

# Women in Prison: Norway

Analysis from the National Preventive Mechanism

| March 2024



# Norway



## UNCAT Ratification

9 July 1986

## OPCAT Ratification

27 June 2013

## National Preventive Mechanism (NPM)

Sivilombudet (Parliamentary Ombud)

## NPM legal framework

Parliamentary Ombud Act, Chapter 4 (2021)

## NPM operationalisation

Since 2014

## NPM structure

Specific department within the Parliamentary Ombud

## NPM composition

9 staff members (2 men and 7 women) + external experts

## I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Young women (18-24 years)	Total number of women's prisons	Prison staff total
2,857	13	14	5,911
Women in prison (total)	Older women (60 years or older)	High-security prisons (exclusive for women)	Women prison staff
147   5.1%	6	2	2,971 (50%)
Women in preventive detention <sup>1</sup>		Lower security prisons (exclusive for women)	
8		3	
Source: Norway Department of Correctional Service, as of Dec. 2023 <sup>2</sup>		Mixed prisons with smaller units for women	
		4	
Women serving a sentence for non-payment of a fine <sup>3</sup>		Halfway houses <sup>5</sup> (mixed facilities with units for women)	
2		5	
Source: Statistics Norway (SSB), as of 1 January 2022 <sup>4</sup>	Source: Statistics Norway (SSB), as of 1 January 2022	Source: Norwegian Correctional Services (2023) <sup>6</sup>	Source: Norwegian Correctional Services (2022) <sup>7</sup>

<sup>1</sup> Data from Norwegian Correctional Service, 3 January 2024. Preventive detention is an indefinite sentence that may be imposed on a person considered to be legally sane and culpable, at a high risk of re-offending and a danger to society. There is no upper limit for preventive detention. See the Norwegian Penal Code of 2005, Chapter 7, which provides the legal grounds for sentences of preventive detention: <https://lovdata.no/dokument/NLE/lov/2005-05-20-28>

<sup>2</sup> Norwegian Correctional Service, 3 January 2024: <https://kommunikasjon.ntb.no/pressemelding/18038081/nokkeltall-fra-kriminalomsorgen-desember-2023?publisherId=17847130>

<sup>3</sup> Statistics Norway (SSB): <https://www.ssb.no/en/statbank/table/10530/>

<sup>4</sup> Statistics Norway (SSB): <https://www.ssb.no/en/statbank/table/10530/>

<sup>5</sup> Halfway houses are also prisons, they have clear control measures but are perceived as less restrictive than other prisons. It is a form of transitional housing intended as a step in the gradual reintegration into society, with professional expertise that particularly addresses the need for housing, work, and social training.

<sup>6</sup> Norwegian Correctional Service Website [accessed 4 October 2023]: <https://www.kriminalomsorgen.no/finn-fengsel.237612.no.html>

<sup>7</sup> Norwegian Correctional Services, 2022 Annual Report, p. 90: <https://www.kriminalomsorgen.no/statistikk-og-publikasjoner.518716.no.html>

## II. Recommendations

### Solitary confinement

- + Prison should ensure that all women inmates who are not in solitary confinement can spend at least eight hours outside their cell every day and take part in meaningful activities, including at weekends.
- + Prisons should ensure that women inmates who are at greater risk of suicide and self-harm are met with knowledge-based preventive measures, such as increased human contact, care, and meaningful activities. Solitary confinement should never be used to prevent self-harm and suicide.
- + The local health units in prisons should ensure the daily supervision and follow-up of women inmates in solitary confinement. Health units should also ensure that it has a comprehensive overview of completed supervisions of such inmates.

### Use of means of restraint

- + The use of restraint beds in prisons should be abolished, considering the high risk of inhuman and degrading treatment associated with the measure.

### Body searches

- + Prisons should ensure that male staff are not present during body searches performed on women inmates.

### Healthcare

- + The local health units should ensure that inmates have access to a woman doctor.

## III. Detention Issues

Through numerous prison visits and in its 2016 thematic report on women in prison, the NPM has expressed its concern that women inmates in high-security prisons are collectively afforded inferior conditions compared to men. Additionally, the proportion of women inmates with mental health conditions rose considerably during the period 2010 – 2019.

In March 2023, the NPM conducted an [unannounced visit](#) to a high-security prison exclusively dedicated to women - Bredtveit Prison - and the Zulu East wing at Ullersmo Prison. The visit took place because of increasing concerns regarding conditions at Bredtveit Prison and the transfer of female inmates to Ullersmo men's Prison in January 2023 as an emergency measure due to many serious incidents of violence and self-harm. The visit revealed that the inmates at Bredtveit Prison were living under critical and even life-threatening conditions. The seriousness of the situation and the need for urgent measures led the NPM to notify the Ministry of Justice and Public Security of the conditions in a letter dated 23 March 2023.

### Body searches

In Norway, body searches may be performed under the Execution of Sentences Act.<sup>8</sup> Until 2021, body searches were performed as strip searches without any clear legal requirements of

<sup>8</sup> Execution of Sentences Act, Section 28. English translation available at: <https://lovdata.no/dokument/NLE/lov/2001-05-18-21> (recent amendments are not incorporated).



concrete risk assessments by prison staff. As a result, these measures were applied routinely, on both women and men inmates, upon admission to prison, in connection with movement and transfers out of prison, and before and after visits.

The practice of routine strip searches without risk assessments has been consistently criticized by the NPM after its prison visits. This led, firstly, to gradual changes in the modalities of how body searches are performed, including for women. Secondly, NPM recommendations were later picked up in the case law of the Norwegian Supreme Court, which in several judgments has held that routine strip searches in prison amount to ill-treatment contrary to article 3 of the European Convention on Human Rights (ECHR).

### Good practice: From routine body searches to less intrusive practice

When strip searches are now undertaken, the process is expected to be performed in a two-step process, to ensure that inmates can remain partially clothed throughout the search. The government has issued temporary guidelines to ensure that the use of body searches in the Correctional Service does not violate ECHR article 3. Many high-security prisons have now reportedly introduced 'body scanners' as a less intrusive way to search for contraband in prison.

Men staff are very rarely present during body searches. In cases where this has happened, as far as the NPM has been able to ascertain, the male officer has had his back turned or stood outside a door kept ajar.

Body cavity searches may be performed under Section 29 of the Execution of Sentences Act. A medical opinion shall be obtained and taken into account when considering whether this measure shall be implemented. The procedure may only be carried out by health service personnel.

## Solitary confinement

### a. Legal and regulatory framework

Generally, the applicable national legal framework that authorizes the use of solitary confinement as an administrative measure is set out in the Execution of Sentences Act, Section 37. A stricter form of solitary confinement - in security cells without any furniture - is provided for under Section 38 of the same act. Moreover, the use of restraint beds is also allowed under Section 38. The Courts may also impose solitary confinement on prisoners on remand to prevent the destruction of evidence if the legal requirements in the Criminal Procedures Act Section 186a are met.

No legal rules or regulations exist that explicitly prohibit the use of solitary confinement for women in particularly vulnerable situations, such as pregnancy. However, there are stricter legal requirements to subject inmates under the age of 18 (including girls) to solitary confinement.

Solitary confinement may also be imposed as a control measure when necessary to maintain 'peace, order and security'. This legal requirement leaves a lot of leeway to prisons and does not reflect that solitary confinement must only be used in exceptional cases. By law, ongoing assessments must be made of whether or not the use of solitary confinement is necessary, and the stay must be brought to an end as soon as this is no longer the case.

Norwegian legislation allows for prolonged solitary confinement for up to a year at a time, contrary to human rights standards. The Ministry of Justice and Public Security has recently proposed several legal amendments to the provisions on the administrative use of solitary confinement as an attempt to address these shortcomings.

## b. The use of solitary confinement in practice

While the use of Court-ordered solitary confinement has decreased in the last decades, the use of solitary confinement as an administrative measure remains.<sup>9</sup> In recent years, official statistics from the Correctional Services on the use of solitary confinement in security cells and on the use of restraint beds suggest that women inmates are disproportionately affected by these measures.

The NPM's [visit](#) conducted in March 2023 revealed serious failings at Bredtveit Prison, the Norwegian Correctional Service's regional office and within the prison health service. During the period 2018–2022, the prison recorded a doubling of women inmates being placed in solitary confinement in their cell (from 36 inmates in 2018 to 77 in 2022). Since 2018, the prison has more than doubled the number of inmates it has placed in security cells, (from 27 decisions in 2018 to 92 in 2022). A security cell in Norway is a bare cell with only a plastic mattress and a squat toilet. Food and water are pushed in through a hatch at floor level and no washing facilities are provided for the inmates. Most of the communication between the inmate and staff takes place through small hatches or plexiglass. While in a security cell, inmates are deprived of virtually all control over their own lives, to a far greater extent than that which follows from the imprisonment itself.

Most of the decisions concerning placement in security cells that were reviewed by the NPM did not fulfill the applicable statutory requirements. Many cases indicated poor conflict prevention, and threats or violent acts that could have been foreseen. Examples include stress and worry in connection with impending court hearings or frustration over inactivity and a lack of association with other inmates, which in turn contributed to further escalation which was then dealt with by placing the inmate in a security cell.

The prison's efforts to fulfil the requirement of ongoing assessments consistently appeared to be very inadequate. The NPM observed numerous examples of decisions being made in the afternoon to place an inmate in a security cell until the following day. In some cases, the inmate was described as being calm when the decision was made and there was no information in the documentation to indicate that the inmate needed to remain in the security cell.

## c. Health-related risks of solitary confinement

In Norway, the prison health service is run by the municipal authorities as primary health care provider, even if the services are localised within the prison. Some prisons also have the regional specialist health services present. What is known as 'the import model', where the health service is independent of the Correctional Service, supports the medical personnel's independence of the Correctional Service. The import model is intended to ensure that medical personnel never partake in administrative decisions on sanctions or in enforcing sanctions.

Findings from the NPM [visit](#) conducted in March 2023 revealed that efforts made by the prison to prevent the adverse health effects of solitary confinement were also inadequate. The NPM found virtually no documentation that indicated that inmates who had been in solitary confinement (placed in isolation in their own or a reinforced cell) had been offered the opportunity to engage in social contact, which met the minimum requirement of two hours of meaningful human contact per day. The NPM also found no examples of inmates in security cells being given the opportunity to get out into the open air, even when their stay in a security cell lasted several days.

There was a dedicated resource team at the prison that was responsible for preventing solitary confinement damage by following up on and activating individual inmates. This resource team was doing an important job, but it had very limited capacity and was therefore unable to meet the needs of

<sup>9</sup> Norwegian Parliamentary Ombudsman, Special Report to the Storting on solitary confinement and lack of human contact in Norwegian prisons (2019): [https://www.sivilombudet.no/wp-content/uploads/2019/08/SOM\\_S%C3%A6rskilt-melding\\_ENG\\_WEB.pdf](https://www.sivilombudet.no/wp-content/uploads/2019/08/SOM_S%C3%A6rskilt-melding_ENG_WEB.pdf)

inmates in solitary confinement at the prison.

The visit and subsequent review of documentation revealed that the prison had failed to comply with the requirement that solitary confinement must only be used in extraordinary cases, as a last resort and for as short a period as possible. It appeared that the prison consistently had a low level of understanding of both the considerable health risks linked to solitary confinement and the legal limits of its use. The Norwegian Correctional Service's eastern regional office, which is responsible for the execution of sentences at Bredtveit, also appears to have failed to identify these shortcomings.

The follow-up of inmates in solitary confinement by the municipal healthcare department at Bredtveit prison was found to be inadequate. The department did not independently consider the health-related consequences of using solitary confinement and security cells for individual inmates. They also had no general overview of how long inmates spent in solitary confinement or the reason for the solitary confinement, not even in cases where the solitary confinement was justified through suicide risk. The NPM found no systematic recording of injuries suffered by inmates while they were in solitary confinement. The municipal healthcare department also lacked procedures for supervision in connection with exclusion and the use of security cells. There was no evidence to suggest that they carry out daily supervision of inmates who had been excluded from interaction with other inmates, even though the Directorate of Health's guidance stipulates that such supervision must be carried out.

## Means of restraint

In Norway, the use of restraint beds is regulated by the Execution of Sentences Act Section 38. The Act provides for the use of restraint beds, security cells and other approved measures of restraint, in all situations covered by Section 38.

The NPM's thematic report '[Use of restraint beds in Norwegian prisons](#)' (2020), showed that over 30% of cases of inmates being placed in restraints in the period 2013–2018 concerned women. This included some of the longest periods spent in restraints. Additionally, the decisions analysed showed that women inmates who had been placed in restraint beds, more often had been restrained several times, compared to men inmates in restraint beds. Five of the seven inmates who had been put in restraint beds four times or more were women. The NPM's [visit](#) conducted in March 2023 revealed that, in many cases, the inmate was carried from the third floor to the security wing, which forms a ground-floor extension, wearing handcuffs.

## Contact with the outside world

### a. Legal and regulatory framework

Visits in Norwegian prisons are regulated by the Execution of Sentences Act Section 31. According to the Guidelines to the Act, visits shall normally take place in a dedicated visiting room, and it is up to the prison to decide, based on local conditions, how often an inmate can receive visitors and on which days visits can be received. As far as practically possible, inmates should be allowed at least one visit per week, lasting at least one hour.

### b. Contact with family: the situation in practice

Because very few prisons in Norway receive women inmates, women risk being detained in prisons far away from their homes. This means that it will be difficult for some inmates to receive visits from family, particularly their children. This is especially the case for children who are too young to travel alone and children who do not live in the same country as their mother. Being detained far away from their family makes contact by telephone particularly important. However, this is limited to only 20 minutes for all inmates.<sup>10</sup> If there are special reasons and capacity allows, extended phone time can be granted. However, presently, this remains at the discretion of the local prisons.

<sup>10</sup> Cf. Regulations to the Execution of Sentences Act, section 3-29 paragraph 2. According to a temporary circular from the Ministry of Justice and Public Security from February 2023, all inmates in high-security prisons are to be allowed up until 30 minutes in total every week, if local resources permits it, until further notice.

## IV. Women in special situations of vulnerability

### Women with disabilities

Women inmates with mental health conditions are particularly vulnerable to experience solitary confinement, restraints, and use of force because of inadequate efforts to ensure a healthy prison environment tailored to their needs. Between 2018 and 2022, Bredtveit Prison recorded a twenty-fold increase in self-harm incidents. Despite this, the prison had no system in place for identifying and following up the risk of self-harm and suicide, both upon admission and during the stay in prison. The prison largely dealt with self-harm and indications of suicide risk by solitary confinement and the use of force. A review of decisions made concerning the use of security cells during a sample period showed that 16 out of a total of 23 decisions were taken because of concerns about self-harm and suicide risk.

The NPM encountered inappropriate and routine escalation of intrusive measures: from isolation in the inmate's regular cell to placement in a security cell and, in some cases, the use of a restraint bed. The use of solitary confinement and force may reduce the likelihood that inmates at risk share information about their mental health and suicidal thoughts with the staff. There was also a lack of awareness of how the prison's own operation, detention conditions, and use of solitary confinement impact all its inmates and could increase the risk of mental health conditions, self-harm, and suicide.

### Foreign women

Foreign women are in a situation of heightened vulnerability as they are far away from their homes, and family. Language problems can result in inmates being poorly mapped on arrival and in their special needs not being identified. This could place foreign women in a vulnerable situation with an increased risk of isolation. Contact with their family is therefore very important to this group of inmates. Yet, it has emerged during several of the NPM's visits that women who had children in another country found it difficult to maintain good contact with their children.

According to the Regulations to the Execution of Sentences Act, telephone calls shall normally be paid by the inmates themselves. The NPM has been informed by foreign inmates at several prisons that financial limitations make it difficult to make international calls since they are more expensive than domestic telephone calls in Norway. In addition, the Regulations limit telephone calls in high-security prisons to a total duration of 20 minutes per week, provided capacity allows (as described above). At the local level, extended phone time can be granted if there are special reasons and capacity allows.

## V. Other relevant NPM information on women in prison

- + [Summary of findings from a visit to Bredtveit women's prison](#) (March 2023)
- + [Annual Report 2022](#)
- + [Thematic Report on Women in Prison](#) (2017)

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