

# PARLIAMENTARY OMBUDSMAN OF ICELAND

Templarasund 5, 101 Reykjavík  
Tel: +354 510 6700 • Email: postur@umbodsmadur.is  
Website: www.umbodsmadur.is

Reykjavík, 13 November 2023

Dr. Alice Jill Edwards  
Special Rapporteur on Torture  
Office of the United Nations High Commissioner for Human Rights  
United Nations Office at Geneva  
CH 1211 Geneva 10  
Switzerland

Dear Dr. Edwards,

I refer to your call for an input on current issues and good practices in prison management, as published on your webpage earlier this autumn. As a response, the Althingi Ombudsman, the National Preventive Mechanism in Iceland, is pleased to provide you with the following comments which aim to tackle issues as set out by your office while considering your areas of particular focus.<sup>1</sup>

It is pointed out at outset that given the Ombudsman's role as an independent supervisory body, a discussion of potential causal factors in this regard must be restricted to non-speculative issues. For the same reason, the Ombudsman has a narrow margin with regard to matters that may involve policy. Hence, reflections on possible improvement of prison management are generally limited to the Ombudsman's prior observations and recommendations to the authorities.

## Main challenges and their causes

The Ombudsman, as well as the CPT committee, has for several years now directed recommendations to the prison authorities regarding prisoners' access to **mental health care services**. Furthermore, the Ombudsman's attention has repeatedly been directed to a certain **resistance within the health care system to provide people in the criminal justice system with health care services**, incl. arrested people, prisoners and juvenile delinquents. One such case, concerning a prisoner's access to mental health care, is currently under an investigation by the Director of Health which has been requested by the Ombudsman to notify any conclusions on procedure or substance.

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<sup>1</sup> The answers touch upon most focus areas listed in the submission's call, i.e. no. 1-6. Focus areas no. 7-8 do not apply since we do not have any privately run prisons in Iceland and we have not yet addressed the issue of climate-proofing prison management.

As a response to the Ombudsman's and the CPT's recommendations, a mental health team was established in 2020. Although the team is quite small and meant to service all four prisons in the country, with up to 200 prisoners, it has turned out to be an important addition to the mental health care services available to individuals within the prison system. In part, however, the team was expected to act as an intermediary between the prison and health care systems to facilitate better access to appropriate health care services. Unfortunately, the team has also faced obstacles in this regard.

Several recommendations by the Ombudsman to the authorities have concerned the **facilities** in the country's oldest prison, Litla-Hraun. The prison has never undergone a comprehensive renewal since it was built, originally as a hospital, around 1920. However, earlier this year, the Minister of Justice announced her plan for the construction of a new prison in Litla-Hraun.

Furthermore, recommendations have been directed to the authorities regarding the following issues:

- Prolonged social isolation of prisoners repeatedly placed in **security cells** and/or transferred to a **security ward**, incl. prisoners with mental health problems.
- **Statutory medical examinations** at the outset of detention and before solitary confinement and placement in a security cell are not systematically carried out.
- **Body searches and physical examinations** are executed systematically but not always on an individual basis, with prisoners being stripped naked both during searches and examinations.
- Sufficient access to **physical exercise and outdoor activities for pretrial detainees in solitary confinement** is lacking.
- **Lack of outdoor exercise for sexual offenders in a safe environment** due to verbal abuse from other prisoners in a joint setting.
- **Privacy during important phone calls is not ensured**, incl. phone calls to a lawyer, priest, governmental officials and the Althingi Ombudsman.
- Limited active presence of prison guards in wards, resulting in a **lack of dynamic security** within the prison setting.

- **Lack of systemic procedure with regard to inquiries, comments and complaints** – long procedural time, some inquiries go unanswered.
- **Inadequate registration**, particularly with regard to inquiries, comments and complaints, statutory examinations and conditions during segregation from other prisoners.
- **Lack of an adequate rehabilitation program**, including treatment plans and drug rehabilitation.
- **Lack of meaningful activities**, such as studies, work, outdoor exercise and leisure activities, particularly in the prison at Hólmsheiði which also serves as a reception-, pretrial- and women's prison.
- **Remunerations for work or pursuing studies are very low** and not conducive in encouraging prisoners to work/study. Furthermore, **per diem allowances are very low** and barely enough for necessities.

#### *Groups with specific needs*

##### Women:

- Less alternatives with regard to facilities when serving time: Only two prisons out of four accept women which results in sentences being to a large extent executed in the (relatively) high security environment at Hólmsheiði prison. The only open prison available to women (Sogn) has a mixed gender situation.
- Inadequate access to female healthcare staff and personal hygiene (menstrual) products.
- Inadequate facilities for mothers, with young babies, serving a sentence.
- Stereotypical work- and leisure-opportunities on the basis of gender.
- Lack of individual planning and appropriate drug rehabilitation program.
- Inadequate provision of information to female foreign prisoners, incl. on adequate menstrual products and access to psychological support.

##### Foreigners:

- Inadequate provision of information in a language they understand.

##### *Covid:*

Several times, during the pandemic, the prisons were subjected to a general visiting ban as well as a suspension of prisoners' days and family leaves. The Ombudsman pointed out that these measures lacked

sufficiently explicit legal basis. Moreover, there seemed to be no overall assessment as to prisoners' right to receive visits vs. the public interest of preventing infections. Furthermore, there were examples of quarantine and isolation being prolonged due to lack of access to testing, an issue that also involved the prison service's interaction with the health authorities.<sup>2</sup>

### Innovations and good practice

#### *The establishment of a mental health team*

The mental health team established in 2020 consists of psychiatrists, psychiatric nurses, nurses and clinical psychologists. Despite some setbacks, as partially mentioned above, the team has proved to be a valuable addition to the psychological services available to prisoners within the prison system. The team operates under the supervision of the health service of the capital region and is therefore separate from the Prison and Probation Administration in administrative terms. The team serves all prisons which have only to a very limited extent staff qualified to provide mental health services.

#### *One prisoner in each cell*

Overcrowding is generally not a problem and in all four prisons every prisoner has their own, relatively spacious, cell. Prisoners generally go through various steps when serving their sentences, with gradually less restrictions and lower security level requiring fewer staff. Thus most prisoners begin serving their sentence in a closed prison before having the possibility to move on to one of the two open prisons. After a open prisons the remains of the service may be served in a halfway house and finally by electronic surveillance. Shorter sentences may in some cases be served by doing community service.

Due to the limited capacity of the prisons with regard to the number of judgment debtors, some convicts, that are not considered an imminent threat to society, may have to wait for up to a few years to serve their sentence. This in turn may cause a considerable disruption in their lives when finally being summoned to begin serving their sentence.

#### *Good staffing in the closed prisons*

Staffing is generally sufficient in the two closed prisons, varying from 3,5 prisoner per staff during daytime on weekdays up to 10 prisoners per staff during night-time. Staffing in the two open prisons also seems generally adequate during daytime. However the Ombudsman has directed recommendations to the prison authorities regarding the low number of staff in the open prisons during night-time. Given the low number of

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<sup>2</sup> See good practice during COVID under „innovations and good practice“.

staff in these prisons it has also been pointed out that there is limited flexibility for staff to run errands outside of the prisons etc.

#### *Relaxed staff-prisoner dynamics*

In international context, staff-prisoner dynamics are generally relaxed in Icelandic prisons, particularly in the open ones. As noted above the Ombudsman has nevertheless pointed out that there is room for improvement with regard to increased presence of prison-guards in closed prison-wards.

#### *More skype-time for foreigners*

Due to the fact that many foreigners serving time in Iceland don't have a lot of family and friends around they get extra time on Skype. Nevertheless, the Ombudsman has directed recommendations to the prison authorities concerning the provision of information to foreigners in this regard.

#### *Increased access to phones, skype etc. during COVID*

During the pandemic, the prison authorities provided prisoners with cell phones with unlimited airtime, as well as increased access to Skype and extra visits and leaves, as far as possible, once restrictions were lifted.

For further information, reference is made to the following links for English summaries of the Ombudsman's prison reports:

- [Sogn Prison \(open prison\):  
https://www.umbodsmadur.is/asset/10081/opcat-sogn-english.pdf](https://www.umbodsmadur.is/asset/10081/opcat-sogn-english.pdf)
- [Hólmsheiði Prison \(reception, remand, and women's prison\):  
https://www.umbodsmadur.is/asset/10098/summary-holmsheidi.pdf](https://www.umbodsmadur.is/asset/10098/summary-holmsheidi.pdf)
- [Litla-Hraun Prison \(security ward\):  
https://www.umbodsmadur.is/asset/10158/english-litla-hraun-security-ward.pdf](https://www.umbodsmadur.is/asset/10158/english-litla-hraun-security-ward.pdf)
- [Kvíabryggja Prison \(open prison\):  
https://www.umbodsmadur.is/asset/10200/ua\\_opcat\\_kviabryggja\\_english.pdf](https://www.umbodsmadur.is/asset/10200/ua_opcat_kviabryggja_english.pdf)

I take this opportunity to wish you all success with your forthcoming report.

On behalf of the  
Althingi Ombudsman,



Elísabet Ingólfssdóttir  
Legal advisor, OPCAT monitoring unit

