

Visit Report

Kvíabryggja Prison

22-23 March 2022

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

Summary

The Parliamentary Ombudsman visited Kvíabryggja Prison on 22 and 23 March 2022 for an OPCAT inspection. This was furthermore the first OPCAT visit by the Ombudsman where the exact arrival time was not announced in advance.

The Prison and Probation Administration operates four prisons in Iceland, including both open and closed prisons with varying levels of security. Kvíabryggja Prison is an open prison, as defined in the Act on the Execution of Sentences, and is generally only intended for men. In open prisons, prisoners are under less strict supervision and have more freedom than in closed prisons. As a result, prisoners serving time there generally have to meet certain conditions and comply with the rules that apply to serving time in this manner. The average length of stay in the prison during the 12-month period reviewed by the Ombudsman before the visit was about five months. During the time of the Ombudsman's visit, 20 men were serving time in the prison.

The report emphasises that, although legitimate deprivation of liberty is by its very nature a restriction on private and family life, prisoners nevertheless generally should enjoy all other fundamental rights in other respects, including the right to respect for private life. In this regard, it is pointed out to the Prison and Probation Administration and the Kvíabryggja Prison that they are to ensure that searches in prisoners' rooms are carried out in accordance with statutory provisions.

During the Ombudsman's visit, it was learned that prisoners were generally satisfied with the conditions in the prison. However, from the appearance of the buildings and conversations with staff and prisoners, it could be concluded that maintenance of the prison premises is long overdue, *inter alia*, to ensure healthy conditions. The report therefore presents recommendations and suggestions for general maintenance and improvements, as well as concerning the lack of facilities for visits and interviews. In addition, the recommendation is directed to the Prisons Administration and Kvíabryggja Prison to ensure the uninterrupted operation of the prison in the event of a power outage. Finally, suggestions are made concerning the financial circumstances of prisoners, as well as arrangements for payment on shopping trips.

During the Ombudsman's visit, it was learned that women are generally not offered the option of serving time at Kvíabryggja, as the premises are not considered suitable for having the sexes interned together, especially with regard to the safety of female prisoners. It was evident from the visit, however, that Kvíabryggja is considered a desirable place of detention, and therefore questions were raised about whether such a lack of facilities resulted in women lacking the option of serving their prison sentences in sought-after facilities. The report notes that the majority of prisoners are men and that the penal system is largely designed with this in mind. The different situation of women and men in prisons in Iceland could therefore give cause for the Ombudsman to examine this specifically, as has been done, for example, in Norway.

Underlying the Act on Execution of Sentences are, *inter alia*, perspectives on helping prisoners to reform and actively participate in society after serving their sentences. It is generally assumed that education can play a key role in the rehabilitation of prisoners and contribute to better opportunities for them to prosper in life after prison. In addition, prisoners have the right and

obligation, depending on the circumstances, to do work or other approved activities in prison. Although prisoners at Kvíabryggja can take distance learning courses at the comprehensive school Fjölbrautaskóli Snæfellinga, only one prisoner was studying when the Ombudsman's visit took place. In previous visits by the Ombudsman, it was noted that distance learning is generally not suitable for prisoners. During the visit to Kvíabryggja, it was learned that experiments with on-site study had given good results, but had ceased due to lack of funding. Most of the prisoners do some kind of work, but its availability is more limited in the winter than in summertime. From interviews with prisoners and staff, it could be concluded that rehabilitation programmes in the prison are generally unsatisfactory. The Ombudsman's report refers to the government's actions in this regard, including the recent report of the steering group on prisoners' affairs proposing reforms in treatment and rehabilitation policy, as well as the latest report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In that connection, recommendations are directed to the relevant ministers to follow up on those actions.

Inadequate staffing in prisons affects the ability of staff to interact directly with prisoners. It can also create insecurity and the risk of staff working overtime, which creates tension in the prison environment. The general suggestion is made in the report that it is necessary to assess whether staffing in the prison is adequate, including during night shifts. In interviews with staff it was learned that there was a lack of training and continuous education on the use of force and first aid. The recommendation is made to Kvíabryggja Prison that it maintain the expertise and training of its staff in this regard regularly.

Prisoners are entitled to the same health care as other persons in the society, but naturally do not have the same opportunities to obtain it themselves. While they are serving their sentences, prisoners are on the responsibility and under the supervision of the Prison and Probation Administration, who are responsible for ensuring prisoners have access to satisfactory healthcare and healthy facilities. In this regard, the recommendation is addressed to Kvíabryggja Prison to ensure that all prisoners are, immediately at the beginning of their placement, informed about access to healthcare, including the possibility of a medical examination at the start of their internment.

From interviews with prisoners, it could generally be concluded that dental costs were burdensome and even prevented them from seeking necessary dental care, especially given the limited income they could earn. Both the CPT and the Ombudsman have previously pointed out in their reports that prisoners' access to dental services is not considered adequate if the prisoners' financial situation determines it. In this regard, the recommendation is addressed to Kvíabryggja Prison and the Prison and Probation Administration that they ensure that all prisoners have access to necessary dental care, regardless of financial means.

According to interviews with staff at Kvíabryggja, mental health services in the prison have improved greatly with the introduction of a mental health team that was established in 2019. This also accords with information obtained by the Ombudsman on other prison visits. In general, the prisoners at Kvíabryggja who were interviewed seemed to have access to mental health services. However, visits by support service providers to the prison are mentioned in the report, as they have turned out to be fewer than in other prisons. With reference to this, suggestions are directed

to the Kvíabryggja Prison and the Prison and Probation Administration to examine whether the access of prisoners at Kvíabryggja to direct support services is poorer than that of other prisoners.

Effective monitoring and complaint mechanisms are fundamental measures to prevent inhumane treatment in prisons. In this regard, the recommendation is directed to Kvíabryggja Prison to provide adequate guidelines on appeals in the case of administrative decisions subject to appeal, and that decisions or other case documents indicate that care is taken to do so. The content and handling of complaints should also be recorded, they should be directed to proper channels and prisoners should be instructed on appeal channels when they exist. Furthermore, it must be ensured that the provision of information to foreign prisoners accords with the legal requirement that this be in a language that the person understands.

Finally, the report refers to the restrictions on visits to the prison during the corona virus epidemic. The legal basis for such restrictions is discussed and it is emphasised that rights to private life, such as the right to visits, can only be restricted by law. Although the Ombudsman understands that the decisions of the prison authorities during the epidemic were taken in unprecedented circumstances, nevertheless care must be taken to have satisfactory statutory authorisation for such restrictions, and a suggestion to that effect is made to the Minister of Justice. At the same time, the recommendation is directed to the Prison and Probation Administration to take note of statutory requirements on the legality, necessity and proportionality of restrictions and interventions towards prisoners in such circumstances. Care must also be taken to have satisfactory information provision to prisoners and their relatives regarding epidemic measures, including complaint and appeal channels.

The Ombudsman will continue to monitor the development of these issues, but requests that the Prison and Probation Administration, Kvíabryggja Prison and the Ministers of Justice, Social Affairs and Education provide an account of actions taken in response to the report by 1 March 2023.

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