

S|OM

**The Parliamentary Ombudsman's
National Preventive Mechanism
Doc. 4.1 (2014-2015)**

**The Parliamentary
Ombudsman Norway**

**National Preventive
Mechanism against
Torture and Ill-Treatment**

ANNUAL REPORT

2014



*How we treat people deprived
of their liberty is a measure
of the kind of society we have.*

FOREWORD

Aage Thor Falkanger

Parliamentary Ombudsman for Public Administration Norway



Many people are deprived of their liberty every year because they have committed criminal acts, because they have a psychiatric condition or for other reasons. Even though it may be legitimate to deprive individuals of their liberty, the affected persons are made vulnerable.

How we treat people deprived of their liberty is a measure of the kind of society we have.

When the authorities deprive persons of their liberty, they simultaneously assume greater responsibility for their welfare. In particular, it is important that persons deprived of their liberty do not suffer torture or cruel, inhuman or degrading treatment or punishment. Experience shows that there is a need for external control mechanisms, and that regular visits to places of detention are an effective preventive measure. The Optional Protocol to the Convention against Torture (OPCAT) was adopted in 2002, and commits ratifying states to establish national bodies to conduct such visits.

On 21 June 2013, in connection with Norway's ratification of the OPCAT, the Norwegian parliament decided that responsibility for such visits in Norway should be assigned to the Parliamentary Ombudsman for Public Administration. In the spring of 2014, the Parliamentary Ombudsman established a dedicated department – called the National Preventive Mechanism (NPM) – to perform this task. This annual report on the work of the NPM is presented pursuant to section 12 of the Parliamentary Ombudsman Act.

The Parliamentary Ombudsman's new responsibilities are wide in scope. The mandate encompasses numerous, in some cases very different, sectors. This broad perspective confers a unique opportunity to examine the experiences of individuals relating to the use of force across sectors, institutions, professional groups and administrative bodies.

The experience gained in 2014 shows that Norway needs a body with a specific mandate to uncover and prevent torture and ill-treatment. In the autumn, the NPM visited prisons and police custody facilities, and made various recommendations. The main impression thus far is that the institutions value these visits and regard them as a good opportunity to evaluate their own practices.

To be successful, prevention efforts must involve and engage a broad spectrum of stakeholders. Accordingly, in 2014 much work has been done to establish dialogues with national bodies such as public authorities, educational institutions, trade unions, academic institutions and civil society stakeholders. Collaboration with international human rights bodies and organisations has been initiated to gather expertise, knowledge and experience. The second half of the year was used to conduct visits to prisons and police custody facilities.

In 2015, the NPM will continue to focus on the conditions for persons deprived of their liberty in prisons and police custody facilities, and will also begin visiting psychiatric institutions, the police's immigration detention facility and child welfare institutions.

A handwritten signature in blue ink, which appears to read 'Aage Thor Falkanger'.

Content

	Foreword <i>Aage Thor Falkanger</i>	5
1	Introduction	6
2	Background	8
	The prohibition against torture and the UN Convention against Torture	9
	The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	10
	The Optional Protocol to the Convention against Torture (OPCAT)	10
	The Parliamentary Ombudsman's prevention mandate	11
3	Establishment of the Parliamentary Ombudsman's National Preventive Mechanism	13
	Overview of places of detention	14
	Work methods	15
	Legal basis	15
	Integrated approach to prevention	16
	Visits to places of detention	16
	Announced and unannounced visits	17
	Visit handbooks	17
	Conduct of visits	17
	Recommendations	18
	Determining the priority order of places of detention	18
	Visit schedule	18
	External experts and professional development	19
4	Visits to places of detention	20
	Focus areas	21
	Visits in 2014	22
	Prisons	23
	Tromsø prison (10–12 September)	23
	Bergen prison (4–6 November)	24
	Police custody facilities	25
	Tønsberg police custody (14 and 20 October)	25
	Drammen police custody (22 October)	26

5	National dialogue	27
	Meetings with the authorities	28
	Civil society	28
	Advisory committee	29
	Conferences, courses and training	30
6	International cooperation	31
	Contact with the SPT	32
	Contact with the APT	33
	Other international cooperation	34
7	Communications	35
	The NPM website and use of social media	36
	Provision of information in connection with visits	37
8	Annexes	38
	I. List of abbreviations	39
	II. Visits in 2014	40
	III. Activities in 2014	41
	IV. Recommendations	44
	Tromsø prison	44
	Bergen prison	46
	Tønsberg police custody	48
	Drammen police custody	49
	V. APT's Principles of Detention Monitoring	50
	VI. The NPM's Budget and Accounts 2014	51
	VII. The UN Convention against Torture	52
	VIII. The Optional Protocol to the Convention against Torture (OPCAT)	60
	IX. The Parliamentary Ombudsman Act	68
	X. Instructions for the Parliamentary Ombudsman for Public Administration	71

1

Introduction

The Parliamentary Ombudsman Norway

*National Preventive Mechanism against
Torture and Ill-Treatment*

Annual Report 2014

Doc. 4.1 (2014–2015)

This annual report describes the activities of Norway's National Preventive Mechanism (NPM) in 2014. Since this is the Parliamentary Ombudsman's first annual report as the preventive mechanism under OPCAT, the report focuses particularly on the establishment of the NPM and the work done during the establishment phase. During this period, there was a particular focus on establishing an overview of places of detention, methodology development, professional development and external communications.

The NPM began making visits in September 2014, and during the course of the autumn made a total of five visits to four places of detention – two prisons and two police custody facilities. After these visits, the NPM drafted visit reports containing recommendations aimed at the places visited and the sectors. The reports are public, and are published on the NPM's website. This annual report contains brief summaries of all the visit reports from 2014, and an overview of the recommendations made for each place of detention.



2

Background

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The prohibition against torture and the UN Convention against Torture

The prohibition against torture and other cruel, inhuman or degrading treatment or punishment is laid down in a number of international conventions binding on Norway.

The 1948 UN Universal Declaration of Human Rights contains a universal prohibition in article 5: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The same prohibition is also found in such instruments as the UN International Covenant on Civil and Political Rights (article 7), the UN Convention on the Rights of the Child (article 37), the UN Convention on the Rights of Persons with Disabilities (article 15) and the European Convention on Human Rights (article 3). Norway has ratified all of these conventions.

The UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 1984. It constitutes recognition of the fact that torture and ill-treatment violate the very core of what human rights are intended to protect – humanity and human dignity. The negative impact on both those who are mistreated and their families and relatives is severe. Moreover, the legitimacy of and confidence in the state itself is undermined. This is why the prohibition against torture and ill-treatment is absolute and without exception.

States that ratify the convention are obliged to prohibit, prevent and punish all use of torture and other cruel, inhuman or degrading treatment or punishment. The convention also prohibits the return of persons to countries in which the risk of torture is substantial.

Norway ratified the convention in 1986, and the convention entered into force on 26 June 1987. Thus far, more than 150 of the world’s states have ratified the convention.

The UN Committee against Torture (CAT) monitors states’ compliance with their obligations under the convention, relying particularly on the states’ periodic reports. The CAT may consider complaints from

individuals or states against states parties that have accepted optional provisions in this regard. The committee may also initiate investigations on its own initiative if it receives reliable information that torture is being systematically employed in the territory of a state party. Norway submitted its most recent periodic report to the CAT in 2011. The compliance of states parties with the convention is also monitored by civil society stakeholders.

The prohibition against torture is laid down in various pieces of Norwegian legislation. Article 93 of the Norwegian Constitution contains a general prohibition against torture and is supplemented by sections 2 and 3 of the Human Rights Act, which provide that the provisions of the European Convention on Human Rights, the UN International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child – including the prohibition against torture and ill-treatment found in these conventions – shall constitute priority Norwegian law. Section 117a of the General Civil Penal Code contains a prohibition against torture, and section 73 of the Immigration Act, see also section 28, grants foreign nationals protection against deportation if they face an imminent risk of suffering the death penalty, torture or other inhuman or degrading treatment or punishment in the destination state.

The definition in article 1 of the convention entails that an act constitutes torture if it:

- intentionally inflicts severe physical or mental pain or suffering on a person,
- is inflicted by a public official or a private individual acting on behalf or with the consent or acquiescence of a public official,
- is inflicted to obtain information or a confession, or to punish, intimidate or coerce.

However, the final requirement – that the act must have a specified purpose – is not required for an act or punishment to be considered cruel, inhuman or degrading. In such cases, it is sufficient for the act that causes pain

DEFINITION OF TORTURE IN ARTICLE 1 OF THE UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

or suffering to have been committed intentionally (e.g. not the result of mischance or accident), and in the course of the exercise of power.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

The fact that torture has major consequences which are often difficult or impossible to remedy makes preventive efforts very important. Accordingly, in 1987, the member states of the Council of Europe adopted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Norway ratified the convention in 1989.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment introduced a system by which a supranational visiting body, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), visits places of detention. The CPT consists of independent experts with backgrounds from fields such as law, medicine and psychiatry. The CPT regularly visits places of detention in states which have ratified the convention. These visits may be conducted with or without prior announcement. The CPT has visited Norway five times, most recently in May 2011. Following each visit, the CPT drafts a report containing recommendations and comments addressed to the responsible authorities.

The CPT has also developed comprehensive standards on the treatment of persons deprived of their liberty.¹ These standards operationalise the prohibition against torture as defined in article 3 of the European Convention on Human Rights. They include standards for prisons, police custody facilities, psychiatric institutions and immigration detention facilities, and contain separate provisions on vulnerable groups such as young adults and women. The standards are also relevant for the preventive efforts required by the Optional Protocol to the Convention against Torture (OPCAT).

The Optional Protocol to the Convention against Torture (OPCAT)

The Optional Protocol to the Convention against Torture,

abbreviated as OPCAT, was adopted by the UN General Assembly in 2002. The motive was the same as for the adoption of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: a desire to strengthen efforts to prevent torture and other cruel, inhuman or degrading treatment or punishment. Like the European convention, the OPCAT does not contain a new legal standard, but it defines new work methods for preventing torture and ill-treatment of persons deprived of their liberty.

The Norwegian parliament approved Norway's ratification of the Optional Protocol on 14 May 2013.

States which have ratified the Optional Protocol undertake to maintain, designate or establish one or several independent national preventive mechanisms (NPMs) to conduct regular visits to places where persons are, or may be, deprived of their liberty, with the aim of preventing torture and ill-treatment.² The national preventive mechanisms also have power to make recommendations following such visits, and to make proposals and comments on existing or draft legislation.³

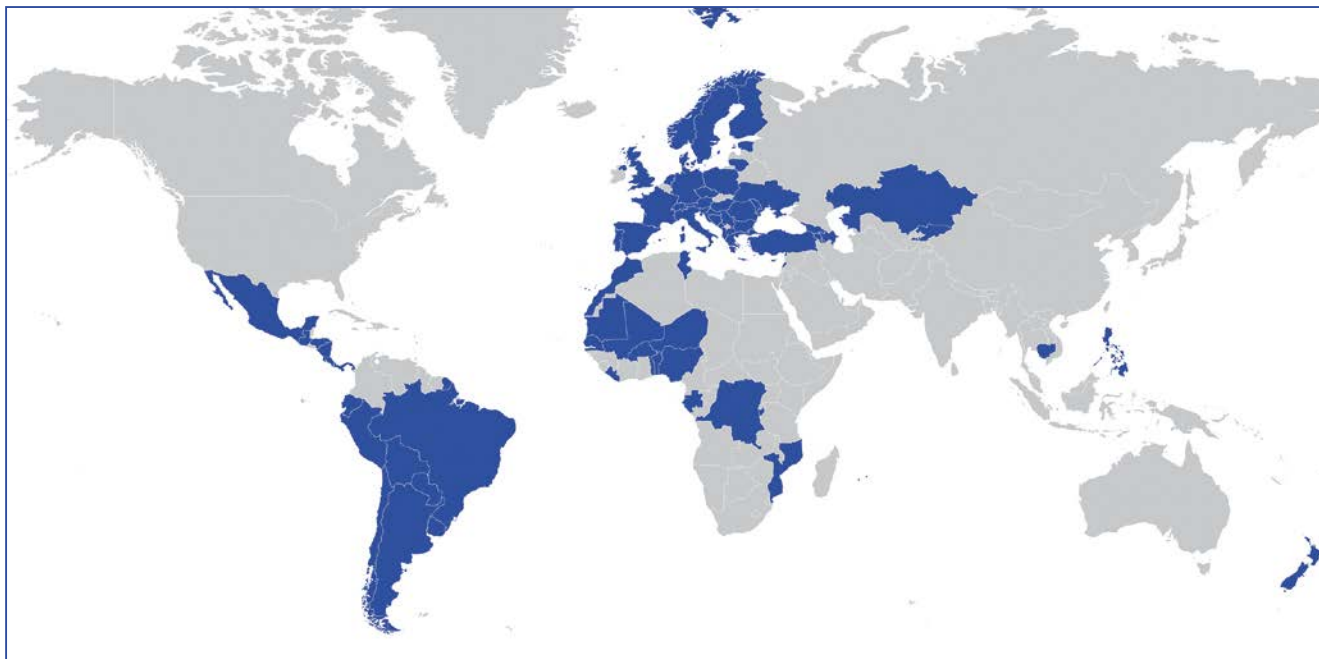
The Optional Protocol also established an international monitoring body working alongside the national preventive mechanisms: the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, abbreviated to SPT. The SPT comprises 25 independent experts, and may make both announced and unannounced visits to any place of detention in states which have ratified the Optional Protocol. The SPT is also mandated to give advice and guidance to national preventive mechanisms and to coordinate its work with international and regional human rights mechanisms such as the CPT, the CAT and the UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

The SPT's mandate and relationship with the national system of visits is set forth in OPCAT.⁴ These parallel national and international monitoring bodies are intended to complement one another and have a mutually reinforcing effect in the context of preventing torture and ill-treatment.

As of 31 December 2014, 76 states had ratified the

DEPRIVATION OF LIBERTY

Article 4.2 of the Optional Protocol defines deprivation of liberty as: "any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority."



States which had ratified the Optional Protocol as of 31 December 2014 are marked in blue.

Optional Protocol, and 60 states had established, maintained or designated national preventive mechanisms in their territories.

The Parliamentary Ombudsman's prevention mandate

As a result of Norway's ratification of the OPCAT, on 21 June 2013 the Parliamentary Ombudsman for Public Administration was allocated the role of Norway's National Preventive Mechanism (NPM).⁵ A deciding factor in the allocation of this role to the Parliamentary Ombudsman was the ombudsman's independence from the public administration. The Parliamentary Ombudsman has extensive experience of examining the activities of the public administration, including in places of detention. Moreover, it was pointed out in connection with preparations for the ratification of the OPCAT that the Parliamentary Ombudsman enjoys great credibility, legitimacy and respect of both the population at large and the public administration. Emphasis was also given to

the fact that the role of national preventive mechanism would fit well into the Parliamentary Ombudsman's current mandate, which is to seek to ensure that the public administration commits no wrongs against individual citizens, and to help ensure that the public administration respects and safeguards human rights.⁶ The Parliamentary Ombudsman Act and the Instructions for the Parliamentary Ombudsman for Public Administration were revised by the Norwegian parliament and adapted to the new task.

A dedicated NPM department, with responsibility for implementing the mandate, has been established within the office of the Parliamentary Ombudsman. The NPM staff, consisting of 4.5 full-time equivalents, have legal, medical and sociological backgrounds. The work of the NPM is funded through the Parliamentary Ombudsman's budget.

The NPM is mandated to regularly examine the treatment of the persons deprived of their liberty in places of

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2013.

2. The Optional Protocol to the Convention against Torture (OPCAT), A/RES/57/199, article 3.

3. See footnote 2, article 19.

4. See footnote 2, articles 11–16 and article 20.

5. Act of 21 June 2013 No. 89 relating to amendments to the Parliamentary Ombudsman Act (National Preventive Mechanism).

6. See page 38 of Prop 56 S (2012-2013), the bill on ratification of the optional protocol of 18 December 2002 to the UN Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Norwegian only).

The tasks of the SPT, NPMs and states which have ratified OPCAT

SPT tasks	NPM tasks	State tasks
<ul style="list-style-type: none"> • Conduct visits and make recommendations • Publish an annual report • Support and advise NPMs • Make recommendations and communicate observations to states parties • Cooperate with international, regional and national human rights mechanisms 	<ul style="list-style-type: none"> • Conduct visits and make recommendations • Submit proposals and comments on existing or draft legislation • Publish an annual report • Cooperate with the SPT, the state and international, regional and national actors 	<ul style="list-style-type: none"> • Maintain, designate or establish one or several independent NPMs • Provide an overview of all places of detention and grant access to them • Provide information on the treatment and conditions of persons deprived of their liberty • Cooperate with the NPM and the SPT

detention. These places include prisons, police custody facilities, psychiatric institutions, child welfare institutions, the immigration detention facility and nursing homes. Visits to places of detention may be conducted without or without giving prior notice.

The NPM is authorised to enter all places of detention and to conduct private conversations with persons deprived of their liberty. The NPM is also authorised to access all necessary information relating to the conditions of persons deprived of their liberty. During visits, the NPM seeks to identify factors relevant to the risk of violations through independent observations and conversations with affected persons. Conversations with persons deprived of their liberty are given particular priority.

Based on the visits, the NPM can make recommenda-

tions regarding prevention of torture and ill-treatment.

As part of the prevention mandate, the Parliamentary Ombudsman also engages in extensive dialogue with national authorities, public control and supervisory bodies, other national ombudsmen, civil society actors, NPMs in other countries and international human rights bodies.

An advisory committee has been established to provide the NPM with expertise, information, advice and input. The purpose of the advisory committee is to ensure that different voices are heard and that the NPM has access to helpful resources in the performance of its assignment. The committee is broadly composed and encompasses stakeholder and human rights organisations, research networks and experts on topics such as child welfare and psychiatry. This is further described in chapter 5.



3

Establishment of the Parliamentary Ombudsman's National Preventive Mechanism

The NPM is authorised to visit any place under the jurisdiction and control of the Norwegian authorities where persons are or may be deprived of their liberty, whether public or private.

The Parliamentary Ombudsman's National Preventive Mechanism (NPM) was established in the spring of 2014. The NPM used the establishment phase to prepare effective implementation of the prevention mandate in accordance with the requirements in OPCAT. This included establishing an overview of places of detention, the definition of work methods and the drafting of documents such as visit handbooks, prioritisation criteria and the visit schedule for 2014. The NPM also initiated information and outreach measures. This is further described in chapters 5–7.

Overview of places of detention

The Optional Protocol gives the NPM a very broad mandate. The NPM is authorised to visit any place under the jurisdiction and control of the Norwegian authorities where persons are or may be deprived of their liberty,⁷ whether public or private. The mandate thus covers not only the forms of deprivation of liberty that may occur in institutions such as prisons, police custody facilities and psychiatric institutions, but also places like military camps, child welfare institutions, camps abroad which are under Norwegian control, nursing homes, housing for persons with developmental disabilities, and the immigration detention facility. Places where people stay temporarily, or which are mobile, are also included – such as the accident and emergency units when someone is there in the course of being deprived of their liberty (for example to receive treatment while in police custody or imprisoned). Means of transport used in connection with retention in police custody or deportation are included as well.

In connection with the preparations for Norway's ratification of the OPCAT and the resulting statutory amendment, an inter-ministerial working group compiled a report with a list of places of detention.⁸ It was emphasised that the list is not exhaustive. The working group's report also included an overview of existing supervisory bodies and supervisory authorities.

Based on the working group's list, the NPM developed an updated and more detailed overview of all places of detention affected by the prevention mandate, and of the supervisory mechanisms for these places.

This overview formed the basis for the priorities and the

Overview of the number of places affected by the NPM's prevention mandate

Place	Number
Prisons and transitional housing	63
Police custody facilities	approximately 210
Police immigration detention facility (Trandum)	1
Involuntary institutional treatment (Brøset)	1
Norwegian Armed Forces custody facilities	9
Psychiatric institutions	approximately 120
Nursing homes	approximately 1,000
Child welfare institutions	approximately 150
Housing for persons with developmental disabilities ⁹	*

visit schedule as of 2014. The overview will need to be quality assured and updated on an ongoing basis. Several sectors are undergoing changes and reorganisations. Moreover, units in certain sectors are very small – in some cases involving just one person – and in some units there will also be doubt as to whether the situation involves deprivation of liberty. These circumstances make it impossible to determine exact figures for all sectors.

The places of detention affected by the prevention mandate are the responsibility of four ministries and four subordinate agencies, in addition to the Norwegian Armed Forces as represented by the Defence Staff.

The NPM has also established an overview of and contact with the supervisory mechanisms for the different sectors affected by its mandate. These include the Norwegian Board of Health Supervision, the county governors, the supervisory boards for prisons, the psychiatric health care control commissions, the supervisory council for the police immigration detention facility at Trandum, and the central supervisory committee for police custody

PLACES OF DETENTION

Article 4.1 of the Optional Protocol defines places of detention as: "any place under (the state's) jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence."

Overview of ministries and subordinate agencies with responsibility for the places of detention affected by the NPM's prevention mandate

Ministries	Subordinate agencies
Ministry of Justice and Public Security	Directorate of Norwegian Correctional Service Norwegian National Police Directorate
Ministry of Health and Care Services	Norwegian Directorate of Health
Ministry of Children, Equality and Social Inclusion	Norwegian Directorate for Children, Youth and Family Affairs
Ministry of Defence	Norwegian Armed Forces

facilities. These supervisory bodies are an important source of information on the situation at different places of detention. From a prevention perspective, these bodies are also important partners in the efforts to ensure that the NPM's work is as effective as possible. Information on existing supervisory mechanisms is important in setting the correct priorities for visits by the NPM.

Work methods

Legal basis

The prevention mandate is based on the Optional Protocol to the Convention against Torture (OPCAT), and aims to prevent breaches of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment as set out in the UN Convention against Torture.

Other international human rights standards, national regulations and case law that are relevant for the preventive mandate, include:

- International legal instruments such as the UN International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, the UN International Convention on the Elimination of All Forms of Racial Discrimination and the UN Convention on the Elimination of All Forms of Discrimination against Women.
- Regional regulations such as the European Convention

on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Prison Rules.

- Relevant UN declarations, resolutions, rules and principles, including the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Code of Conduct for Law Enforcement Officials, the UN Standard Minimum Rules for the Administration of Juvenile Justice, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules).
- Relevant case law, standards and general comments of supervisory bodies such as the UN Committee against Torture (CAT), the UN Committee on the Rights of the Child, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).
- National legislation like the Execution of Sentences Act, the Patient and User Rights Act, the Specialist Health Services Act, the Mental Health Care Act and other relevant laws.
- The case law of the Norwegian courts and the European Court of Human Rights (ECtHR).

7. See footnote 2, article 4.

8. Report of the inter-ministerial working group established to evaluate the consequences of Norway's potential ratification of the Optional Protocol to the Convention against Torture, consultation paper, www.regjeringen.no/nb/dokumenter/horingsnotat/id686354/ (Norwegian only).

9. As regards places of detention relevant to persons with developmental disabilities, the figures are very uncertain, not least because many persons in this category live in private homes or shared housing. The NPM has not yet begun visiting such places, and has therefore not completed a survey of this particular field.

Reports by the UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and the UN Working Group on Arbitrary Detention are also useful for understanding the prohibition against torture.

Integrated approach to prevention

The NPM bases its work on the principle that effective prevention efforts require an integrated approach.¹⁰ The extent of torture and ill-treatment in places of detention can be influenced by a range of factors, including national legislation and the organisation of institutions, existing control and supervisory bodies and their practices, general attitudes in society, social inequality, education and financial resources. This impacts how the NPM works. Although visits constitute the NPM's most important tool, other methods for influencing and promoting change are also being developed. These are discussed further in the chapters 5-6 on national dialogue and international cooperation.

Visits to places of detention

The responsibilities of national preventive mechanisms are described in article 19 of the Optional Protocol. Regularly examining the treatment of persons deprived of their liberty through visits to places of detention is crucial.

In order to conduct preventive visits, the NPM requires

access to all relevant information about persons deprived of their liberty, and information on places of detention and their locations. The NPM also needs to have access to all information regarding the treatment of persons deprived of their liberty and the conditions under which they live.

The Association for the Prevention of Torture (APT, discussed further on page 33), has developed a set of basic principles for visits to places of detention which the NPM has found very useful and has adopted as the basis for its visits.¹¹ The principles are listed in Annex V.

During visits, the NPM may conduct private conversations with persons deprived of their liberty and others the NPM considers relevant. Conversations with persons deprived of their liberty are given particular priority, and interpreters are used when necessary. It is unlawful to punish or discriminate against persons or organisations that speak with or send information to the NPM.

The NPM has a duty of confidentiality. Information that may identify an individual is treated confidentially and not used in a manner that could reveal the person's identity without consent. As a result, a methodological challenge sometimes arises in describing situations concerning just one person, or a very small group. This difficulty has been discussed with experts, other NPMs, members of the SPT and CPT, as well as the APT.



The NPM staff. From the left: senior adviser Kristina Baker Sole, senior adviser Knut Evensen, head of the NPM Helga Fastrup Ervik, adviser Johannes Flisnes Nilsen and adviser Caroline Klæth Eriksen.

Internal procedures have been adopted for the resolution of such situations.

The NPM does not process individual complaints. When the NPM receives an individual complaint during a visit, it passes it on to the relevant Parliamentary Ombudsman department for processing.

Announced and unannounced visits

The NPM is authorised to make both announced and unannounced visits. In 2014, the NPM conducted one unannounced visit. The NPM wishes to have a constructive relationship with the responsible authorities and cooperate with them. This form of collaboration demands high confidence that visits are conducted in an independent and investigative manner. Accordingly, the NPM intends to conduct unannounced visits in additional sectors as it gains experience.

Announced and unannounced visits have both strengths and weaknesses. In the case of announced visits, there is the risk of being presented with a “touched up” picture. In the case of unannounced visits, a major challenge may be obtaining information beforehand, and ensuring that the administration and persons deprived of their liberty are in fact available during the visit. Further, unannounced visits may disrupt day-to-day activities or be challenging for children and others who are especially vulnerable. At the same time, unannounced visits may have a greater preventive effect beyond the actual places visited.

Visit handbooks

In 2014, the NPM developed handbooks for its visits based on the experiences of NPMs in other countries. The handbooks are designed to ensure that key topics are covered during each visit, that visits are conducted in accordance with defined procedures and standards, that they have a consistent content, and that they facilitate comparisons between institutions and of changes over time.

Before the first visits to prisons and police custody facilities were undertaken in the autumn of 2014, the NPM developed handbooks for these two sectors.

The visit handbooks set out the procedures for planning visits, including the identification of rules and regulations, and the obtaining of information during

announced and unannounced visits. Further, the handbooks describe key aspects of the planning phase, the actual conduct of visits, the drafting of reports containing recommendations and the follow-up of findings and recommendations.

Conduct of visits

Every visit begins with the gathering of information from a range of sources. This includes relevant national and international legislation and information on the conditions faced by persons deprived of their liberty at the relevant place. If the visit is announced, the administration and the responsible authorities are informed. In the case of announced visits, the place receives a letter concerning the planned visit which also contains a request for information to be sent in advance or presented during the visit. Previous reports are obtained from relevant supervisory bodies, and the NPM advisory committee is encouraged to share information and provide input. In the case of unannounced visits, information is primarily obtained through openly accessible sources, but also through other sources, such as complaints and information received.

The duration of a visit depends primarily on the size of the place in question. In 2014, the NPM has conducted visits that lasted between one and four days.

Visits have the following main components:

- meeting with the administration
- inspection of the premises
- private conversations with persons deprived of their liberty
- conversations with staff, health workers, relatives and other affected persons
- review of documents
- final meeting with the administration

When needed, the NPM's staff use interpreters during conversations with persons deprived of their liberty. In 2014, the NPM used interpreters during visits to three of four places of detention. Wherever possible, the NPM seeks to use interpreters who can attend in person, but

10. See also UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Guiding principles for efforts to prevent torture, CAT/OP/12/6, 30 December 2010.

11. Association for the Prevention of Torture (APT), Monitoring places of detention: a practical guide, February 2004, pages 29–33.

also uses telephone interpretation when this is the only option. The NPM never uses other persons deprived of their liberty as interpreters during private conversations.

The NPM documents conditions photographically during visits.

Recommendations

Following each visit, the NPM drafts a visit report containing a specification of findings and the risk factors revealed by the visit. The report also contains recommendations to reduce the risk of persons deprived of their liberty suffering torture or ill-treatment.

Under article 22 of OPCAT and section 10 the Parliamentary Ombudsman Act, the authorities have a duty to examine these recommendations and enter into a dialogue on possible implementation measures.

The places visited by the NPM are given a deadline for reporting on follow-up steps they have taken in response to the recommendations. Follow-up of previous visits will be an important priority for the NPM in 2015.

Determining the priority order of places of detention

The high number of places of detention requires the NPM to set relatively clear priorities when planning visits. A set of prioritisation criteria was therefore developed in connection with the establishment of the NPM. The aim of these criteria is to ensure that the NPM invests its resources as purposively as possible.

The risk of violations is a primary criterion. If there are circumstances suggesting that the risk applies to many people and/or that there is a risk of a serious or very serious infringement, this is an indication that the place should be given priority.

A number of factors influence the risk of violations, including:

- whether the place holds persons deprived of their liberty at an early or later stage of deprivation of liberty
- the personal circumstances of the persons deprived of their liberty (circumstances that increase vulnerability)
- how intrusive the deprivation of liberty is

- the statutory regulation applicable to the place
- whether there are existing supervisory mechanisms and their effectiveness.

Considerations other than risk include the work done by other actors (the CPT, the SPT, supervisory bodies etc.), reports (for example information received, complaints and media coverage), the geographical spread of visits and assumed visit impact.

The prioritisation criteria developed in spring 2014 were shared with the NPM's advisory committee and discussed at the committee's first meeting in June. They were also discussed with the APT, the SPT and staff from other NPMs.

Visit schedule

Since the visits in the autumn of 2014 were the NPM's first, emphasis was given to factors that applied particularly during the establishment phase. This included the size of each place and the opportunities to identify "best practice" as a reference base for more challenging subsequent visits. It was decided that the focus should be on two closely related sectors: police custody facilities and prisons. The conclusion was that it was sensible to start with visits to two prisons and two police custody facilities because well-developed methodology for such visits was already available and would be useful during the establishment phase.¹² Information was also gathered about places the Parliamentary Ombudsman had visited in recent years.

The NPM decided to visit two prisons in Tromsø and Bergen and the police custody facilities in Tønsberg and Drammen in the autumn of 2014. The advisory committee was informed of the visit schedule.

The NPM decided to give prior notice to both the local administration and the responsible authorities before making these visits. A further conclusion was that unannounced visits could take the form of either follow-up visits to previously visited institutions (for example revisiting the police custody facilities at a later date), or visits to institutions where the available information made it particularly important to make a quick, unannounced visit.

In the autumn of 2014, the NPM developed a visit schedule for 2015.

External experts and professional development

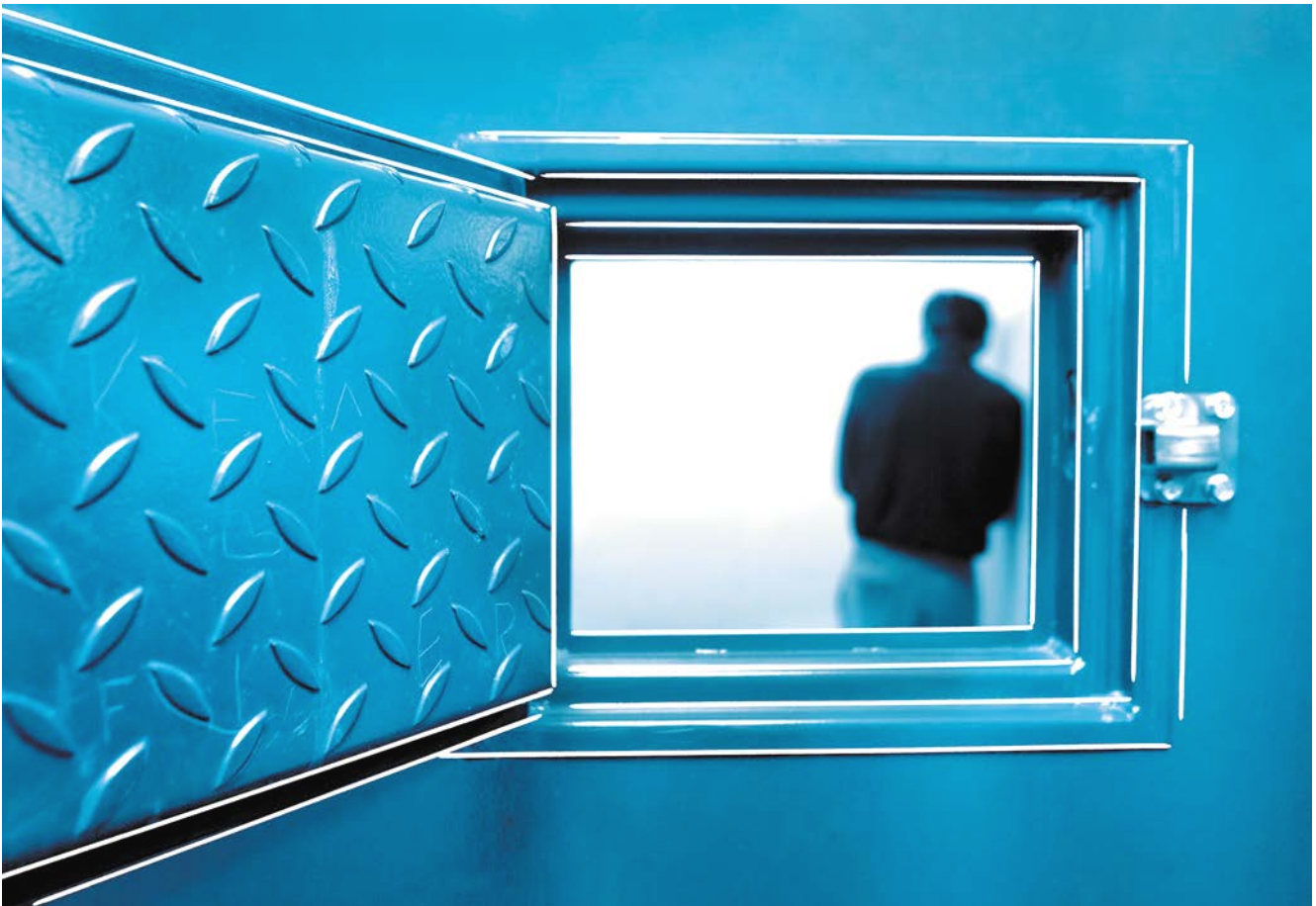
During the preparations for Norway's ratification of the OPCAT, it was concluded that the NPM might need to engage external experts in connection with some visits. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for example, uses doctors, forensic experts, psychiatrists, sociologists and others who are not members of the CPT during its country visits.

In 2014, the NPM evaluated its own expertise, surveyed the expertise available and assessed the need to engage such experts in connection with visits. It was concluded that the NPM has a particular need for specialists with expertise and experience in fields such as mental health, cognitive and physical disabilities, elderly care and child welfare.

External experts will be temporarily incorporated into the NPM's visit team for one or more visits and assist in the drafting of reports, provide expert advice and contribute to the NPM's professional development.

The advisory committee was asked to propose external experts for future visits. During the visit to Bergen prison in November, the NPM was assisted by a psychiatric nurse with extensive professional experience with prison healthcare. In 2014, the NPM aims to use external experts in connection with more visits.

Professional development among the NPM team members has taken the form of attendance at conferences, seminars and courses in several of the sectors covered by the prevention mandate. These initiatives have also promoted information sharing among relevant experts, user groups and public agencies.



12. See for example the APT's manuals, the CPT and SPT's reports to responsible authorities after visits and reports by different supervisory bodies.

4

Visits to places of detention

The NPM concentrates especially on the conditions faced by vulnerable groups such as women, foreign nationals, isolated persons, minors and young adults, lesbians, gays, bisexuals and trans persons, members of minority groups, persons with disabilities and persons in poor health.

Focus areas

During visits to places of detention, the NPM investigates the conditions for and treatment of persons deprived of their liberty from an overall perspective. The NPM focuses particularly on areas generally associated with the greatest risk of gross violations of personal integrity rights. The selection of these focus areas is based on the CPT's reports from visits to places of detention in Norway, reports by the UN Committee against Torture, the Parliamentary Ombudsman's visits to places of detention, information from the NPM advisory committee and civil society stakeholders, supervisory reports and other sources. Although the focus areas varied according to sector and place of detention, there were some recurring focus areas during the visits conducted in 2014.

- **Use of force, incidents and control measures**

The degree of deprivation of liberty and use of force presents a risk of violations in itself. However, this risk can be reduced by issuing legal regulations and official instructions. During its visits, the NPM investigates a place's compliance with applicable regulations, the threshold for the use of force/coercive measures, internal training, supervision, recordkeeping and notification of health personnel. It also examines the violence and threat profile, and gives close consideration to conflict-handling procedures. The NPM also assesses systems for reporting and registering undesirable incidents.

- **Health services**

Providing persons deprived of their liberty with effective health services is a necessary part of ensuring that they are treated in a dignified and humane manner. The NPM investigates the health services offered to persons deprived of their liberty, including access to health services, equivalence of care, patient consent and confidentiality, preventive health care, assistance for particularly vulnerable groups, and professional independence and competence. The NPM has concentrated particularly on patient safety, health assessments as part of admissions procedures, identification of vulnerable inmates, suicide-prevention and the follow-up of persons with psychiatric disorders. The NPM has also met with health workers separately and reviewed health conditions and practices in detail.

- **Human relations**

During visits, the NPM examines the local environment for persons deprived of their liberty and staff. Human relations are a fundamental protection against violations. All visits therefore focus on the perceived relations at the place of detention, both among the persons deprived of their liberty and between the persons deprived of their liberty and staff. This also entails the NPM taking a closer look at the working environment

and staffing situation. Cuts to staffing levels may constitute a risk factor. For example, the staffing situation can have a decisive impact on a range of important areas, including activities, security, professional standards, staff motivation and relations between staff and the persons deprived of their liberty.

- **The initial phase**

Generally speaking, persons are especially vulnerable during the initial phase of deprivation of liberty. The NPM gives particular consideration to admissions procedures, how persons deprived of their liberty are cared for during this period and what measures are implemented. This evaluation also encompasses what information is communicated to persons deprived of their liberty, how long it takes for such information to be given and what other follow-up and supervision persons deprived of their liberty receive during the initial phase.

- **Vulnerable groups**

The NPM concentrates especially on the conditions faced by vulnerable groups such as women, foreign nationals, isolated persons, minors and young adults, lesbians, gays, bisexuals and trans persons, members of minority groups, persons with disabilities and persons in poor health.

- **Activity programmes and measures to counteract the effects of isolation**

Measures to counteract the harmful effects of isolation are crucial in all sectors, and are an area to which the NPM devotes particular attention. In prisons, the NPM examines measures to counteract injuries resulting from full or partial isolation. Among other things, the NPM examines the procedures for offering activities, outdoor exercise and the extent to which "lockdowns" are employed (i.e. the locking down of all or parts of the prison at times when cells are normally supposed to be unlocked). During visits to custody facilities, the NPM reviews particularly the measures implemented to counteract the negative consequences of stays in police custody.



- **Physical conditions**

During visits, the NPM inspects the premises and surveys the conditions experienced by persons deprived of their liberty, including access to daylight and outdoor areas, opportunities for physical activity, the design of rooms or cells (including security cells and similar spaces), common areas, the condition of the buildings, general cleanliness and nutrition.

Visits in 2014

In 2014, the NPM made five visits to four places where persons are deprived of their liberty. Two of the visits were to prisons (Tromsø prison and Bergen prison), while three were to police custody facilities (two visits to Tønsberg police custody and one visit to Drammen police custody). Four of the visits were announced and one was unannounced.

The current number of completed visits provides a limited basis for drawing conclusions as to systemic challenges in these two sectors.

Nevertheless, the visits that have been completed do provide a foundation for some preliminary considerations when combined with information obtained through dialogue with responsible ministries and subordinate agencies, educational institutions, existing administrative supervisory bodies, civil society organisations and academic experts.

During the visits to the two prisons, it was found that high occupancy and building- and staffing-related challenges resulted in increased isolation and limited opportunities for communal activities. A further consequence was that fewer activities were being organised for inmates.

Moreover, the NPM's impression thus far is that female inmates face less satisfactory conditions than male inmates.

The NPM has also reached the preliminary conclusion that there is a lack of clear central guidelines in areas in which the exercise of power is highly intrusive. Procedures for the use of security cells and restraining beds, and for body searches and clothing in security cells in prisons and holdings cells in police custody facilities, appear to be such areas.

The preliminary findings also indicate that several prisons, including one of those visited, have adopted local solutions involving cells equipped as security cells but lacking the necessary approval from the Directorate of Norwegian Correctional Service.

Since police custody facilities are unsuited for longer stays, the NPM has focused on the difficulties associated with complying with the 48-hour deadline for transfer to prison. The Parliamentary Ombudsman has expressed concern for several years at the number of extended stays. Unfortunately, long stays in police custody facilities appear to be a growing problem in several places, not least due to a lack of prison capacity.

The NPM has also gained the impression that the buildings in which police custody facilities are located, spartan furnishings and, in some cases, unsuitable locations make it difficult to comply with the fundamental need of persons in police custody to see daylight and engage in physical activity. The police custody facilities visited by the NPM are both located in the middle of smaller cities, and both lack suitable outdoor spaces. The NPM also noted that the police districts often adopt relatively voluminous local official instructions. Although the NPM did not find any unlawful rules in these local instructions, they do appear to differ rather widely from district to district. This may give grounds for concern.

The visit reports for the places visited by the NPM in 2014 are available on the NPM's website.



PRISONS

Tromsø prison (10-12 September)

The NPM visited Tromsø prison from 10 to 12 September 2014. Tromsø prison's current capacity is 59 (20 low-security spaces and 39 high-security spaces). The prison was notified of the visit four weeks in advance.

The administration and other staff members willingly assisted the NPM during the visit, and provided all requested information. The NPM inspected the prison premises, focusing primarily on the high-security sections. There were also separate meetings with the prison's health service, and an inspection of the health service facilities. Private conversations with inmates followed. The NPM spoke with 80 percent of the inmates in the high-security sections and 40 percent of the inmates in the low-security sections. All key documents relating to exclusion from company and the use of security cells in the period 2013–2014 were reviewed, as was the use-of-force record for the use of security cells in the period 2012–2014. The NPM also spoke with staff members working at different levels of the organisation, and with union representatives. The visit concluded with a meeting with the prison administration, during which the NPM described its findings and preliminary recommendations.

Overall, the prison appeared to be well run. High occupancy (96.4 percent as at 24 August 2014), and a challenging downsizing process are making considerable demands on the administration and staff. Relations among the inmates and between the inmates and staff generally appeared positive.

During the visit, the prison's handling of serious incidents and the use of force were given special attention. A review of all decisions concerning exclusion from company made in 2013 and thus far in 2014 indicated that the prison was assessing and handing such cases responsibly. However, the practice of routinely removing all clothing from inmates placed in security cells was found to be inconsistent with human rights standards.

The NPM examined admissions procedures and how inmates are treated during the initial phase of detention, when they are especially vulnerable. Several weaknesses were noted in the admissions procedures and the implementation of the contact officer scheme. The NPM also found weaknesses in how health-related matters were followed up and taken care of upon admission to the prison, and to some extent also later during the

stay. Furthermore, it was observed that the dentist and psychologist positions were not covered by substitutes when needed, and that the distribution of medicines by the correctional services was insufficiently supervised.

It emerged that the prison sometimes locks down entire sections of the prison, thus requiring all inmates in those sections to remain in their cells during periods in which they would normally be able to spend time in the company of others. Conversations with inmates, the prison administration and staff members, as well as reports from the supervisory council for the northern Norway region, indicate that the use of such collective lockdowns increased in 2013 and 2014. Moreover, such limitations on communal activities were normally neither recorded nor formulated as written individual decisions as required by the Execution of Sentences Act.¹³

The living conditions of women and persons with disabilities were paid specific attention, and it was found that Tromsø prison faces great difficulties in providing these groups with satisfactory living conditions. For women, this problem arises in high-security sections, while the accommodation of disabled persons is deficient under both high- and low-security regimes.

The NPM also inspected the prison premises, and made some comments on matters such as ventilation and the air quality in certain cells.



13. See section 37 of the Act of 18 May 2001 relating to the execution of sentences, etc. (the Execution of Sentences Act).

Bergen prison (4-6 November)

The NPM visited Bergen prison from 4 to 6 November 2014. Bergen prison's current capacity is 265 (209 high-security spaces and 56 low-security spaces). The NPM's visit did not extend to the prison's two open sections, section D and section Osterøy. The prison was notified of the visit four weeks in advance.

The administration and other staff members assisted the NPM readily during the entire visit, and provided all information that was requested. An inspection of the high-security sections was conducted, including the prison's means of restraint, holding cells, community rooms, intake department and visiting rooms. Additional meetings were held with the prison's health service, whose facilities were also inspected. Private conversations with inmates followed. The NPM spoke with more than 60 inmates at the prison, around half of whom were being detained in section A (restrictive section). A document review was conducted of all key documents and the use-of-force record relating to the use of security cells and exclusion from company in 2014. In addition, the NPM talked with staff members at different levels of the organisation, as well as with union representatives. The visit concluded with a meeting with the prison administration, during which the NPM described its findings and preliminary recommendations.

Very high occupancy and a growing number of challenging inmates appear to be affecting the prison. The prison administration portrayed the staffing situation as difficult.

Several inmates commended individual prison officers for sitting down and talking to the inmates. However, it became clear that a majority believed that officers were insufficiently present in communal areas. Several inmates related episodes that had made them feel anxious and insecure. The NPM received several descriptions of severe harassment and violent incidents between inmates that had not caught the notice of officers. Most female inmates stated that they were often left to themselves. Several foreign inmates described harsh, unsafe inmate conditions and poor communication. Information gleaned from conversations with inmates indicates that the opportunity to spend time outdoors in fresh air is not offered every day.

Inmate conditions in section A were described as particularly challenging. Over half the inmates lacked employment opportunities and were isolated in their cells for large parts of the day, several days a week. Several inmates felt unsafe doing activities because the prison officers appeared insufficiently engaged in ensuring inmate safety.



During the visit, the prison's use of force was given special attention. The document review indicated a generally high threshold for placing inmates in security cells. However, the review turned up significant weaknesses in the associated recordkeeping, and several of the NPM's recommendations stem from a review of the supervision logs relating to the use of security cells and restraining beds. The use of holding cells was also deemed to have problematic aspects given that these cells bore clear similarities to security cells.

The prison appeared to have developed sound admissions practices. The majority of inmates stated that they had received sufficient information upon admission, though their perceptions varied. Informational materials translated into several languages were lacking, however.

Conversations with inmates indicated that the majority of the inmates received health service consultations shortly after admission. It emerged, however, that inmate confidentiality could be better protected and that lapses occurred in the procedures for ensuring that inmates were accompanied to their medical and psychology appointments in the prison. The psychologists, for their part, wanted expanded opportunities to perform outreach in communal activities with the inmates.

The NPM found grounds for concern about psychologically vulnerable inmates. Information provided by the prison administration, health service and other staff members – which was corroborated by the NPM's own observations, interviews and document review – suggests a need to prioritise health care for the mentally ill and those who may be prone to mental health injury. The information also indicates that Bergen prison houses some inmates with serious mental illnesses for whom it is difficult to provide satisfactory mental health services.

POLICE CUSTODY FACILITIES

Tønsberg police custody (14 and 20 October)

The NPM visited Tønsberg police station on 14 and 20 October 2014. The station contains the primary police custody facility for Vestfold Police District, and has a total of 15 ordinary cells. Vestfold Police District was alerted to the first visit four weeks in advance, and was asked to submit information. Because few detainees were present during the visit on 14 October, a second visit was carried out on 20 October, this time without prior notice.

Both visits were well facilitated by the police administration and other staff. The overall impression is that the custody facility is solidly run. The senior officers appear to play an active role in custody operations and in protecting the rights of detainees. The announced visit began with a meeting with the police administration, followed by an inspection of the premises, document review and private conversations with detainees. NPM representatives also held meetings with a doctor at Tønsberg's inter-municipal accident and emergency unit and with the head of the local emergency child welfare service. The visits concluded with a meeting with the police administration who were informed of findings and preliminary recommendations.

During the visit, the NPM examined with extra care the police's handling of serious incidents and use of force. A detainee who was in custody at Tønsberg police custody at the time of the visit on 20 October took his own life the same night in a cell at Ringerike prison, where he had been transferred that afternoon. The NPM asked questions about information flow and cooperation between the police and the correctional services in this case. The case was also followed up on during a visit to Ringerike prison in January 2015.

Certain deficiencies were noted in the recordkeeping of supervisory control and observation measures. There were indications that body searches were performed regularly.

The NPM also examined efforts by the police to ensure transfer to prison within two days. The police appeared to have sound procedures for clarifying the division of responsibilities on this issue at an early stage. However, figures from 2014 show that some detainees had remained in police custody for very long periods – more than three days in 11 cases, and more than four days in four cases. This is worrying.

A challenge is that high occupancy in prisons makes transfer difficult. Close cooperation between the police and the emergency child welfare service is a positive example of a measure that has kept minors out of police custody. As for measures designed to ease the time spent in custody, certain points of improvement were demonstrated.

The police have a low threshold for taking detained persons to the accident and emergency unit, which is very positive. However, information was obtained which raised concerns about the unit's handling of its confidentiality duties, its forensic role and the use of interpreters.

The NPM also undertook an inspection of the custody facility, including the garage that served as an exercise yard. It was found that all cells lacked direct daylight and clocks, and that several cells featured poor artificial lighting. In some cells there was little colour contrast between the walls and the floor, a factor that could weaken a detainee's orientation ability. In private conversations with the NPM, some of the detainees described claustrophobic feelings and anxiety that they specifically tied to the physical conditions. The custody facility's lack of a suitable place where detainees can get fresh air exacerbates matters.

One of the cells was furnished to accommodate the needs of especially vulnerable detainees, such as minors and those who have been in detention for more than two days. This cell was identified as a positive example of how custody cells can be given a more humane design.



Drammen police custody (22 October)

The NPM visited Drammen police station on 22 October 2014. The police station houses Southern Buskerud Police District's primary police custody facility, and has a total of 18 cells. The police district was notified of the visit four weeks ahead of time, and was asked to submit specified information.

The visit to the custody facility in Drammen was well arranged by the police. The overall impression was that the facility is solidly led and run. Between 2009 and 2013, the police district was penalised with fines on four occasions, three of which concerned the Drammen custody facility. The sanctions have resulted in several measures that have contributed to a higher degree of professionalism in police custody tasks. One aspect of the police response has been to raise the status of duties performed by custody officers within the police service.

During its visit, the NPM examined the police's handling of serious incidents and use of force. The general impression was that officers in the facility work thoroughly and methodically when the risk of violence and injury is greatest. It was found that body searches take place after individualised assessments. The NPM found some recordkeeping weaknesses in the supervision of high-risk detainees. In 2012, the Norwegian Bureau for the Investigation of Police Affairs fined the police district after a detainee had been handcuffed to two metal rings in the wall. The metal rings in that cell have since been removed. Excessive use of handcuffs was not shown to be a problem in the custody facility.

Because police custody is unsuitable for lengthy stays, the NPM looked closely at police efforts to ensure transfer to prison within two days. From 1 September 2013 to 1 September 2014, 112 people spent more than two days in the custody facility. The NPM took special notice of the fact that two minors spent almost three days in the facility in the summer of 2013. As for efforts to ease the time spent in custody cells, the records contained little indication of measures taken or considered to alleviate the effects of isolation.

In the NPM's conversations with detainees, no complaints were made regarding access to the local accident and emergency unit. The unit's special routine for treating detainees appeared to be sound. It emerged, however, that the police are usually present in the room when the medical examination is conducted. The NPM also found some weaknesses relating to detainees' right to have



relatives or third parties notified of their admission to custody, as well as their right to contact defence counsel and receive information about their rights as persons taken into custody or arrested.

The custody facility's premises were inspected. In the intake room, behind a bench along the wall, three metal rods mounted on the wall were observed. It was stated that these were no longer in use and could be removed. Most cells lack direct daylight, and none has a clock. It also emerged that cell lighting is generally left on 24 hours per day for supervisory purposes, including the ability to monitor detainees by video if necessary. Several persons in custody felt that the lighting was bothersome at night. The custody facility lacks a suitable area where those in detention can have access to fresh air.

5

National dialogue

In many cases, raising awareness of risk factors and the steps which can be taken to address these helps to reduce the risk of torture and ill-treatment.

The NPM focuses on collaboration with a broad range of national stakeholders in performing its mandate effectively. The NPM is in continuous contact with responsible authorities and other stakeholders with the power to effect change centrally, regionally and locally. Supervisory bodies like the Norwegian Board of Health Supervision, the county governors, prison supervisory councils and psychiatric health care control commissions are important in this context. So too are the trade unions representing those who work at places of detention and the educational institutions which train the largest professional groups. In many cases, raising awareness of risk factors and the steps which can be taken to address these helps to reduce the risk of torture and ill-treatment. Stakeholder organisations and bodies with special expertise in working with vulnerable groups such as children and persons with disabilities, mental health and human rights also play a key role in prevention efforts.

Meetings with the authorities

Broad dissemination of knowledge of the mandate and work of the NPM may in itself have a preventive effect. During the establishment phase, the NPM held dialogue meetings with the authorities that are responsible for places where persons may be deprived of their liberty in Norway.

The dialogue meetings with responsible ministries and subordinate agencies took place primarily in the spring and summer of 2014. At these meetings, the NPM presented its mandate and its activity plan for 2014. The meetings also provided an opportunity to discuss challenges in different sectors and to gather information on applicable rules, guidelines, instructions and circulars.

The responsible ministries and subordinate agencies were informed of announced visits in advance, and received the visit reports following each visit.

The NPM also met with and gathered information from supervisory mechanisms such as the county governors, the Norwegian Board of Health Supervision, the central supervisory committee for police custody facilities, the supervisory councils for prisons in the southern and eastern regions and the psychiatric health care control commission for, among others, Dikemark regional secure treatment facility. Information was also obtained from the supervisory councils for prisons in the western and northern Norway regions prior to the visits made to these two regions.

The NPM also met the Ombudsman for Children, the Equality and Anti-Discrimination Ombud, the Parliamentary Ombudsman for the Armed Forces, the Judge Advocate General of the Norwegian Armed Forces, the Norwegian Bureau for the Investigation of Police Affairs and the Children's House Oslo. The meetings were important in helping to establish an overview of places of detention in Norway. The NPM received valuable information about the institutions in the different sectors, special challenges facing the institutions, supervisory mechanisms and internal control procedures.

Civil society

The exchange of information between civil society and the NPM lays the foundation for important and productive discussions concerning conditions for persons deprived of their liberty, and it promotes greater transparency about these. Civil society helps to hold public authorities accountable, and is therefore also important stakeholder in prevention efforts.

As well as establishing an advisory committee composed of representatives from civil society, the NPM has used other formal and informal meetings to obtain advice and input from the professional groups involved, academia, rights organisations and organisations representing users and relatives.



On 24 April 2014, the Parliamentary Ombudsman organised an open meeting in Oslo to present the NPM's mandate to all interested parties and explain the principles and priorities for the prevention efforts. The Ombudsman also hoped that the meeting would secure input on the NPM's work from a broad range of organisations and institutions. The meeting was well-attended and generated strong engagement by official bodies at different levels, institutions, supervisory bodies and non-governmental organisations. The topics raised included the main challenges faced by persons deprived of their liberty in Norway today, collaboration, plans and methods, and the establishment of the NPM's advisory committee.

On 10 September 2014, the NPM collaborated with the Norwegian Research Network on Coercion in Mental Health Care (TvangsForsk) to arrange an open meeting in Tromsø in connection with the NPM's visit to Tromsø prison. The meeting was attended by academics, stakeholder organisations, public officials and employees at institutions affected by the NPM's mandate.

During the course of the year, the NPM also met organisations with expertise on human rights, child welfare and psychiatry, as well as stakeholder organisations and representatives from professional groups working with persons deprived of their liberty. These organisations include the Norwegian Medical Association, the Norwegian Psychological Association, the Norwegian Bar Association, The Norwegian Prison and Probation Officers Union, Union of Norwegian Correctional Services Employees, the Norwegian Union of Social Educators and Social Workers and the Association of Child Welfare Service Children.

Various organisations also participated in the Parliamentary Ombudsman's human rights conference in October (discussed on page 30).

Advisory committee

To strengthen prevention efforts, an advisory committee has been established to support the NPM with expertise, information, advice and input.¹⁴ The advisory committee is mandated to ensure that different voices are heard, ranging from stakeholder and human rights organisations to research networks and bodies with particular expertise in the areas of child welfare and psychiatric health care.

The advisory committee has been appointed for a two-year term, after which the composition and size of the committee will be reviewed.

The committee comprises 15 representatives from organisations and professional groups working with persons deprived of their liberty. The members represent the following organisations:

- The National Institution for Human Rights
- The Equality and Anti-Discrimination Ombud
- The Ombudsman for Children
- The Norwegian Bar Association's human rights committee
- The Norwegian Medical Association, represented by the Norwegian Psychiatric Association
- The Norwegian Psychological Association's human rights committee
- The Norwegian Organisation for Asylum Seekers (NOAS)
- The Norwegian Association for Persons with Developmental Disabilities (NFU)
- Juss-Buss (a free legal advice service)
- The Norwegian Federation of Organizations of Disabled People (FFO)
- We Shall Overcome
- The Norwegian Research Network on Coercion in Mental Health Care (TvangsForsk)
- The Norwegian Helsinki Committee
- The Norwegian Centre against Racism
- Amnesty International Norway

These organisations represent especially vulnerable population groups and collectively have valuable expertise and experience in areas in which the NPM is particularly dependent on input.

The advisory committee met three times in 2014.

14. See section 3a of the Act of 22 June 1962 relating to the Parliamentary Ombudsman for Public Administration (the Parliamentary Ombudsman Act).

The first meeting of the advisory committee took place on 17 June 2014. The committee members gave input in a range of areas, including the prioritisation of visits, the scope of the prevention mandate and the methodology for unannounced visits. Several members commented on the focus areas in different sectors, such as psychiatric health care, immigration and the justice sector. The NPM also received proposals regarding how the committee can contribute to its work, for example in connection with follow-up of the NPM's recommendations.

The second advisory committee meeting was held on 24 September 2014. At the meeting, the NPM briefed the advisory committee on its visit to Tromsø prison in September and the open meeting in Tromsø. The committee members also discussed risk factors associated with police custody and challenges linked to custody facility visits. The NPM received information about the Ombudsman for Children's main project for the period 2014–2015, which is examining the use of force against children and young people in the child welfare and psychiatric health care contexts.

At the committee meeting on 17 December 2014, the NPM gave a briefing on its preliminary findings from and experiences gained through the five visits made in the autumn of 2014, and outlined its plans for 2015. The committee members then shared their expertise on the use of force in the context of psychiatric health care. The committee commented particularly on what the NPM should focus on when it begins visiting psychiatric institutions in 2015.

The NPM has also been in regular contact with the advisory committee between committee meetings, and the members have shared information and provided feedback on prevention efforts.

Four meetings of the advisory committee are planned for 2015.

Conferences, courses and training

The Parliamentary Ombudsman and the Norwegian Ministry of Foreign Affairs arranged a joint human rights conference on 28 October 2014. The conference language was English, and the conference title was "The Effects of International Monitoring Mechanisms to Prevent Torture and Ill-Treatment of Persons Deprived of their Liberty". The conference also marked the 25-year anniversary of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The purpose of the conference was to learn from the

experiences of some of the world's leading experts on the monitoring of conditions faced by persons deprived of their liberty, and to discuss their work in the Norwegian context. The conference considered a range of questions, including: What is required for criticism and recommendations from international monitoring mechanisms to result in real change for persons deprived of their liberty? How can different monitoring mechanisms be better coordinated to strengthen implementation of international human rights obligations at the national level? What effect have international recommendations had on persons deprived of their liberty in Norway? How are the authorities implementing the recommendations? How useful are the recommendations to non-governmental organisations and others working with and for persons deprived of their liberty?

The aim was to facilitate broad debate between international experts, representatives of the Norwegian authorities, the Parliamentary Ombudsman, academics and civil society representatives. Some 170 delegates registered for the conference. A more detailed report on the conference and the speakers' presentations can be found on the Parliamentary Ombudsman's website.

In 2014, the NPM held a number of lectures for relevant expert institutions and professional groups. These include lectures to new trainees and prison officers at the Correctional Service of Norway Staff Academy (24 February and 22 August), a lecture at a theme night on isolation at the University of Bergen Faculty of Law (7 May), a lecture at a specialist meeting for legal professionals at the Directorate of Norwegian Correctional Service, eastern Norway region (2 June), and a lecture at a seminar on preventive detention at the Norwegian Joint Staff College (18–20 August). In addition, a member of the NPM's staff gave lectures on "Health, Human Rights and Detention" at four hospitals in New York, organised by Weill Cornell Medical College (27–28 October).

NPM staff also attended various seminars and specialist conferences during the year as part of the NPM's information and outreach work as well as for professional development. They had opportunities to present the prevention mandate and the work of the NPM, and received valuable input and information. Among the conferences the NPM attended were the Directorate of Norwegian Correctional Service and Norwegian Directorate of Health's joint conference on prison health services (26–27 May), the International Commission of Jurists' seminar on isolation and police custody facilities (30 October), the Control Commission Conference (20–21 November), and the Hamar conference on force, human rights and ethics (26–27 November).

6

International cooperation

Whether or not ill-treatment occurs in practice, there is always a need for States to be vigilant in order to prevent ill-treatment.

Contact with the SPT

The UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) was established through the Optional Protocol to the Convention against Torture, and began its work in February 2007.

The SPT comprises 25 independent experts elected for four-year terms by the states which have ratified the Optional Protocol. The experts come from different specialist fields, including psychology, medicine, law and human rights. In October 2014, Nora Sveaass, Associate Professor in the Department of Psychology at the University of Oslo, was elected as an SPT member.

When states ratify the Optional Protocol, they undertake to grant the SPT unfettered access to all places of detention, and provide opportunities to conduct private conversations with persons deprived of their liberty and other involved parties. Reprisals against persons or organisations who speak to the SPT are prohibited. In addition to conducting visits, the SPT has a special

advisory role vis-a-vis national preventive mechanisms. The SPT and the NPMs are authorised to exchange confidential information when necessary.

Thus far, the SPT has not made any independent visits to places of detention in Norway.

The SPT is also mandated to collaborate with other relevant bodies and organisations at the international, regional and national levels working to strengthen protections against torture and ill-treatment. These include the CPT and the UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.

The SPT submits an annual report on its activities to the UN Committee against Torture (CAT).

The Optional Protocol facilitates special cooperation between the SPT and national preventive mechanisms. In 2014, the NPM established good contact with the SPT, which has contributed expertise and information during the launch of Norway's prevention efforts.

In June, the NPM's staff travelled to Geneva on a study trip during which they met with two SPT members: Mari Amos, the contact point for Europe, and Viktor Xaharia, the country rapporteur for Norway, among others. The meeting helped to establish a positive dialogue with the SPT and to clarify the SPT's expectations of the work done in Norway. During the meeting, there was also discussion of which methods have proven effective in prevention efforts.

On 26 August 2014, the NPM organised a workshop with SPT member Mari Amos in Oslo. The workshop focused on the practical organisation of visits to places where persons are deprived of their liberty, and particularly on methods for conducting private conversations with detainees and other affected persons and post-visit reporting.

In October, SPT chair Malcolm Evans attended the Parliamentary Ombudsman's human rights conference in Oslo. At the conference, he spoke on the establishment of the SPT, the committee's work methods and how the SPT assists national preventive mechanisms.



Malcolm Evans, SPT chair, at the Parliamentary Ombudsman's human rights conference.

"Whether or not ill-treatment occurs in practice, there is always a need for States to be vigilant in order to prevent ill-treatment. The scope of preventive work is large, encompassing any form of abuse of people deprived of their liberty which, if unchecked, could grow into torture or other cruel, inhuman or degrading treatment or punishment. Preventive visiting looks at legal and system features and current practice, including conditions, in order to identify where the gaps in protection exist and which safeguards require strengthening."¹⁵

Contact with the APT

The Association for the Prevention of Torture (APT) is a Swiss organisation with expertise in the prevention of torture and ill-treatment. It was established as the Swiss Committee against Torture in 1977, with the aim of promoting an international convention to establish a global system of monitoring of places of detention. The organisation's founder, Jean-Jacques Gauthier, believed that such a system of visits was the most effective method for preventing torture and ill-treatment in places where persons are deprived of their liberty. The organisation was closely involved in the process leading up to the adoption of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1987, and later also the Optional Protocol to the UN Convention against Torture in 2002.

The APT's staff are highly experienced in carrying out visits to places of detention, and the organisation has

also developed practical handbooks for use by national visiting bodies.

The NPM visited the APT in Geneva in June 2014, receiving a thorough introduction to the planning and implementation of visits, follow-up methods, communications strategy and how to implement its mandate in an integrated manner going beyond the conduct of actual visits.

Two members of APT staff also attended the Parliamentary Ombudsman's human rights conference on 28 October 2014, representing the APT in a panel discussion on international monitoring mechanisms. The next day, the NPM organised a meeting with the APT representatives and two representatives from the Swedish NPM. The meeting was used to exchange experiences and discuss challenges facing the Norwegian and Swedish NPMs.



NPM and APT staff outside the APT's offices in June.

15. UN Committee against Torture, First annual report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), CAT/C/40/2, 14 May 2008, page 6, paragraph 12.

Other international cooperation

During the course of 2014, the NPM was in contact with a number of international actors as part of its efforts to strengthen the rights of persons deprived of their liberty.

The exchange of experience and knowledge with other NPMs has been particularly important. The NPM has benefited greatly from the experiences of others, and received valuable information. This has supported the NPM's own professional development as well as the development of methods and plans for prevention efforts in Norway.

In January, the NPM participated in an expert visit to the office of the Attorney General of Russia, where it gave a presentation on Norway's ratification of the Optional Protocol and the establishment of Norway's national preventive mechanism. The meeting topic was supervision of deprivation of liberty, and the itinerary included a visit to a detention facility in Moscow.

In the spring, the NPM also conducted study visits to Stockholm, Copenhagen and Geneva to meet the NPMs of Sweden, Denmark and Switzerland.

In April, the NPM attended a meeting of the Organization for Security and Co-operation in Europe (OSCE) focusing on torture prevention. Ahead of the OSCE meeting, the NPM was invited to a pre-meeting for selected preventive mechanisms in the OSCE region, arranged by Switzerland and the APT. During the OSCE meeting, the NPM established contact with, among others, the UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, Juan Mendez.

Two members of the NPM's staff attended the Nordic-Baltic meeting of ombudsmen (12–13 June), giving a presentation on the process of establishing a national preventive mechanism in Norway. The meeting also included brief visits to two Lithuanian prisons.

In October, the NPM hosted representatives from the ombudsman and national preventive mechanism of Lithuania. The itinerary included meetings with the Ombudsman for Children, the Equality and Anti-Discrimination Ombud and Norway's National Institution for Human Rights, as well as a visit to Oslo prison.



7

Communications

Effective prevention of torture and ill-treatment requires communication with the population and key target groups to build understanding of the rationale for prevention efforts and to raise awareness of the conditions facing persons deprived of their liberty.

In 2014, the NPM gave priority to broad communication of its mandate, tasks and plans for the year. The NPM organised many meetings and undertook outreach and information work, primarily focusing on national actors. Effective prevention of torture and ill-treatment requires communication with the population and key target groups to build understanding of the rationale for prevention efforts and to raise awareness of the conditions facing persons deprived of their liberty. The visits conducted in 2014 attracted considerable local and national media coverage.

The NPM website and use of social media

In April 2014, a dedicated NPM website (www.sivilombudsmannen.no/about-torture-prevention/front-page/) was launched as part of the website of the Parliamentary Ombudsman. The website is the NPM's primary information and publication channel, and is updated regularly. The site, which is available in both English and Norwegian, contains information on the NPM's mandate and tasks and explains key terms like "deprivation of liberty" and "torture and ill-treatment". The site also pro-

vides information on the advisory committee, applicable laws and regulations, and the meetings, visits and activities of the NPM, including in the form of a calendar.

Further, the website facilitates contact with the NPM and the submission of information about incidents and conditions affecting the situation of persons deprived of their liberty.

The website is an important tool for ensuring transparency about prevention efforts. All visit reports are published in full on the Norwegian website, while report summaries and recommendations are translated into English and published on the English website.

During the course of the year, the NPM began using Twitter (www.twitter.com/SivOmb) to inform the public of its activities, and launched its own Facebook page (www.facebook.com/forebyggingsenheten) in November. Twitter and Facebook are now used regularly, primarily to direct readers to the NPM website. In just a short amount of time, the Facebook page has become the primary route for visitors to the website.

The screenshot shows the website of the Norwegian National Preventive Mechanism (NPM). The header includes the NPM logo, navigation links (Kontakt, Jobbe hos oss?, Presse), and a search bar. The main navigation menu lists: STRAFF I FENGSEL, STRAFF I SAMFUNN, VARETEKT, LOVER OG REGLER, and OM KRIMINALOMSORGEN. The featured article is titled "Sivilombudsmannen på inspeksjon i Bergen fengsel" (The Parliamentary Ombudsman on inspection in Bergen prison). The article text states that the ombudsman has issued a series of recommendations following an inspection in Bergen prison. It mentions that the prison should report back on how the recommendations are followed. The background of the article features a photograph of three people in uniform (two men and one woman) standing in front of a sunset.

The Directorate of Norwegian Correctional Service has published the report on the NPM's visit to Bergen prison on its website.

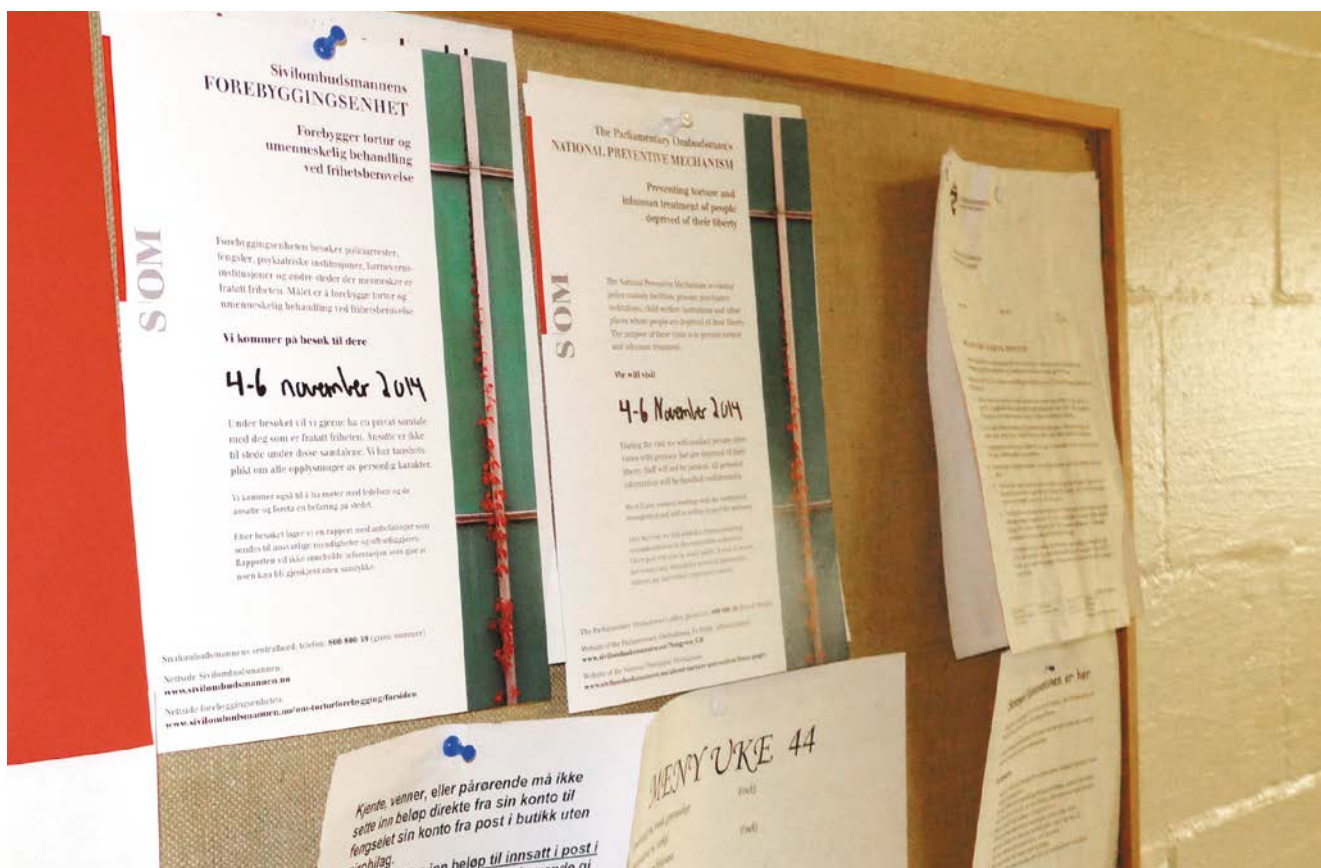
Provision of information in connection with visits

The NPM has developed a brochure containing information on its mandate and its approach when visiting places of detention. The brochure also explains key terms and contains information on how to contact the NPM. The brochure has been translated into 14 languages: Arabic, Dari, English, Farsi, French, Lithuanian, Pashto, Polish, Romanian, Russian, Somali, Spanish, Tigrinya and Urdu. All the different language versions of the brochure are available on the NPM website.

Prior to announced visits, the NPM sends posters and brochures to the place of detention, which are then displayed and distributed to persons deprived of their liberty and other involved parties. In the case of unannounced visits, no information is sent out prior to the visit, but the NPM’s staff take information brochures and posters with them for distribution and display during the visit.

In 2015, the NPM plans to develop communication materials specifically for children in child welfare institutions and persons in psychiatric institutions in connection with visits to such institutions.

After a visit is completed, the NPM seeks to ensure wide publication of the findings made during the visit and of what can be done to improve the conditions for persons deprived of their liberty. The visit report is sent to the visited place of detention and local partners, such as the health service, accident and emergency unit and emergency child welfare service. Copies of the report are also sent to the visited place with a request to make them available to persons deprived of their liberty. In prisons, appropriate display locations may include common areas or the library. In addition to publication on the NPM website, copies of visit reports are also immediately shared with the responsible authorities, the members of the advisory committee, relevant supervisory bodies and other relevant stakeholders.



Posters announcing the NPM’s visit are displayed in Bergen prison.

8

Annexes

The effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures.

I. List of abbreviations

APT	Association for the Prevention of Torture
CAT	UN Committee against Torture
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECiHR	European Court of Human Rights
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the European Convention on Human Rights)
NPM	National Preventive Mechanism
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SPT	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UNCAT	UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment



II. Visits in 2014

Date of visit	Place	Announced/ unannounced	Publication date of visit report
10–12 September	Tromsø prison	Announced	27 October
14 October	Tønsberg police custody	Announced	4 December
20 October	Tønsberg police custody	Unannounced	4 December
22 October	Drammen police custody	Announced	11 December
4–6 November	Bergen prison	Announced	18 December



III. Activities in 2014

Date	Event
20–22 January	Dialogue meeting with Russian authorities concerning supervision in connection with deprivation of liberty, with the Ministry of Justice, the Norwegian National Police Directorate and the Office of the Attorney General of Norway
4 February	Meeting to establish contact with the Norwegian Medical Association's human rights committee
10 February	Meeting to establish contact with the Norwegian Psychological Association's human rights committee
11 February	Meeting to establish contact with the Norwegian Bar Association's human rights committee
24 February	Lecture to new trainees at the Correctional Service of Norway Staff Academy
26 February	Coordination meeting with the ombudsmen (the Ombudsman for Children and the Equality and Anti-Discrimination Ombud)
6 March	Attendance at the launch of the Ombudsman for Children's report " <i>Helse på barns premisser</i> " (Health on children's terms)
10 March	Meeting on the Ombudsman for Children's main project for the period 2014–2015, which is examining the use of force against children and young people in the child welfare and psychiatric health care contexts
11 March	Visit to Sweden's NPM
17 March	Meeting with the Norwegian Board of Health Supervision
18 March	Parliamentary hearing before the Standing Committee on Justice on restrictions on the use of holding cells
26 March	Meeting with Georg Høyer, member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
27 March	Meeting with the Norwegian Helsinki Committee
31 March	Meeting with Gunnar Orskaug, chair of the central supervisory committee for police custody facilities
2 April	Meeting with the Ministry of Justice and Public Security
3 April	Meeting with the Ministry of Defence
3 April	Meeting with the Directorate of Norwegian Correctional Service
4 April	Meeting with the Norwegian Directorate for Children, Youth and Family Affairs, organisations and expert bodies with experience working with persons with developmental disabilities
8 April	Visit to the Danish Parliamentary Ombudsman
8 April	Visit to the Danish Institute for Human Rights
9–11 April	Meeting on torture prevention hosted by the Organization for Security and Co-operation in Europe (OSCE)

24 April	Open meeting in Oslo on preventive efforts
25 April	Meeting with the Judge Advocate General, Norwegian Armed Forces
25 April	Meeting with the Ministry of Children, Equality and Social Inclusion
28 April	Meeting with the Norwegian Directorate of Health
5 May	Meeting with the Norwegian Organisation for Asylum Seekers (NOAS)
7 May	Meeting with the Ministry of Health and Care Services
7 May	Meeting with the Parliamentary Ombudsman for the Armed Forces
7 May	Lecture at a theme night on isolation at the University of Bergen, Faculty of Law
12 May	Meeting with the Ministry of Local Government and Modernisation
13 May	Meeting with the County Governor of Østfold
21 May	Meeting with the Norwegian Directorate for Children, Youth and Family Affairs on the child welfare service
26–27 May	Attendance at joint conference on prison health services hosted by the Directorate of Norwegian Correctional Service and the Norwegian Directorate of Health
28 May	Meeting with the National Association for Public Health
2 June	Lecture to the Directorate of Norwegian Correctional Service, eastern Norway region, at a specialist meeting for legal professionals
3–5 June	Study trip to Geneva. Meetings with the SPT, the APT, the OHCHR and the Swiss NPM
12–15 June	Nordic-Baltic seminar on OPCAT/prevention efforts
16 June	Meeting with the Norwegian Prison and Probation Officers Union
17 June	Meeting of the NPM advisory committee
18 June	Meeting with the Union of Norwegian Correctional Services Employees
23–27 June	Attendance at the course “Health in Prisons”, organized by the Johns Hopkins Bloomberg School of Public Health and the International Committee of the Red Cross
18–21 August	Attendance and lecture at seminar on preventive detention at the Norwegian Joint Staff College
22 August	Training for prison officers at the Correctional Service of Norway Staff Academy
25 August	Meeting with the Association of Child Welfare Service Children
26 August	Workshop with Mari Amos, member of the SPT
26 August	Meeting with the County Governor of Oslo and Akershus
28 August	Meeting with the supervisory council for the southern Norway region
29 August	Meeting with the supervisory council for the eastern Norway region
10 September	Open meeting in Tromsø on prevention efforts
10–12 September	Visit to Tromsø prison

16 September	Meeting with the Directorate of Norwegian Correctional Service
24 September	Meeting of the NPM advisory committee
7–9 October	Study visit by staff from the Lithuanian ombudsman and NPM
8 October	Attendance at the Ministry of Local Government and Modernisation's meeting of county governors
9 October	Visit to Oslo prison with the delegation from the Lithuanian ombudsman and NPM
10 October	Visit by a delegation of Russian police custody and remand prison supervisors
13 October	Meeting with the Norwegian National Police Directorate
14 October	Visit to Tønsberg police custody
17 October	Meeting with the Norwegian Bureau for the Investigation of Police Affairs
20 October	Visit to Tønsberg police custody
20 October	Meeting with the Norwegian Union of Social Educators and Social Workers
22 October	Visit to Drammen police custody
27–28 October	Lecture on "Health, Human Rights and Detention" at four hospitals in New York City, hosted by Weill Cornell Medical College
28 October	The Parliamentary Ombudsman's human rights conference 2014
29 October	Meeting with the APT and staff from Sweden's NPM
30 October	Visit to the Children's House Oslo
30 October	Attendance at International Commission of Jurists' (ICJ) seminar on isolation and police custody facilities
4–6 November	Visit to Bergen prison
12–13 November	Attendance and presentation at a national conference on the development of special measures for persons with severe and wide-ranging learning difficulties/disabilities in the context of criminal prosecution and service provision
20–21 November	Attendance and presentation at the Control Commission Conference 2014
24–26 November	Attendance at the course "Prevention of Mental Health Disorders: Public Health Interventions" hosted by Johns Hopkins University
26 November	Meeting with the Correctional Service of Norway Staff Academy
26–27 November	Attendance at the Hamar conference on force, human rights and ethics
27–28 November	Attendance at the Nordic conference on isolation in prison
5 December	Meeting with the psychiatric health care control commission for Dikemark regional secure treatment facility
8–12 December	Attendance at the "Healthcare in Detention Workshop" hosted by the International Committee of the Red Cross in Geneva
17 December	Meeting of the NPM advisory committee

IV. Recommendations

Tromsø prison

- Inmates who receive medical assistance outside the prison should not be returned to the prison if their state of health is such that the conditions they face constitute a serious threat to their life or health. The prison, the specialist health service and the municipal health service should cooperate to find appropriate detention solutions that safeguard the health and security of vulnerable, sick inmates.
- Full removal of an inmate's clothing when placing him/her in a security cell should only take place after an individual risk assessment. Inmates should be given their clothes back after the body search, or be given suitable alternative clothing so that they do not have to remain naked in the security cell.
- It is recommended that the prison implement its plans to systematise and quality-assure its admissions procedures in general, and the admission interview in particular.
- The prison should provide all inmates with insufficient Norwegian or English skills with an interpreter during the admission interview, as well as when essential information is given subsequently. The question "Do you need an interpreter?" should be asked in several languages to ensure that it is understood. The offer and use of interpreters should be documented.
- Emphasis should be given to ensuring that a contact officer is available during the initial period after admission. If the relevant contact officer is unavailable, responsibility should be assigned to another officer temporarily.
- New inmates should be given a health assessment by a doctor, or a nurse under the supervision of a doctor, during the admission interview or within 24 hours of admission. It is suggested that all new inmates arriving at the prison outside of regular working hours should be given a health assessment by a doctor from the local accident and emergency unit.
- Substitutes should be appointed for the dentist, psychologist and other healthcare workers who are away from work or otherwise inaccessible.
- All health-related requests should be responded to within 24 hours during the week, and on Monday if submitted over the weekend. The prison should ensure that all written requests to the health service, including to the dentist and psychologist, are kept confidential. Inmates should be informed that health-related requests can be submitted in a sealed envelope.
- The health service should ensure that new inmates receive their medicines within 24 hours of admission.
- The health service and the prison should cooperate on adapting activities for inmates in poor health or with disabilities. Inmates who are unable to participate in work or evening workouts should be offered adapted activities to prevent passivity, lack of physical activity and exclusion from communal activities.
- The prison and the health service should collaborate to ensure control of the entire process of medicine distribution. To prevent injuries and safeguard patient safety, it is important that the prison and health service develop joint written procedures for reporting and following up on medicine distribution, including any deviations. The deviation statistics should be reviewed quarterly, and potential improvement measures discussed.
- The prison and the health service should cooperate on implementing procedures to ensure that new inmates can hand over personal medicines without providing information about their health to the correctional services.
- Procedures for the admission interview should include guidance for prison officers on how to request inmate consent when collecting health information.
- The prison health service, the specialist health service and the prison should cooperate on establishing written procedures for the management of opioid maintenance treatment. The correctional services should have procedures in place for documenting and reporting on Subutex controls and any deviations. The deviation statistics should be reviewed quarterly, and potential improvement measures discussed.
- The correctional services should provide training in opioid maintenance treatment to all prison officers, with regular repetition courses. Unskilled and inexperienced officers should only be involved in opioid maintenance treatment under the direct supervision of an inspector.

- The health service should participate in the regular monitoring of health care-related issues in the prison, including nutrition, cleaning, hygiene and the indoor climate. The health service's professional knowledge can help to improve the living conditions of inmates. It is suggested that the prison and health service should inspect the prison buildings, including cells, outdoor areas, kitchen, hallways, visitation rooms, health service facilities, workshop and school, at least every six months to identify any conditions that could be damaging to inmates' health. They should focus especially on vulnerable groups who could easily suffer damage to their health, including inmates with disabilities.
- The prison should implement measures to provide all inmates with the opportunity to spend at least eight hours a day outside their cell, engaged in meaningful activity.
- Further, the prison should keep an overview of all inmates spending less than eight hours outside their cell each day, and document the activity programmes offered to them.
- Staffing levels may only be used as a basis for collective exclusion from company during extraordinary staffing situations.
- It should be ensured that all restrictions of or exclusions from company are recorded and that individual decisions are recorded in writing, if necessary, after the fact.
- Tromsø prison should implement measures to ensure that inmates in the remand unit have the same opportunity to engage in communal activities as inmates in other departments.
- Women should have satisfactory prison conditions while serving in high-security detention.
- Inmates with disabilities should be accommodated so that they face the same prison conditions as other inmates. While waiting for adapted cells to be built, inmates currently serving in a restricted section for no other reason than their disability should be given access to communal activities where they are.
- Low-security sections should be adapted so that inmates with disabilities have the same opportunity as other inmates to serve their sentences under a low-security regime.
- Inmates subject to court restrictions or with limited permission to engage in communal activities with other inmates should be provided with a satisfactory outdoor exercise option. As a minimum, inmates should be allowed to breathe fresh air and see daylight, and be given access to a space offering a real opportunity for movement and the feeling of being outside.
- The prison should ensure that inmates can receive visits from family and their social network. It is especially important to facilitate visits allowing inmates to be in regular contact with their children.

Bergen prison

- All decisions to use a security cell should be made and documented in accordance with the Execution of Sentences Act § 38. The decision document should always make clear which less intrusive measures have been attempted or found to be obviously inadequate.
- The supervision log should state clearly the names of inmates placed in security cells and the exact starting and ending times of their stays there.
- Inmates should be assured of healthy, hygienic security cell conditions.
- Complete removal of clothing on entering the security cell should occur only if an individual risk assessment has been conducted. If there is no particular risk of self-harm, inmates should be provided with suitable clothing beyond underwear.
- The supervision log should state clearly the names of inmates placed in restraining beds and the exact starting and ending times of restraining bed use. While an inmate is in a restraining bed, the grounds for keeping him or her there should be assessed continuously. Such assessments should be recorded in the supervision log.
- All decisions to use a restraining bed should be made and documented in accordance with the Execution of Sentences Act § 38.
- Holding cells that have similarities to security cells should not be used in situations covered by the terms of § 38.
- All decision documents concerning the use of § 37 should indicate whether less intrusive measures have been considered. Statistics should be kept of the number, grounds and duration of all exclusions from company imposed under § 37.
- The prison should implement measures to ensure inmate safety in communal sections of the prison, including clear procedures for the presence of prison officers in living sections.
- The prison should implement measures to ensure that all inmates, regardless of gender, have the opportunity to spend at least eight hours per day outside their cells, occupied in meaningful activities.
- The prison should ensure that female inmates feel safe and cared for; prison officers should be present on a regular basis in living sections.
- The prison should ensure that inmates receive accurate information on arrival. Informational materials should be prepared in several languages.
- For all inmates who lack sufficient skills in Norwegian or English, the prison should offer to provide an interpreter at the admissions interview and at later times when essential information is to be given. The question “Do you need an interpreter?” should be posed in multiple languages so there is no doubt it has been understood.
- The contact officer should maintain special focus on isolated inmates, inmates with extensive needs and others in vulnerable situations. If the relevant contact officer is unavailable, responsibility should be assigned to another officer temporarily.
- The prison should implement measures to ensure that all inmates for whom the court has not imposed special restrictions (full isolation) have the opportunity to spend at least eight hours per day outside their cells, occupied in meaningful activities. Special measures should be applied for inmates subjected to full isolation by the court.
- If an inmate is subjected to conditions that correspond in practice to full or partial exclusion from company, at times when communal activities are normally conducted, the decision should be made and documented in accordance with the Execution of Sentences Act § 37.
- Through the presence of its officers, the prison should ensure that inmates feel safe during periods of interaction with other inmates.
- The prison should establish procedures to ensure that all inmates are given the opportunity to spend time in the open air every day.
- New inmates should undergo a health examination by a doctor, or a nurse under the supervision of a doctor, preferably in connection with the admissions interview or within 24 hours. The prison should enable such conversations to be conducted in a confidential and professionally sound manner.
- The prison should ensure that all requests or inquiries to the health service, including to the dentist, physiotherapist and psychologist, are treated confidentially. Inmates should be informed that they may put health-related written requests in closed envelopes, and envelopes appropriate to this purpose should be available to all. The prison should also ensure that

requests that are communicated verbally are kept confidential.

- The prison should ensure that the health service has a waiting room that accommodates personal security and privacy needs.
- The prison should arrange for inmates to come on schedule to appointments with the health service or specialist health services, unless the inmates themselves wish to cancel.
- With assistance from its health service, the prison should design a system for regular officer training in the distribution of medications.
- The prison and health service should cooperate in maintaining control over the entire process of distributing medications. Uniform written procedures should be established for reporting and following up on the handling of medications, including any deviations from procedure.
- The health service should become involved in public health efforts and other environmental health matters in the prison. The health service can use its expertise to help improve inmate living conditions. Special attention should be given to inmates who are especially vulnerable to illness or injury, including those with disabilities.
- The prison should make sure psychologists have offices suitable to maintaining confidentiality.
- The prison should ensure that as much information as possible is communicated to the health service so that health personnel can document and follow up the mental health conditions of vulnerable inmates. The health service and the prison should cooperate on preparing a plan to identify and monitor the needs of the most psychologically vulnerable inmates. Psychologists should also be given the opportunity to perform outreach in communal activities.
- Inmates with mental disorders should be provided the opportunity to receive satisfactory health care.
- The prison should establish systematic competence in supervising foreign inmates to ensure that they do not become isolated.
- Inmates with disabilities should be provided with accommodation to ensure that they serve their time under the same conditions as other inmates, regardless of disability. Until cells featuring such accommodation are created, inmates who now serve in restricted sections for no reason other than their disability should be given opportunities for communal activity where they are.

Tønsberg police custody

- The police, along with correctional services, should review the procedures for information sharing and other types of cooperation when transferring vulnerable (including potentially suicidal) detainees to prison, to ensure that they are cared for in a safe manner.
- The police should ensure that the considerations weighed in determining the type and frequency of supervision are always logged in the custody records.
- The local custody instruction guide should be changed to stipulate that handcuffs are to be used only after a specific, individual assessment. Any use of coercive measures or force on detainees should be entered into the custody records.
- Full removal of clothing on admission to custody should occur only after an individual risk assessment. In cases where full removal of clothing is deemed necessary after an individual assessment, the procedure should normally be carried out in a way that avoids complete nudity.
- The police, in cooperation with correctional services, should further strengthen efforts to comply with the two-day deadline for transfer to prison.
- The police should consult with the emergency child welfare service on establishing a routine for informing the service of any apprehension or transport into custody of minors.
- The police should strengthen efforts to mitigate the adverse effects of isolation, in particular by considering the possibility of visits from outside for detainees who have been in custody beyond two days.
- The police should consider expanding the local custody instruction guide to include additional procedures and responsibilities to relieve the harshness of stays in custody.
- The police should ensure that detainees are able to speak directly with health personnel at the local accident and emergency care unit, and that a telephone conversation can be conducted without police or custody officers hearing what is said.
- The police should not be able to hear conversations in the patient room at the accident and emergency care unit. Nor should the police be able to look into the patient room, unless requested by health personnel in special situations.
- Doctors at the accident and emergency care unit and other health personnel should inform detainees when forensic work is being performed that is not covered by confidentiality rules.
- Foreign detainees transported to the accident and emergency care unit should be offered interpretation services.
- The accident and emergency care unit should have a camera available so that injuries to detainees can be documented by the doctor in the patient journal.
- A defibrillator should be obtained and placed in an easily accessible place in the custody facility. Custody officers and others working in the facility should be given regular training in defibrillator use.
- The police should ensure that informational materials pertaining to detainee rights after apprehension and transport into custody are updated to clarify that notification or attempted notification of defence counsel is always carried out without undue delay, regardless of time of day.
- The police should ensure that all persons detained are offered both written and verbal information on their rights while in custody, in a language they understand.
- The police should establish a procedure asking all detainees to sign an affirmation that they have been informed of their rights in a language they understand.
- The police should ensure that the custody records note which steps have been completed for each detainee, in particular the notification of relatives and defence counsel, the arrangement of contact with a doctor, and the successful communication of the detainee's rights and the reasons for his or her deprivation of liberty.
- The police are advised to consider upgrading several custody cells to give them a more humane design. As an immediate practical matter, the police should ensure that the wall colour in each cell contrasts with the floor so that detainees can orient themselves more easily.
- A good lighting-control system for all cells should be put in place, including an option for subdued lighting; all cells should also have clocks installed.
- Detainees should be assured of adequate access to the open air. At a minimum, persons detained should be able to breathe fresh air and see daylight on a daily basis, and be given a genuine opportunity for movement and the feeling of being outdoors.

Drammen police custody

- The police should establish procedures to record the results of supervisory actions and observations involving high-risk detainees, focusing on their respiratory rate and body position.
- Consideration should be given to expanding the local custody instruction guide to include practical guidelines for carrying out body searches, including the removal of clothing in two stages.
- The police, in cooperation with the correctional services, should further strengthen efforts to comply with the two-day deadline for transfer to prison. The police should ensure in particular that the deadline is observed for minors in all cases.
- The police should find a suitable room where minors can wait in the company of a child welfare officer before being driven home or returned to the relevant institution.
- The police should strengthen efforts to mitigate the adverse effects of isolation, in particular by considering the possibility of visits from outside for persons held in custody for more than two days.
- The police should ensure that detainees are permitted to speak directly with health personnel at the accident and emergency care unit, and that phone calls can take place without police and custody officers overhearing.
- The police should not be able to hear conversations in the patient room at the accident and emergency care unit. Nor should the police be able to see into the patient room, unless requested by health personnel in special instances.
- The police should ensure that all detainees are offered written and verbal information, as soon as possible and in a language they understand, about the rights of persons detained or arrested.
- The police should establish a procedure asking all detainees to sign an affirmation that they have been informed of their rights in a language they understand.
- The police should ensure that all detainees are informed of their right to have relatives or third parties informed of their admission into custody; the police should also ensure that detainees are asked whether such notification is desired.
- The police should ensure that notification or attempted notification of defence counsel is always carried out without undue delay, regardless of time of day.
- The police should ensure that informational materials on the rights of persons arrested or detained are updated to clarify this right of notification.
- The police should remove the metal rods attached to the wall of the intake room.
- The police are advised to consider upgrading one or more custody cells to give them a more humane design.
- A better lighting-control system should be created for all the cells, and it should include an option to dim the lights at night without compromising the opportunity to observe persons in detention; all cells should also have clocks installed.
- Detainees should be assured of sufficient access to fresh air. At a minimum, persons detained should be able to breathe fresh air and see daylight on a daily basis, and be given a genuine opportunity for movement and the feeling of being outdoors.

V. APT's Principles of Detention Monitoring

The Association for the Prevention of Torture (APT) has developed the following principles of detention monitoring, which the NPM has adopted as the basis for its visits.

1. **Do no harm.** Detainees are particularly vulnerable and their safety should always be kept in mind by visitors. Visitors should not take any action or measure which could endanger an individual or a group. In particular, in cases of allegations of torture or ill-treatment, the principle of confidentiality, security and sensitivity should be kept in mind. Poorly planned or prepared visits, or visits not conducted in respect of the methodology or of the following basic principles, can actually do more harm than good.
2. **Exercise good judgment.** Monitors should be aware of the standards and rules against which they are conducting their monitoring. However, whatever their number, relevance and precision, rules cannot substitute for good personal judgment and common sense. Monitors should therefore possess and exercise good judgment in all circumstances.
3. **Respect the authorities and the staff in charge.** Unless a minimum of mutual respect is established between the staff and the visiting team, the work in the places of detention might be jeopardised. Visitors should always respect the functioning of the authorities and try to identify the hierarchic levels and their responsibilities to address any problem at the right level. While one can find individual staff with inappropriate behaviour, many problems stem from an inadequate system for deprivation of liberty which fosters inappropriate behaviour. Visitors should also take into account the fact that staff working in places of detention are carrying out a demanding job, often socially undervalued and, in many countries, poorly paid.
4. **Respect the persons deprived of liberty.** Whatever the reasons for deprivation of liberty, detainees must be treated with respect and courtesy. The visitor should introduce him or herself.
5. **Be credible.** Visitors should explain clearly, to detainees and staff, the objectives and the limitations of their monitoring work and behave accordingly. They should make no promise that they are unlikely or unable to keep and not take any action that they cannot follow through.
6. **Respect confidentiality.** Respect for the confidentiality of the information provided in private interviews is essential. Visitors should not make any representation using the name of a detainee without his or her express and informed consent. Visitors should make sure that the detainee fully understands the benefits as well as the possible risks or negative consequences of any action taken on their behalf. Visitors, medical doctors and interpreters are all bound to respect confidentiality.
7. **Respect security.** Security refers to the personal security of visitors, the security of the detainees who are in contact with them and the security of the place of detention.

It is important to respect the internal rules of the places visited and to seek advice or request any special dispensation from those in charge. Authorities often invoke security reasons for not allowing visits to specific places or put conditions on interviews with specific detainees. It is ultimately the responsibility of the visiting delegation to decide if and how they want to follow this advice.

Visitors should refrain from introducing or removing any object without the prior agreement of the authorities. They should display their identity by wearing a badge or other means of identification. Regarding the security of the detainees visited, the visitor should consider how to use information in such a way as not to put individuals at risk. Visitors should make repeat visits and meet again most of the detainees seen previously to make sure they have not suffered reprisals.
8. **Be consistent, persistent and patient.** The legitimacy of the visiting mechanism is established over time, as a result of the relevance, persistence and consistency of its work. Monitoring places of detention requires efficiency, regularity and continuity. It implies visiting regularly the same places, and building up enough evidence to draw well founded conclusions and make recommendations. It is essential to be persistent also in the follow-up activities.

- 9. Be accurate and precise.** During the on-site visit it is important to collect sound and precise information in order to be able to draft well-documented reports and relevant recommendations.
- 10. Be sensitive.** Particularly when interviewing detainees, visitors should be sensitive to the situation, mood and needs of the individual, as well as to the need to take the necessary steps to protect his or her security. In cases of allegations of torture and ill-treatment, visitors should be aware of the problems of re-traumatization.
- 11. Be objective.** Visitors must strive to record actual facts, and to deal with both staff and prisoners in a manner that is not coloured by feelings or preconceived opinions.
- 12. Behave with integrity.** Visitors should treat all detainees, authorities and staff, and their fellow visitors with decency and respect. They should not be motivated by self-interest and should be scrupulously honest. In all their dealings they should operate in accordance with the international human rights standards that they are mandated to uphold.
- 13. Be visible.** Within the place of detention, visitors should make sure that staff and detainees are aware of the methodology and mandate of the visiting body, that they know how to approach them. Visitors should wear a badge or other means of identification. Outside the place of detention, the work of visiting mechanisms should be publicised through written reports and careful use of the media.

VI. The NPM's 2014 budget and accounts

Category	Budget 2014	Accounts 2014
Salaries		2 970 666.86
Operating costs		
Furniture and equipment		107 196.25
Rent, electricity, cleaning, guard services		488 029.86
IT services (including launch of new website)		331 289.50
Procurement of external services		443 507.64
Travel (visits and meetings)		365 474.39
Other operations		323 634.30
TOTAL NOK	6 243 000.00	5 029 798.80

VII. The UN Convention against Torture

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984.

Entry into force 26 June 1987, in accordance with article 27 (1).

Preamble

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
 - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is a national of that State;
 - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative

of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize

such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

- Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

- States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
- States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

- Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
- Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

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 has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and

to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

- Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
- Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

- Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
- The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

- There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence

in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United

Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - (a) Six members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the cooperation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations

under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (e), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report;

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of

submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.
7. The Committee shall forward its views to the State Party concerned and to the individual.
8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III**Article 25**

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.
3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.



VIII. The Optional Protocol to the Convention against Torture (OPCAT)

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199.

Entered into force on 22 June 2006.

Preamble

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights

is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:



PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.
2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.
3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.
4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
5. No two members of the Subcommittee on Prevention may be nationals of the same State.
6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (a) The nominees shall have the nationality of a State Party to the present Protocol;
- (b) At least one of the two candidates shall have the nationality of the nominating State Party;
- (c) No more than two nationals of a State Party shall be nominated;
- (d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:
 - (a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;
 - (b) The initial election shall be held no later than six months after the entry into force of the present Protocol;
 - (c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;
 - (d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.
2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

(a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

(c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.
2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:
 - (a) Half the members plus one shall constitute a quorum;
 - (b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

PART III

Mandate of the Subcommittee on Prevention

Article 11

1. The Subcommittee on Prevention shall:

(a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(b) In regard to the national preventive mechanisms:

(i) Advise and assist States Parties, when necessary, in their establishment;

(ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

(a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;

(b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;

(d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 15

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:
 - (a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;
 - (b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;
 - (c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;
 - (d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;
 - (e) The liberty to choose the places it wants to visit and the persons it wants to interview.
2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.
2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish

the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.
4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

PART IV**National preventive mechanisms****Article 17**

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

(a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;

(b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

(a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

(e) The liberty to choose the places they want to visit and the persons they want to interview;

(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V**Declaration****Article 24**

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI**Financial provisions****Article 25**

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.
2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help

finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.
3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a

request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded

such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 15 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.



IX. The Parliamentary Ombudsman Act

Act relating to the Parliamentary Ombudsman for Public Administration (the Parliamentary Ombudsman Act)

Act of 22 June 1962 No. 8 as subsequently amended, most recently by Act of 21 June 2013 No. 89.

Section 1. Election of the Ombudsman

After each general election, the Storting elects a Parliamentary Ombudsman for Public Administration, the Parliamentary Ombudsman. The Ombudsman is elected for a term of four years reckoned from 1 January of the year following the general election.

The Ombudsman must satisfy the conditions for appointment as a Supreme Court Judge. He must not be a member of the Storting.

If the Ombudsman dies or becomes unable to discharge his duties, the Storting will elect a new Ombudsman for the remainder of the term of office. The same applies if the Ombudsman relinquishes his office, or if the Storting decides by a majority of at least two thirds of the votes cast to deprive him of his office.

If the Ombudsman is temporarily unable to discharge his duties because of illness or for other reasons, the Storting may elect a person to act in his place during his absence. In the event of absence for a period of up to three months, the Ombudsman may authorise the Head of Division to act in his place.

If the Presidium of the Storting finds that the Ombudsman is disqualified to deal with a particular matter, it will elect a substitute Ombudsman to deal with the matter in question.

Section 2. Instructions

The Storting will issue general instructions for the activities of the Ombudsman. Apart from this the Ombudsman is to discharge his duties autonomously and independently of the Storting.

Section 3. Purpose

As the Storting's representative, the Ombudsman shall, as prescribed in this Act and in his instructions, endeavour to ensure that individual citizens are not unjustly treated by the public administration and help to ensure that the public administration respects and safeguards human rights.

Section 3a. National preventive mechanism

The Ombudsman is the national preventive mechanism as described in Article 3 of the Optional Protocol of 18 December 2002 to the UN Convention of 10 December 1984 against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The Ombudsman shall establish an advisory committee for its function as the national preventive mechanism.

Section 4. Sphere of responsibility

The Ombudsman's sphere of responsibility encompasses the public administration and all persons engaged in its service. It also encompasses the conditions of detention for persons deprived of their liberty in private institutions when the deprivation of liberty is based on an order given by a public authority or takes place at the instigation of a public authority or with its consent or acquiescence.

The sphere of responsibility of the Ombudsman does not include:

- a) matters on which the Storting has reached a decision,
- b) decisions adopted by the King in Council,
- c) the activities of the courts of law,
- d) the activities of the Auditor General,
- e) matters that, as prescribed by the Storting, come under the Ombudsman's Committee or the Parliamentary Ombudsman for the Norwegian Armed Forces,
- f) decisions that as provided by statute may only be made by a municipal council, county council or cooperative municipal council itself, unless the decision is made by a municipal executive board, a county executive board, a standing committee, or a city or county government under section 13 of the Act of 25 September 1992 No. 107 concerning municipalities and county authorities. The Ombudsman may nevertheless investigate any such decision on his own initiative if he considers that it is required in the interests of due process of law or for other special reasons.

In its instructions for the Ombudsman, the Storting may establish:

- a) whether specific public institutions or enterprises shall be regarded as belonging to the public administration or a part of the services of the state, the municipalities or the county authorities under this Act,
- b) that certain parts of the activity of a public agency or a public institution shall fall outside the sphere of the Ombudsman's responsibility.

Section 5. Basis for action

The Ombudsman may consider cases either in response to a complaint or on his own initiative.

Section 6. Further provisions regarding complaints and time limits for complaints

Any person who believes he has been subjected to injustice by the public administration may bring a complaint to the Ombudsman.

Any person who is deprived of his personal freedom is entitled to complain to the Ombudsman in a sealed letter.

A complaint shall state the name of the complainant and must be submitted not later than one year after the administrative action or matter complained of was committed or ceased. If the complainant has brought the matter before a higher administrative agency, the time limit runs from the date on which this authority renders its decision.

The Ombudsman will decide whether a complaint provides sufficient grounds for dealing with the matter.

Section 7. Right to information

The Ombudsman may require public officials and all others engaged in the service of the public administration to provide him with such information as he needs to discharge his duties. As the national preventive mechanism, the Ombudsman has a corresponding right to require information from persons in the service of private institutions such as are mentioned in section 4, first paragraph, second sentence. To the same extent he may require that minutes/records and other documents are produced.

The Ombudsman may require the taking of evidence by the courts of law, in accordance with the provisions of

section 43, second paragraph, of the Courts of Justice Act. The court hearings are not open to the public.

Section 8. Access to premises, places of service, etc

The Ombudsman is entitled to access to places of service, offices and other premises of any administrative agency and any enterprise that comes within his sphere of responsibility.

Section 9. Access to documents and duty of confidentiality

The Ombudsman's case documents are public. The Ombudsman will make the final decision on whether a document is to be wholly or partially exempt from access. Further rules, including on the right to exempt documents from access, will be provided in the instructions to the Ombudsman.

The Ombudsman has a duty of confidentiality as regards information concerning matters of a personal nature to which he becomes party to during the course of his duties. The duty of confidentiality also applies to information concerning operational and commercial secrets, and information that is classified under the Security Act or the Protection Instructions. The duty of confidentiality continues to apply after the Ombudsman has left his position. The same duty of confidentiality applies to his staff and others who provide assistance.

Section 10. Completion of the Ombudsman's procedures in a case

The Ombudsman is entitled to express his opinion on matters within his sphere of responsibility.

The Ombudsman may call attention to errors that have been committed or negligence that has been shown in the public administration. If he finds sufficient reason for so doing, he may inform the prosecuting authority or appointments authority of what action he believes should be taken in this connection against the official concerned. If the Ombudsman concludes that a decision must be considered invalid or clearly unreasonable or that it clearly conflicts with good administrative practice, he may express this opinion. If the Ombudsman believes that there is reasonable doubt relating to factors of importance in the case, he may make the appropriate administrative agency aware of this.

If the Ombudsman finds that there are circumstances that may entail liability to pay compensation, he may,

depending on the situation, suggest that compensation should be paid.

The Ombudsman may let a case rest when the error has been rectified or with the explanation that has been given.

The Ombudsman shall notify the complainant and others involved in a case of the outcome of his handling of the case. He may also notify the superior administrative agency concerned.

The Ombudsman himself will decide whether, and if so in what manner, he will inform the public of his handling of a case.

As the national preventive mechanism, the Ombudsman may make recommendations with the aim of improving the treatment and the conditions of persons deprived of their liberty and of preventing torture and other cruel, inhuman or degrading treatment or punishment. The competent authority shall examine the recommendations and enter into a dialogue with the Ombudsman on possible implementation measures.

Section 11. Notification of shortcomings in legislation and in administrative practice

If the Ombudsman becomes aware of shortcomings in acts, regulations or administrative practice, he may notify the ministry concerned to this effect.

Section 12. Reporting to the Storting

The Ombudsman shall submit an annual report on his activities to the Storting. A report shall be prepared on the Ombudsman's activities as the national preventive mechanism. The reports will be printed and published.

The Ombudsman may when he considers it appropriate submit special reports to the Storting and the relevant administrative agency.

Section 13. Pay, pension, other duties

The Ombudsman's salary is fixed by the Storting or the agency so authorised by the Storting. The same applies to remuneration for a person appointed to act in his place under section 1, fourth paragraph, first sentence. The remuneration for a person appointed pursuant to the fourth paragraph, second sentence, may be determined by the Storting's Presidium. The Ombudsman's pension will be determined by law.

The Ombudsman may not hold any other public or private appointment or office without the consent of the Storting or the agency so authorised by the Storting.

Section 14. Employees

Employees at the Ombudsman's office will be appointed by the Presidium of the Storting on the recommendation of the Ombudsman or, in accordance with a decision of the Presidium, by an appointments board. Temporary appointments for up to six months will be made by the Ombudsman. The Presidium will lay down further rules regarding the appointments procedure and regarding the composition of the board.

The salary, pension and working conditions of employees will be fixed in accordance with the agreements and provisions that apply to employees in the central government administration.

Section 15.

1. This Act enters into force on 1 October 1962.
2. --.



X. Instructions for the Parliamentary Ombudsman for Public Administration

Adopted by the Storting on 19 February 1980 under section 2 of the Act of 22 June 1962 No. 8 relating to the Parliamentary Ombudsman for Public Administration.

Amended by administrative decisions of 22 October 1996 No. 1479, 14 June 2000 No. 1712, 2 December 2003 No. 1898, 12 June 2007 No. 1101 and 17 June 2013 No. 1251.

Section 1. Purpose

(See section 5 of the Parliamentary Ombudsman Act)

The Parliamentary Ombudsman for Public Administration shall seek to ensure that individual citizens are not unjustly treated by the public administration and that senior officials, officials and others engaged in the service of the public administration do not make errors or neglect their duties.

Section 2. Sphere of responsibility

(See section 4 of the Parliamentary Ombudsman Act)

The Norwegian Parliamentary Intelligence Oversight Committee shall not be considered as part of the public administration for the purposes of the Parliamentary Ombudsman Act. The Ombudsman shall not consider complaints concerning the intelligence, surveillance and security services that the Committee has already considered.

The Ombudsman shall not consider complaints about cases dealt with by the Storting's *ex gratia* payments committee.

The exception for the activities of the courts of law under section 4, first paragraph, c), also includes decisions that may be brought before a court by means of a complaint, appeal or other judicial remedy.

Amended by Storting decisions of 22 October 1996 No. 1479, 2 December 2003 No. 1898 (in force from 1 January 2004), 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 3. Formulating and substantiating complaints

(See section 6 of the Parliamentary Ombudsman Act)

Complaints may be submitted directly to the Ombudsman. A complaint should be made in writing and be signed by the complainant or a person acting on their behalf. In the event that the Ombudsman receives an oral complaint, he shall ensure that it is immediately recorded in writing and signed by the complainant.

As far as possible, the complainant should provide an account of the grounds for the complaint and present evidence and other documents in the case.

Section 4. Exceeding the time limit for complaints

(See section 6 of the Parliamentary Ombudsman Act)

If the time limit for a complaint under section 6 of the Act – 1 (one) year – has been exceeded, this does not prevent the Ombudsman from taking up the matter on his own initiative.

Section 5. Conditions for considering a complaint

If a complaint is made concerning a decision that the complainant is entitled to have reviewed by a higher administrative body, the Ombudsman shall not deal with the complaint unless he finds that there are special grounds for considering it immediately. The Ombudsman shall give the complainant advice on their right to have the decision reviewed through administrative channels. If the complainant is unable to have the decision reviewed because the time limit for complaints has been exceeded, the Ombudsman shall decide whether the circumstances indicate that he should nevertheless consider the case.

If a complaint concerns other matters that can be brought before a higher administrative authority or specific regulatory body, the Ombudsman should direct the complainant to take up the case with the competent authority or to submit the case to the authority in question, unless the Ombudsman finds special grounds for considering the case immediately himself.

The provisions of the first and second paragraphs do not apply if the King is the only complaints body available.

Section 6. Investigating complaints

(See sections 7 and 8 of the Parliamentary Ombudsman Act)

Complaints which the Ombudsman considers further

should as a general rule be presented to the administrative body or official concerned. The same applies to subsequent statements and information from the complainant. The administrative body or official concerned must always be given the opportunity to comment before the Ombudsman issues an opinion as set out in section 10, second and third paragraphs, of the Parliamentary Ombudsman Act.

The Ombudsman will decide what measures should be taken in order to clarify the circumstances of the case. He may obtain the information he considers necessary in accordance with the provisions of section 7 of the Parliamentary Ombudsman Act, and may set a deadline for complying with an order to provide information or submit documents, etc. He may also make further inquiries of the administrative body or enterprise to which the complaint applies, see section 8 of the Parliamentary Ombudsman Act.

The complainant is entitled to familiarise himself with the statements and information provided in the case, unless he is not entitled to do so under the rules applicable to the administrative body involved.

If he for special reasons finds it necessary, the Parliamentary Ombudsman can obtain an expert opinion.

Section 7. Notifying a complainant when a complaint is not investigated

(See section 6, fourth paragraph, of the Parliamentary Ombudsman Act)

If the Parliamentary Ombudsman finds that there are no grounds for dealing with a complaint, the complainant shall be notified immediately. In such cases, the Ombudsman should, as far as possible, advise the complainant of any other legal avenues that may exist or forward the case to the appropriate authority himself.

Section 8. Cases considered on the Ombudsman's own initiative

(See section 5 of the Parliamentary Ombudsman Act)

If the Ombudsman finds reason to do so, he may further investigate proceedings, decisions or other matters on his own initiative. The provisions of section 6, first, second and fourth paragraphs, shall apply correspondingly to such investigations.

Section 8a. Special provisions relating to the Parliamentary Ombudsman as national preventive mechanism

The Ombudsman may receive assistance from persons with specific expertise in connection with its function as the national preventive mechanism in accordance with section 3a of the Parliamentary Ombudsman Act.

The Ombudsman shall establish an advisory committee to provide expertise, information, advice and input in connection with its function as the national preventive mechanism.

The advisory committee shall include members with expertise on children, human rights and psychiatry. The committee must have a good gender balance and each sex shall be represented by a minimum of 40 % of the membership. The committee may include both Norwegian and foreign members.

Added by Storting decision of 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 9. Completion of the Ombudsman's procedures in a case

(See section 10 of the Parliamentary Ombudsman Act)

The Ombudsman shall personally make a decision in all cases that are accepted following a complaint or that he has considered on his own initiative. He may nevertheless give specific members of staff the authority to complete cases that clearly must be rejected or that clearly do not provide sufficient grounds for further consideration.

The Ombudsman's decision is issued in a statement in which he gives his opinion on the questions that apply in the case and that come within his sphere of responsibility, see section 10 of the Parliamentary Ombudsman Act.

Amended by Storting decision of 2 December 2003 No. 1898 (in force from 1 January 2004).

Section 10. Instructions for employees at the Ombudsman's office

(See section 2 of the Parliamentary Ombudsman Act)

The Ombudsman will issue out further instructions for his staff. He may give the employees the authority to make the necessary preparations for cases that are dealt with by the Ombudsman.

Section 11. Access to the Parliamentary Ombudsman's case documents

1. The Ombudsman's case documents are public unless otherwise provided by the duty of confidentiality or the exceptions listed in subsections 2, 3 and 4 below. The term 'the Ombudsman's case documents' means documents prepared in connection with the Ombudsman's handling of a case. Case documents prepared or obtained during the public administration's handling of the case are not publicly available through the Ombudsman.
2. Case documents from the Ombudsman may be exempted from public disclosure when special reasons so indicate.
3. The Parliamentary Ombudsman's internal case documents may be exempted from public disclosure.
4. Documents exchanged between the Storting and the Ombudsman and that concern the Ombudsman's budget and internal administration may be exempted from public disclosure.
5. Access may be requested to the public content of the records the Ombudsman maintains for registering documents in cases that are opened. The Archives Act of 4 December 1992 No. 126 and the Archives Regulations of 11 December 1998 No. 1193 apply correspondingly to the Ombudsman's activities to the extent they are appropriate.

Amended by Storting decision of 14 June 2000 No. 1712 (in force from 1 January 2001).

Section 12. Annual report to the Storting (See section 12 of the Parliamentary Ombudsman Act)

The Ombudsman's annual report to the Storting shall be submitted by 1 April each year and shall cover the

Ombudsman's activities in the period 1 January–31 December of the previous year.

The report shall contain a summary of procedures in cases which the Ombudsman considers to be of general interest, and shall mention those cases in which he has called attention to shortcomings in acts, regulations or administrative practice, or has issued a special report under section 12, second paragraph, of the Parliamentary Ombudsman Act. In the annual report, the Ombudsman shall also provide information on activities to oversee and monitor that the public administration respects and safeguards human rights.

If the Ombudsman finds reason to do so, he may refrain from mentioning names in the report. The report shall in any case not include information that is subject to the duty of confidentiality.

The account of cases where the Ombudsman has expressed an opinion as mentioned in section 10, second, third and fourth paragraphs, of the Parliamentary Ombudsman Act, shall summarise any response by the relevant administrative body or official about the complaint, see section 6, first paragraph, third sentence.

A report concerning the Ombudsman's activities as the national preventive mechanism shall be issued before 1 April each year. This report shall cover the period 1 January–31 December of the previous year.

Amended by Storting decision of 14 June 2000 No. 1712 (in force from 1 January 2001), 12 June 2007 No. 1101 (in force from 1 July 2007), 17 June 2013 No. 1251 (in force from 1 July 2013).

Section 13. Entry into force

These instructions enter into force on 1 March 1980. From the same date, the Storting's Instructions to the Parliamentary Ombudsman of 8 June 1968 are repealed.

SOM

The Parliamentary Ombudsman Norway

National Preventive Mechanism against
Torture and Ill-Treatment

Contact Information

Telephone: + 47 22 82 85 00
Free of charge: + 47 800 800 39
Email: postmottak@sivilombudsmannen.no

Office address: Akersgata 8, Oslo
Postal address: P.O. Box 3 Sentrum, NO-0101 Oslo

www.sivilombudsmannen.no/about-torture-prevention/front-page/

About the Annual Report

Written and edited by: The Parliamentary Ombudsman's National Preventive Mechanism

Project management: Stakeholder AS

Design and illustration: F'design

Photo page 3: Ingar Næss

Photo page 16: Peder Klingwall

Photo page 23: Stormcam AS

Photo page 25: Politiet

Photos page 1, 7, 19, 21, 24, 26, 28, 34, 39, 40, 59, 60, 67, 70: NTB Scanpix

Photos page 12, 22, 37: The Parliamentary Ombudsman

Printing: 07-group





S|OM

The Parliamentary Ombudsman Norway

**National Preventive Mechanism against
Torture and Ill-Treatment**