function as different units, the findings will often be summarised in a single report. This enables an overall analysis of findings and ensures the anonymity of the persons with whom we have spoken. Therefore, the visits in 2021 will result in three visit reports.

VISIT REPORTS PUBLISHED IN 2021

Høyås Residential and Rehabilitation Centre, Nordre Follo Municipality

The NPM visited Høyås Residential and Rehabilitation Centre in Nordre Follo Municipality in October 2020. At the time of the visit, the nursing home had the capacity for 111 residents, divided across four units. We visited the basement unit, which had 31 rooms reserved for patients with dementia.

A main finding from the visit was the lack of adequate knowledge regarding the use of coercion when providing health services to residents at Høyås Residential and Rehabilitation Centre. This included uncertainty regarding what is considered coercion, in what situations staff members have the legal authority to use coercion, and when a legal decision is required for situations where coercion is necessary. There was also uncertainty regarding the lines of responsibility regarding decisions to implement coercive measures, including who had approval authority, and how the decision should be written and documented. Both staff members and management perceived these issues as complicated and time-consuming.



Høyås Residential and Rehabilitation Centre, Nordre Follo Municipality. Photo: NPM

The nursing home did not have a system in place for quality assurance of legal coercive decisions. Such quality assurance was also absent at the municipality level. According to law, the municipality is required to have an overall specialist manager who must receive a copy of all such decisions. There was no such overall specialist manager in Nordre Follo Municipality. Therefore, no one had an overview of the use of force in nursing homes in the municipality.

A lack of knowledge regarding the rules governing the use of coercion entails a high risk of residents being subjected to unlawful coercion, as the conditions for use of coercion are not met or because the incident has not been documented in a legal decision. Knowledge regarding the conditions for authorisation to use coercion is crucial in ensuring that appropriate assessments are made, including in relation to the legal capacity to consent, necessity and proportionality.

Furthermore, it was revealed that staff working in the basement unit had not received systematic training in how they could prevent and handle challenging behaviour, even though they often encountered such situations with the patients. Moreover, there was no systematic follow-up or procedures in place for personnel who had experienced difficult or serious incidents. In order to provide patients with adequate care over time, it is important that staff members feel safe at work, experience psychosocial support and have the necessary knowledge and skills to ensure their own safety.

The NPM also found that there was considerable variation in the quality of the residents' individual

treatment plans. In several cases, treatment goals were lacking, as were descriptions of how various measures would be implemented. It was also difficult to ascertain from the nursing records whether and how measures and treatments had been followed up on a daily basis.

Even though no legal decisions had been issued regarding detention at the basement unit during the period we examined, the NPM observed that it was difficult for the residents in the unit to leave the nursing home without the aid of staff members. Practical opportunities for staff to accompany the residents outside of the nursing home appeared to be particularly limited. During the visit, we observed various physical obstacles that restricted the residents' opportunities to move about freely.

Most of the nursing home residents require assistance to maintain their mobility and functional movement. Adapted physical activity and the opportunity to go outside can help residents become more self-sufficient and also improve their quality of life. This is important for promoting self-awareness, reducing pain, preventing injuries caused by falls and avoiding complications. There appeared to be a lack of individually adapted activities for the residents, as well as limited opportunities to spend time outdoors in fresh air and a lack of services involving physical exercise at the basement unit.

During the visit, the NPM observed several examples of arrangements being made for the residents to be involved in decision making and the nursing home being in contact with relatives. A majority of the relatives we spoke with expressed that they and the resident felt that they received good care at the nursing home. However, the systematic approach to include residents and relatives in decision-making processes was lacking.

Group Homes for Adults with Developmental Disabilities in Drammen Municipality

In November 2020, the NPM visited three group homes in Drammen Municipality where adults with developmental disabilities resided. The group homes were of varying sizes, with the residents requiring different types of assistance and support. In total, we examined the care plans and conditions for a total of 20 adults with a developmental disabilities in the municipality.

The visits were conducted during the COVID-19 pandemic and adapted to comply with the infection control regulations in force at the time. Apart from a brief inspection of one of the group homes, the visits were based on video and phone interviews and a thorough document review.

During the visit, the NPM found that Drammen Municipality had initiated measures to ensure increased competence, especially in relation to the



The NPM's Visit Report from Group Homes for Adults with Developmental Disabilities in Drammen Municipality was published in 2021. The Photo of Ypsilon bridge: NPM.

topic “purposeful social work and day-to-day coping mechanisms”. The course materials regarding the use of coercive measures were of high quality and the staff members had a high degree of awareness on how to prevent the use of coercive measures. Despite this, the NPM identified that the regulations governing the use of coercive measures were often not observed.

A main finding during the visit was that the municipality conducted planned coercive measures towards several residents without approved legal decisions for such measures from the County Governor. Among the residents who were subjected to coercive measures over many years, we found several examples of the continued use of coercion even after the legal decision had expired. In several cases, this happened because a new decision was submitted too late for review. Some situations involved long case processing times at the County Governor’s office resulting in residents being subjected to continued coercive measures for lengthy periods, without such measures being legally authorised. At the time of the visit, one resident had been subjected to several intrusive restraint measures over a period of two years and eight months without a valid legal decision on the use of restraints. The measures involved the use of mechanical restraints that restricted freedom of movement.

Another example of how coercive measures were implemented without the necessary legal decisions, was the extensive use of seclusion. In one case, the seclusion involved periods in which a resident was locked in their own apartment for large parts of the day, over a period of many days. A chain on the door was sometimes used when the staff member was together with the resident inside the apartment, to prevent the resident from accessing the common area of the facility. This restriction lacked a legal decision and there was no

documented justification for the necessity and proportionality of the seclusion measure and use of a door lock. Consequently, the risk of infringements of this resident’s rights appeared to be high.

In cases where a legal decision on coercive measures was issued, the NPM found several examples where the decision lacked adequate documentation as required in legislation. Several residents with deficient decisions had been subjected to extensive coercive measures over several years and the necessity for such coercive measures was not sufficiently documented.

Decisions to use coercive measures are subject to oversight by the County Governor and may not be implemented before such approval has been granted. The County Governor’s oversight is essential for ensuring due process. During the visit, we reviewed oversight decisions pertaining to several residents during the period 2015-2021. Some oversight decisions included deliberations and assessments in the light of the law, whilst others were superficial and vague and failed to document that all the legislative requirements for coercion were fulfilled.

The purpose of the County Governor’s oversight responsibility is to ensure due process is secured in the municipalities’ decisions on coercion. This presumes that the time period from a decision is sent to the County Governor, and the oversight review is conducted, is not unreasonably long. In several instances, we noted that this process took several months and the visit revealed that, in the intervening period, the residents were subjected to extensive coercive measures, without an approved decision. It is a matter of significant concern that neither the municipality nor the County Governor have prioritised cases in which a person has been subjected to invasive coercive measures without basis in a legal decision.

Åsgårdstrand Nursing Home, Horten Municipality

The NPM visited Åsgårdstrand Nursing Home in Horten Municipality in December 2020. Åsgårdstrand Nursing Home is a municipal nursing home that mainly houses elderly persons with dementia and severe disabilities as a result of physical illness. At the time of the visit, the nursing home had 52 rooms across three departments and six wards. The NPM visited three of the nursing home's wards.

The visit was conducted during the COVID-19 pandemic and was adapted to comply with the infection control regulations at the time. In addition to an inspection of the premises, the visit was carried out by way of phone interviews and a review of documentation.

During the visit, the NPM found that staff members at the nursing home displayed a high level of professional and ethical reflection regarding the use of coercion. At the same time, many appeared uncertain as to how the regulations governing coercion should be practiced. There appeared to be a need for additional training regarding the regulations and precisely how such decisions should be recorded. For instance, our review revealed that several decisions were not substantiated in a manner documenting that the legislative criteria for coercion were met.

A smaller number of patients had received decisions regarding detention pursuant to the Norwegian *Patient and User Rights Act*, Chapter 4A. However, findings indicated that the nursing home's procedures and staffing resulted in residents who had not received a decision regarding detention, in practice, were prevented from leaving the nursing home. Overall, the findings showed that, in practice, the procedures and staffing at the nursing home entailed a risk of residents being prevented from leaving the nursing home without a legislative basis.



Åsgårdstrand Nursing Home, Horten Municipality.
Photo: NPM

We also found that the door exit alarms (sensor alarms) in residents' rooms had, in some instances, been enabled without informing the patients. In other instances, patients had been informed, but no decision had been made or no assessments had been carried out regarding whether or not the patient had given valid consent. The alarms notified staff members if a resident left their room and were used for residents with difficulties navigating their physical environment or who were at risk of falling, to prevent injuries. The use of such door exit alarms was justified on the basis of staff shortages in the evenings and nights. Such a practice is not legal.

The NPM found that staff members at Åsgårdstrand Nursing Home facilitated to the best of their ability in order for residents to influence and make decisions in their everyday lives. The nursing home appeared to have established a systematic approach for sharing information with relatives. Relatives consistently expressed that both they and their family member residing at the nursing home felt safe and well-looked after at the facility. However, we found that challenges relating to capacity among staff members reduced the opportunities residents had to make personal decisions and to be included in influencing their everyday lives. Findings also indicated that the

nursing home should work in a more systematic manner to obtain knowledge about residents' requests and needs, and to a greater extent involve relatives in order to prevent the use of coercion.

Most of the older nursing home residents require assistance to maintain mobility and functional movement and should therefore be offered varied activities that are adapted to their level of functioning and interests. We found that Åsgårdstrand Nursing Home especially had a capacity shortage in terms of the provision of physical activities adapted to individual residents. The opportunity to spend time outdoors appeared to be largely contingent on the limited capacity of staff members or relatives.

When health conditions are not adequately followed up, there is a risk of human rights violations. The review of the documentation indicated that the residents in the nursing home received frequent checks from the staff physician but shortcomings were identified in the documentation relating to health assessments and health checks. Thorough documentation is a prerequisite for the safe use of medication and inadequate documentation entails an increased risk of patient harm.

Preventing violence is also a key topic in the NPM's preventive work. At the start of the visit, the municipality was unable to refer to own procedures for prevention and handling of violence against and between nursing home residents. Although infrequent, our findings suggested that residents with behavioural challenges may occasionally behave aggressively towards other residents or staff members. Åsgårdstrand Nursing Home had a need for enhanced competence to handle such incidents. During the NPM's visit, the municipality established a separate procedure for the handling of violent incidents at nursing homes, which sought to promote training and a more standardised approach to prevention and handling of acute

incidents of violence. This is highly encouraging and an important measure for providing staff with competence in preventing violence and aggression, in accordance with human rights standards.

Visit to Oslo Police District focusing on Children in Custody

In this study, the NPM examined how children's rights are safeguarded when arrested by the police and placed in custody. The background for the study was a reported increase in the use of custody for children in Norway from 2018.

The study consisted of two parts: a collection of data regarding the use of custody for children from all of national police districts and a two-day visit to the Police Custody Facility in Oslo Police District (11–12 May 2021). This is the largest police district in the country with the highest number of children placed in custody, in total.



Oslo Police Custody. Photo: NPM

A main finding from the visit to Oslo Police District was the absence of appropriate alternatives to the use of cells for children arrested and placed in police custody. In Oslo Police Custody Facility, five cells were adapted for minors with a television installed behind a window. In practice, however, the cells remained the same as a holding cell. Cells should only be used for children if it is absolutely necessary and the cell should be designed in such a manner that minimizes the potential for distress. The NPM is of the opinion that minors should not be placed in holding cells and that alternative and adapted locations must be provided to this group.

Children in custody must have the opportunity to access adults at all times. The NPM's review of documentation revealed that none of the minors placed in a cell during the period 1 January 2021 until 12 May 2021, had the opportunity to access adults to the extent required by the regulations.

The visit to Oslo Police District revealed that minors receive the same written information upon detention in police custody as adults. The written information was designed in a language that could be difficult to comprehend and it did not include information regarding the special rights of children. The European Committee for the Prevention of Torture (CPT) has recommended that information must be adapted according to the age and maturity of the child and be provided both in writing and orally. Children who are arrested and placed in police custody may be in crisis, shock or intoxicated. This obliges the police to have a high level of awareness regarding children's right to information.

The NPM also found that the time of arrest seemed to have a considerable impact on how long children would stay in custody. During the period we examined, an average of 14 hours passed from detention until release for minors who were placed in custody in Oslo Police District.

Incarcerations after 6:00 PM had, with few exceptions, resulted in overnight stays in custody. When children, as a last resort, are deprived of their liberty, the duration thereof shall be for the shortest appropriate period of time. The low number of interviews conducted late in the evening raises concerns for the NPM that minors may be detained in cells for longer than necessary.

Three basic protection measures should immediately be secured in cases of deprivation of liberty: notification of relatives, access to defence counsel and healthcare. For detention of minors in Oslo Police Custody Facility, children's parents or other relatives were systematically notified in accordance with national guidelines. The NPM found that minors in general were offered the opportunity to contact defence counsel when requested.

A review of documentation revealed that information about the use of physical force or restrictive measures during detaining or transporting an individual were only documented in a few exceptional circumstances. Accordingly, it was not possible for the NPM to examine the scope of such coercive measures against children in these situations. It appears that coercive measures are rarely used against minors in police custody and very rarely in the cell. The NPM has highlighted the lack of knowledge regarding the extent of coercive measures by the police against children and has noted a need for guidelines that can ensure such information is collected.

The NPM's study revealed that statistics regarding arrests of children in Norway are uncertain. In many cases, the figures reported to the Norwegian National Police Directorate did not correspond with the figures that were reported to us. This is concerning and a matter which the NPM has followed up on this issue in a separate letter to the Norwegian Ministry of Justice and Public Security (see Chapter 3).

SUBSEQUENT FOLLOW-UP OF VISIT REPORTS

An important component of the prevention work occurs after the visit reports have been published. All of the places we visit are requested to provide written feedback regarding how our recommendations are followed up, no later than three months after the visit report has been made available.²

Based on the written reporting, we consider whether the measures implemented are satisfactory. All correspondence with the facility is publicly available and continuously published on our website.³ Over the course of the year, the NPM has been in dialogue with several institutions that we visited in prior years.

Certain recommendations require limited follow-up efforts, whereas other recommendations are more laborious. This also entails that the NPM's work after some visits may take a long time, while others are completed relatively quickly.

Over the course of 2021, we have been in dialogue with seven facilities after completing visits. Three of these were not completed by the end of the year. This includes the follow up of the visit to Åsgårdstrand Nursing Home, which was conducted in 2020. In that case, we requested more detailed information regarding the municipality's work subsequent to the NPM's report. The NPM also requested that the County Governor of Oslo and Viken provide a more thorough account of its improvement efforts following the visit to group homes for adults with developmental disabilities in Drammen Municipality in 2020.

Follow-up Dialogue Completed in 2021

Nursing homes

- › Høyås Nursing Home (visit conducted in 2020)

Child welfare services

- › Jong Youth Home (visit conducted in 2019)

Mental health services

- › Stavanger Hospital, Department of Child and Adolescent Mental Health Care (visit conducted in 2019)
- › Østfold Hospital, where visits were made to two secure units and the Department of Geriatric Psychiatry (visits conducted in 2018)

Ongoing Follow-up Dialogue as of December 2021

Nursing homes

- › Åsgårdstrand Nursing Home (visit conducted in 2020)

Homes for adults with developmental disabilities

- › Group homes for adults with developmental disabilities in the Drammen Municipality (County Governor's follow-up has not been completed) (visit completed in 2020)

Police custody facilities

- › Oslo Police District (visit conducted in 2021)

2 The follow-up letters from the places visited and subsequent correspondence with the Parliamentary Ombud are published on the Parliamentary Ombud's website. See <https://www.sivilombudet.no/besoksrapporter/>

3 The letters are published via the "follow-up" link for each individual visit. See <https://www.sivilombudet.no/besoksrapporter/>



EXAMPLES OF SOME RESULTS IN 2021

Changes to all Nursing Homes in Nordre Follo Municipality

Following the NPM's visit to Høyås Residential and Rehabilitation Centre, the Municipality of Nordre Follo decided to frame the follow-up work as a separate project within the municipal development team for health services. Thus, the follow-up of the NPMs recommendations will affect all nursing homes and group homes in the municipality, not just the home which was visited.

Several of the NPM's recommendations to Nordre Follo Municipality concerned inadequate documentation and the municipality has initiated an assessment of documentation pertaining to a selection of patients subjected to long-term

decisions at all of the nursing homes and group homes in order to identify weaknesses and consider improvement measures.

The municipality has strengthened its work on ensuring resident's participation. The municipality states that it will be preparing new information materials and ensure that relatives are always contacted and made familiar with the resident's primary care team. Furthermore, the municipality states that it is working on revising procedures for preventing violence and threats against staff and is preparing new procedures in this area. The municipality also describes measures to enhance



The Municipality of Nordre Follo is making sure that improvements in line with the NPMs recommendations will be implemented in all nursing and care homes in the municipality. Photo: NPM

competence through the help of external facilitators. Furthermore, Høyås Residential and Rehabilitation Centre will commence training in methods for preventing and handling incidents of violence.

Measures to Prevent Illegal Use of Coercive Measures against Persons with Developmental Disabilities in Drammen Municipality

Following the visit to group homes for adults with developmental disabilities in Drammen Municipality, the municipality has been working systematically on disseminating the findings and recommendations of the report internally and among municipal politicians, affected residents, relatives and legal guardians.

The municipality has initiated several measures to follow up the recommendations in the NPM's report, which will be introduced to all service departments in the municipality. For example, the municipality has allocated time and resources to avoid decisions on coercive measures becoming invalid due to unreasonably long processing times or because the decision has not been approved by the County Governor. The municipality is working on raising awareness about the duty to provide documentation and has described specific measures for ensuring a systematic approach in the training of staff members, including training on legislation pertaining to the use of coercive measures and the prevention of coercive measures.

Improved Training at Jong Youth Home

Following the NPM's visit to Jong Youth Home in 2019, training has been provided regarding documentation of the use of coercive measures for all staff members at the youth home.

The Norwegian Office for Children, Youth and Family Affairs (Bufetat) notes that, following the visit,

measures have been implemented to ensure that the adolescents' right to freedom of movement is fully understood by the institution staff and by the adolescents themselves. It is noted that all staff members and adolescents have been informed that adolescents at the institution have the right to move about inside and outside the institution, and that this right is only limited based on specific and individual assessments and that restrictions must always be documented.

Improvements at Østfold Hospital

The NPM visited the Department of Geriatric Psychiatry and Secure Psychiatric Departments at Østfold Hospital in 2019. Following the reports from the visits, the hospital initiated a larger quality improvement effort; a project that included implementing several of the NPM's recommendations.

The hospital prepared several new procedures, guidelines and templates as part of its quality development efforts. As an example, we have noted that the legislative requirements for using coercive measures was clarified in addition to focusing on preventive actions prior to coercive measures are deemed necessary. In a draft Standard Operating Procedure for the use of mechanical restraints, it is emphasised that the use thereof shall be continuously assessed by on-site staff and the person in charge of making such decisions. These are important specifications in light of the findings from our visit. We also note the following procedure for short-term restraint: "Decisions on physical restraint will be made and implemented from the moment the patient is restrained". This is important because it ensures that all physical use of force in relation to patients is recorded in a decision which ensures the patients' due process rights.

Evaluation of the Health Services at the Police Immigration Detention Centre

In May 2021, the NPM sent a written communication to the Norwegian Ministry of Justice and Public Security and the Norwegian Ministry of Health and Care Services regarding the conditions at the Police Immigration Detention Centre at Trandum. The background was the NPM's concerns that the conditions at the immigration detention centre did not comply with human rights requirements. The Norwegian Ministry of Health and Care Services has instructed the Norwegian Directorate of Health to evaluate impacts of a possible restructuring of the health services at the detention centre. The Norwegian Ministry of Health and Care Services informed the NPM of this in a letter of 7 June 2021. The NPM participated in an input meeting regarding

this evaluation at the Norwegian Directorate of Health on 26 October 2021.

In its response letter, the Norwegian Ministry of Justice and Public Security informed that it plans to revise the Norwegian Regulations Relating to the Police Immigration Detention Centre and that it will include the NPM's assessments in this work. Since the human rights situation for detainees is a point of considerable concern and this situation has persisted for many years, the NPM emphasises that the authorities should also consider immediate changes at Trandum. These changes should be implemented to avoid practices at the detention centre being contrary to law and detainees being subjected to a risk of violations of the prohibition against inhuman or degrading treatment.



From the Police Immigration Detention Centre, Trandum. Photo: NPM

5



National Dialogue

In 2021, the National Preventive Mechanism (NPM) continued its on-going dialogue with civil society and authorities through both digital and in-person meetings. In our national dialogue we have followed up the implementation of recommendations from our previous visits and related topics such as children in police custody, nursing homes and homes for adults with developmental disabilities.

Advisory Committee

The NPM organises regular meetings with its Advisory Committee three times per year, in addition to ad-hoc exchanges regarding particular topics which may arise throughout the year. In 2021, two of the meetings were held digitally, while the last meeting of the year gave participants the option of participating either in person or digitally.

A key topic for the Advisory Committee meetings in 2021 has been the NPM's focus on arrests and the use of police custody in relation to children. The Committee contributed with input both during the planning phase and after we began our project. Another central topic of discussion has been our visits to nursing homes and homes for adults with

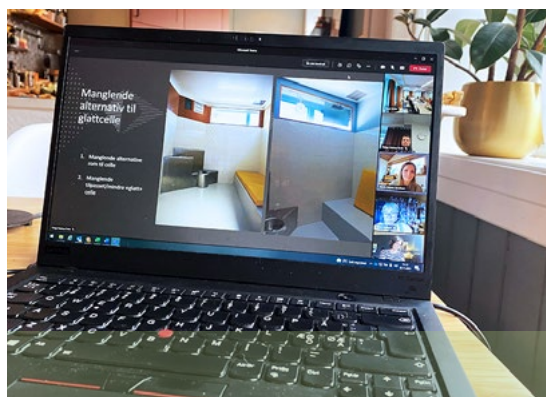


The NPM Advisory Committee is made up of 18 members from organizations with competence in relevant fields such as human rights, children and youth, equality and anti-discrimination work. Photo: NPM

The NPM's Advisory Committee

In 2021, the NPM's Advisory Committee was supplemented by a member from the Norwegian Red Cross and the committee now counts a total of 18 members:

- › Human Rights Committee of the Norwegian Bar Association
- › Amnesty International Norway
- › Norwegian Ombudsperson for Children
- › Norwegian Helsinki Committee
- › *Jussbuss* (free legal aid clinic run by law students)
- › *Landsforeningen for barnevernsbarn* [Norwegian Association for Children in Care]
- › Norwegian Medical Association, represented by the Norwegian Psychiatric Association
- › The Norwegian Equality and Anti-Discrimination Ombud
- › *Mental Helse Ungdom* [Mental Health Youth]
- › Norwegian National Human Rights Institution (NIM)
- › Norwegian Research Network on Coercion in Mental Health Care (TvangsForsk)
- › Norwegian Association for Persons with Intellectual Disabilities (NFU)
- › Norwegian Organisation for Asylum Seekers (NOAS)
- › Human Rights Committee of the Norwegian Psychological Association
- › Norwegian Alliance for Informal Carers
- › Norwegian Red Cross
- › *Wayback – Stiftelsen livet etter soning* [Wayback – Foundation for life after prison]
- › *Landsforeningen* [the National Association] We Shall Overcome



From a digital meeting in the NPM's Advisory Committee in 2021. Photo: NPM

developmental disabilities, and the follow-up of such visits. Furthermore, the Advisory Committee is a forum where we gather input for our consultations to the authorities as well as exchange ideas and knowledge on relevant topics for the NPM.

Other Formalised Collaborations

The Parliamentary Ombud is represented in the Advisory Committee of the Norwegian National Human Rights Institution (NIM), which regularly addresses topics of interest to the Parliamentary Ombud generally, and specifically the prevention work of the NPM. Furthermore, we are in continuous contact with The Norwegian Ombudsperson for Children and The Norwegian Equality and Anti-Discrimination Ombud.

Dialogue with Authorities and Consultative Processes

Follow-up of Children in Custody

The NPM's study of the conditions for children who are arrested and placed in police custody included a visit to Oslo Police District and a review of information received from all of the police districts in Norway. The study highlighted a need for national measures in several areas to ensure that the rights of the child are fully safeguarded when arrested and placed in custody. This covered issues such as the absence of national statistics regarding the use of police custody in relation to children, the need for child-friendly custody

locations, improve procedures to ensure children's right to be heard and secure protection against intrusive use of coercive measures against children. These problems were addressed in written dialogue with the Norwegian Ministry of Justice and Public Security and will be followed up in greater detail in 2022.

Follow-Up of Previous Reports on Prisons

The NPM has continued its dialogue with the authorities regarding the correctional services in 2021. In February, we provided input to the Norwegian Ministry of Justice and Public Security's work on a new White Paper entitled *Kriminalomsorgsmeldingen – fremtidens kriminalomsorg og straffegjennomføring [Report on the correctional services – the future of the correctional services and execution of sentences]* White Paper 39 (2020–2021). In our consultation, we emphasised the extensive use of isolation due to under-staffing, the fact that absent staff rarely are replaced by temporary staff, old buildings and other issues pertaining to the lack of resources. We suggested that the government should include a proposal for national regulations regarding social interaction for inmates in its White Paper. We emphasised that isolation for more than 22 hours per day should be prohibited in line with the situations specified in the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Furthermore, we highlighted the need to further examine the health issues of inmates and explore the quality of health services to this population. We also pointed out the importance of focusing on the conditions for minors, young people up to 25 years of age and women - and the need to examine the various forms of police cooperation.

We also participated in a verbal consultation process in the Norwegian Parliament's (*Storting*) Standing Committee on Justice regarding a proposal by the Norwegian Ministry of Justice and Public Security for amendments to the *Norwegian Execution of Sentences Act*. The proposal included the introduction of a legal basis for the use of spit hoods and lowering the threshold for the use of various types of restraints

in prisons, including handcuffs and BodyCuff. During the consultation, we noted that the proposals appeared to lack adequate evaluation. This was specifically related to the various situations in which a spit hood would be considered an appropriate restraint, the health risk involved in such use and whether the proposal is in accordance with Norway's human rights obligations. We emphasised that a spit hood is a highly intrusive measure, especially since in practice, it is always combined with additional restraints such as handcuffs, BodyCuff or other means. When using restraints, it is a human rights requirement that such use is necessary, proportionate to the circumstances and that national authorities have made assessments regarding these factors, on an individual basis.

In November 2020, the Norwegian Ministry of Justice and Public Security presented a proposal for new rules regarding a Supervisory Board of the Norwegian Correctional Services. NPM has previously stressed that the establishment of a national supervisory mechanism for prisons is an important measure to ensure necessary oversight of the conditions for inmates in Norwegian prisons. The lack of an adequate oversight mechanism in the correctional services has had major impacts on the ability and opportunity for oversight of the conditions in Norwegian prisons, especially for inmates held in isolation. Several NPM reports have uncovered numerous and serious conditions in Norwegian prisons, including the risk of violations of the prohibition against torture and inhuman treatment under the UN Convention Against Torture and Article 3 of the European Human Rights Convention. This includes The Parliamentary Ombud's special report to the Norwegian Parliament regarding isolation and the lack of human contact in Norwegian prisons, Document 4:3 (2018–2019), visit reports from 20 visits to prisons as well as the thematic report *Bruk av sikkerhetsseng i norske fengsler [Use of restraint beds in Norwegian prisons]* (2020). As such, there is a considerable need for an effective oversight mechanism for Norwegian prisons.

In our consultation response in February 2021, we requested clarification as to how the proposed solution for an oversight board would ensure systematic and regular oversight in accordance with international human rights standards. We highlighted that challenges relating to a potentially ambiguous mandate and lack of resources were not sufficiently resolved in the government's proposal. We also pointed out that the proposal could have benefited by a broader assessment and a more comprehensive approach which looked at wider reforms within the correctional services, in accordance with previous statements from the Ministry.

Follow-Up of the Police Immigration Detention Centre at Trandum

The NPM has long expressed concerns that the conditions at the Police Immigration Detention Centre at Trandum does not comply with human rights requirements. This was the backdrop for a written communication from the NPM to the Norwegian Ministry of Justice and Public Security and Norwegian Ministry of Health and Care Services in May. Here we requested more detailed information regarding the conditions for detainees. In their response letter, the Norwegian Ministry of Justice and Public Security informed that it plans to revise the current Norwegian Regulations Relating to the Police Immigration Detention Centre and that it would include the NPM's assessments in the work on regulatory amendments.

The Norwegian Ministry of Health and Care Services noted that the Norwegian Directorate of Health has been instructed to evaluate the impacts of a possible restructuring of health services at the immigration detention centre, including an assessment of regulatory amendments.

In addition, we have had an engaging dialogue with the Supervisory Board for the Police Immigration Detention Centre at Trandum and we have also provided input to the Norwegian Directorate of Health regarding its work on a new structure for the health services at the Police Immigration Detention Centre.

Follow-Up of Previous Findings regarding the Child Welfare Service

Following an invitation from the Standing Committee on Family and Cultural Affairs, the NPM provided commentary on a new Norwegian Act relating to child welfare services (Norwegian Child Welfare Act) and Act relating to amendments to the Child Welfare Act. Our input is based on visits to more than 20 child welfare institutions under the prevention mandate. We have found that that several institutions for children have had house rules or other internal rules entailing routine use of coercive measures or other interventions restricting the freedom of movement of children. Several institutions also limited the children's right to be heard and their right to privacy. Interventions and coercive measures that are not individually justified are also contrary to the legal requirements of necessity and proportionality.

Children and adolescents may experience the use of coercive measures as distressing, frightening and abusive. Therefore, it is especially important to have clear and accessible regulations, so that those with caregiving responsibilities for the child do not unlawfully breach the child's integrity and freedom and so that the timing of such interventions are as predictable as possible for the child.

In our comments, we noted that the adoption of a new Norwegian Child Welfare Act that provides unambiguous rules regarding the use of coercive measures against children in child welfare institutions is a welcome development. At the same time, we expressed concern that the proposal does not provide staff members who, in practice, are tasked with applying the law, with the possibility to prevent the use of coercive measures and ensure that requirements regarding necessary and proportionality are met prior to the use of such measures. We also requested clear provisions in the proposal that safeguard the rights of children to be heard, to make a statement and to receive appropriate, tailored and accessible information regarding their rights. These elements are crucial for children's due process and for their sense of safety and their ability to influence their everyday lives.

The NPM was also invited to contribute with its experiences in an consultative meeting with the Norwegian Child Welfare Committee. The Committee evaluates how the child welfare service can ensure better quality and due process in the most serious and complex cases and will complete its work in 2023. Our visits to various child welfare institutions have resulted in several findings precisely regarding such cases.

Information and Development Work

Over the course of 2021, the NPM has held presentations, given lectures and participated in debates at several events.

It is important that our recommendations are followed up and implemented in the various sectors that we visit. To ensure this, we have given lectures at both bachelors and masters level for correctional officers in training. We have also lectures at the continuing education programme for custody officers, border services officers and transport officers, in the specialisation programme for psychologists, for medical doctors specialising in psychology and at law schools. The lectures have covered both introductions to key human rights requirements in the various professional fields and our findings in the sectors in which the students will be working.

During the Norwegian Psychological Association Congress of 2021, the NPM participated in a panel discussion regarding *Vulnerable groups, rights and psychological treatment*. During the same congress, we chaired the symposium *Frihetsberøvelse og bruk av tvang overfor mennesker i utsatte situasjoner [Deprivation of liberty and use of coercive measures in relation to persons in vulnerable situations]*, where we invited the organization Change Factory and a peer support consultant from Lovisenberg Diaconal Hospital's project "Open door" to discuss their experiences with how coercion is perceived and how coercion can be prevented in mental health institutions.

In March, the NPM gave a lecture at the Norwegian National Network for Research and Education in Forensic Psychiatry in Norway (SIFER) regarding

institutional culture as a risk factor for inhuman treatment and increased use of coercive measures. We were also invited to present our findings regarding the conditions for inmates in Norwegian prisons to the Norwegian Association of Judges' Human Rights Committee. Towards the end of the year, we were invited to give a speech on isolation in prisons at a national gathering of the Norwegian National Network for Research and Education in Forensic Psychiatry in Norway (also SIFER).

The NPM has participated in reference groups for two research projects in 2021. One was led by the Department of Criminology and Sociology of Law at the University of Oslo (UiO), commissioned by the Norwegian Equality and Anti-Discrimination Ombud (LDO) and concerned women's health in Norwegian prisons. In August 2021, LDO presented the results from the work in the report *Lengst inne i fengselet – kvinnelige innsatte med behov for helsehjelp [Farthest inside the prison – female inmates in need of healthcare]*. The study highlights problems in the collaboration between prison health services and the specialist health services. According to the report, many female inmates experience that they do not receive the care they need and to which they are entitled.

The other research project, *Barn i eneltak og rustiltak i barnevernet [Children in solitary facilities and substance abuse-related care in the Child Welfare Service]*, is funded by the Norwegian Directorate for Children, Youth and Family Affairs and implemented by the Oslo Metropolitan University (OsloMet). The project will be examining how solitary facilities and substance abuse-related care work for adolescents, what services are provided in the care options, whether or not the measures are justifiable and whether or not adolescents' due process is safeguarded. A sub-study in the project was published in autumn 2021 but no reference group meetings were held during the spring, mainly due to delays in the collection of data. The project is scheduled for completion in 2023.

For an overview of seminars and webinars in which we have participated, please see *Activities 2021*.

6



International Cooperation

As a result of the pandemic, NPMs are facing ever-changing challenges and there is a considerable need for exchanging experiences and knowledge at the international level. Digital solutions enable continued dialogue with international stakeholders regarding the prevention mandate.

Isolation on the International Agenda

There is considerable international interest in the NPM's 2019 report entitled *Special report to the Norwegian Parliament regarding isolation and lack of human contact in Norwegian prisons* and the follow-up of the report has continued also in 2021. In Denmark, the report has contributed to an ongoing public debate regarding isolation in Danish prisons. We have held several meetings with the Danish organisation DIGNITY, which has looked at the use of isolation as a form of punishment. In September 2021, the head of the Norwegian NPM was one of the introductory speakers at a conference in the Danish Parliament (*Folketinget*) on the use of isolation as punishment. This event was hosted by a Member of the Danish Parliament and organised by DIGNITY, the Danish Institute for Human Rights and the Danish Parliamentary Ombudsman. Here, we presented the NPM's perspectives on the use of isolation in Norwegian prisons and explained why isolation is not used as a disciplinary measure in Norway. The Swedish Parliamentary Ombudsman was also invited to share Sweden's experiences on this topic. The conference gathered professionals, academics, politicians and representatives from the correctional services throughout the Nordic countries.

DIGNITY also organised a webinar in 2021 where the organisation presented a new manual offering

guidance on monitoring health services in places where persons are deprived of their liberty.

The Nordic NPM Network

Over the course of the year, three meetings were held in the Nordic NPM Network. All of the meetings were conducted digitally. The Norwegian NPM hosted one of these meetings.

The network consists of representatives from all of the Nordic NPMs with mandates under the Optional Protocol to the Convention against Torture (OPCAT). The Nordic NPM Network is an important forum for exchanging working methods, knowledge, experiences and practices in the Nordic countries regarding prevention of torture and inhuman treatment of persons who are deprived of their liberty.

The first digital meeting was held by the Danish Parliamentary Ombudsman in February 2021. The main theme was how to exercise the prevention mandate during the pandemic and all the participating NPMs presented experiences and challenges relating to this work.

The Norwegian NPM hosted the second network meeting in March 2021. Once again, the COVID-19 pandemic and the current status of the Nordic NPMs' work during the pandemic was on the



In November 2021, the NPM hosted Professor Manfred Nowak and his team working on following up The Global Study on Children Deprived of Liberty, a comprehensive study undertaken by experts across the world. From the left: Elisa Klein Díaz, Silje Sønsterudbråten, Johannes Flisnes Nilsen, Prof. Manfred Nowak, Helga Fastrup Ervik, Mette Wannerstedt, Imke Steimann, Karin Afeef og Manu Krishan. Photo: NPM

agenda. We also asked the Nordic NPMs to share their experiences and perspectives regarding what factors might increase the risk of inhuman or degrading treatment of persons with developmental disabilities. This topic resulted in an interesting discussion where various legislation, practices and problems were exchanged. It was particularly useful to hear the other Nordic NPMs' experiences on this topic, since it was a new sector for the Norwegian NPM.

The exchange of experiences continued during the third and final meeting, which was hosted by the Finnish Office of the Parliamentary Ombudsman in late October. Questions concerning the pandemic continued to be a key topic at this meeting and we also discussed how the NPMs use various methods for external communication, how follow-up of recommendations is implemented and how to ensure that the prevention work has an impact. An external lecture was also given on the principles for good interview techniques.

Written Statement to the SPT

In May, the NPM sent a written statement to the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) regarding our assessments of what locations are covered by the prevention mandate. The statement was written at the request of the SPT. The statements will be used by the Committee in the preparation of a new General Comment on the interpretation of OPCAT's Article 4. This provision establishes the framework for the locations that must allow visits by NPMs.

In the letter, we described our criteria for how we prioritize locations and which locations we consider to be within our mandate. We noted that the question of whether a situation is considered deprivation of liberty under the Optional Protocol will depend on an individual assessment of the specific factual conditions therein and how these conditions in reality impact each individual.

Meetings, Courses and Lectures

It is important for the NPM to share experiences and information with the international community. Therefore, thematic reports and summaries of visit reports with recommendations are published in English on the Parliamentary Ombud website. This allows colleagues in other countries to provide us with useful input and it also enables us to reach out to parts of the Norwegian population that do not speak Norwegian.

After publishing the report from our visits to persons with developmental disabilities in Drammen Municipality in June 2021, we received an enquiry from the NPM in the United Kingdom and the Care Quality Commission. They sought our experiences from visits to places where persons residing in private dwellings may be subjected to deprivation of liberty by public authorities. We shared our knowledge pertaining to the identification of risk, collection of information and implementation of visits to smaller child welfare institutions and solitary facilities and to homes for adults with developmental disabilities.

We also gave a speech regarding our visits to nursing homes at the international meeting of NPMs and civil society, organised by the Association for the Prevention of Torture (APT) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Furthermore, we have presented our mandate and working methods in meetings with the Czech Public Defender of Rights (Ombudsman) and the Dutch human rights organisation Netherlands National Human Rights Institute.

The NPM has participated in several international webinars that have been important and relevant for our knowledge enhancement. In July, we participated in a course on international principles for effective interviewing for investigations, organised by the Association for the Prevention of Torture (APT), the Anti-Torture Initiative (ATI) and the Norwegian National Human Rights Institution (NIM). We have also participated in courses on sexualised violence against persons who are



Helga Fastrup Ervik, the head of the Norwegian NPM presents our findings at a conference about isolation in prison, held at the Danish Parliament (Folketinget). Screen shot: NPM

deprived of their liberty, organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Abuses against persons who are deprived of their liberty is an area where good interview techniques and working methods are crucial for obtaining relevant information. Therefore, it is highly useful to share knowledge on this topic with international prevention bodies.

Towards the end of the year, the NPM was visited by former UN Special Rapporteur on Torture Manfred Nowak and the team working on the follow up of *The Global Study on Children Deprived of Liberty*. During the period 2016–2019, Nowak led a comprehensive study for the UN which assessed the global scope of and conditions for children who are deprived of their liberty. The study also presented legal, policy and practical recommendations for reducing the number of children deprived of their liberty at a global level. At the meeting, we discussed how the results of the study can be followed up and the challenges children deprived of their liberty in Norway encounter.

7



Statistics

Number of visits in 2021, per sector

SECTOR	NO.
Police custody	1
Homes for adults with developmental disabilities	9
Total	10

External activities



23 lectures and talks

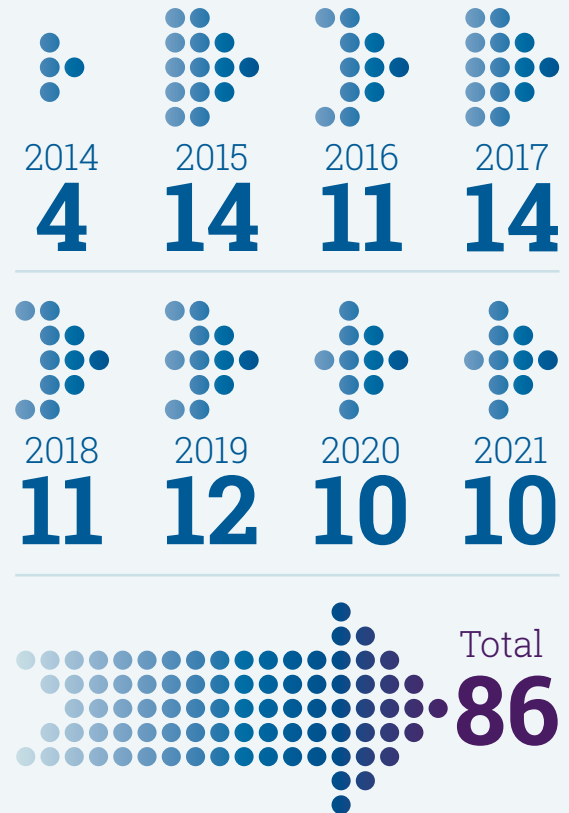


39 meetings with national stakeholders



13 meetings with international partners

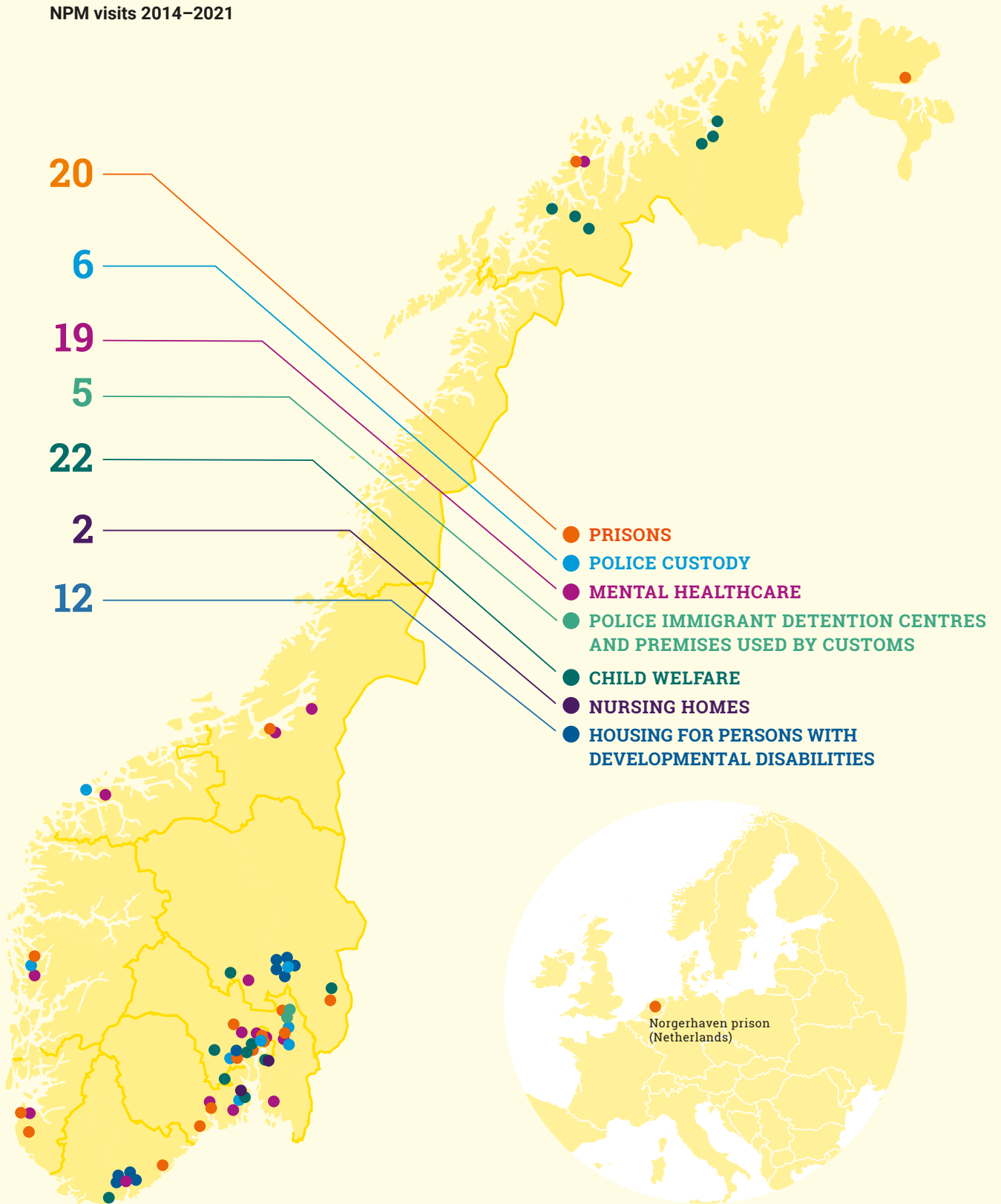
Number of places visited since start-up, per year:



Visits in 2021

DATE OF VISIT	PLACE	SECTOR	DATE OF PUBLICATION OF VISIT REPORT	EXTERNAL EXPERT PARTICIPATION
11–12 May	Oslo Police Custody	Police custody	1.12.2021	No
19–21 October	Five homes for persons with developmental disabilities in Hamar Municipality	Municipal health and care services	Will be published in 2022	No
16–18 November	Four homes for persons with developmental disabilities in Kristiansand Municipality	Municipal health and care services	Will be published in 2022	No

NPM visits 2014–2021



2014**PRISONS**

Bergen Prison
Tromsø Prison

POLICE CUSTODY

Drammen Police Custody
Tønsberg Police Custody

2015**PRISONS**

Björgvin Prison's Juvenile Unit
Kongsvinger Prison
Ringerike Prison
Telemark Prison, Skien Branch
Trondheim Prison

POLICE CUSTODY

Lillestrøm Police Custody
Ålesund Police Custody

POLICE IMMIGRANT DETENTION CENTRES AND PREMISES USED BY CUSTOMS

Trandum Police Immigration Detention Centre
Places of detention at Gardermoen, 3 locations

MENTAL HEALTHCARE

Diakonhjemmet Hospital
Sørlandet Hospital, Kristiansand
Telemark Hospital

2016**PRISONS**

Bredtveit Detention and Security Prison
Drammen Prison
Norgerhaven Prison, Netherlands
Stavanger Prison
Telemark Prison
Vadsø Prison

POLICE CUSTODY

Bergen Police Custody

MENTAL HEALTHCARE

Akershus University Hospital, Adolescent Psychiatric Clinic
University Hospital of Northern Norway Health Trust (UNN)

CHILD WELFARE

Akershus Youth and Family Centre, Sole Department
The Child Welfare Service's Emergency Institution for Young People, Oslo

2017**PRISONS**

Ila Detention and Security Prison
Ullersmo Prison
Ullersmo Prison, Juvenile Unit East
Åna Prison

POLICE IMMIGRANT DETENTION CENTRES AND PREMISES USED BY CUSTOMS

Trandum Police Immigration Detention Centre

MENTAL HEALTHCARE

Akershus University Hospital, Emergency Psychiatric Department
Oslo University Hospital, Psychosis Treatment Unit, Gaustad
Stavanger University Hospital's Special Unit for Adults
Ålesund Hospital, Psychiatry Department

CHILD WELFARE

Aleris Alta, 2 divisions
Alta Youth Centre
Hedmark Youth and Family Centre
The Klokkergården Collective

2018**PRISONS**

Arendal Prison
Bergen Prison
Oslo Prison

MENTAL HEALTHCARE

Sandviken Psychiatric Hospital
Reinsvoll Psychiatric Hospital
The County Psychiatric Department, Vestfold Hospital
Østfold Hospital, Secure Psychiatric Sections and Geriatric Psychiatric Section

CHILD WELFARE

Agder Institution for Adolescents, Furuly department
Kvammen Emergency Institution
The Skjerfheim Collective

2019**MENTAL HEALTHCARE**

Stavanger University Hospital, Child and Adolescent Psychiatry Units

BARNEVERN

Buskerud and Vestfold Emergency Youth Centre, Barkåker
Humana Child Welfare Service East, 2 units
Jong Youth Centre
Nymogården, Stendi Region North, 6 units

2020**MENTAL HEALTHCARE**

Levanger Hospital, Department of Child and Adolescent Psychiatry
St. Olav's Hospital, Child and Adolescent Psychiatric Clinic, Lian, 2 units

CHILD WELFARE

Olivia Solhaugen, 2 units

NURSING HOMES

Høyås Residential and Rehabilitation Centre
Åsgårdstrand Nursing Home

HOUSING FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

Homes for persons with intellectual disabilities in Drammen municipality

2021**POLICE CUSTODY**

Oslo Police Custody Facility

HOUSING FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

Hamar Municipality, 5 homes
Kristiansand Municipality, 4 homes

Activities in 2021

Presentations, Input and Participation in Panel Discussions

DATE	ACTIVITY
12 January	Video conference consultation in the Norwegian Parliament's (<i>Storting</i>) Standing Committee on Justice, regarding the Ministry Justice and Public Security's proposal to introduce anti-spit guards (spit hoods) in the Norwegian Correctional Service.
10 February	Teaching at the Norwegian Psychological Association's joint programme for specialisation regarding psychologists and human rights.
25 February	Input meeting with Norwegian Minister of Justice and Public Security Monica Mæland regarding the work on Report to the Storting (White Paper) 39 (2020–2021) <i>Kriminalomsorgsmeldingen – fremtidens kriminalomsorg og straffegjennomføring [Report on the Norwegian Correctional Service – the future of the correctional service and execution of sentences]</i> .
9 March	Teaching for undergraduate students at the University College of Norwegian Correctional Service (KRUS) regarding isolation and the mental health of inmates.
19 March	Lecture at the gathering of instructors for MAP (Encountering aggression problems) organised by the Norwegian National Network for Research and Education in Forensic Psychiatry in Norway (SIFER) regarding elements of institutional cultures that pose a risk of inhuman treatment and increased use of coercive measures.
4 May	Speech for the research group for the project PRISONHEALTH-PriSUD regarding the mental health of inmates, use of restraint beds in prisons and how the COVID-19 pandemic impacted the conditions for inmates during the initial period following the onset of the pandemic.
26 May	Speech for the Norwegian Association of Judges' Human Rights Committee on the mental health of inmates.
22 April	Participation in the reference group for the research project <i>De glemte lovbrøyterne [The Forgotten Offenders]</i> led by the Department of Criminology and Sociology of Law at the University of Oslo (UiO).
28 April	Lecture on the prohibition against torture, Amnesty Jus Oslo.
17 June	Speech regarding visits to nursing homes at the international meeting of National Preventive Mechanisms (NPMs) and civil society organised by the Association for the Prevention of Torture and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).
15 June	Speech at the Norwegian Red Cross' launch of its ten-year report on Trandum regarding the Parliamentary Ombud's visit and follow-up of the conditions at the Police Immigration Detention Centre.
26 May	Speech for the Norwegian Association of Judges' Human Rights Committee regarding the use of isolation and the conditions in prisons for persons with psychiatric disorders.
24 August	Lecture for the Norwegian Directorate for Children, Youth and Family Affairs, Department of Gender Equality and Universal Design, regarding the NPM's visits to persons with developmental disabilities.

DATE	ACTIVITY
1 September	Speech on the use of isolation in Norway at a conference in the Danish Parliament (<i>Folketing</i>), organised by the Danish Institute Against Torture (DIGNITY) and the Danish Institute for Human Rights.
9 September	Participation in a panel discussion at the Norwegian Psychological Association Congress regarding vulnerable groups, rights and mental health treatment. Chaired the symposium at the Psychological Association Congress regarding deprivation of liberty and the use of coercive measures in relation to persons in vulnerable situations.
10 September	Input meeting with the Norwegian Child Welfare Committee.
23 September	Speech at the Norwegian Gender Equality and Anti-Discrimination Ombudsman's Annual Conference on the NPM's Visit Report from group homes for adults with developmental disabilities in Drammen Municipality.
23 September	Lecture at the Norwegian Police University College, continuing education for custody officers, border services officers and transport officers.
12 November	Speech at the joint seminar for Legal Aid for Women (JURK) regarding women in prison.
24 November	Lecture for the Norwegian Red Cross regarding isolation and the findings of the NPM.
25 November	Lecture on the prohibition against torture, Amnesty Jus Oslo.
2 December	Speech on isolation in Norwegian prisons at the Norwegian National Network for Research and Education in Forensic Psychiatry in Norway (SIFER).
14 December	Teaching for medical doctors specialising in psychiatry at Oslo University Hospital (OUS) on the topic <i>Human rights, do they have a place in psychiatric treatment?</i>

Meetings, Internal Training, Visits and Participation in Seminars in Norway (including National Webinars)

DATE	ACTIVITY
20 January	Meeting with the Norwegian Healthcare Investigation Board (UKOM) regarding a report on the physical design of shielding units.
27-29 January	Internal course on practical project management for the Parliamentary Ombud.
2 February	Meeting with the Office of the Auditor General of Norway, Sectoral Group for the Norwegian Ministry of Children and Families regarding status and risks in child welfare, implementation of visits during the COVID-19 pandemic and visit methodology.
3 February	Meeting at the Norwegian National Human Rights Institution's (NIM) Advisory Committee regarding updates on the coronavirus situation and international reporting.

DATE	ACTIVITY
15 February	Meeting in the NPM's Advisory Committee regarding experiences from visits to nursing homes and homes for adults with developmental disabilities. The NPM presented the main points of the operational plan for 2021.
12 March	Regular semi-annual meeting with the Norwegian Red Cross' Visitation Service regarding the Trandum Police Immigration Detention Centre.
15 March	Meeting with the Norwegian Ombudsperson for Children and the Norwegian National Human Rights Institution (NIM) regarding children in police custody.
17 March	Digital conference on children as relatives of inmates and convicted persons. Organised by the Norwegian Organisation for Families and Friends of Prisoners (FFP).
18 March	Seminar at the Norwegian National Competence Service for Ageing and Health regarding frailty among elderly persons.
22 March	Meeting with the Norwegian Red Cross regarding the conditions in Agder Prison.
25 March	Digital full-day conference on violence, abuse and neglect in nursing homes. Organised by the Norwegian University of Science and Technology (NTNU).
12 April	Meeting with the Supervisory Council for the Police Immigration Detention Centre at Trandum.
14 April	Internal training (session 1) with the Norwegian National Competence Service for Ageing and Health regarding medications at nursing homes (psychiatric medication), person-centred care/VIPS practice model, user needs and relations.
20 April	Internal training (session 2) with the Norwegian National Competence Service for Ageing and Health regarding individual autonomy and participation, measures against disruptive behaviour, the TID model, palliative care and ethics.
20 April	Meeting with the Norwegian Bar Association regarding children in police custody.
21 April	Meeting with the Change Factory regarding a proposal for a new Norwegian Child Welfare Act.
26 April	Meeting with the County Governor of Oslo and Viken regarding follow-up of a visit to Jong Youth Home.
26 April	Meeting with <i>Uteseksjonen</i> (Oslo Municipality's section for outreach in Oslo City Centre) regarding children in police custody.
4 May	Meeting with the Norwegian Office for Children, Youth and Family Affairs (Bufetat) regarding follow-up of the visit to Jong Youth Home.
6 May	Internal training (session 3) with the Norwegian National Competence Service for Ageing and Health regarding structured milieu treatment, cognitive stimulation and physical activity/rehabilitation.
6 May	Internal training with the Occupational Health Service: infection control in the practical workday and during visits.
12 May	Meeting with NIM's Advisory Committee, including regarding follow-up of the UN Committee Against Torture's recommendations to Norway.

DATE	ACTIVITY
7 June	Meeting with the Advisory Committee on the police's handling of children and briefing on published reports from Høyås and Åsgårdstrand nursing homes.
9 June	Internal training with the Norwegian National Institute on Intellectual Disability and Community (NAKU) (session 1) regarding cognitive functioning, communication, follow-up care and mental health.
10 June	Meeting with the Norwegian Ombud for Older People regarding the NPM's visits to Høyås and Åsgårdstrand nursing homes.
11 June	Internal training with NAKU (session 2) regarding follow-up care, mental health and individual autonomy.
14 June	Meeting with the Norwegian Bureau for the Investigation of Police Affairs regarding children in police custody.
15 June	Digital report launch organised by the Norwegian Red Cross in connection with the ten-year anniversary of the Visitation Service to the Trandum Police Immigration Detention Centre. Speech by Parliamentary Ombud Hanne Harlem.
16 June	Meeting with <i>Uteseksjonen</i> (Oslo Municipality's section for outreach in Oslo City Centre) in Oslo Municipality regarding children in police custody.
16 June	Meeting with the Change Factory regarding the Norwegian Act relating to limitations on the use of coercive measures.
18 June	Digital kickoff-seminar of the steering group for projects on women's health in prisons (PriSUD and PRISONHEALTH).
22 June	Virtual speech by Marte Gulbrandsen regarding her master's thesis in sociology on voluntary isolation in Norwegian prisons.
24 August	Norway's seventh report to the UN Committee on the Rights of the Child – start-up meeting for civil society.
31 August	Digital launch of the report <i>Lengst inne i fengselet - kvinnelige innsatte med behov for helsehjelp</i> [Deepest in the prison – female inmates in need of healthcare]. Organised by the Norwegian Equality and Anti-Discrimination Ombudsman.
1 September	Meeting of NIM's Advisory Committee regarding NIM's strategy for 2022–2025, the Norwegian Government's Plan of Action against domestic violence and the Instructions for official studies and reports, human rights and guidance.
2 September	Breakfast seminar organised by the Fafo Research Foundation including the launch of the report on tortured asylum seekers' rights and Norway's obligations.
22 September	Regular semi-annual meeting with the Norwegian Red Cross' Visitation Service regarding the Trandum Police Immigration Detention Centre.
26 October	Meeting at the Norwegian Directorate of Health regarding the structuring of health services at the Police Immigration Detention Centre.
22 November	Meeting of the Advisory Committee of the NPM regarding the publication of the report on the police's handling of minors, follow-up of homes for adults with development disabilities in Drammen Municipality and briefing on the NPM's plans for 2022.

International Meetings and Visits (including International Webinars)

DATE	ACTIVITY
13 January	Webinar with the Danish Institute Against Torture (DIGNITY) regarding <i>Monitoring health in places of detention</i> and the launch of the DIGNITY Health Monitoring Manual.
19 March	Meeting of the Nordic Network for Prevention on <i>Visiting adults with intellectual disabilities or dementia</i> .
29 April	Meeting with the Dutch human rights organisation the Netherlands National Human Rights Institute.
9 June	Meeting with the Danish Institute Against Torture (DIGNITY) regarding the use of punishment cells (high-security cells) in Denmark.
15-17 June	Participation in the fourth international meeting of NPMs and civil society organised by the Association for the Prevention of Torture and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The theme of the meeting was visits to places where elderly persons are deprived of their liberty.
9 June	Participation in the launch of International Principles on Effective Interviewing for Investigations. Organised by the Association for the Prevention of Torture (APT), the Anti-Torture Initiative (ATI) and the Norwegian Centre for Human Rights.
21 July	Webinar: <i>Thematic Workshop on Sexual and Gender-based Violence in Places of Deprivation of Liberty</i> organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR).
1 September	Participation in a conference on isolation hosted by the Danish Institute Against Torture (DIGNITY) in Copenhagen.
28 September	Meeting with the United Kingdom National Preventive Mechanism (NPM) and the Care Quality Commission (CQC) regarding visits under the OPCAT mandate to private dwellings where persons may be deprived of their liberty by public authorities.
14 October	Meeting with the NPM of the Czech Republic. The Parliamentary Ombud presented its mandate and working methods.
25 October	Meeting with Physicians for Human Rights Israel regarding isolation in prisons.
27 October	Meeting in the Nordic Network for Prevention. Topics included the COVID-19 situation, interview techniques and other follow-up.
28 November	Meeting with Professor Manfred Nowak and his team from the Global Study on Children Deprived of Liberty.

Budget and Accounts 2021

CATEGORY	BUDGET 2021	ACCOUNTS 2021
SALARIES	8 770 525	8 987 292
OPERATING EXPENSES		
Production and printing of visit reports, annual report and information material	400 000	176 901
Purchase of external services (including translation and interpreting services)	260 100	372 015
Travel (visits and meetings)	479 400	96 588
Other operating expenses	579 200	395 002
Share of the Parliamentary Ombudsman's joint expenses (incl. rent, electricity, IT services, security, cleaning etc.)	2 040 000	2 149 426
Total NOK	12 529 225	12 177 224





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**ANNUAL REPORT 2021
NORWEGIAN PARLIAMENTARY OMBUD
NATIONAL PREVENTIVE MECHANISM**

**National Preventive Mechanism against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**