

Thematic Report

Women in prison

**An examination of the facilities and conditions
of women serving time**

2023

**OPCAT monitoring of facilities where
persons deprived of their liberty reside**

Summary

This is the first thematic report of the Althingi Ombudsman on the basis of OPCAT monitoring of facilities where people deprived of their liberty reside. In it, attention is directed specifically at the facilities and conditions of women in prisons in Iceland and how the serving of sentences by this group compares with that of men. In preparing this report, the Ombudsman and his employees visited the prisons at Hólmsheiði and Sogn in February and March 2023 and interviewed female prisoners and staff.

Female prisoners are generally a small minority of the total prison population. In Iceland, the proportion has been around six percent in recent years. The report considers the special situation of female prisoners in the light of national and international research. In summary, this has indicated that their social status is generally worse than that of male prisoners.

The minority position of women in the penitentiary system in general tends to reduce their possibilities to avail themselves of a variety of alternatives in serving their time, and this can be of major significance for prisoners, for example, with regard to the location and level of security during their imprisonment. As things currently stand, female prisoners are only held in two of the four prisons run by the Prison and Probation Administration, Hólmsheiði Prison and Sogn Prison. In this connection it must be kept in mind that, in the case of men, Hólmsheiði Prison is generally used as a remand or reception facility, i.e. a short-term, high-security detention facility. In the case of women, however, it is utilised for long-term detention. In addition, women no longer have the option of serving time in Kviabryggja Prison, which for various reasons is regarded as desirable.

In the 2004 report of the Prison and Probation Administration and the 2007 report of a committee on the future operation of the prison at Litla-Hraun, proposals were made for improvements to the prison facilities for women, including by increasing the number of detention options and meeting their needs better. The latter report also referred to the importance of formulating a comprehensive strategy for the detention of female prisoners. The proposals presented in the two reports were not implemented. Furthermore, a comprehensive strategy for the detention of female prisoners has not been formulated and the current situation reflects the lack of an overall view of the issue.

The report discusses in more detail the facilities, services and security in the two prisons where women are held. Accommodation in Hólmsheiði Prison is characterised by a high level of security and limited services and support for prisoners. This raises questions about whether the prison is suitable as a long-term solution. In addition, the Ombudsman has previously drawn attention to the conditions in Sogn Prison; a maximum of three women can be housed there at any given time, along with eighteen men. The women are therefore always a small minority. This, together with other factors, may mean that women choose not to serve their sentences at Sogn, which in turn means that they must be held long-term at Hólmsheiði. In view of this, the recommendation is addressed to the Ministry of Justice and the Prison and Probation Administration, that they take the necessary measures so that female prisoners have in practice the same opportunities as male prisoners to serve time in an open prison under suitable conditions.

According to the Act on Equal Status and Equal Rights Irrespective of Gender, the government must work towards equal possibilities and opportunities for the genders in all areas of society. In this regard, it is appropriate to bear in mind that Icelandic equality rules prohibit not only direct discrimination, but also indirect discrimination, i.e. the conditions that arise when certain criteria or measures are in force, which seem neutral, but in practice treat individuals of one gender worse than another without objective reasons justifying such a difference.

Facilities in prisons where women are placed must take into account their special needs. In the report, recommendations are addressed to the prisons at Hólmsheiði and Sogn to ensure the access of female prisoners to adequate menstrual products and to ensure that access to the products is arranged so that it is not awkward for the women to request them. The suggestion is also addressed to Hólmsheiði Prison to look for ways to enable the outdoor area of the women's section to be better utilised during the winter months.

The infrastructure of the prisons does not appear to meet the needs of young children who may be staying with their mothers during their sentences. Therefore, the recommendation is addressed to the Prison and Probation Administration that they consider whether the conditions in Icelandic prisons are acceptable for prisoners with young children serving sentences and, as appropriate, ensure that there is a formal and clear response plan that covers what actions need to be taken for this purpose.

It is generally assumed that work and study can play an important role in the rehabilitation of prisoners and improve their chances to get back on their feet after prison. In the prisons at Hólmsheiði and Sogn, the possibilities for work are considerably less than, for example, at Litla-Hraun, and the work offered to women is mostly limited to handicrafts and cleaning. Therefore, the recommendation is addressed to the Prison and Probation Administration and the two prisons that they seek ways to increase employment options for female prisoners, with the objective of ensuring that the jobs offered to them are not limited to traditional women's work. The recommendation is also addressed to the Minister of Education and Children's Affairs, in consultation with the Prison and Probation Administration and the prisons, that they examine whether it is possible to improve the education of female prisoners, especially in Hólmsheiði, with a view to possibly offering on-site instruction and vocational training and in other respects increasing the variety of studies available to prisoners. The suggestion is also addressed to Hólmsheiði Prison to follow up on plans to promote organised activity for female prisoners.

A large proportion of female prisoners in Iceland struggle with serious substance abuse problems. In the prisons at Hólmsheiði and Sogn, prisoners are not offered places in a substance-free section. Furthermore, no treatment representative is permanently located there. In view of the circumstances, the only conclusion is that women are the group within the penitentiary system that receives the least help in getting a handle on their substance problem. Bearing this in mind, the recommendation is made that the Prison and Probation Administration and the two prisons improve their treatment work aimed at women, e.g. by increasing the involvement of professionals, and the suggestion is also made to the Administration that it seek ways to enable those female prisoners who need this, just like male prisoners, to be housed in a substance-free area if they meet the conditions for this.

The goal of a so-called treatment plan is to assess the prisoner's need for support and services and to work towards a successful integration into society after serving time. While there is no statutory obligation for the Prison and Probation Administration to prepare a treatment plan for each individual prisoner, according to the Execution of Sentences Act, the institution is to prepare such a plan in cooperation with prisoners if this is deemed necessary by its experts. In other words, a certain assessment of the necessity of such a plan is expected. According to information from the institute, however, the in-house criterion for this is that a prisoner has received a sentence of five years or more for a violent or sexual offence or a sentence for an offence against a child. As it is rare for women to receive sentences for the aforementioned crimes, as a result, the majority of female prisoners do not meet the said criteria. This must make it likely that the current arrangement is more detrimental to women in prison than to men in the same situation. Therefore, the recommendation is addressed to the Prison and Probation Administration that it cease applying only general criteria when deciding on the making of a treatment plan and instead also assess its necessity based on individual factors, in accordance with the requirements of the Execution of Sentences Act.

The report suggests that Sogn Prison and the Prison and Probation Administration try to arrange the gender composition of prison staff in such a way that it is generally possible to have both male and female staff on duty at all times. The recommendation is also addressed to the two prisons to have male prison guards show discretion to female prisoners during regular checks, e.g. by knocking and giving sufficient notice before opening doors. The suggestion is also directed to the prisons to arrange the work of prison guards in general so that male prison guards do not enter the women's wards without being accompanied by a female prison guard.

Mixed-gender prisons can threaten the safety of female prisoners, and therefore this is an issue that needs special attention. Due to the conditions in Sogn Prison gender mixing is unavoidable, but female prisoners are a small minority there. The recommendation is therefore addressed to the Prison and Probation Administration and the Ministry of Justice that they consider whether sufficient consideration is given to the situation, safety and needs of women by holding women and men together in the prison under the current conditions.

Prisoners have the same right to health care as others in society, even though they naturally cannot seek services on their own. The report suggests that an examination be made as to whether it is possible to accommodate female prisoners who wish to be cared for by a health worker of the same gender. It also discusses the importance of female prisoners having easy access to cancer screenings and the suggestion is addressed to the prison at Hólmsheiði and the Prison and Probation Administration that they ensure that notification of such screenings reach them quickly and securely.

Female foreign prisoners rarely accept the psychological services offered to prisoners. This is partly explained by the fact that some of the women did not know that the service was available to them. The suggestion is made to the two prisons and the prisons' mental health team that they improve the provision of information to foreign prisoners about the psychological and mental health services available to them.

Foreign prisoners are often at a disadvantage compared to other prisoners, for example, due to challenges related to language, culture, distance from home and lack of a network in the country of detention. When the Ombudsman visited Hólmsheiði Prison, a large number of the women placed there were of foreign nationality. The report directs the recommendation to the prison authorities to always provide an interpretation service when prisoners arrive who do not understand Icelandic or English so that information can be communicated effectively, to improve generally the provision of information to foreign prisoners and to ensure that prisoners do not interpret for each other when it comes to sensitive private matters or information concerning their rights or obligations. The suggestion is also made that Hólmsheiði Prison seek ways to increase foreign prisoners' access to leisure material in a language they understand. According to information from Hólmsheiði Prison, foreign prisoners have more extensive access to video calls than other prisoners due to the distance from family and friends. However, from the interviews with prisoners, it could be concluded that this group was not always aware of this. Therefore, the recommendation is addressed to the prison to make sure that foreign prisoners are always informed that they have increased access to video calls.

Women who serve time in prisons with men are more vulnerable to violence or harassment by fellow inmates than those who serve time in women's prisons. It was noted that there is no response plan in prisons where women are detained in the case of incidents where there is suspicion of violence or harassment towards inmates, and the recommendation is made to the Prison and Probation Administration that this be rectified. The suggestion is also directed to the Prison and Probation Administration that it consider whether education about the special needs of female prisoners should be given a more important place in the curriculum of the Prison Guard School.

In consideration of all the above, the Ombudsman's conclusion is that the arrangements for female prisoners to serve their sentences in Iceland are generally conducive to making their position worse than that of males. The reasons are largely the result of fewer imprisonment options and the fact that women may be kept long-term in Hólmsheiði Prison, as the prisons at Litla-Hraun and Kvíabryggja are only intended for men. However, the poorer position of women is also reflected in the fact that, in many cases, their special situation when serving their sentences has not been taken sufficiently into account.

The Ombudsman will continue to monitor the development of these issues, but requests that authorities to whom recommendations and suggestions are directed report on their responses to the report no later than 1 February 2024.

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