

Visit report

**Hólmsheiði Prison
Remand custody**

13-15 January 2020

Summary

The Althingi Ombudsman visited and inspected Hólmsheiði Prison on 13 – 15 January 2020 as the Icelandic body responsible for carrying out surveillance pursuant to the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The Ombudsman's focus during the visit was the detention of remand prisoners.

Hólmsheiði Prison is a closed prison within the meaning of the Parliamentary Act on the Execution of Sentences. It is defined as a reception prison as well as a women's and remand prison. Remand prisoners are generally detained at Hólmsheiði Prison but may exceptionally be placed in other prisons. Over one year, the average number of days in solitary confinement as part of remand custody was just over nine and a maximum of 33 days. The average number of days in remand custody outside of solitary confinement was just over 62 and a maximum of 423 days. During the Ombudsman's visit 13 remand prisoners were detained at Hólmsheiði, including seven women and six men. The genders are separated but remand prisoners are generally accommodated amongst prisoners serving sentences.

The Ombudsman's visit brought to light various issues concerning the rights, material conditions and treatment of those detained. The report's recommendations are partly in line with previous findings of the Ombudsman and international 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 enjoy fundamental rights guaranteed by the European Convention on Human Rights. It follows, *inter alia*, that deprivation of liberty inherent to imprisonment does not in itself provide an authorisation to interfere with the right to private life. In this regard, recommendations are put forth to Hólmsheiði Prison to ensure that the practice of accommodating remand prisoners together with those serving sentences does not automatically result in deprivation of the rights remand prisoners might – depending on public safety concerns and interests pertaining to the investigation – enjoy, such as access to electronic communication equipment. Furthermore, it is found necessary to review procedures when making decisions on placing prisoners in a security cell as well as decisions relating to prison cell searches, body searches, and physical examinations. In this regard, due consideration should be given to the need of individual assessment in accordance with the principle of proportionality and human rights. Additionally, body searches should be conducted in separate steps. The report also puts forth recommendations with regard to prisoners' privacy when using telephones. Finally, a recommendation is addressed to the Minister of Justice as concerns the need to issue rules on weapons, devices and substances in prisons according to the provisions of the Weapons Act.

Interviews at Hólmsheiði Prison revealed that prisoners and staff generally consider material conditions in the prison to be satisfactory. This is also in line with the Ombudsman's own assessment. In this respect, however, certain recommendations are put forth concerning the conditions in prison cells with the aim of improving safety and allowing prisoners in solitary confinement to keep track of time. Furthermore, recommendations are put forth pertaining to air quality and ventilation and the right of remand prisoners to have themselves provided with and receive food.

The report emphasises the importance of security measures being multi-pronged, not solely relying on physical or technical means but also on personal contact and general knowledge of the institution's operation (dynamic security). On this basis, recommendations are made with

regard to the frequency of equipment failures, blind spots in the camera system and an increased presence of staff in the prison wards. Furthermore, a recommendation is put forth relating to the procedures for responding to violent incidents and the staff's instructions concerning such procedures.

Adequate activities are essential to the welfare of prisoners, whether they are on remand or serving sentences, in particular since a certain proportion of remand prisoners stay at Hólmsheiði Prison for some time. The report recommends daily routines to be reviewed so that prisoners do not miss out on physical training or outdoor activities due to work or studies and that prisoners in solitary confinement are able to exercise on a daily basis, provided that they are fit to do so. Furthermore, prisoners who are studying should have equal access to appropriate study facilities, irrespective of gender. A recommendation is addressed to the Minister of Education, Science and Culture, the Prison and Probation Administration and Hólmsheiði Prison concerning the study opportunities available to prisoners, *inter alia*, querying whether it is possible to offer on-site studies as well as a greater variety of subjects. Certain recommendations are also addressed to the Prison and Probation Administration and Hólmsheiði Prison pertaining to the availability of recreation and work.

Work conditions in prisons can be challenging and it is important that the education and training of staff takes this into account. In the report, recommendations are put forth concerning the education of staff and their training in relation to first aid and the use of force. Furthermore, it needs to be considered whether current staffing arrangements take full account of all tasks carried out in the prison.

Although prisoners cannot access healthcare on their own, they are nevertheless entitled to the same healthcare as other members of society. During imprisonment, prisoners are under the supervision of prison authorities, which are therefore responsible for ensuring their access to adequate healthcare and conditions. In this context, recommendations are put forth to the Prison and Probation Administration and Hólmsheiði Prison concerning the possibility of allowing prisoners to submit requests to healthcare practitioners first-hand. Furthermore, it is considered necessary to review the practice of removing prisoners from registration lists for medical interviews, with reference to the request being unfounded. Moreover, medical examinations of prisoners must be carried out as required by law and procedures must be in place on how to channel information on injuries detected on prisoners. In accordance with recommendations put forth in the Ombudsman's report on Sogn Prison, the Prison and Probation Administration and Hólmsheiði Prison are advised to prevent, as far as possible, that prison wardens and general staff carry out the work of healthcare practitioners, such as handing out medication, and that prisoners are provided with appropriate dental services, irrespective of their financial means. Additionally, the recommendation is put forth to the Minister of Justice to examine whether there is a reason to prescribe by law a duty of notification of healthcare practitioners in relation to injuries they detect on prisoners, so that their duty of confidentiality does not preclude such notifications.

In the report, a recommendation is put forth to Hólmsheiði Prison regarding the dissemination of information to remand prisoners at the initiation of their detention – particularly to prisoners of foreign origins and prisoners to be placed in solitary confinement – and the provision of information on rules that may affect prisoners' rights and obligations. Recommendations are also addressed to the prison regarding linguistic interpretation when notifying adverse decisions and the registration of such decisions as well as incidents where force is used. Additionally, a recommendation is put forth to the prison to ensure that custody forms for remand prisoners contain adequate information.

Finally, recommendations are put forth to Hólmsheiði Prison relating to information on appeal possibilities and redress with regard to complaints and observations made by prisoners.

For the purposes of monitoring the matters raised in the report, the Ombudsman requests that the Prison and Probation Administration, Hólmsheiði Prison, the Minister of Justice and the Minister of Education, Science and Culture inform him of their reactions before 1 December 2021.

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