

**Visit report**

**Sogn Prison**

**8-9 October 2019**

## Summary

The Althingi Ombudsman visited Sogn Prison in the municipality of Ölfus on the 8<sup>th</sup> – 9<sup>th</sup> October 2019. This was the Ombudsman's first visit to a prison on the basis of the OPCAT mandate.

The Prison and Probation Administration runs four prisons which are divided into open and closed prisons with different levels of security. Sogn Prison is an open prison within the meaning of the Execution of Sentences Act. Open prisons differ from closed prisons in that there is less surveillance of prisoners and more freedom. As a result, prisoners serving their sentences in open prisons must generally meet certain conditions and undergo rules that apply to such serving. Sogn Prison is an open establishment for all genders but the only open establishment for women. The average length of stay is about six to eight months.

The Ombudsman's visit brought to light various issues concerning the rights, material conditions and treatment of those detained in the prison which became the subject of recommendations in the report. Those recommendations are partly in accordance with previous findings of both the Ombudsman and multinational supervisory bodies concerning the operation of prisons in Iceland and their material conditions.

In the report it is emphasised that, although legitimate deprivation of liberty is inherently an interference with private and family life, prisoners nonetheless generally enjoy all other fundamental rights guaranteed by the European Convention on Human Rights. In other words, deprivation of liberty does not in itself provide an authorisation to interfere with the right to private life. In this regard, recommendations are put forth to Sogn Prison to review procedures when making decisions on disciplinary measures and breath, blood and urine tests. Furthermore, dissemination of information at the beginning of serving at Sogn Prison, on rules that entail implementation of prisoners' rights and obligations, needs to be improved. Finally, the recommendation is addressed to the Minister of Justice to establish rules on weapons, devices, and substances in prisons according to the provisions of the Weapons Act.

According to interviews with prisoners and staff at Sogn Prison they generally consider material conditions in the prison to be satisfactory, which is in accordance with the Ombudsman's observations. In this respect, however, recommendations are put forth on safety issues relating to conditions in solitary confinement and security detention, as well as on air quality and ventilation. Furthermore, the recommendation is put forth to the Prison and Probation Administration to consider whether the placement of women and men together in open prisons takes sufficient account of the circumstances, in particular as regards safety issues and needs of women.

The rehabilitation of prisoners and their reintegration into society after serving their sentence are among the objectives pursued in the Execution of Sentences Act. Education is generally considered to play a key role in the rehabilitation of prisoners and to contribute to their opportunities following imprisonment. Furthermore, prisoners shall be obliged, as circumstances permit, to work or pursue other approved activities in prison. Moreover, an appropriate selection of leisure activities, contact with the outside world and exercise in the open air are important factors in the well-being of prisoners. In the report, a recommendation is put forth to the Minister of Education, Science and Culture to consider whether there is a reason to revise the study opportunities available to prisoners, *inter alia*, taking into consideration whether it is possible to offer a greater variety of subjects, including vocational training and practical studies. Additionally, the Minister is requested to take the considerations put forth in the report into account in the work carried out by a working group on the re-evaluation of the content and framework of education for prisoners. Certain recommendations

are also put forth to the Prison and Probation Administration and Sogn Prison pertaining to visiting facilities and the provision of recreation and work.

When the Ombudsman's visit took place, it was not possible, given the shift arrangement at the time, to have a female prison warden on each shift. Furthermore, interviews with staff revealed that there was a lack of training, *inter alia*, in the use of force, responses to fire notifications and first aid and that opportunities were lacking to maintain such knowledge. In this respect, recommendations are put forth in the report concerning the composition of staff at Sogn Prison, staff training and the coordination of work procedures. Moreover, it needs to be considered whether current staffing arrangements take full account of the tasks needed to be carried out in the prison.

Prisoners are entitled to the same healthcare as other members of society, however, due to their situation they cannot access it on their own. During imprisonment, prisoners are under the supervision of prison authorities, which are therefore responsible for ensuring their access to adequate healthcare and wholesome conditions. According to information obtained during the visit, prison wardens administer medicines to prisoners. Prisoners pay for all dental services themselves, but the Prison and Probation Administration settles their bills and then deducts from their weekly fees according to each prisoner's circumstances. In this context, recommendations are put forth to the Prison and Probation Administration and Sogn Prison to prevent, as far as possible, that prison wardens and general staff carries out the work of healthcare practitioners, such as handing out medication. Furthermore, appropriate dental services must be ensured, irrespective of prisoners' financial means, and consistency must be maintained regarding reimbursement.

In the report, a recommendation is put forth to Sogn Prison to improve the dissemination of information to prisoners, so that they are promptly presented with a booklet with information on arrival to prison, as soon as they start serving their sentences at Sogn. Additionally, the booklet needs to be reviewed so that its information is correct and up to date with changes in the sources on which it is based. Furthermore, entries into prisoners' detention reports must be improved as well as registration relating to disciplinary measures. Moreover, information provided to foreign prisoners must be consistent with the legal provision of being in a language they understand.

Finally, the recommendation is put forth to Sogn Prison to ensure that prisoners receive adequate guidance on complaint procedures, including time limits for complaints, when disciplinary measures are applied.

The Ombudsman will continue to monitor the progress of these matters but requests that the Prison and Probation Administration, Sogn Prison, the Minister of Justice and the Minister of Education, Science and Culture inform him of their reactions to the report before 1 November 2021.

## Table of contents

1. OPCAT-monitoring of places where individuals reside who have been deprived of their liberty
2. Summary
3. Preparation and execution of the visit
4. General information on Sogn Prison
5. Legal basis
  - 5.1. Rules and regulations
  - 5.2. Applicable human rights provisions
  - 5.3. Other provisions concerning prisoners' rights
6. Serving a sentence at Sogn Prison
7. Use of force, disciplinary measures and other interferences with the right to private life
  - 7.1. General
  - 7.2. Use of force
  - 7.3. Disciplinary measures
    - 7.3.1. Legal basis
    - 7.3.2. Implementation
  - 7.4. Other interferences with the right to liberty and private life
  - 7.5. Recommendations
8. Conditions and environment
  - 8.1. General
  - 8.2. Conditions and environment at Sogn Prison
    - 8.2.1. General
    - 8.2.2. Accommodation
  - 8.3. The situation for female prisoners serving sentences in an open prison
  - 8.4. Social counselling and financial conditions
  - 8.5. Recommendations
9. Activities
  - 9.1. General
  - 9.2. Studies
  - 9.3. Work
  - 9.4. Leisure and recreation
  - 9.5. Visits
  - 9.6. Recommendations
10. Staff
  - 10.1. General
  - 10.2. Staffing
  - 10.3. Education and training
  - 10.4. Communication and atmosphere
  - 10.5. Recommendations
11. Healthcare
  - 11.1. General
  - 11.2. Healthcare at Sogn Prison
  - 11.3. Recommendations
12. Access to information, registration etc.
  - 12.1. Access to information
  - 12.2. Registration
  - 12.3. Foreign prisoners
  - 12.4. Recommendations
13. The right to have acts and decisions reviewed

- 13.1. General
  - 13.2. Appeals
  - 13.3. Complaints and observations
  - 13.4. Recommendations
14. Follow-up