

Visit Report

**Stuðlar, the State Diagnostic and Treatment Centre
for Juveniles
Emergency Unit**

3 November 2023

8-9 February 2024

14 October 2024

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

Summary

The Althingi Ombudsman visited the Emergency Unit of Stuðlar, the State Diagnostic and Treatment Centre for Juveniles, on 3 November 2023, 8 and 9 February 2024 and 14 October 2024. This was the Ombudsman's second monitoring visit to the Unit on the basis of the OPCAT mandate, the first having taken place in 2018.

The Diagnostic and Treatment Centre Stuðlar, operated by the National Agency for Children and Families, is a facility for children aged 12 to 18 years. The purpose of the Stuðlar Emergency Unit is to ensure the safety of children, e.g. in cases of severe alcohol and drug use, behavioural problems, unsolved crimes, violence, homelessness or disruptive behaviour. This is a temporary measure, aimed at stopping undesirable behaviour while child protection authorities prepare other solutions. The maximum length of stay of a child in the Unit is 14 days, except in certain exceptional cases and then based on a ruling by the District Council for Child Protection or a judge.

The Ombudsman's previous report on a visit to the Stuðlar Emergency Unit stated that regulations, based firstly on the fourth paragraph of Art. 79 of the Child Protection Act, No. 80/2002, on the establishment and general operation of homes and institutions for which the state is responsible, and secondly, on the 2nd paragraph of Art. 80, regarding the cases where child protection services may directly contact a home or institution for the placement of a child, had not been issued, and a recommendation in this regard was addressed to the Minister. The Ombudsman's investigation following the current visit revealed that still no action has been taken. The recommendation is therefore addressed to the Minister that if changes to these provisions are not anticipated, in the comprehensive review of the Child Protection legislation underway, the wishes of the Althingi regarding the enactment of the regulations should be acted upon.

If a child is placed in the Emergency Unit of Stuðlar for longer than 14 days, without the placement being based on a ruling by the District Council for Child Protection or a judge or direct statutory authorisation, this constitutes deprivation of liberty without legal authority. During the Ombudsman's visit, it was noted that there were examples of the placement of children exceeding the maximum time permitted. The recommendation is made to the National Agency for Children and Families and the Emergency Unit, as appropriate in consultation with the Ministry of Education and Children, that they prevent children being accommodated for longer than 14 days without satisfactory authorisation.

The rights of the child and the use of coercion in homes and institutions under the responsibility of the state are discussed in Art. 82 of the Child Protection Act. In the previous report, the Ombudsman made suggestions and recommendations to the Minister that proposals be made for amendments to legislation aimed at better ensuring in this regard the legal status of children who are deprived of their liberty and placed in homes or institutions under the responsibility of the state. In the first phase of the comprehensive review of the Child Protection Act, no changes have been made to the authorisations concerned, and therefore the suggestions and recommendations from the previous report are reiterated.

The previous report on the visit to the Emergency Unit pointed out that the children's mouths were routinely examined in order to prevent them from concealing medicines. During the Ombudsman's visit, it was revealed that children's mouths were still being examined in the Unit following the administration of medication. Therefore, it is reiterated, as stated in the previous report, that an examination of the mouth is considered a body search and is generally not permitted without a specific reason and that proportionality must be observed in such action.

In connection with the confinement of children in a security room, the recommendation is directed to the Emergency Unit that this measure should only be used under constant supervision, as stipulated in the operating procedures. This is based, among other things, on the view that the furnishing of the security room is such that it is not excluded that dangerous situations may arise for children who struggle with self-harming behaviour.

Interviews with staff and children in the Emergency Unit indicated that children did not have the opportunity to converse by telephone with relatives, the National Agency for Children and Families, child protection personnel, the Althingi Ombudsman, lawyers, or their spokespersons in a situation where privacy was guaranteed. Therefore, the recommendation is directed to the National Agency for Children and Families and the Stuðlar Emergency Unit that they ensure, with a review of these practices, the rights of children in connection with telephone calls.

Situations may arise at Stuðlar Emergency Unit where children are subjected to physical coercion. The report states that 15 such incidents were recorded over a two-year period. The report makes various recommendations to the National Agency for Children and Families and the Stuðlar Emergency Unit regarding the use of physical coercion, for example, that procedures are followed to ensure that an employee is not involved in coercion alone except in an emergency, and that procedures must provide for a medical examination following the use of coercion if it results in injury.

The report refers to video surveillance in the Stuðlar Emergency Unit. Among other things, the recommendation is made that the Unit set up notifications regarding video surveillance and ensure clear procedures for the deletion of footage so that potentially significant data is not lost.

The Stuðlar Emergency Unit accommodates children of a wide age range who struggle with a variety of problems. In the opinion of the Ombudsman, the premises that currently house the Unit do not offer sufficient possibilities to separate children if necessary. It is directed to the Minister of Education and Children to ensure that the premises of the Stuðlar Emergency Unit at all times meet the requirements for its operation and take into account their scope. The suggestion is also made to the Stuðlar Emergency Unit that it make certain improvements to the Unit's facilities and consider the maintenance of its outdoor area.

According to interviews and available data, children may be denied daily outdoor activities due to manpower shortages and/or the workload of the Unit. In this regard, the suggestion is made to the National Agency for Children and Families and Stuðlar Emergency Unit that they seek ways to ensure that children have access to outdoor activities every day, regardless of the circumstances in the Unit.

The Stuðlar Emergency Unit is not a healthcare institution and does not provide healthcare services. However, a large proportion of the children staying in the Unit may need such services. The Ombudsman's previous report on the visit to the Emergency Unit raised objections to children not being given a medical examination at the beginning of their stay, as required by international standards relating to children deprived of their liberty. The recommendation is now reiterated that the Minister of Education and Children and the Minister of Health, with the involvement of the National Agency for Children and Families and Stuðlar Emergency Unit, that they consider a solution to ensure that children in the Emergency Unit are guaranteed a general health check upon arrival. The recommendation in the previous report to the same parties is also reiterated, that ways be sought to prevent, as far as possible, employees who lack healthcare training from performing the duties of healthcare

professionals, such as general medication administration and monitoring of children who are at risk due to substance use.

The visit revealed that the number of children with mental health problems in the Emergency Unit has increased in recent years. According to the Unit's staff, in some cases, there were children who needed specialised treatment but were placed in the Emergency Unit due to a lack of appropriate resources. The report draws the attention of the Minister of Education and Children, who is responsible for homes and institutions for which the state is responsible, and the Minister of Health, who is responsible for healthcare services for children residing there, to the situation of these children.

The authorities are required to record information in the handling of cases where decisions are made about an individual's rights or obligations, if this is significant for the resolving of a case and is not found in other case records. The Ombudsman's examination revealed that records in connection with coercive measures taken in the Unit were not always adequate, and the recommendation is made that the Stuđlar Emergency Unit pay attention to these issues. The recommendation was also directed to the Emergency Unit and the National Agency for Children and Families that they ensure that recording of medication is systematic, reliable and accurate.

In the Ombudsman's previous report on a visit to the Stuđlar Emergency Unit, comments were made that children only received verbal information about their rights upon arrival at the Unit. The current visit revealed that a brochure had been prepared for children in the Unit, containing information about their rights. From interviews with children and staff, it could be concluded that the brochure was not always given to children upon arrival at the Emergency Unit, and therefore the recommendation from the previous report in this regard was reiterated.

The report discusses, among other things, the possibility for children in the Emergency Unit to file complaints and appeals to the competent authorities. Since the Ombudsman's last report was published, changes have been made in the administration of welfare matters that have, among other things, affected the complaint and appeal channels available. The Ombudsman's examination revealed that, following the changes, some uncertainty has prevailed about the mandate of the authorities tasked with handling complaints and appeals from children in emergency care. In light of the discussion in the report, the recommendation is made that the Minister of Education and Children set more detailed rules on the right of children and their parents to appeal decisions on the restriction of rights and the use of coercive measures to the Welfare Appeals Committee, in accordance with the applicable statutory obligation.

In October 2024, the Ombudsman's staff made an unannounced visit to the Stuđlar Emergency Unit following the discovery of discrepancies between the information provided to the Ombudsman, in comments by the National Agency for Children and Families on the Ombudsman's draft report, and the actual practice that the Ombudsman's staff witnessed during their visit. The information related to video surveillance in one of the Unit's placement rooms which apparently originated from the Stuđlar Emergency Unit. This matter was therefore examined more closely during the unannounced visit. In light of the information that emerged there, the recommendation is directed to the Stuđlar Emergency Unit that it always provide correct and accurate information to the authorities responsible for child protection and supervisory bodies, such as the Althingi Ombudsman.

During the Ombudsman's visit in October, further concerns arose regarding the operations of the Emergency Unit. Firstly, questions arose regarding the registration, safe storage, and disposal of drugs removed from children's possession upon their arrival at the Emergency Unit. The recommendation is therefore directed to the Stuđlar Emergency Unit and the

National Agency for Children and Families that they ensure that the framework for these issues is adequate, including through formal procedures. Secondly, interviews with children who were being held at the time of the visit indicated that the recording of items taken from them upon arrival could be inadequate, and the suggestion that this be improved is therefore conveyed to the Stuđlar Emergency Unit.

The Ombudsman will continue to monitor the development of these issues, and requests that the Stuđlar Emergency Unit, the National Agency for Children and Families and the ministries to whom recommendations are directed give an account of their response to the report by 1 July 2025.

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