

Women in Prison: Iceland

Analysis from the National Preventive Mechanism

| July 2024



Iceland



UNCAT Ratification	OPCAT Ratification
23 October 1996	20 February 2019
National Preventive Mechanism (NPM)	
Althingi Ombudsman (Parliamentary Ombudsman)	
NPM legal framework	NPM operationalisation
Amendments to Althingi Ombudsman Act no. 85/1997 (13 December 2018)	Since 2018
NPM structure	NPM composition
Specific unit within the Althingi Ombudsman	4 staff members (4 women)

I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Foreign women	Total number of women’s prisons	Women staff in women’s prisons
132	8	2	36%
Women in prison (total)	Foreign women	Mixed prisons with special unit for women ¹	
11 8.6%	81	1	
Women on remand	Pregnant women	Women-only prisons	
6	1	0	
	Women with children in prison		
	0		
	Women with disabilities		
	0		
Source: Prison and Probation Administration, April 2023 ²	Source: Prison and Probation Administration, April 2023	Source: Icelandic National Preventive Mechanism, March 2023	Source: Icelandic National Preventive Mechanism, March 2023

¹ Hólmshéiði Prison, used for the execution of long-term sentences, and Sogn Prison, open prison.

² Information based on NPM visits conducted in February and March 2023 and data from the Prison and Probation Administration on 11 April 2022.

II. Recommendations

Accommodation and separation

- + The Ministry of Justice and the Prison and Probation Administration should take the necessary measures to ensure that women prisoners have in fact the equivalent opportunities compared to male prisoners with regard to possibilities of serving sentences in open prisons.
- + The Ministry of Justice and the Prison and Probation Administration should consider whether sufficient consideration is given to safety and needs of women prisoners who reside at Sogn Prison, being a mixed-gender facility, with a low number of women and with low security level.

Work, education and recreational activities

- + The Prison and Probation Administration, the Hólmshéiði Prison and Sogn Prison should seek ways to increase employment options for women prisoners, with the objective of ensuring that the jobs offered to them are not confined to traditional women's work.

Mothers with children in prison

- + The Prison and Probation Administration should consider whether the present conditions in Icelandic prisons are acceptable for women prisoners with young dependent children and to produce a response-plan for the action needed in this regard.

III. Detention Issues

Accommodation and separation

Currently, most women prisoners serve their sentence in the women's unit located at Hólmshéiði Prison, which generally is only a short-term facility in the case of men. Because of being kept at Hólmshéiði Prison, women have fewer opportunities for work, education, and rehabilitation programs compared to male prisoners that would typically serve their sentence at Litla-Hraun Prison. Even when considering Sogn Prison, women also seemed to have disadvantage in some respects, e.g. the variety of available work.

Findings from the 2023 NPM's thematic report on women in prison reveal that women are placed at a disadvantage compared to men as regards opportunities to be placed in an open prison. This is partly due to the limited gender segregation in the only open prison that accommodates women, Sogn Prison, which may deter some women from applying for serving a part of their sentence there. In this regard, it is noted that Sogn can only accommodate three women prisoners compared to eighteen male prisoners. The prison has a separate women's unit, but it is located in the main building opposite the men's ward with all detainees having to share most common spaces, such as hallways, a sitting room and the dining hall, as well as the outdoor area. While some women who were interviewed did not mind this mixing of genders, others feared harassment and unwanted attention from their fellow inmates. It is noted that this is particularly relevant in the Icelandic context where the chances of encounters with old acquaintances or former partners are high due to the small population of the country.

These circumstances prompted a recommendation to the Ministry of Justice and the Prison and Probation Administration to take the necessary measures to ensure that women prisoners have in practice the same opportunities as male prisoners to serve time in an open prison under suitable conditions. It is worth noting that, in September 2023, the Icelandic Minister of Justice responded to this recommendation by announcing plans to increase spaces for women prisoners in open facilities in

Iceland.

Solitary confinement, isolation

a. Legal and regulatory framework

A court order is required to put pre-trial detainees in solitary confinement. The Code of Criminal Procedure³ sets out two possible grounds for imposing solitary confinement; firstly if there is a reason to believe that the accused would impede the investigation of the case, for example by destroying evidence or influencing another co-accused or witnesses and, secondly, if there is a reason to believe that custody is necessary in order to prevent the accused from attacking third parties or harming themselves or being influenced by others. Furthermore, prisoners can be subject to isolation or segregation during their sentence, either as a punitive measure or for security and/or safety reasons.

According to the Execution of Sentences Act⁴, the prison director shall make decisions on detaining prisoners in security cells, which may be done to prevent them from injuring themselves or others. The procedure does not require the prisoner's consent. The provision states that a detention in a security cell, as well as other measures taken in connection with such detention, should not last longer than is compatible with its aim. However, the provision contains no definite time-limit in this regard.

b. In practice

Being aware of evidence to the effect that isolation can be particularly harmful to pregnant women, nursing women or women detained with young children, it is noted that there are, at present, no explicit provisions in Icelandic law that prohibit or impose a caveat in these cases.⁵ Thus, a decision to this effect would either be left to the discretion of the courts or the administration. That said, findings from the 2023 NPM's thematic report on women in prison do not reveal any indications of women in this position having been placed in isolation or solitary confinement in Icelandic prisons. Nor does the report indicate that solitary confinement is in practice routinely or disproportionately used against women or certain groups of women.

The minority position of women in the Icelandic prison system may nevertheless put them at risk of being subject to de facto isolation to a larger degree than men. When the NPM carried out one of its visits in 2023, the women's unit at Sogn Prison was occupied by just one prisoner, whereas the men's unit was nearly at full capacity of 18 prisoners. The visit and the interviews with current and former women prisoners also indicated that several problems can result from this minority situation, e.g. loneliness and the risk of sexual harassment. In this regard, it is observed that there are cases of no women guards being on duty at Sogn Prison.

There is evidence suggesting that women in prisons are more likely to self-harm or attempt suicide than men.⁶ Nevertheless, they may be more likely to be exposed to solitary confinement as a protective measure or being put in conditions of de facto isolation. The cells used for solitary confinement in Hólmsheiði prison are spacious and tidy. However, following a previous visit to the prison,⁷ prison administrators were informed that part of the walls in the cells had sharp edges, which could potentially be hazardous to prisoners who are at risk of self-harm. The NPM has also come across examples where the Prison's records concerning the use of the isolation cells have lacked necessary details in regard to the care and supervision of the prisoners.

³ <https://www.government.is/publications/legislation/lex/2019/10/10/Code-of-Criminal/>

⁴ <https://www.fangelsi.is/media/skjol/Execution-of-Sentences-Act-No-15--23-March-2016.pdf>

⁵ See James, K. & Vanko, E., *The Impacts of Solitary Confinement*, Vera Institute of Justice, 2021: <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>

⁶ See Penal Reform International, *Women, Key Facts*: <https://www.penalreform.org/issues/women/key-facts/>

⁷ <https://www.umbodsmadur.is/asset/10098/summary-holmsheidi.pdf>

Access to mental healthcare

Although the academic literature on women prisoners in Iceland is scarce, there are indications that incarcerated women in the country suffer from complex mental health conditions closely linked to their personal history of trauma, substance use and criminal activity.⁸ The NPM's interviews with women prisoners and prison staff also indicated that a large part of women prisoners in Iceland experience symptoms of poor mental health, such as depression and anxiety. Many women were also aware of their prolonged struggle with mental health conditions and addiction being rooted in an abuse or neglect during childhood or early adolescence.

There are currently two separate teams that provide mental health services and counselling to prisoners in Iceland. The treatment unit of the Prison and Probation Administration conducts risk assessments on selected prisoners and provides therapy to prisoners with the primary aim of breaking patterns of disruptive or dangerous behaviour. The other provider, the prison's mental health team, provides general mental health services to prisoners. The team was established in 2019, as a response to the CPT's recommendations in a report on a visit to Iceland published earlier that year.⁹ However, it may be noted that in 2013 the Ombudsman had already opened an own-initiative investigation into, inter alia, the psychiatric care of prisoners. Although the establishment of the prison's mental health team is a positive development towards better mental health services in the Icelandic prison system, the team has only relatively recently started its work and is therefore still navigating its role and shaping the way it operates within the four prisons they provide service to.

As to the admission of prisoners to a prison, all prisoners are subject to medical screening, performed by a general practitioner who examines the overall physical health of prisoners in order to assess their health care needs during imprisonment. The physical examination upon arrival does not include systematic screening of mental health conditions that can be detrimental to the wellbeing of prisoners during imprisonment, such as post-traumatic stress disorder or risk of suicide and self-harm. If prisoners show signs of mental health conditions during the first days of imprisonment, the prison staff may schedule an appointment with the treatment unit. To the NPM's knowledge, the medical screening on first admission does not differ based on the gender of the prisoner.

During imprisonment, there is no systematic evaluation of the mental health of prisoners. However, prisoners can freely contact the prison's mental health team if they want to schedule an appointment with a therapist. According to members of the team, the prison staff occasionally notifies the prison's mental health team if they suspect that a prisoner is in dire need of mental healthcare. During the NPM's visit to Hólmshéiði Prison, where the largest women's unit in the country is located, it was observed that due to a lack of regular assessment of the mental health care needs of prisoners, some groups within the women's unit appeared to have untreated mental health conditions. Foreign women, especially those who spoke neither Icelandic nor English, were particularly vulnerable in this regard. Interviews with them revealed that many of them did not know that these services were offered to prisoners free of charge. As a result of the NPM's findings, it was suggested to the prisons and to the prison's mental health team that they improve the provision of information to foreign prisoners about the psychological and mental health services available to them.

In addition, the NPM report addressed the lack of training of prison staff working in women's units. There is currently very limited training on the gender-specific needs of women prisoners, including healthcare needs and risk of self-harm and suicide. A suggestion was directed to the Prison and Probation Administration that it would consider whether education about the special needs of women prisoners should be given a more important place in the curriculum of the Prison Guard School.

⁸ See e.g. Vilhjálmssdóttir A, Halldorsdóttir S, Sigurdardóttir S, *Women's Lived Experience of the Interconnectedness of Trauma, Substance Use, and Prison*. J Forensic Nurs. 2023 Jan-Mar 01;19(1):3-11. doi: 10.1097/JFN.0000000000000413.

⁹ <https://www.stjornarradid.is/library/04-Raduneytin/Domsmlaraduneytid/Iceland%20CPT%20report%202019.pdf>

IV. Women in special situations of vulnerability

Foreign women

The number of foreign women in Icelandic prisons has increased rapidly over the past two years, in part due to a recent surge in arrests of women drug traffickers at the border. At the time of the NPM's visit in February 2023, the number of foreigners in the women's unit had risen to 90 percent from around one third in the year before. This prompted us to take a closer look at the challenges these developments had brought about.

It was apparent that language difficulties were common among foreign women in the prison and affected most of them in one way or another. Women who spoke neither English nor Icelandic found themselves in a particularly difficult position, not least in situations where they had to rely on fellow inmates who shared the same language to act as interpreters. It is well known that such circumstances can create or reinforce potentially harmful power dynamics between those involved. The prison's failure to provide prisoners with professional interpreters also resulted in frequent misunderstandings and the spread of misinformation within the group of foreign prisoners. As a result, foreign women appeared to be less aware of those services being offered by the prison, most importantly mental health support and counselling.

Based on these findings, the report contained a recommendation to the prison regarding the access of foreign women to professional interpreters and mental healthcare services.

V. Other Relevant NPM Information on Women in Prison

- + Althingi Ombudsman, Thematic report on women in prison, July 2023 – [English summary](#)
- + Althingi Ombudsman, [OPCAT reports](#), including English summaries
- + Althingi Ombudsman, [Annual reports](#), containing inter alia an overview of the activities of the OPCAT unit

This report is part of the Global NPM report on Women in Prison.
Access the full report here: www.apt.ch/global-report/