

Translation from Norwegian

**THE ROYAL NORWEGIAN MINISTRY
OF JUSTICE (AND THE POLICE)**

Prison Governors (Region/KIA/KITT/KRUS)

Your ref

Our ref
99/14176 D 062 JBG

Date
8 June 2000

**RECOMMENDATIONS OF THE COUNCIL OF EUROPE'S COMMITTEE FOR
THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT REGARDING REMAND INMATES**

Reference is made to the report of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that was previously distributed to prison governors, and to the discussion at the meeting of prison governors held on 26 April 2000.

The CPT has noted that the time spent in police cells by persons remanded in custody has been significantly reduced, and considers this a positive development. However, it is the view of the CPT that there is no reason why detainees subject to a remand order shall not be transferred directly from the court of examination and summary jurisdiction to the prison institution, and that they should only spend time in police cells in exceptional circumstances.

The Ministry is aware that at times there are no extra places available in prisons and that a certain amount of time is necessary for administrative procedures. However, it is the view of the Ministry that prison governors, in cooperation with the local police and the courts of examination and summary jurisdiction, must take steps to ensure that persons remanded in custody are transferred directly from the court of examination and summary jurisdiction to the prison when this is possible. In any event, the transfer shall take place no later than 24 hours after the court made the order. The above does not change the performance objectives, and any breaches of the "24-hour rule" shall still be reported to the Ministry.

The CPT has also noted the measures that have been implemented to improve conditions for remand inmates who are subject to restrictions and to prevent adverse effects caused by solitary confinement. However, the CPT does not consider the measures to be sufficient since, for instance, inmates in most cases still spend 23 hours per day in their cell. The Ministry is aware that ~~budgetary and manpower constraints may prevent any further increase in the~~ services provided, but requests prison governors to evaluate whether services may be reorganized to render them more efficient, thereby making it possible to increase the number of services offered to this group of inmates.

Yours faithfully,

Erik Lund-Isaksen (by authority)
Director General

Johan Berg
Adviser

Translation from Norwegian

MINISTRY OF JUSTICE (AND THE POLICE)

**The Royal Norwegian Ministry of Justice
(and the Police)**

Circular G-54/2000

File no. 00/07003 PJ AMB/mwb 25. May 2000

To Chiefs of Police

**MATTRESSES AND CLEAN BLANKETS, ETC., FOR PERSONS DETAINED IN
POLICE CELLS**

Reference is made to previous circulars on the use of mattresses for persons detained in police cells. The practices of the various police districts differ somewhat as regards supplying inmates with mattresses and blankets/bedding. The Committee for the Prevention of Torture and Inhuman or Degrading Treatment has also taken up the distribution of mattresses and blankets to persons detained in police cells, most recently in their report of March 2000. The Committee recommends that all persons who are compelled to spend the night in a police cell should be supplied with a mattress and clean blankets, regardless of the persons' state or the legal grounds for their detention.

Out of consideration for the individual inmate, the Ministry has decided that any person who spends the night in a police cell is to be supplied with a clean mattress and blankets, etc. If consideration for the inmate so warrants, the police may postpone supplying him/her with blankets, etc., for security reasons. Any postponement is to be noted in the register kept by the officer on duty or in some other approved register. The scheme applies to any person who spends the night in a police cell, regardless of whether the person concerned has been apprehended pursuant to the Police Act or is remanded in custody on charges of a criminal offence.

The mattresses should be made of flame-resistant material that can be hosed down. When the blankets, etc., become soiled, it should be considered whether they should be treated as infectious waste, which is washed according to special techniques, or destroyed.

The police districts are required to purchase a sufficient number of mattresses and blankets, etc., so that the scheme outlined above can be implemented as soon as possible, and at the latest by the end of next year.

By authority

Vidar Refvik
Director General

Magnar Aukrust
Deputy Director General

Translation from Norwegian**MINISTRY OF JUSTICE (AND THE POLICE)**

**The Royal Norwegian Ministry of Justice
(and the Police)**

Circular G-67/2000
File no. 00/10672 PJ AMB/mwb
Date

To Chiefs of Police

RIGHT TO ACCESS TO NECESSARY HEALTH CARE FOR PERSONS IN POLICE CUSTODY

Reference is made to Circular G-69/97 on the Municipal Health Services Act – police cells.

Pursuant to section 1-1 of the Municipal Health Services Act, municipalities in Norway shall provide necessary health services for all persons resident or temporarily resident in the municipality. Pursuant to section 2-1, every person is entitled to necessary health care in the municipality in which he or she is resident or temporarily resident. The duties of the health services and the services to be provided by the municipality are set out in section 1-3. The health services are within the area of responsibility of the Ministry of Health and Social Affairs.

The right to necessary health care, including medical services, applies to persons in police custody. Reference is made to the enclosed copy of a letter dated 6 December 1999 from the Ministry of Health and Social Affairs. Necessary health care comprises not only examination and treatment in the event of injury or illness, i.e. acute cases, but also services of a preventive and health-promoting nature. According to the preparatory works of the Act, the duty of the municipality must be assessed in each individual case. General limitations in terms of availability, whether there is a need for daytime or night-time health care, waiting list priorities and the degree of need for medical care will be factors considered in the assessment.

In its report of March 2000 subsequent to its visit to Norway in 1999, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) also takes up the issue of detained persons' right of access to a doctor. The CPT referred to the fact that there were cases in which police officers screened requests from detained persons to have access to a doctor.

In the Ministry's opinion, it is not appropriate that the police should screen requests from detained persons to have access to health care. The need for and content of health care must be determined by persons who are competent to do so. The police shall arrange for contact between detained persons and health care services.

The Ministry has decided that the following guidelines shall apply to all persons in police custody, whether they have been detained pursuant to the Police Act or arrested pursuant to the rules of criminal procedure.

1. Persons detained in police custody shall be entitled to have access to necessary health care. Such access may be arranged either by the police contacting health personnel or by the detainee himself contacting health personnel by telephone after the police have made sure that the inquiry is being answered by health personnel. If the detainee wishes, he may speak to the health personnel directly and without supervision.
2. If a detained person expresses a desire to contact a particular doctor, the detainee shall normally be entitled to do so.
3. A detained person shall be entitled to have access to health personnel as soon as possible and in general not later than two hours after the detainee has been brought to a police station or lensman's office (and has requested such medical attention).
4. Note shall be made in the duty or detention register that the detainee's request for access to necessary health personnel has been complied with, or that an attempt has been made to do so.

By authority

Vidar Refvik
Director General

Magnar Aukrust
Deputy Director General

Executive Officer
Anne Brodtkorb