

# **Visit Report**

## **Emergency Placement of Children at the Flatahraun Police Station**

**12 December 2024**

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

## Summary

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. Since November 2024, part of the activities of the Stuðlar Emergency Unit have been carried out at the police detention centre at Flatahraun in Hafnarfjörður. The premises are temporary, and result from a lack of space in the Stuðlar premises at Fossaleynir, which was damaged in a fire in October last year.

The Ombudsman visited the facility provided by the Stuðlar Emergency Unit in the Flatahraun police detention centre on 12 December 2024. In connection with the visit, children who had experienced placement at the police station were also interviewed, together with employees of Stuðlar and the National Agency for Children and Families.

Four children can be held in the detention centre at a time. During the period from 8 November 2024 to 4 February 2025, 25 individual stays were recorded at the facility. The children who were placed there during this period were between 13 and 17 years old. Their stays usually lasted for one and a half to two days, although there were instances of longer stays of up to six days.

In the opinion of the Ombudsman, all the premises and environment at the facility indicate that these are police holding cells. There may also be a risk that coercion and other onerous interventions could be used to a greater extent at Flatahraun, in light of the strong emphasis placed on security in the placement there. The Ombudsman's conclusion is that when the environment and facilities of the premises as a whole are considered, the restrictions on the children's rights that may result from the placement and their vulnerable position in other respects, the only conclusion must be that Flatahraun is not a suitable place for the detention of children. The recommendation that the placement of children in the Flatahraun detention centre should be reviewed is addressed to the National Agency for Children and Families and the Minister of Education and Children.

In light of the fact that it is not within the competence of the Althingi Ombudsman to stop the use of the facility and the fact that it is currently in use, although the intention is to close it before the end of next month, there is good reason to discuss the conditions at Flatahraun and the activities of the Emergency Unit there and to direct suggestions and recommendations to the appropriate authorities in this regard. It is pointed out especially that the Ombudsman's suggestions and recommendations can be taken into account when choosing emergency placement facilities and their operation in the future.

The facility used by Stuðlar at Flatahraun has the appearance of a traditional police detention centre and all the facilities indicate that it is a space specially designed for the detention of adults at a high level of security. The premises have no windows, clocks or mirrors. Both the sleeping and sanitary facilities are basic and impersonal. The Ombudsman also noted that there was no signage in the area indicating that it was a facility of the Stuðlar Emergency Unit and not a police detention centre. Recommendations for improvements in these areas are directed to the Stuðlar Emergency Unit and the National Agency for Children and Families.

In homes and institutions operating under state auspices children are, among other things, to be guaranteed the right to communicate with others, as appropriate to the child's age and maturity,

and to the extent that is consistent with the purpose of the placement. Accommodation at Flatahraun involves more limited interaction with both peers and staff than accommodation at Stuðlar at Fossaleynir. As a rule, children who had been placed at Flatahraun were alone during their placement and were not allowed visitors at the facility. The recommendation is directed to the Stuðlar Emergency Unit that an individual assessment be made of the need for restrictions on the children's interactions with, for example, relatives. Special emphasis should also be placed on increasing communication between staff and children, especially if they are staying there alone, i.e. without other children being placed there at the same time, and/or for a longer period of time.

The practice of placement at Flatahraun raises questions about whether in some cases, i.e. when a child is placed alone or separated from another child or children, the placement may in fact involve isolation or separation, without this being applied in compliance with the laws and procedures governing such coercive measures, such as the conditions for their application and registration. The recommendation is directed to the Stuðlar Emergency Unit and the National Agency for Children and Families that they consider these issues and ensure that isolation or separation is not applied unless the aforementioned conditions are met.

Following the fire at the Stuðlar Emergency Unit, in some cases more thorough body searches of children are now being carried out than before due to safety considerations. The visit revealed, among other things, that children may be asked to remove all clothing except underwear during a body search. The report emphasizes that although the considerations behind the changed practice may be objective, it must be kept in mind that, since this comprises a coercive measure, a body search should only be carried out in accordance with what is prescribed by law and when necessary.

Video surveillance is used in two of the detention cells and in common areas. The report discusses video surveillance with reference to privacy considerations and rules on electronic surveillance, such as on information disclosure in connection with such surveillance. The recommendation is made to Stuðlar Emergency Unit and the National Agency for Children and Families not to place children in cells where video surveillance is used unless absolutely necessary. One aspect of this involves assessing whether less stringent measures can be used than video surveillance, such as regular checks or the presence of staff. Similarly, recommendations are directed to the same parties to have signage about video surveillance in monitored areas of the Emergency Unit and to notify children staying there verifiably of the video surveillance in specific areas of the Emergency Unit and provide them with relevant information in clear and simple terms.

Few of the children interviewed in connection with placement at Flatahraun said that they had received information about the facility, the placement there, or their rights relating to it upon their admission. Recommendations from previous reports by the Ombudsman to Stuðlar Emergency Unit and the National Agency for Children and Families are reiterated, that they ensure that children are provided with written information about their rights, where appropriate, in conjunction with information presented orally, in language appropriate to their maturity and situation.

It is the Ombudsman's position that, in light of the condition of the children staying at Flatahraun and their situation in other respects, including their young age and how onerous the facility is, it appears unlikely that without the assistance of a spokesperson or attorney they can realistically exercise their rights, including raising objections, complaining about their placement or appealing decisions. The Ombudsman has already, in previous reports on OPCAT monitoring, made

recommendations to local authorities to ensure that children have a realistic opportunity to express their views in matters concerning their out-of-home placement. The suggestion has also been made to the Minister of Education and Children to consider whether children's right to the assistance of a spokesperson or other rights protection is sufficiently guaranteed in these cases. In view thereof, it is considered sufficient for now to monitor the response to those recommendations and the actions that the government sees reason to take in connection with them.

The final section of the report discusses the facility and the implementation of placement with regard to children's rights. It refers, for example, to the impact deprivation of liberty has on children and emphasizes that when deprivation of liberty proves unavoidable, emphasis should be placed on ensuring the utmost humanity and respect for human dignity during the deprivation of liberty. It also addresses issues concerning the legal safeguards for children held at Flatahraun and the practice of holding a child in a place that has an obvious connection to police operations.

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